

Written Testimony of Bill Tripp – Intertribal Timber Council

House Committee on Natural Resources

Curry Village, Yosemite Ca, August 11, 2023

My name is Bill Tripp I am the Director of Natural Resources and Environmental Policy for the Karuk Tribe Department of Natural Resources. I am delivering testimony here today on behalf of the Intertribal Timber Council, which is a nonprofit nation-wide consortium of Tribes dedicated to improving the management of natural resources of importance to Native American communities.

It is a great pleasure to have the honor of addressing the House Natural Resources Committee on this important topic.

Today, I wish to convey some impacts of the Slater Fire that occurred in 2020, and begin to lead the conversation toward long term solutions for the wildfire crises we now face. Events like the Slater Fire tend to perpetuate fear-driven motives in how we approach fire management. We cannot allow this fear to perpetuate a negative relationship with fire.

Instead, in focusing on the beneficial aspects of fire, we can set the stage for averting future catastrophes. We can restore conditions conducive of increasing community-based and collaborative fire use across large landscapes. Such efforts are already underway, such as the [Indigenous Peoples Burning Network](#) and [Western Klamath Restoration Partnership](#); those programs led by Tribes like the Karuk and San Carlos Apache; and those efforts being coordinated by non-governmental organizations like the Nature Conservancy's family of [fire networks](#) and the [Forest Stewards Guild](#)'s all hands all lands burning program. These efforts are supported by a plethora of agency and institutional partners. However, we also need the help of Congress if we are going to create the positive and lasting change, we will need to maintain the resiliency we create together moving forward.

The Slater Fire happened above the community of Happy Camp, California. It burned over 100,000 acres in less than 12 hours. It started by electrical infrastructure. It reset the entire Indian Creek watershed to a landscape filled with snags and brush, with very few pockets of large live trees remaining. Two lives were lost, and half the homes in Happy Camp burned down, rendering many homeless. Pets, livestock and wildlife had little chance of survival, many of which died. A third person died during the post fire recovery efforts. It will take multiple generations of people to restore this watershed to any semblance of what it once was.

This year, many eastern states experienced smoke impacts like those we face in the west nearly every year. The Slater Fire produced readings on the Air Quality Index that exceed 850 for long durations. This is more than double the threshold considered Hazardous to human health.

On June 29, 2023, CBS News reported Washington DC as having some of the worst air quality of the world. According to AirNow.Gov, Washington DC's Air Quality Index (AQI) was at 163 as of 7 a.m., which is considered unhealthy. However, this was less than 20% of the impact we experienced in a given day of the Slater Fire.

The primary Karuk village in the Happy Camp area is called athivthuuvvuunupma, or place where hazel creek flows through. This Indigenous Traditional Ecological Knowledge indicates that there was once a lot of healthy hazel to make baskets out of and to provide nuts for food. The best hazel comes from

black oak stands, which grow on slopes where the sun shines most intensely, some of the driest, most fire prone places. Excluding fire from this kind of environment sets the stage for disastrous consequences. Every year, I witness fire being excluded from areas that need to burn for our homelands to remain survivable. Through most of my career I have watched the existing management paradigm put Native American Cultural Identity at risk. The occurrence of the Slater Fire had the worst consequence I have seen yet, but in the same vein signals an inflection point that serves to remind us that we must look to our past, be mindful of the changes coming in our future, resolve our differences, and rely on cultural foundations to lead us into a viable future. It is currently against state and federal law, regulation and policy to burn in the time of year we are supposed to burn black oak woodlands according to our indigenous laws of the land; we need to bring alignment between these systems.

California has a [1 Million acre treatment goal](#), with nearly half of the acres slated for beneficial fire use. A fraction of this is likely to get done given the recent trajectory. However, most people don't realize that burning 20 acres a day over a 14-day period 3 times a year in 120 different places would accomplish over 100,000 acres. This would amount to about 10% of the statewide goal on less than 1% of the target landscape. We need to pool our resources to restore conditions conducive of carrying out these historic fire regimes, with peoples of place, while enabling a growing cultural fire practitioner base to lead the charge in maintaining the resiliency we all create together. As indigenous peoples, we did not ask for fire to be taken from us, it was taken without consent. It is our responsibility in the modern era to give it back to the people, or we will continue to have the negative consequences that come with fire events like the Slater Fire. None of us, not even with the most advanced fire management systems in the world that currently exist here in the United States, can do it alone.

Congress has an important role in this effort, both by providing equitable funding to Tribes and by creating a legal framework that enables Tribal stewardship not just on Tribal lands, but across the landscape. Some specific recommendations can be found in the attached letter, from the Karuk Tribe to the U.S. Forest Service.

I would like to thank the esteemed chair Bruce Westerman and rest of this committee for affording me this opportunity to speak. I am happy to field any questions you may have during this session or in following up as requested.

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June 20, 2023

Christopher Swanston
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Submitted via: www.regulations.gov

Re: Comments of the Karuk Tribe on Advanced Notice of Proposed Rulemaking re Forest Service Organization, Functions, and Procedures (Docket ID FS-2023-0006)

Ayukii (Greetings) Mr. Swanston,

Since time immemorial, the Karuk People have lived in the Klamath-Siskiyou Mountains in the mid-Klamath River region of northern California. With an Aboriginal Territory that includes an estimated 1.038 million acres, Karuk people historically resided in more than one hundred villages along the Klamath and Salmon Rivers and tributaries, and we continue to live here and practice our culture today. Thriving with an economy supported by rich natural endowments and a strong culture-based commitment to land stewardship, Karuk eco-cultural management has shaped the region's ecological conditions for millennia and continues to do so.

The Klamath River and its tributaries, forests, grasslands, and high country are essential for the cultural, spiritual, economic, and physical health of Karuk people. Because the changing climate poses serious threats for Karuk culture, sovereignty, and all life on earth, it is essential that Karuk people be involved in management and co-management of our lands of territorial affiliation. While a serious threat, the needs to address climate change is perhaps most productively viewed as an opportunity to assert and expand Karuk traditional practices, tribal management authority, and culture in recognition of Karuk tribal sovereignty.

Karuk tribal knowledge and management principles can be used to mitigate, prepare for, and adapt to the growing impacts of climate change. However, we need our Forest Service partners to create the enabling conditions that support the Tribe to effectively engage on federally administered lands. Thus, the Karuk Tribe recommends the following reforms to the USDA Forest Service's policies and practices in order to promote climate resilience:

1. Cultural Burning: Separate and Distinct from Prescribed Fire

The fire suppression and exclusion paradigm has adversely affected ecosystems and the human communities that depend on them, including the Karuk. This has contributed to the increasing scale and

severity of wildfire and has made our landscapes and communities more vulnerable to the many effects of climate change (see more within the Karuk Climate Vulnerability Assessment and Karuk Climate Adaptation Plan – available here: <https://karuktribeclimatechangeprojects.com/>).

One important step in the right direction would be for the US Forest Service to recognize cultural burning as separate and distinct from prescribed fire. Cultural burning is governed under the sovereign authority of tribes, and Indigenous cultural burning practices are distinguished from other types of fire management (e.g., local, state and federal agency) as they are applied within the context of traditional law, rights, objectives, and outcomes. The Karuk Tribe seeks to retain this practice and have our federal partners recognize our traditional forest management practice.

Enabling and supporting Indigenous cultural fire practitioners to reinstate cultural fire regimes is critical to restore and maintain balanced ecosystem processes and functions and make them more resilient to climate change. It is also one step towards accounting for past social and ecological injustices. **In addition to recognizing cultural burning as separate and distinct from prescribed fire, the USFS should enable and accommodate cultural burning by Tribes on all lands administered by the Forest Service that fall within the each Tribe’s lands of territorial affiliation.** Coordination and communication between the USFS and the interested Tribe(s) should be encouraged, but federal agency approval should not be required. This will be an important way to demonstrate co-management between the USFS and Tribes by creating spaces and structures for mutually-beneficial coordinated decision-making.

2. Agency-specific NEPA Regulatory Changes

For millennia, Indigenous people have applied fire to landscapes across the United States in deliberate, frequent, and highly knowledgeable ways. As such, **the intentional use of fire by Tribes should be considered a component of baseline environmental conditions, and not as a major federal action requiring National Environmental Policy Act (NEPA) review and assessment.**

Moreover, **the Forest Service should consider how to partner with and enable Tribes to effectively prepare NEPA and other environmental documents when required for land management activities that can help us both adapt to and mitigate the climate crisis.** Often the environmental compliance portion of a project can take years, and we are watching our landscapes (and communities like Happy Camp, CA) both accumulate fuels and then burn in high severity wildfire while we wait. Empowering Tribes to prepare cultural resource sections as well as entire NEPA documents, and to engage in planning activities in ancestral territories and across jurisdictions using tools such as Integrated Resource Management Plans, will help the Forest Service and other federal agencies better address the climate crisis.

In order to do so, **it will be critical that the USFS actively fill leadership positions with people willing to engage with Tribes and willing to lead the agency into a new era of co-management, co-stewardship, and coordinated decision-making.** Criteria for hiring and promoting Forest Supervisors, District Rangers, Regional leads, and other key leadership positions should reflect this as a priority.

3. Co-Management Agreement Templates

The Administration has repeatedly highlighted the importance of Tribal co-stewardship and co-management, and has directed the Secretary of Agriculture to strengthen partnerships between Tribes and federal agencies. However, meaningful co-management has been hindered by federal law and unclear guidance. Agreements outside of the TFPA context have not been designed for work with Tribes. Thus, **the Forest Service should examine the agreement structures they are currently using to work with tribes, and should then collaborate with tribes to develop co-management agreement templates that recognize tribal decision-making authority, tribal sovereignty, self governance, and self determination.**

Additionally, the USFS should assess hiring and promotions criteria and invest in the training and resources required to develop a workforce that is sufficiently knowledgeable, cooperative, and creative in order to meaningfully partner with Tribes on co-management agreements. The USFS should provide funding to tribal programs included in co-management agreements to allow tribes to carry out activities of mutual benefit to Tribes, the federal government, and the public. In short, it is essential for USFS to invest in the future of the Tribes and their workforces, while promoting co-management.

4. Planning Authority (IRMP)

Effective collaboration and integration of Indigenous Knowledge into management practices on USFS lands depends not only on landscape-scale project implementation but landscape-scale planning efforts and engagement with Tribes. This requires cross-boundary planning, burning, and land management. Currently, Integrated Resource Management Plans (IRMP) are a tool that allow for comprehensive management of natural resources on Tribal lands, and, in limited circumstances, federal lands adjacent to Tribal lands.

Expansion of the use of IRMPs across boundaries and jurisdictions, including on USFS lands throughout Tribes' ancestral territories could promote cohesive, sustainable ecological restoration and climate resilience through effective planning and coordination across jurisdictions and in ways that honor and respect tribal sovereignty and Indigenous knowledge, practice, and belief systems. **The Forest Service should explore how to better engage with this tool within its existing authority, and we would be happy to collaborate as a pilot example.**

5. Reserved and Retained Treaty Rights

Reserved, retained, and other tribal rights are often misunderstood and ignored in the context of Tribal sovereignty and land stewardship. Treaties generally outline the rights that Tribes give up in exchange for other benefits, actions, or commitments from the United States. Any rights not explicitly described in treaties are therefore retained, and must be respected by the United States government. These rights may be applied both on land retained and land ceded throughout Tribes' lands of territorial affiliation, including land administered by the USFS.

While some rights have been recognized and respected as retained by the USFS, there are a number of other rights that are also retained by Tribes, but not always recognized by the Forest Service. These include rights such as cultural burning, as well as the right to access and utilize traditional foods, fibers, and medicines.

The USFS should, whenever appropriate, proactively seek out Tribal consultation to ensure that retained rights are upheld on land administered by the USFS that falls within Tribal lands of territorial affiliation, including those of cultural and customary use. The USFS should also identify potential barriers to the exercise of reserved, retained and other rights by Tribal members, including the right to cultural burning and access and resource utilization, and make clear to employees and representatives of the USFS that the exercising of these rights is welcome and encouraged.

6. Regenerative Economic Systems

Current funding mechanisms for collaboration between Tribes and the USFS are incompatible with the concept of Tribal sovereignty, as implementation of tribal policies and priorities is heavily dependent on funder priorities, review, and approval. As the USFS seeks to integrate Indigenous Knowledge into its management practices, fiscal limitations on these activities and on Tribal authority to manage funds impacts the potential for sustainable co-management between Tribes and the USFS. Reliance on project-based grant funding, in particular, makes it difficult for Tribes to build stability and reclaim self-sufficiency.

Developing a stable, skilled land management workforce, for example, is challenging based on a system of project-based funding, given that positions cannot be guaranteed beyond the timeline of a given project. Members of the local Tribal community may be unable to accept the instability of project-based grant-funded positions as a way to build their careers, making it difficult to attract and retain a skilled Tribal workforce, while also creating challenges for Tribes seeking to build institutional knowledge. The accumulation of institutional knowledge, local workforce capacity, and financial resources over time is difficult to impossible within this funding paradigm.

This is happening at a time when there is immense need for tribal leadership and tribal workforce to implement landscape-scale restoration of the ecological systems and fire regimes needed to ensure greater resilience in the face of climate change.

In contrast, ***regenerative economic systems*** are built on the concept that tribal programs can and should eventually become self-sustaining or otherwise perpetuated. Instead of a linear system in which Tribes must receive and exhaust funding repeatedly, a regenerative system could follow various models, such as an endowment model, where income under Tribal management could be invested in order to provide cash flow over time. Transitioning to regenerative economic systems will require transformative change. However, specific policy changes can promote Tribal sovereignty as well as collaboration for the purpose of landscape-scale stewardship. **When creating or implementing funding programs and agreements, the Forest Service should keep these principles in mind, and consider innovative ways that tribes can be supported to re-invest in themselves and in tribal programs to create long-term sustainability, resilient tribal programs, and a stable tribal workforce.**

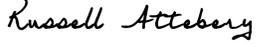
7. Consultation Funding

To effectively and meaningfully engage in Tribal consultation requests put forth by the Forest Service, Tribes must often dedicate significant time and resource capacity, which they often do not have to give. If the Forest Service wishes to equitably seek and integrate tribal consultation into agency functions, policies, and procedures moving forward, **the USFS should consider providing funding to Tribes to enable meaningful participation.**

Tribal knowledge and management principles mitigate climate impacts for the benefit of Native and non-Native communities alike – so increased investment to develop reciprocal relationships between governments is critical to preserving social, economic, cultural, and ecological resilience to climate change.

Yôotva (thank you) for taking these recommendations into consideration. The Karuk people are a “fix the world” people, and we look forward to meaningful engagement with you all on these recommendations as the climate and wildfire realities we are facing require coordinated and effective action.

Yôotva (Thank you),

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Russell Attebery
Karuk Tribal Chairman