EXAMINING OPPORTUNITIES TO PROMOTE AND ENHANCE TRIBAL FOREST MANAGEMENT

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

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OVERSIGHT HEARING ON EXAMINING OPPORTUNITIES TO PROMOTE AND ENHANCE TRIBAL FOREST MANAGEMENT

Tuesday, December 5, 2023
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 2:57 p.m. in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, Bentz, Westerman; Neguse, and Leger Fernández.

Also present: Representative Huffman.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today for the purpose of examining opportunities to promote and enhance tribal forest management.

I ask unanimous consent that the gentleman from California, Mr. Huffman, be allowed to participate in today's hearing from the dais.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. TIFFANY. As the Subcommittee wraps up 2023, I would like to briefly reflect on our accomplishments this year. This Subcommittee has held 17 hearings and considered more than 50 pieces of bipartisan legislation. In fact, we have considered more bills this year than in any of the previous 8 years of this Subcommittee.

Committee Republicans have held the Biden administration accountable through numerous budget hearings where we examined out-of-control spending; uncovered a secret $200 million payout to Nancy Pelosi's Presidio Park; we have taken steps to improve the lives of people in rural America by working to block the Bureau of Land Management's harmful Lands Rule; we have considered comprehensive recreation legislation that will improve

access to our public lands; we have passed meaningful legislation on the House Floor by bipartisan margins, including my ACRES Act, the Treating Tribes and Counties as Good Neighbors Act, and just last week, Representative Malliotakis' Protecting our Communities from Failure to Secure the Border Act.

As we approach 2024, I look forward to advancing more meaningful legislation that will rein in wasteful spending, address our wildfire and forest health crisis, improve access to public lands, and support jobs in rural communities.

With that, I will turn to the topic of today's hearing, which is to examine opportunities to promote and enhance tribal forest management. Wildfires and other calamities impacting our forests do not respect man-made boundaries. Our approach to confronting the wildfire crisis must reflect this reality. Tribes, along with state and local governments, are critically important partners that must be better utilized in order to turn the tide against a crisis of this magnitude.

The Federal Government has much to learn from tribes when it comes to forest management. For centuries, tribes actively managed these lands in a manner that provided subsistence, supported a healthy forest ecosystem and wildlife populations, and created numerous cultural and religious benefits for tribes. Today, Federal land managers often let these same forests go unmanaged, their resources underutilized, and providing no ecological or economic benefits.

In contrast, the 19 million acres of forest lands managed by tribes today are consistently healthier and more resilient to wildfires, drought, insects, and disease. I am pleased to see one such tribe leading the nation in forest management being represented here today from my home state of Wisconsin.

The Menominee Tribe provides a shining example of responsible forest management that yields results that are good for the forest and good for people. For nearly 170 years, the forests of the Menominee Reservation in northeastern Wisconsin have been responsibly managed with a focus on sustainable harvesting. Over 2.25 billion board feet of timber have been harvested in that time, yet there is more standing timber in the forest now than there was over a century and a half ago. That sustainable harvesting has consistently produced high-quality wood products, and has even been used to create the hardwood basketball courts for the Final Four and our home state Milwaukee Bucks.

I look forward to discussing ways, that is why Giannis can jump as high as he can.

[Laughter.]

Mr. TIFFANY. I look forward to discussing ways we can take this model and expand it across the nation to support healthier forests and tribal economies.

We have already made some good progress in this regard. The Tribal Forest Protection Act, passed in 2004, directed the Departments of Agriculture and the Interior to give greater consideration to stewardship projects proposed by tribes for managing adjacent forest lands.

Relatedly, the 2018 Farm Bill made tribes eligible participants in Good Neighbor Authority agreements with Federal land managers, but there is still much room for improvement.

In Fiscal Year 2023, the Forest Service had only 17 Good Neighbor Authority agreements with tribes across the country. Further, tribes frequently lack the infrastructure necessary to process hazardous fuels and excess biomass, or encountered difficulties accessing markets for these products. It is vital that we pursue innovative solutions that will improve coordination in co-stewardship opportunities, enhance existing tools and authorities, and create new markets for wood products for tribes.

I want to thank all the witnesses for being here today. I look forward to this important discussion.

I will now recognize the Ranking Member.

As soon as Representative Neguse gets here we will get his opening statement. First, we are going to move on to our first witness panel.

Let me remind the witnesses that under Committee Rules, you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony, please press the "on" button on the microphone.

We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

First, I would like to introduce Mr. John Crockett, Associate Deputy Chief of State, Private, and Tribal Forestry for the U.S. Forest Service.

Associate Deputy Chief Crockett, you are recognized for 5 minutes, and welcome before the Subcommittee.

STATEMENT OF JOHN CROCKETT, ASSOCIATE DEPUTY CHIEF, STATE, PRIVATE, AND TRIBAL FORESTRY, U.S. FOREST SERVICE, WASHINGTON, DC

Mr. CROCKETT. Good afternoon, Chairman Tiffany, Ranking Member Neguse, members of the Subcommittee. I appreciate the invitation to testify today regarding the examination of opportunities to promote and enhance tribal forest management. My name is John Crockett, and I serve as Associate Deputy Chief for State, Private, and Tribal Forestry.

With over 26 years of experience as a career Forest Service employee, and the last 11 focused on national-level policy issues, I have gained a valuable experience in doing meaningful consultation with tribes and implementing authorities such as the Tribal Forest Protection Act, Good Neighbor Authority, stewardship contracting, and the recent 638 demonstration authority provided by the 2018 Farm Bill.

The USDA is dedicated to fulfilling the trust responsibility and establishing nurturing, enduring government relationships with the federally recognized tribes. We acknowledge that many of the Federal lands managed by the USDA are home to sacred burial sites and sources of Indigenous foods and medicines. In many of these lands, tribes have reserved rights to hunt, fish, gather, and practice their traditional ceremonies.

In alignment with our commitment to sovereign Tribal Nations, fostering government-to-government relationships, embracing environmental justice, and conserving natural resources, the Forest Service is actively implementing various Executive Orders, Presidential Memorandums, and Memorandums of Understanding. These include Executive Order 13007 on Indian Sacred sites; Executive Order 13175 on the consultation and coordination with Indian tribal governments; and Executive Order 13985 on advancing racial equity and support for underserved communities.

Furthermore, the Forest Service is dedicated to promoting and enhancing the management of conservation of tribal forest and grassland through four major efforts.

First, we aim to establish co-stewardship agreements as the model to engage tribal interest. These agreements involve forest and grassland management practices that restore fire-adapted ecosystem; integrate Indigenous and traditional ecological knowledge and management decisions; and safeguard water resources, wildlife habitat, treaty, and sovereign and ceremonial activities.

Second, leveraging USDA tribal authorities to increase our investments as funds allow. In Fiscal Year 2023, we executed more than 120 tribal-related agreements with an investment of over $68 million, tripling our investment from Fiscal Year 2022.

The third major effort involves drafting the first-ever tribal relation action plan, titled "Strengthening Tribal Consultation and Nation-to-Nation Relationship." This plan serves as a new roadmap to deepen our commitment to regular and meaningful consultation with Tribal Nations. It will act as a guide for Forest Service employees to implement new ways of thinking that builds trust and innovative opportunities in Indian Country.

And finally, the Forest Service is engaging with American Indian tribes, Alaska Native corporations, tribal colleges, inter-tribal organizations, and other Indigenous groups and research partnerships. These partnerships aim to co-produce products that include traditional knowledge and tribal research. The primary objective is to support tribal values and Indigenous ways of living, encourage shared learning and advance stewardship, both within tribally controlled lands and lands now owned and managed as national forests.

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, this concludes my remarks, and I look forward to answering any questions you may have for me.

[The prepared statement of Mr. Crockett follows:]

PREPARED STATEMENT OF JOHN CROCKETT, ASSOCIATE DEPUTY CHIEF, STATE, PRIVATE, AND TRIBAL FORESTRY, UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the views of the U.S. Department of Agriculture (USDA).

Federally recognized Indian Tribes are sovereign nations with long-standing government-to-government relationships with the Federal Government. We acknowledge that some of the Federal lands and waters managed by the USDA and the Department of the Interior (DOI) are frequently the traditional territories of American Indians and Alaska Natives. These lands are sometimes home to sacred sites and burial sites, wildlife, and other sources of Indigenous foods and medicines. Many of these lands are in areas where Tribes have reserved rights to hunt, fish,

gather, and practice their traditional ceremonies pursuant to statutes and ratified treaties and agreements with the Federal Government.

Tribal co-stewardship agreements made in response to Joint Secretarial Order 3403 promote an approach to managing national forests and grasslands that seeks to protect the treaty, religious, subsistence and cultural interests of federally recognized Indian Tribes. The agreements reflect a wide array of Tribal interests and address priorities including caring for forest and watershed health, restoring fire-adapted ecosystems, integrating Indigenous Knowledge into land management decision-making, and protecting cultural resources, treaty rights, wildlife habitat, food sovereignty, and ceremonial and traditional activities.

The Forest Service is also implementing numerous Executive Orders, Presidential Memorandums, and Memorandums of Understanding that seek to strengthen relationships; better honor the role of sovereign Tribal nations; and further the Biden Administration's ambitious environmental justice goals.

These include:

- Executive Order 13007 on Indian Sacred Sites
- Executive Order 13175 on Consultation and Coordination with Indian Tribal Governments
- Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- Executive Order 14096 on Revitalizing Our Nation's Commitment to Environmental Justice for All
- Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships
- Presidential Memorandum on Uniform Standards for Tribal Consultation
- White House Office of Science and Technology Policy and Council on Environmental Quality Memorandum on Implementation of Guidance for Federal Departments and Agencies on Indigenous Knowledge
- Memorandum Of Understanding Regarding Interagency Coordination and Collaboration for The Protection of Indigenous Sacred Sites
- Memorandum Of Understanding Regarding Interagency Coordination and Collaboration for The Protection of Tribal Treaty Rights and Reserved Rights

Forest Service policy and action towards promoting and enhancing Tribal forest management is based on a suite of treaties, Federal laws and regulations, court decisions, executive orders and memorandums, interagency agreements, and agency-specific direction.

Implementation of USDA Tribal Authorities

In Fiscal Year (FY) 2023, the Forest Service and Tribes executed more than 120 agreements, representing a total investment of approximately $68 million, more than triple the $19.8 million invested in FY 2022.

Several statutes and implementing regulations authorize the Forest Service to enter into agreements and contracts with and/or provide grants to Indian Tribes to protect Tribal land, communities, and resources. For example, the Tribal Forest Protection Act of 2004 (TFPA) provides the authority for the Forest Service to enter into an agreement or contract to carry out projects on the National Forest System (NFS) that protect bordering or adjacent Indian trust lands and resources from threats such as fire, insects, and disease while being informed by Tribal values and knowledge. Indian Tribes may submit requests to the Secretary of Agriculture to enter into agreements or contracts.

The 2018 Farm Bill provided for a new Tribal forestry self-determination demonstration authority for Tribes to propose projects on NFS lands that border or are adjacent to Tribal lands.

The new Tribal forestry demonstration authority, or TFPA 638 Demonstration Authority, allows the Forest Service and Tribes to use the Indian Self-Determination and Education Assistance Act (Pub. L. 95-638), as amended, to enter into contracts with Tribes under TFPA to "perform administrative, management, and other functions of programs."

As of October 2023, 21 agreements totaling $41.7 million were executed using the TFPA 638 Demonstration Authority. Most of this investment, approximately $37 million, occurred in fiscal year 2023, up from approximately $4.3M in fiscal year 2022.

These agreements implement vegetation management projects to protect Tribal land and communities and reduce hazardous fuels in critical and cultural

landscapes while strengthening our government-to-government relationships with Tribal nations to achieve shared stewardship and co-stewardship objectives.

The 2018 Farm Bill also expanded the Good Neighbor Authority (GNA) to Tribes. The GNA allows the Forest Service to enter into cooperative agreements and contracts with Indian tribes, states, and counties to perform forest, rangeland, and watershed restoration services on NFS lands, including hazardous fuels, fish and wildlife, and insect/disease activities.

Since FY 2018, Tribes have entered 30 GNA agreements, totaling $7.3 million, to accomplish a variety of restoration work, including addressing wildfires, pest control, climate change vulnerability assessments, and cultural resource protection. Enhanced collaboration between Tribal, Federal, state, and county governments, ultimately advances better forest stewardship on Federal lands.

In FY 2021, the Infrastructure Investment and Jobs Act (IIJA) made additional funds available for Indian tribes and states to implement forest management and wildfire mitigation and risk reduction projects on Federal lands pursuant to the GNA or the TFPA.

The IIJA provided the Forest Service with $5.5 billion to reduce wildfire risk and create healthy and resilient ecosystems across Tribal, Federal, state, and private lands. These included the first-ever Tribal program appropriations for the Forest Service, increased eligibility for Tribes, and opportunity for priority allocations for Tribes.

In addition to the above activities, the Inflation Reduction Act (IRA) of 2022 created landowner assistance programs that originate new markets and technology for wood products and to restore forest health and resiliency through partnerships and collaboration across landscapes.

The IRA provided an additional $5 billion to reduce wildfire risk in the wildland urban interface, improve NFS lands health and resilience, provide competitive grants for non-Federal private forest landowners, including underserved landowners and those with less than 2500 acres, as well as provide grants for Wood Innovation, Forest Legacy, and Urban and Community Forestry programs.

With this increased funding, the Forest Service is working to restore health and resilience to America's forested landscapes and advancing Tribal self-determination principles. Woven throughout this work are the overarching themes of addressing the wildfire challenges we face as a Nation, delivering programs equitably including the Justice 40 initiative which are in two executive orders—Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad"—mitigating climate change and sharing stewardship of the lands that the Forest Service has been entrusted with caring for.

Some key accomplishments in Tribal relations and Tribal forest management include:

- Wood Innovation Grants in support of the development of new products, facilities and uses, including 4 projects with specific connections to Tribes, totaling $1.1 million.
- The Wood Products Infrastructure Assistance program funded 10 Tribal Projects in FY 2023, totaling over $6 million.
- The Temporary Bridge Program funded 10 Tribal projects totaling $2 million.
- The partnerships to expand access to affordable home heating for Tribes and others through the Firewood banks and the Wood for Life programs. In FY 2022, through our partner, Alliance for Green Heat, funding was provided to 46 existing firewood banks in 18 states from Maine to Alaska with Tribes representing 35 percent of the banks funded. We have continued this program again in FY 2023 with similar funding and results as in FY 2022.
- Through our Office of General Counsel, we revised legal guidance that interprets non-industrial private forest land to include land held in trust. This greatly expanded eligible land under the Landscape Scale Restoration (LSR) program to be of relevance to Tribes. We initiated a $3 million Tribal set-aside and released a unique Request for Proposals for federally recognized Tribes and Alaska Natives and Native Corporations. As a result, in FY 2023, the LSR program funded 11 projects for $3 million.
- The State Forest Legacy Program supports permanent land protection of forests threatened by conversion. The resulting protected lands are typically managed as state lands or as private working forests with a conservation easement. Recognizing that threatened forests impact traditional Tribal uses and Tribal lands, a new funding category for FY 2024 in the IRA Forest

Legacy Program is being developed to encourage Tribal/State cooperative projects that will conserve and protect forest resources of priority or cultural relevance to Tribes (up to $250 million in FY 2024 for all projects, no set-aside).

- Seven Tribal nursery grants for $1.8 million were awarded in FY 2022 and FY 2023 with IIJA funds to produce culturally important tree seeds and seedlings for reforestation.
- A grant opportunity was announced in August 2023 for up to $150 million in FY 2023 IRA Forest Landowner Support to underserved (including Tribal) and small acreage landowners to help them access emerging climate-mitigation and forest-resilience markets. An additional, Tribal-specific Notice of Funding Opportunity for this program is expected in winter FY 2024.
- For Forest Health Protection, IIJA-funded Invasive species projects, including 2 projects specifically with Tribes.
- FY 2023 IRA investments in Urban and Community Forestry, including direct awards to 4 Tribes for $4.1 million.
- The IIJA Community Wildfire Defense Grant program provides funding to reduce wildfire risks to communities, including 7 projects with Tribes from the first round of funding totaling $4.8 million.

Forest Service's Tribal Relations Action Plan

In FY2023 the Forest Service released its first ever Tribal Relations Action Plan, *Strengthening Tribal Consultations and Nation-to-Nation Relationships*. This plan is a new roadmap to serve Tribal Nations with a deeper commitment to regular and meaningful consultation. National Forests and Grasslands often include ancestral homelands that Tribes have stewarded for centuries. Indigenous Nations are a key partner in how the Forest Service values, co-manages, and stewards our Nation's grasslands and forests. Understanding the perspective and knowledge of Indigenous people gives the Forest Service an opportunity to reflect on our policies, programs and practices, the real-life implications they have on Indigenous peoples and what role we can play in rectifying historical or ongoing issues. This plan will act as a guide for Forest Service employees to implement a new way of working that will build trust and create innovative opportunities with Tribal Nations. In it, there are three areas of focus, which include commitments to enhance, expand, improve, engage, and grow agency and Tribal capacity to get the work done. These focuses are to:

- Strengthen relationships between Tribes and the USDA Forest Service.
- Enhance co-stewardship of the Nation's forests and grasslands.
- Advance Tribal relations within the USDA Forest Service, including engaging in legislative and policy monitoring, expanding collaboration with working groups and coalitions, engaging youth, growing the agency and Tribal capacity through training and collaboration, implementing reporting, accountability, and performance measures, improving Tribal relations program configuration and staffing, and promoting and implementing the Administration's direction.

The plan also emphasizes the agency's unique, shared responsibility to ensure that decisions relating to Federal stewardship of lands, waters and wildlife include consideration of how to safeguard the reserved treaty rights and spiritual, subsistence and cultural interests of any federally recognized Tribe. As part of this work, in February 2023 the Forest Service renamed the State & Private Forestry deputy chief area to State, Private & Tribal Forestry to emphasize our commitment.

Forest Service Research and Development

Forest Service scientists engage in research partnerships with Tribes, Alaska Native Corporations, Tribal colleges, Intertribal organizations, and other Indigenous groups. The goal of these research partnerships is to support Tribal values and Indigenous ways of living, to encourage shared learning, and to advance stewardship within both tribally controlled lands and areas that are now managed as national forests and grasslands. These collaborative research efforts advance our shared interests in conserving and restoring our Nation's biological and cultural diversity and heritage.

Examples of research that focus on Tribal interests and engagement include:

- General Technical Report (PSW-GTR-275) was published with Tribes in the Western U.S. to determine best practices for effective partnerships for Forest Service-Tribal coordination. This report responds to and addresses the White House Office of Science and Technology Policy and Council on Environmental Quality's guidance for working with Indigenous Knowledge and aligns with the agency's Tribal Action Plan, Equity Action Plan, and core values.
- Providing new science around native seeds and reforestation, and directly supporting the Reforestation, Nurseries, and Genetic Resources Network to increase capacity for Tribal nurseries. Research and Development (R&D) staff serve as a Coauthor and Core Team leader for the 4th National Indian Forest Management Assessment a congressionally mandated, national, multi-year independent assessment of the status of Tribal forestry and Tribal forestry programs as part an USDA Intergovernmental Personnel Act agreement with the Intertribal Timber Council and the Forest Service.
- R&D expanded activities with Tribes in FY 2023, renewing an Interagency Personnel Agreement that formalizes our strong partnership with the Eastern Band of Cherokee Indians. Scientists hosted the first in-person Rivercane Gathering, and engaged 95 partners, Tribes and stakeholders, including representatives of 12 Tribes and multiple Forest Service personnel which resulted in sustained co-stewardship efforts of culturally sensitive plants on Federal lands.
- Forest Service research provided science-based guidance to National Forests for land and resource management planning on topics that are important to Tribes and Indigenous communities, including areas of Tribal importance, traditional Tribal knowledge or Traditional Ecological Knowledge held by Indigenous communities, and environmental justice issues.
- Forest Service R&D oversees research within a network of long-term experimental areas. A recently established experimental forest, Héen Latinee Experimental Forest (meaning "River Watcher" in the Tlingit language), has a goal of understanding climate change impacts and supporting engagement of Tribal youth and elders in research.
- Indigenous stewardship practices, including cultural burning, carried out by generations of Native Americans helped maintain a balanced relationship with the critical ecological process of fire. Forest Service research is helping to shed light on the many benefits of those stewardship practices and how to support and integrate traditional knowledge and practices into broader land management.

Forest Service Tribal-research partners include:

- Intertribal Timber Council Research Subcommittee
- American Indian Higher Education Consortium
- National Congress of American Indians
- IUFRO Research Group on Forest History and Traditional Knowledge
- College of Menominee National Sustainable Development Institute
- University of Oregon Tribal Climate Change Project
- Native American Fish and Wildlife Society

We express our sincere gratitude for your valuable time and commend the dedicated efforts undertaken by this Subcommittee and its counterparts in formulating, negotiating, and advancing legislation aimed at bolstering the Forest Service's capacity to foster and improve Tribal partnerships in forest management. Your commitment helps advance our goals of strengthening Tribal relationships, improving the health and resiliency of the nation's forests and grasslands. Thank you for your dedication to this critical mission.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. JOHN CROCKETT, ASSOCIATE DEPUTY CHIEF, STATE, PRIVATE, AND TRIBAL FOREST, U.S. FOREST SERVICE

Mr. Crockett did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. Last year I introduced legislation, along with Congressman LaMalfa, that would create a Tribal Biochar Demonstration Project similar to the existing Tribal Biomass Demonstration Project. Can you please share what opportunities you see to support Tribal biochar production, and how that could help improve forest health and support Tribal jobs?

Question 2. The testimony that I submitted for the record during my opening statement included a recommendation that: "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." Has the Forest Service evaluated this potential and how could allowing Tribes to prepare NEPA documents help speed up the process for approving forest management projects?

Question 3. Do you believe that the federal government is currently coordinating with Tribes on forest management, and what additional tools are necessary to increase coordination between Tribes and the Forest Service?

Mr. TIFFANY. I want to thank the gentleman for his comments.

Next, I am going to turn to the Chairman of the Full Natural Resources Committee, Mr. Westerman, for his opening statement.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Chairman Tiffany, and thank you to the witnesses for being here today. It is a very important subject that we are talking about, and I am very glad to be here to discuss tribal forest management, which is a crucial topic, given the various crises currently threatening the health and resiliency of our nation's forests.

Tribes have a rich history in forest management dating back centuries. Tribes historically managed forests across the country for a variety of uses, including economic development, spiritual and cultural values, wildlife habitat diversity, improved air and water quality, and to protect sacred landscapes.

In fact, Indigenous people used fire to great effect when managing the forest in my home state of Arkansas. Their frequent low-intensity fires helped maintain a healthy forest ecosystem that supported a vibrant mix of wildlife, including the red cockaded woodpecker, which thrives in open pine woodlands and savannas.

I see my good friend, Phil Rigdon, in the audience today. Phil and I were classmates at the Yale School of Forestry, and I had to go to forestry school to learn something that was being done long before the Yale School of Forestry ever existed, and that is to manage land the way that our tribal ancestors managed land here in America. And I am glad to see Phil here, and the great work that he is doing.

And I have often said that if our Federal land managers just managed our forests like some of the tribes that I have visited with throughout my tenure in Congress, that we wouldn't have the same

level of catastrophic wildfires we are seeing today. When European settlers moved in, many of the cultural burning practices that had been going on for centuries were banned. Our Federal forests became overstocked with trees that were competing for those things they require to grow: nutrients, water, sunlight. And as a result, these forests became more susceptible to wildfires, insects, drought, and disease.

The sad part is that, in many cases now, tribes are bearing the brunt of mismanagement on lands that were once pristinely maintained by their ancestors. In California, tribal members are three times more concentrated in areas at the highest risk of wildland fire. This has had devastating consequences.

For years, the Karuk Tribe urged the Forest Service to use more cultural burning in the Klamath National Forest, as their Tribe had done for thousands of years. Nothing happened. And in 2020, the Slater Fire burned 100,000 acres in less than 12 hours, and two tribal members lost their lives along with roughly 200 homes.

Mr. Chairman, I would like to ask unanimous consent to submit the testimony of Bill Tripp, the Director of Natural Resources and Environment Policy for the Karuk Tribe into the record.

Mr. TIFFANY. So ordered.

[The information follows:]

PREPARED STATEMENT OF BILL TRIPP, INTERTRIBAL TIMBER COUNCIL

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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ATTACHMENT

Karuk Tribe
Happy Camp, CA

June 20, 2023

Christopher Swanston
Director, Office of Sustainability and Climate
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124
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)

Ayukîi (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 1.38 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 U.S. 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),

RUSSELL ATTEBERY,
Karuk Tribal Chairman

Mr. WESTERMAN. We heard from Mr. Tripp earlier this year during a field hearing we held out in Yosemite. And his testimony outlines the experience of the Karuk Tribe and why environmental regulations stemming from NEPA were the root cause of inaction. This is unacceptable.

Instead of bearing the brunt of Federal mismanagement, tribes should be looked at as models of ways we can improve the health and resiliency of our Federal forests. I had the opportunity to see one such model firsthand in New Mexico when I visited the Mescalero Apache Reservation.

[Slide.]

Mr. WESTERMAN. As you can see behind me, the Lincoln National Forest, which borders the Mescalero Reservation and is largely overgrown, experienced devastating wildfires that turned it into a moonscape. On the right hand side of that picture, you will see the forest managed by the Mescalero Apache which is in pristine condition, wonderful elk habitat. It is what you would hope to see in a textbook if you opened up a textbook on forest management.

[Slide.]

Mr. WESTERMAN. I believe another such model is the Tule River Tribe in California, which successfully managed the giant sequoias for thousands of years. On the picture behind me, you can see tribal members standing in a burned out sequoia grove on Federal lands. If tribes had been allowed to manage that grove, I can almost guarantee you that picture would look a lot different.

When 20 percent of our giant sequoias died in just 2 years, the Tule River Tribe led the charge in forming the bipartisan Save Our Sequoias Act. I believe this legislation is a great example for how we can use traditional ecological knowledge to inform better practices for both Federal and tribal forest management. It also shows that tribal forest management shouldn't be an area of partisan division, but rather, bipartisan compromise.

I look forward to hearing more ideas about bipartisan compromises today and from our expert panel of witnesses. I would like to again thank you all for traveling here to be with us.

With that, I yield back the balance of my time.

Mr. TIFFANY. The gentleman yields, and I would like to recognize the Ranking Member, Mr. Neguse, for his opening statement.

STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. NEGUSE. Thank you, Chairman Tiffany. It is another busy week for the Federal Lands Subcommittee, and today's overview of tribal forestry is an important and welcome focus.

Before I get into my remarks, I want to first say thank you to all of the witnesses for taking the time to discuss this critical issue with us today. I know it is not always easy to get to Washington, DC, and we certainly appreciate the effort that you each made to be here today, particularly as we are welcoming many guests from the western United States, where I am lucky to call home.

Tribes are stewards of millions of acres of trust and federally recognized lands that provide habitat for more than 500 endangered species. They contain over 13,000 miles of rivers and nearly 1 million lakes. Importantly for today's discussion, this includes 19.2 million acres of tribal forests.

Since time immemorial, Indigenous peoples have managed forests for cultural and ecological benefit, and to this day forestry remains a vital cultural practice as well as a vital source of income. It is critical that Congress and this Subcommittee hear directly from tribal voices.

Today's hearing is an important part of our work to uphold and to maintain the critical trust responsibility toward Indian forest lands, examining the significance of tribal sovereignty and self-determination, identifying opportunities to strengthen tribal consultation to work closely with tribes to identify and protect

sacred sites and, perhaps most importantly, to support tribal control of their own land and resources.

While there is still work to do, Congress has made significant progress in many of these areas. Most recently, as outlined in the written testimony from our Administrative witnesses, both the Bipartisan Infrastructure Law and the Inflation Reduction Act, which I was proud to support, invested millions of dollars in the restoration of public lands and national forests.

These investments included targeted programs for tribes, and aimed to increase eligibility for tribes in a wide range of activities. This was significant progress that has enabled the Biden administration to advance critical restoration work with states and with tribes through authorities such as the Tribal Forest Protection Act and Good Neighbor Authority.

However, I do think it is important that I reiterate a message that my colleagues have heard me say often, going back to the beginning of this year, which is the investments that were secured by House Democrats and President Biden in the last Congress were a downpayment, a downpayment. We cannot stop there. We can't leave land management agencies hollowed out by failing to fund their agencies at the level required, and failing to provide tribal communities with the support and the resources that they need to truly scale up forestry and restoration efforts. That is a reoccurring theme that I have noticed in the testimony that has been submitted for the record in today's hearing.

In the context of tribal forestry, there is a stark inequity and the need, in my view, for sustained investment to ultimately achieve that parity. This Subcommittee does not always have the opportunity to engage on issues related to the Bureau of Indian Affairs, so I appreciate that they are with us here today. I look forward to working with my colleagues and, of course, Chairman Tiffany on finding ways to address that disparity and to many of the other priority issues that have been identified.

Again, I want to say thank you to the witnesses for your time for joining us. I certainly look forward to learning more from all of you during today's discussion.

With that, Mr. Chairman, I will yield back.

Mr. TIFFANY. Thank you, Ranking Member Neguse. Now I would like to introduce Mr. Bodie Shaw, our other panelist on this panel, Deputy Regional Director for Trust Services at the Bureau of Indian Affairs.

Mr. Shaw, you have 5 minutes.

STATEMENT OF BODIE SHAW, DEPUTY REGIONAL DIRECTOR, TRUST SERVICES, NORTHWEST REGION, BUREAU OF INDIAN AFFAIRS, PORTLAND, OREGON

Mr. SHAW. Good afternoon, and thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. Thank you for this opportunity to provide testimony on opportunities to promote and enhance tribal forest management.

I am Bodie Shaw, Deputy Regional Director from Bureau of Indian Affairs, Portland, Oregon. I am also a confederated tribal member from Warm Springs. I am glad to see Congressman Bentz, our reservation resides within his district. Good to see you again.

At the Bureau of Indian Affairs, our forest mission is to provide for the efficient, effective management and protection of forest resources held in trust for the benefit of American Indians and Alaska Natives. We do this through recognition and support of tribal resource management goals to further self-determination, consistent with the Secretary of the Interior's trust responsibilities. This responsibility applies to the management of tribal forests, which cover, as we have heard already, just over 19 million acres through 33 different states, and a commercial timber volume of approximately 66 billion board feet.

Management of tribal forests, in fact, do not go without challenges, as documented by the recent Indian Forest Management Assessment Team, a congressionally-mandated non-governmental team that reports back to Congress every 10 years, highlighting the disparity—roughly a third—of the cost we receive for our BIA tribal forests with our other Federal partners, as well as showing the under-staffed nature that many of us have, some of our needs within our infrastructure through the IFMAT report. A link to that report is in my full written testimony.

Beyond the work at the Bureau of Indian Affairs, the Department recognizes that forest and ecosystem health does not stop at the border of tribal lands. The Department is committed to strengthening the role of tribal communities and Federal land management. I will draw attention to a couple different items that we have been working on here of recent time.

Secretarial Order 3403 affirms the trust relationship between the United States and tribes, and acknowledges that the United States can benefit from the land management, expertise, and practices Tribal Nations have developed over centuries. The Secretarial Order is a commitment and, to quote, "to ensure the tribal governments play an integral role in decision-making related to the management of Federal lands and waters through consultation, capacity building, and other means consistent with applicable authority." We have made notable progress implementing Secretarial Order 3403, including agreements that encompass forest lands.

In 2018, Congress expanded the Good Neighbor Authority to authorize tribes to enter into agreements with DOI's Bureau of Land Management and the Forest Service to perform forest restoration work on Federal lands managed by those agencies. However, at present the Good Neighbor Authority lacks authorization for tribes to retain timber sale revenues. This has been a considerable obstacle preventing greater tribal participation. Other participation challenges for tribes include limited staffing, funding, and other resources to enter into these agreements.

The Tribal Forest Protection Act from 2004 authorizes the Secretary of the Interior and Agriculture to enter into agreements or contracts with tribes to carry out projects to protect Indian forest land. Ongoing Federal efforts aimed at creating healthy, resilient forests, preventing large-scale resource loss due to wildfire, and fully implementing climate-based strategies are expected to better facilitate tribal work with the Forest Service and the Bureau of Land Management.

Lastly, I would like to highlight the importance of the Indian Self-Determination and Education Assistance Act, which allows tribes to assume responsibility for natural resources management. While most tribes still receive forestry program services directly from the BIA, about 30 percent of the tribes with trust resources operate their forestry programs directly under this Act.

Finally, in conclusion, thank you for this opportunity to discuss the Department's work to fulfill the trust responsibility to tribes in the area of forestry, and that our work to ensure the effective management of Federal and tribal forests continues. Thank you.

[The prepared statement of Mr. Shaw follows:]

PREPARED STATEMENT OF BODIE K. SHAW, DEPUTY REGIONAL DIRECTOR-TRUST SERVICES, NORTHWEST REGION, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to provide testimony on opportunities to promote and enhance Tribal forest management. I am Bodie K. Shaw, Deputy Regional Director-Trust Services, Northwest Region, Bureau of Indian Affairs at in the Department of the Interior (Department).

Tribal forestry has a unique standing among federal land management programs in that Congress has declared that "the United States that has a trust responsibility toward Indian forest lands" in the National Indian Forest Resources Management Act of 1990 (NIFRMA) (Pub. L. 101-630, Title III, 104 Stat. 4532). This responsibility applies to the management of Tribal forests, which cover approximately 19.2 million acres across 33 States, with a commercial timber volume of approximately 66 billion board feet with an allowable annual harvest of 732 million board feet. These forests provide critical economic and employment opportunities to Tribes and tribal communities and hold important historical, spiritual, and cultural significance.

The Department recognizes that forest and ecosystem health does not stop at the border of Tribal lands. The Department is committed to improving the stewardship of our Nation's federal forest lands by strengthening the role of Tribal communities in federal land management, honoring Tribal sovereignty, and supporting the priorities of Tribal Nations. Our testimony will also share our ongoing work in the areas of Tribal co-stewardship to create resilient, productive forest lands within and adjacent to Tribal lands.

Bureau of Indian Affairs

BIA Forestry's mission is to provide for the efficient, effective management and protection of forest resources held in trust for the benefit of American Indians and Alaska Natives. We do this through recognition and support of Tribal resource management goals, to further self-determination consistent with the Secretary of the Interior's trust responsibilities.

Funding of Tribal Forestry Programs and Activities

BIA and Tribal forestry programs are funded through annual appropriations. BIA Forestry funds are primarily used to support staff that conduct forest land management activities. The emphasis for this program is the preparation and administration of forest product sales, and the management and technical oversight of those activities. In FY 2022, the BIA and Tribes harvested 312,673,000 board feet of forest products generating $79,084,044 in revenue to the Tribes.

The sale of forest products is a vital source of Tribal revenue and employment. Forest product sales support BIA efforts to promote self-sustaining communities and healthy and resilient Indian forest resources. Forestry staff perform program oversight and administrative functions that support management priorities identified in Tribal Forest Management Plans and ensure compliance with applicable laws and regulations.

The Forestry Projects funds support a labor-intensive program employing full-time and seasonal positions that perform on-the-ground activities designed to meet forest management objectives through direct service or contracts. Forestry Projects includes programs critical to sustainable Indian forest management, such as Forest Development; Forest Management Inventory and Planning; Woodland Management; and the Timber Harvest Initiative.

Forest Management Plans

Forest management plans provide for the regulation of the multiple-use operation of Indian forest land. Plans set forth methods to ensure that forest lands remain in a continuously productive state while meeting a Tribe's objectives. An approved forest management plan is required to conduct forest land management activities, and at present, all Tribal forest lands held in trust are covered by approved plans. Each plan includes information on funding and staffing requirements necessary to carry out the plan, and quantitative criteria to evaluate performance of the plan's objectives.

Indian Forest Management Assessment Team (IFMAT) Report

The NIFRMA requires the Secretary to conduct an assessment of the management of Indian forest lands every 10 years. This assessment is conducted by an independent team of non-government forestry specialists who issue a report of their findings and recommendations. IFMAT IV, published in 2023, identified a number of challenges the BIA faces in the management of Indian forest lands. As with IFMATs I, II, and III, IFMAT IV found that "Indian trust forest lands are funded at about a third per acre of comparable federal forests." IFMAT IV also found that Tribal forestry departments are understaffed and high stand density, combined with limited processing infrastructure, has created complex forest health conditions. Even so, Tribal forestry serves as a positive example of promoting environmental stewardship. The full IFMAT-IV Report can be found at https://www.bia.gov/service/indian-forest-management-assessment.

Indian Trust Asset Reform Act (ITARA)

The Indian Trust Asset Reform Act was passed into law on June 22, 2016. Title II of the act authorizes the Secretary of the Department of the Interior to establish and carry out an Indian Trust Asset Management Demonstration Project (project), which was established on October 1, 2018. The purpose of ITARA is to go a step further and provide Tribes greater sovereignty in the management of their trust forest lands.

Under the project, Tribes engaged in forest land management and/or surface leasing activities on trust lands may apply to participate in the project. If selected, Tribes must submit an Indian Trust Asset Management Plan (ITAMP), for the management of any Tribal trust assets. An approved plan could allow Tribes to develop Tribal forestry and/or surface leasing regulations and assume certain approval authorities currently held by the Secretary. At present, four Tribes have been approved to participate in the project, and two of the Tribes are operating their forestry programs under their approved ITAMPs and Tribal forestry regulations.

Indian Self-Determination and Education Assistance Act (ISDEAA)

Title I of ISDEAA allows federally recognized Tribes to contract with the BIA to plan and administer some forestry program functions with federal funding through 638 contracts or self-determination contracts. In 1994, the Tribal Self-Governance Act (TSGA) amended ISDEAA and added a new Title V authorizing federally recognized Tribes to enter into compacts with DOI to assume full funding and control over forestry programs.

While ISDEAA allows Tribes to assume responsibility for natural resources management, most Tribes still receive forestry program services directly from the BIA. About 30% of the Tribes with trust forest resources operate their forestry programs under ISDEAA contracts or self-governance compacts. The Department stands ready to use ISDEAA as an avenue to support more Tribes who seek to steward federal forest lands.

Tribal Co-Stewardship and Management of Federal Lands

Secretarial Order 3403

On November 15, 2021, Secretary Haaland and Secretary of Agriculture Vilsack issued Secretary's Order 3403: Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. At last year's Tribal Nations Summit, on November 22, 2022, Secretary of Commerce Raimondo joined Secretarial Order 3403.

Secretarial Order 3403 affirms the trust relationship between the United States and Tribes, and acknowledges that the United States can benefit from the land management expertise and practices Tribal nations have developed over centuries. The Order is also a commitment, "to ensure that Tribal governments play an integral role in decision making related to the management of federal lands and waters through consultation, capacity building, and other means consistent with applicable authority."

We have made notable progress implementing Secretarial Order 3403, including announcing a number of agreements that effect Tribal stewardship of the Department's lands and waters and represent the Government's commitment to Tribal co-stewardship. Several of those agreements encompass forest lands. Equally important, we are building the infrastructure within the Department to strengthen this critical work by carrying out and making available legal analyses on many of the authorities that may underpin co-stewardship, implementing guidance from land management agencies and Indian Affairs, and creating better pathways for public-private partnerships that support co-stewardship.

Good Neighbor Authority (GNA)

In 2018, Congress expanded The Good Neighbor Authority (GNA) to allow the Department of Agriculture's United States Forest Service (USFS) and the Bureau of Land Management (BLM) to collaborate with federally recognized Tribes to plan and execute restoration projects on federal lands. The GNA authorizes Tribes to enter into a Good Neighbor Agreement with the USFS or BLM to perform forest restoration work on federal lands managed by those agencies. Projects could include insect and disease treatments, hazardous fuels reduction, timber harvesting, tree planting or seeding, and other restoration activities.

At present, the GNA lacks authorization for Tribes to retain timber sales revenues. This has been a considerable obstacle preventing greater Tribal participation. Other participation challenges for Tribes include limited staffing, funding, and other resources to enter into Good Neighbor Agreements.

Tribal Forest Protection Act (TFPA)

The Tribal Forest Protection Act of 2004 (TFPA), Public Law 108–278, 116 Stat. 868, is intended to protect Tribal forest assets by authorizing the Secretary and the Secretary of Agriculture to enter into agreements or contracts with Indian Tribes to carry out projects to protect Indian forest land. Ongoing federal efforts aimed at creating healthy, resilient forests, preventing large-scale resource loss due to wildfire, and fully implementing climate-related strategies are expected to better facilitate Tribal work with the USFS and the BLM. These ongoing efforts are informing development and implementation of larger cross-jurisdictional land management treatments.

The Department recognizes that forest management treatments and restoration projects benefit from unique collaborative partnership and Tribal co-stewardship opportunities. In June 2023, the BLM and the Cow Creek Band of Umpqua Tribe of Indians entered into a Memorandum of Understanding (MOU) to develop a collaborative stewardship framework to guide resource management decisions on federal lands administered by BLM in a manner that seeks to protect the Tribe's treaty, religious, subsistence, and cultural interests, support ecosystem resilience, and protect forestlands from the threats of uncontrolled wildfire, diseases, and invasive and noxious species. The MOU is a critical first step towards collaboratively undertaking vital work under the TFPA.

Conclusion

Thank you for the opportunity to discuss the Department's work to fulfill the trust responsibility to Tribes in the area of forestry and our work to ensure the effective management of federal and Tribal forests.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. BODIE SHAW, DEPUTY REGIONAL DIRECTOR (NORTHWEST REGION), BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. Shaw did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. Earlier this fall, the Intertribal Timber Council released the fourth ever assessment of tribal forest management practices and trends, along with recommendations to Congress. Among the primary concerns flagged by that report, the overall health of tribal forests remains a major concern with "excessive stand density, high fuel accumulations, and insect and disease" threatening the long-term sustainability of these forests. What in your view needs to be done to increase the forest management activities necessary to address this serious concern?

Question 2. Tribal and federal forest managers, particularly out West, have continued to struggle to figure out what to do with low-value excess fuels that need to be removed. One of the suggestions contained in the IFMAT IV (IF-MATT-4) assessment is the need to explore other revenue options including biofuels and biomass use, which both offer great potential as a solution to this excess fuel problem. What is the BIA currently doing to encourage more innovative uses of excess forest material? Do you believe more can be done to encourage biomass and biofuels opportunities?

Question 3. The Committee has heard concerns about the BLM's efforts to finalize the Utility Master Operation and Maintenance and Consolidation (MOMAC) Plan they have been working on with Pacific Gas and Electric (PG&E).

3a) Can you provide an explanation for why it is taking the BLM so long to establish an Operations and Management (O&M) plan with Pacific Gas and Electric (PG&E) and Southern California Edison (SCE) to adhere to the requirements of FLPMA 512 taking so long?

3b) When is this plan expected to be completed?

3c) What has delayed completion?

3d) Can you please explain the BLM's decision to establish a pilot team to work with PG&E, rather than assigning California State Office Staff?

3e) Is the Bakersfield Pilot Team staffed appropriately with individuals with the necessary expertise?

3f) Is the State Office involved with accountability of timelines and deliverables?

3g) Can the BLM direct the SCE to adopt an IM-approach as opposed to developing a new O&M Plan?

3h) Is it possible for the O&M Plan to be a standalone guidance document rather than a term and condition of a ROW grant so that it can govern all of the utilities' operation and maintenance work regardless of the type of Rights-of-Way (easement, ROW Grant)?

3i) As required by FLPMA 512 and the recently published NOPR, will the utilities easements be addressed in the O&M Plan?

3j) How will claims of prescriptions be addressed in the O&M Plan?

3k) How will BLM maintain consistency throughout the state when the O&M Plan is shared with other Field Offices?

3l) Will the Field Office Special Consideration Areas (FOSCAs) reduce consistency and predictability of implementation of the O&M Plan?

3m) What will not be covered under this O&M Plan that is a requirement of FLPMA 512?

3n) Is the process outlined in O&M Plan a predictable process that adheres to the requirements of FLPMA 512?

3o) Does BLM feel that the draft O&M Plan with PG&E and SCE establishes a process that prevents wildfire starts to the best of its ability and allows them to address critical O&M activity with limited delay?

Mr. TIFFANY. Thank you, Mr. Shaw. I will now recognize Members for their questions for up to 5 minutes. First, we will turn to Mr. Bentz from Oregon.

You have 5 minutes for questioning.

Mr. BENTZ. Thank you, Mr. Chair, and I want to welcome both panelists, of course, with particular emphasis upon Mr. Shaw. So, very, very happy to see you here.

I reached out this morning to the Klamath Tribe. Dr. Clayton Dumont is Chairman of the Klamath Tribe and a friend. And I asked him what his experience has been in this space of intersection between tribes on the one hand, and forest and BLM agencies on the other. I am going to read you his response.

Klamath Tribal Chairman Clayton Dumont reports that they really do need help with the U.S. Forest Service. On August 14, 2023, the Klamath Tribe submitted a Tribal Forest Protection Act project application, which would enable prescribed burning on treaty-protected lands in the Fremont-Winema National Forest. This would reduce fire danger and improve the health of the forest while creating local jobs between Saddleback Mountain and Chiloquin.

Let me pause there and ask unanimous consent that that application be included in the record.

Mr. TIFFANY. Without objection.

Mr. BENTZ. The Tribe has asked both the U.S. Forest Service regional and national offices for an update, but they haven't heard anything. For background, the Klamath Tribe also submitted a similar project to the BLM, and approval was granted within weeks.

So, Mr. Crockett, a question, and here it is. In August of this year, the tribes based in my district submitted all documents required for a Tribal Forest Protection Act project. This project would reduce the fire danger on treaty-protected lands and improve the overall health of the forest in southern Oregon. Could you please provide me with your knowledge of any of that project?

And is it normal to have 4 months go by without responding to those who file applications?

Mr. CROCKETT. Thank you for the question, and to answer your question directly is it normal to take 4 months to respond to Tribal Forests Protection Act, the answer is no.

I am not familiar with the details of this specific request. I am familiar with the work that the Karuk is doing on the Klamath side, but not on the Oregon side. I will commit to following up to make sure that that TFPA application is reviewed and given full consideration.

Mr. BENTZ. I appreciate that very much. And I, for years, have thought that this opportunity that the tribes enjoy to utilize their historical care for the land, in today's environment of incredibly onerous regulatory burdens on just about everybody, including tribes. But still, I have thought that the tribes had a step up, and we should be giving them every deference that we possibly can because we are in desperate straits when it comes to our forests. Everyone knows that that is here. So, to the extent that your agency could help out, we would deeply appreciate it. And I know you are trying, so I appreciate your looking into this.

Unfortunately, well, or fortunately, I have to go meet with the Speaker now, so I won't be able to stay for the rest of the hearing. But I very much appreciate all of you being here, and I look forward to working with all of you in the future. Thank you.

With that, I yield back.

Mr. TIFFANY. The gentleman yields. I would now like to recognize Mr. Neguse for his questioning.

Mr. NEGUSE. Thank you, Mr. Chairman.

Mr. Shaw, thank you again for joining us today. As I mentioned in my opening statement, we are certainly glad to have you join us here in the Federal Lands Subcommittee today from the Bureau of Indian Affairs.

I want to kind of drill down, I guess, on an issue that certainly we have heard from tribal communities and wonder if you might be able to expound on it a bit, and that is, really, the way in which the lack of adequate funding for tribal forestry impacts public safety, because that is a component of this that in some ways can sometimes be forgotten or neglected. Whether that extends to the increased risk of wildfires, degradation of wildlife habitat, cultural resources, climate change impacts, but clearly, very significant public safety challenges that, in my view, the lack of funding contributes towards creating. And I wonder if you agree with that assessment. And if you do, if you might be able to expound a bit on your view.

Mr. SHAW. Thank you, Ranking Member Neguse, I appreciate that, and that is a great question. I think many in the room, those behind me, would like to hear a further discussion about that.

And you are right, from a public safety standpoint, we talk and we hear a lot about wildfire risk, the impacts, the inability, whether it be from a tribal standpoint, I will talk about labor with our tribes and our labor pool, the inability many times when we are under-funded to be able to carry out much of the wildfire mitigation. Whether that be through timber harvest, whether that be through fuels reductions, it does pose many challenges when it comes to the inability from a funding standpoint.

I think some of the other challenges that we see from a public safety standpoint, many are fully aware of the current atmospheric river hitting the Pacific Northwest. And you look at some of the landslide implications, some of the exceeded riverbanks and the flooding occurring. Proper forest management, and it is not news to anybody in the room, really assists with that ability.

And once again, to your point, when we are under-funded we can't carry out as much as we would like to. But we still, I think, from a BIA and a tribal forestry standpoint, I think that we have been very effective, very efficient in terms of the money we do receive and getting that to the ground.

I hope that answers your question.

Mr. NEGUSE. It does, and I think it underscores the necessity for BIA to continue the work that you are doing top down and across agency to find ways in which to utilize resources that might be available to you.

And, of course, from an advocacy perspective I think making clear to the Congress, this Subcommittee, the Full Committee, and the other Committees of jurisdiction the unique funding needs and challenges so that we can do our part and meet our obligations as far as addressing some of those funding needs.

With that, Mr. Chairman, I will yield back the balance of my time.

Mr. TIFFANY. The gentleman yields. I am going to ask a couple of questions here with time allotted to me.

Mr. Shaw, the Wildland Fire Mitigation and Management Commission recently released its report on the ongoing wildfire concerns, and a key recommendation is that the Bureau of Indian Affairs acknowledged that federally recognized tribes may be allowed to develop fire programs on tribal trust lands. What is your

agency's position on that proposal by the Wildland Fire Mitigation and Management Commission?

Mr. SHAW. Yes, thank you, Mr. Chairman. And we are very happy the next panel will have the Intertribal Timber Council President, who is also on that Committee, as well, and I am sure that will probably be part of some of his remarks, as well, Cody Desautel.

From our standpoint, and we will talk a little bit about the Indian Trust Asset Reform Act, and those remarks are in my full testimony about the authority and the ability for tribes to take on much more of the forestry programmatic pieces, which we call the Indian Trust Asset Management Plan, ITAMP, and we are willing to push the boundary when it comes to offering that ability for tribes not only from a forestry standpoint, but forestry and wildland fire go hand-in-hand in terms of how we address it, how we mitigate it. We have to address both, there is just no two ways about it.

Forest health, obviously, is primary, but we also know the implications when we don't fully address forest health concerns. So, that is something, Chairman, we are actively pursuing opportunities that ensure that we still have a place at the table with the tribe, Bureau of Indian Affairs, as we continuously do.

Mr. TIFFANY. Mr. Crockett, if tribes have only a small fraction of the financial resources of the Forest Service, why are they able to manage their forests so much better?

Mr. CROCKETT. Thank you for the question, Chair. I don't like to speak on behalf of tribes when they are in the room. Obviously, I think that would be a good opportunity for the next panel to answer that question.

Mr. TIFFANY. I think you should speak on behalf of the Forest Service, from the Forest Service perspective, because it must be a concern for the Forest Service that we see tribes, counties, and states most of the time do manage their forests better. Why is that, from the Forest Service perspective?

Mr. CROCKETT. There could be a multitude of reasons for that. Let me share with you some areas where we are having success with management of the national forests.

I will admit there is a problem nationally with overall management of the 193 million acres that we steward as a Federal entity.

The areas of success, we have been anchoring to science and delivery of our work, and the science tells us that if we focus in on 20 percent of the treatments, we can get 80 percent of return on our investment in high-risk landscape, high-risk watersheds. So, what we have done is we have focused on over 250 fire sheds, and there is a subset of 21 landscapes that we have prioritized our actions on. So, within those 21 landscapes, that is where we are seeing 85 percent of reducing the fire risk to communities. And as of this year, we exceeded our accomplishments within those 21 landscapes.

Now, that is a small subset of the work that we are doing nationally. But for me to speak as to why tribes can do it better, I am sure there are a lot of considerations at play. But I know the areas that we have been able to focus in on this year, we have had a lot of successes.

Mr. TIFFANY. Is it possible, Mr. Crockett, you look at the historical record, and before European settlement, like in California, each acre held about 64 trees per acre; we are up to 300 trees per acre now. Is it a matter of a lack of management, not being aggressive enough in removing some of those trees to make it a healthier landscape?

Mr. CROCKETT. Yes, overstocked forests are definitely a valid concern, and going in and doing treatments to reduce the fuel loading has been a focus of ours in those over-stocked areas.

Mr. TIFFANY. So, should we be cutting more wood on Federal lands?

Mr. CROCKETT. There is no one silver bullet solution. Using the suite of tools from harvesting and collecting wood products off of it, treating the landscape to reduce the risk of wildfire impacts by getting the small-diameter material, which is generally a low value product, taking that out and finding markets for it is another opportunity to be able to do that.

But overall, doing some type of treatment that ultimately leads to a reduction in the stocking of the forest is a primary objective.

Mr. TIFFANY. I really appreciate your answers here today. I would say it goes up on the other end also, because I have seen up in my neck of the woods in northern Wisconsin where we are seeing some large-diameter trees that really should be taken out. There has been a certain aggressiveness with some of the smaller diameter, but some of those larger diameter trees should be removed also to end up with a forest that is not too mature that ends up, in many cases, being a dead zone, especially for game species.

But anyhow, thank you. My time is up here, and I would like to turn to Representative Leger Fernández if she has questions that she would like to ask our panelists.

Ms. LEGER FERNÁNDEZ. Thank you so much, Mr. Chair, and thank you, panelists, for coming, and all those who are attending with us today and listening.

Tribes have been managing our forest lands for millennia. It was wonderful earlier today, that "time immemorial," we had a wonderful description of what that meant, and it was as the glaciers receded, before the valleys were created. Time immemorial is a long time. And tribes have done amazing work in managing those forests, and we are getting to the point now where I think that the recognition of tribal Indigenous knowledge of how do we incorporate that into our Federal agencies, we are starting to get there, which is pretty exciting. I am pleased that the Biden administration has adopted this approach and is moving towards that.

Last Friday, we had a historic co-stewardship agreement signed between Ohkay Owingeh, the Forest Service, and the Bureau of Land Management. It will allow Ohkay Owingeh, who is in my district, to work alongside the Forest Service and BLM to maintain precious resources in that area. And I look forward to seeing a lot more of these agreements. So, let it be known I am going to be asking about those.

I just came from my office with the San Felipe Pueblo, who wants to make sure that some important areas of theirs are protected that are not being protected. We are going to look for those

kinds of co-stewardship agreements because we hear over and over again in San Felipe Pueblo there is an inholding completely surrounded by reservation land that needs to be protected.

In Caja del Rio, which is near Santa Fe, very much needs protection, and we have vandalism that is happening. We know where the vandalism is. It is on those beautiful petroglyphs. We need to figure out how to protect it. And until we can actually move something congressionally, we are going to rely on the Federal agencies to do that.

So, Mr. Crockett, why don't you describe to me what you need so you and your partners can work to stop some of these attacks on these beautiful places like Caja del Rio, like the area of concern within San Felipe, like these other areas? What all do we need to get you so you can help protect these areas?

Mr. CROCKETT. Thank you for the question, and I do want to acknowledge that the story that you told around the vandalism that is taking place to the historic petroglyphs that are there, we agree it should not happen.

Obviously, it is multi-jurisdictional. The Forest Service manages a component of it. We think bringing the tribal voices to the table to assist with designing more protection measures would be important. We generally think of this through the co-stewardship lens, just as you described about the other project that was just signed. So, we would welcome an opportunity to engage with tribes more in the co-stewardship realm on how to manage the site to protect the petroglyphs.

Ms. LEGER FERNÁNDEZ. Yes, thank you, and I would note that in the Bipartisan Infrastructure Law we had $116 million that was going to advance the work. I think many on this Committee on both sides of the aisle have talked about the importance of the Good Neighbor Authority, the importance of the Tribal Forest Protection Act, and there was another $32 million identified for the national priority landscapes so that we could have more of the state and tribal working together.

I would once again make a plea that the Interior appropriations bill, as advanced by the Republicans, included an overall cut to the Forest Service of $255 million, and this would include a $32.56 million cut to state, private, and tribal forestry account. I think it is important that, as we talk about these programs that I think are pushing us into the right kind of collaboration, co-stewardship, that they also take resources, right?

As we asked you how are you going to work with Ohkay Owingeh, how are you going to work with Cochiti, Santo Domingo, Santa Clara, and the other tribes that are trying to protect the petroglyphs, and the Forest Service needs to devote resources to that. They don't have the resources, so we need to make sure that we provide them the funding, provide them the budget to get that done. Would you agree with that?

Mr. CROCKETT. I agree, resources are needed for protection of areas. And the additional resources that were provided through the Inflation Reduction Act and the Bipartisan Infrastructure Law has definitely helped us do more engagement and put more funding in the hands of tribes directly, and provided more opportunities to do

co-stewardship opportunities with tribes. So, yes, resources are always helpful.

Ms. LEGER FERNÁNDEZ. Thank you. I see my time is up, so I yield back.

Mr. TIFFANY. Mr. Shaw, if you have any comments in regards to the question there, you are welcome, too.

Mr. SHAW. Just one comment in terms of the traditional tribal environmental knowledge. I have been involved with this for a long time, 25 years, when it was considered anecdotal when tribes were bringing up a lot of the co-management opportunities. So, very happy to hear that, yes, from a Federal standpoint, that we will implement a lot of the tribal environmental knowledge not considered anecdotal, but really taking a look, as the purpose of this hearing is, to talk a little bit about how we do that.

And TFPA, Good Neighbor Authority, great opportunities, so I am glad you brought that point up.

Mr. TIFFANY. The gentlelady yields. I would now like to recognize Mr. Westerman for his questioning.

Mr. WESTERMAN. Thank you again, Chairman Tiffany, and thank you to the witnesses. And I thank the gentlelady from New Mexico for setting up my question so well by talking about the Tribal Forest Protection Act and the Good Neighbor Authority, which are two tools that have been provided by Congress to create additional cross-boundary forest management projects in cooperation between the Federal Government and tribes.

Associate Deputy Chief Crockett, can you please talk about the successes of both of these authorities and areas where they could be improved by Congress to incentivize more cross-boundary forest management projects?

Mr. CROCKETT. Thank you for the question. Yes, I will start by going back to 2004, when the Tribal Forest Protection Act was put in place.

We had what I would describe as small measures of success related to it, particularly because it was an unfunded mandate, and we had to figure out how to put resources in place to support it. And we did it primarily through stewardship contracting.

Fast forward to now, well 2018, and the most recent version of the Farm Bill, where we got the expanded authority for Good Neighbor to engage with tribes, still missing the revenue retention piece of it. So, that revenue retention piece is extremely important from tribes. This is what we have heard as Federal land managers from tribal interests.

So, we have been able to develop Good Neighbor Authority projects. We have 30 that have been put in place since the 2018 Farm Bill with 17 tribes, and they have been able to do that many Good Neighbor Authority agreements without the revenue retention piece. So, imagine if that revenue retention piece was in place, how many more would we be able to do with tribes who really want to be able to retain the receipts from the Good Neighbor Work to be able to put those resources back into the projects on the ground.

For the Tribal Forest Protection Act, we have been able to accomplish 22 agreements with an investment of over $40 million since the 2008 version of the Farm Bill has been put in place, and it also

provided us with the 638 demonstration authority, which has also been helpful.

Mr. WESTERMAN. I am so glad you talked about the receipts part of Good Neighbor Authority. Earlier this year, the House unanimously passed the Treating Tribes and Counties as Good Neighbors Act, and this bill would make tribes full partners in the Good Neighbor Authority by allowing them to retain timber receipts. It has not been passed in the Senate yet. We hope to work to get that in the Farm Bill if the Senate doesn't pass it on its own.

You have talked about this a little bit, but how much do you think this would improve Good Neighbor Authority if the tribes were able to retain those receipts and have the funding to go do the next management project, and the next management project?

Mr. CROCKETT. I think it would be extremely helpful if tribes received that authority, and I will put it in the category of parity. The states have had the authority for quite some time in the original version of the Good Neighbor Authority. But tribes and counties, because counties were named in the authority, as well, did not get revenue retention in the 2018 version of the Farm Bill. And if that is able to be rectified, I think the amount of agreements that we see both with tribes and counties would start to increase.

Mr. WESTERMAN. Thank you.

Mr. Shaw, earlier this fall the Intertribal Timber Council released the fourth-ever assessment of tribal forest management practices and trends, along with their recommendations to Congress. And among the primary concerns flagged in that report was the fact that the overall health of tribal forests remains a major concern with "excessive stand density, high fuel accumulations, and insect, and disease."

If Congress doesn't take action to address the health of our nation's tribal forests, what do you think that will mean in the long term for the resiliency of these forests?

Mr. SHAW. Thank you for that question, and I think, obviously, given the background that we are currently operating in, we will see the continual decline, more catastrophic fires continuing.

It is not news to anybody in the room here that every year we seem to hit a new high water mark when it comes to damage, the amount of Federal funds expended for fire suppression, and the long-term damage to these coniferous forests in the West.

And without having the full opportunity—and when I say full opportunity, and working in partnership with Intertribal Timber Council also recognized in the Indian Forest Management Assessment Team, we will continue to have catastrophic impacts to our tribal forests. Not only tribal forests, but those impacts on the tribal communities.

I think, as everyone is aware, the trust assets, when we talk about timber, the common denominator there are those communities live off the revenue generated from the timber that is on their reservation. I am very happy to hear, especially from the Good Neighbor Authority, having the potential opportunity for the tribes who work on, through the Good Neighbor Authority, to have that opportunity maybe eventually to get some of the revenues. That will add to the labor pool and, once again, affect an impact, positively, tribes, tribal communities at work in those surrounding

areas, whether it be on their ceded, usual, and accustomed lands. It could be very important.

So, thank you for that question.

Mr. WESTERMAN. Thank you.

I yield back.

Mr. TIFFANY. The gentleman yields back, and that is it for the questioning for this panel.

Thank you very much, Mr. Crockett and Mr. Shaw, for joining us today. We, the Committee, really appreciate your testimony. And at this time, we are going to move on to our second panel of witnesses.

As the Clerk resets the witness table, let me remind the witnesses that under Committee Rules, you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record. To begin your testimony, please press the "on" button on the microphone. We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

[Pause.]

Mr. TIFFANY. Thank you to our second panelists for joining us.

I would like to recognize the Honorable Robert Rice, Council Member of the Mescalero Apache Tribe.

Mr. Rice, I think we met in the elevator this morning, didn't we?

Mr. RICE. I think so.

[Laughter.]

Mr. TIFFANY. Well, it is great to make your acquaintance. And Councilman Rice, you have 5 minutes for your testimony. Welcome.

STATEMENT OF THE HON. ROBERT RICE, COUNCIL MEMBER, MESCALERO APACHE TRIBE, MESCALERO, NEW MEXICO

Mr. RICE. Good afternoon, Chairman Westerman, Chairman Tiffany, and the members of the Subcommittee, and a special hello to Representative Leger Fernández. My name is Robert Rice. I have been honored to serve on the Mescalero Apache Tribal Council for 2 years now. Thank you for this opportunity to testify about tribal forestry management practices.

Before I begin, I want to acknowledge members of the Tribal Council who have joined me today on that side.

Our ancestors roamed the Southwest, but always returned to the sacred White Mountain and its forests.

[Slide.]

Mr. RICE. As you can see, the Lincoln National Forest borders our reservation to the north and the south. The forest was carved out of our ancestral homelands, and is part of the initial reservation that was promised in our treaty. We have maintained our connection to these lands. Our people continue to gather medicines and conduct ceremonies throughout the Lincoln.

For the Mescalero people, forestry is part of our way of life. To us, the forest provides water, food, and shelter to our people. For more than a century, we worked with BIA to make the forestry program one of the best in the Southwest. The Tribe has treated more than 180,000 acres through commercial harvest and thinning projects. Hazardous fuel reduction projects are vital to our

management practice. By reducing tree density we enhance the available water, light, and nutrients to the trees.

[Slide.]

Mr. RICE. On the monitor there is a photo of the southern boundary border with Lincoln National Forest. You can clearly see the difference in the forest management styles. The dense area is the Lincoln National Forest. This dense forest, particularly in drought, becomes very vulnerable to insect infestation and, of course, wildfire. The 2012 Little Bear Fire showed the impact of an unhealthy forest.

This fire started with a lightning strike. The Forest Service viewed it as non-threatening, and allowed it to smolder for days. On the 5th day, the fire exploded and crossed onto the tribal lands. As the fire approached the reservation, our hazardous fuel treatments were critical in preventing complete devastation to the reservation and the village of Ruidoso. However, the fire burned more than 44,000 acres of prime timber and destroyed more than 255 homes. The damage exceeded $100 million.

While our hazardous fuels treatments limited the damage, the Tribe's resort, Ski Apache, suffered more than $1.5 million in losses. Ski Apache is vital to our economy, generating 350 jobs and contributing millions to the local economy. So, again, strong forest management is critical to our community. Our reservation and nearby communities rely heavily on watersheds sustained by the forest as well as on the forest itself.

In the past, we have operated two sawmills. The Mescalero Forest Products sawmill was a vital first line forest management tool for our program. Closure of the sawmills more than a decade ago has limited the effective management of our forests. Since closing the mills, we have experienced an increase in density and associated decline in forest health. As a result, the groundwater levels are dropping, causing the Tribe to redrill range water and domestic wells. If something isn't done to reinstate the sawmill or find an alternative, we estimate that in 20 to 25 years reservation forest conditions will be the same as those in the Lincoln National Forest.

The work of the tribal forest managers nationwide has proven effective to protecting lives and property throughout Indian Country, while maintaining the healthiest forests in the nation. In closing, I want to make two recommendations to enhance the work of the tribal forest management.

First, we must bring the tribal forest management funding into parity with Federal forest funding. We support the IFMAT IV recommendations to increase tribal forestry funding by $96 million, increase fire preparedness by $42 million, and establish a separate budget line for tribal forest roads at $89 million per year.

Second, Congress should enhance tribal control over Federal lands. To accomplish this we urge the Committee to amend the Tribal Forest Protection Act to establish a pilot program to authorize tribal co-management of Federal lands to implement tribal forest management practices. Tribal work under the TFPA should extend beyond adjacent lands and be authorized throughout Federal Forest Service and BLM lands where tribes have proven connections.

Our forest is our home. We must work together to ensure its health. Again, thank you for the opportunity to testify, and I am prepared to answer any questions.

[The prepared statement of Mr. Rice follows:]

PREPARED STATEMENT OF ROBERT RICE, COUNCIL MEMBER, MESCALERO APACHE TRIBE

Good afternoon Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee. My name is Robert Rice. I serve as a Council Member of the Mescalero Apache Tribe ("Mescalero" or "Tribe"). Thank you for this opportunity to testify about opportunities to enhance tribal forest management practices.

Background: the Mescalero Apache Tribe

The Mescalero, Lipan and Chiricahua Apache, make up the Mescalero Apache Tribe. Long before the first European settlers came to this land, our Apache ancestors roamed the Southwestern region, from Texas to central Arizona and from as far south as Mexico to the peaks of Colorado. We were protected by our four sacred mountains: White Mountain/Sierra Blanca, Guadalupe Mountains, Tres Hermanas/Three Sisters Mountains, and Oscura Peak. We traveled the rough Apacheria through mountains and deserts but always returned to our sacred White Mountain.

As Europeans began to encroach on our lands, the Apaches entered into a treaty with the United States on July 1, 1852. The Treaty with the Apaches promised the Tribe a permanent homeland in our aboriginal territory. The Mescalero Apache Reservation ("Reservation"), located in the White and Sacramento Mountains of rural south-central New Mexico, was established through a succession of Executive Orders in the 1870s and 1880s. The Reservation spans approximately 720 square miles (460,405 acres). Our Reservation is home to 5,500 tribal citizens and approximately 200 non-Indian residents.

The original Reservation boundaries included lands that are currently held in federal ownership, such as Lincoln National Forest ("LNF") and Bureau of Land Management ("BLM") lands surrounding the Fort Stanton State Monument. These federal lands were carved out of our ancestral homelands. However, the Mescalero Apache people have maintained strong cultural ties to these lands. To this day, we continue to gather plants important to our traditions and conduct ceremonies on these federal lands. To strengthen our ties to these lands and to have input into their management, the Tribe has entered into Memoranda of Understanding ("MOUs") with federal agencies, including the U.S. military and LNF.

Mescalero Apache Forest Management

For centuries, we have managed our forests holistically, as a way of life, to promote the growth of food and medicinal plants, to manage the wildlife in these forests, and to protect our lands from invaders.

This tradition of forestry was put into formal practice when the Bureau of Indian Affairs ("BIA") Mescalero Agency opened its Branch of Forestry in 1910. Mescalero's first major commercial timber sale was in 1919. With the opening of the tribally owned Mescalero Forest Products' ("MFP") sawmill in 1987, the Tribe entered a new era of forest management. Today, the Mescalero forest remains one of the best-managed, healthiest forests in the Southwest.

For more than a century, the BIA Mescalero Agency and the Tribe have worked to develop a premier forestry program on the Reservation. During the 1990s and early 2000s, the BIA Branch of Forestry employed 3 professional foresters and 2 forestry technicians in the Timber Sale section.

This small staff was responsible for preparing and offering for sale lumber at 16.8 million board feet annually and completing all sale planning, environmental compliance work, timber sale layout and administration. Due to the amount of timber harvested, the BIA identifies the Reservation as a Category 1-Major Forested Reservation. Additionally, the Fire Management and Fuels Management Programs are each rated as High Complexity. These ratings describe not only the complexity of addressing fire concerns across a large landscape but also the need for coordinated efforts among programs and agencies.

Operating on a shoestring budget, the Tribe's Division of Resource Management and Protection has been able to provide high quality forestry services on the Reservation, assisting the BIA in timber sales and performing fuels management projects. The strong working relationship with BIA Forestry and the implementation of contracts under the Indian Self-Determination and Education Assistance Act (P.L. 93-638) helped the Tribe build a strong forest management system.

Before the Tribal sawmill, Mescalero Forest Products ("MFP"), closed in 2012, the Tribe treated one full rotation of the commercial forest, totaling 183,876 out of a total Reservation land base of 460,405 acres. All 183,876 acres were considered for logging. Areas that were not treated contained arch sites, threatened and endangered species, or homesites.

Despite the importance of this mission and a small budget, the Mescalero BIA Branch of Forestry experienced a 43% reduction in its staffing levels since 2016. As a result, in FY2022 the Tribal Council passed a Resolution to contract for and take over the BIA Branch of Forestry and Branch of Natural Resources activities through Public Law 93-638 Self-Determination contracts. This has allowed the Tribe to focus on prioritizing Tribal goals and objectives for managing our forest.

We view our forest as a dynamic living entity. It provides water, food, shelter and a means of providing jobs and revenue for Tribal members. When the Tribe first began commercially harvesting timber, many opposed the concept. This resistance to proactive forest management began to dissipate in 1996 when the Tribe experienced its first large fire in recent history, the Chino Well Fire. This fire began on a windy spring day in April. Within one day, the fire threatened 42 homes, forcing evacuations, and burning a seven-mile strip of forest of more than 8,000 acres. Due to the rapid-fire response of Tribal fire crews, no homes were damaged. Soon after the fire, homeowners wanted to learn how they could protect their homes from future wildfires.

With the advent of the National Fire Plan in the late 1990s, the BIA Branch of Forestry worked with the Tribe to develop strategic ridgetop fuel breaks and implement wildland urban interface treatments around residential and recreational areas across the Reservation. Through this program, the Tribe has treated an additional 63,968 acres through hazardous fuels reduction projects. These projects were coordinated with harvest operations, recognizing that understory thinning alone would not reduce the potential for destructive crown fires. As a result of implementing wildfire mitigation measures to reduce fire danger, the Tribe earned Firewise Communities/USA recognition in 2003 and was the first tribe in New Mexico to earn such recognition.

National forestry policy has always been important to the Mescalero Apache Tribe. Mescalero leadership and forestry staff provided congressional testimony and advised the government in developing the Healthy Forest Restoration Act of 2003 and the Tribal Forest Protection Act of 2004 ("TFPA"). The TFPA, in particular, helped pave the way for the Tribe to work with LNF to develop the first Tribal stewardship contract called the 16 Springs Stewardship contract in 2006 to implement hazardous fuel reduction projects on adjacent U.S. National Forest lands. Under the 16 Springs Stewardship contract the Tribe was able to complete approximately $6,000,000 of fuels treatments along the Tribe's southern boundary. The TFPA continues to be a useful tool to help the Tribe expand the implementation of our healthy forest management practices to nearby lands. However, as noted below, the Act needs to be expanded and updated.

Hazardous fuel reduction projects are vital to our forest management practices. Forests are living organisms. With reductions in density, trees and ground cover are better able to thrive. Southwestern forests grow with very little precipitation. On the Reservation and in LNF, 26 inches of annual precipitation is considered a "wet" year. By reducing tree densities to ensure the crowns are not touching, we greatly enhance the available water, light and nutrients each individual tree receives. With open forest conditions, pine seedlings have a better environment to germinate, resulting in increased forest regeneration.

In addition to its hazardous fuels management program, the Tribe used to operate the MFP sawmill. However, the decline in the lumber market, combined with process inefficiencies and a lack of by-product markets, resulted in the closure of MFP twice, once in December 2008 and again in July 2012. The closure of the sawmill resulted in the loss of 55 jobs for mill workers and close to 150 supporting staff (including marking, harvesting, hauling, and administrative staff). The Tribe was also forced to close a second mill that it owned in Alamogordo, which employed 82 workers.

The Mescalero Forest Product sawmill was a vital first-line forest management tool that enabled the Tribe to treat the larger trees of the forest overstory through selective harvests that were followed up with hazardous fuels reduction projects in the smaller size classes. Closure of these sawmills has significantly limited our ability to effectively manage our forest and assist in the management of LNF.

Since the closing of Mescalero Forest Products in 2012, we are already experiencing significant increases in forest densities and associated declines in forest health. We are not able to effectively treat forest overstories to remove dwarf mistletoe and bark beetles, which does not allow the young understory trees to grow

to their full potential. In the future, this will greatly affect the overall health of our forest. Furthermore, the ground water table levels are dropping, causing the Tribe to redrill many range water wells and some domestic wells. If something is not done to reinstate the sawmill or find a suitable alternative, Tribal and BIA Foresters have estimated that in 20 to 25 years, Reservation Forest conditions will be the same as those in LNF.

In addition, congressional funding cuts, implemented over the past two decades, have further strained our ability to continue our forestry practices. Prior to these cuts, the Tribe was able to manage our forest better than the LNF on a fraction of the federal agency's budget. Failure to restore this modest funding will ensure the demise of a hugely successful program.

Concerns with Federal Forest Health: Lessons Learned from the Little Bear Fire

While the Tribe has worked hard to maintain a healthy forest on our Reservation, Tribal leadership has long-standing concerns about the very dense forest conditions in LNF, which borders our Reservation on three sides. Due to the overly dense and unhealthy condition of the LNF, we have seen the escalation of insect populations, including bark beetles and other defoliators on the Reservation, and have watched as large swaths of USFS forest lands die around us.

It is not too late to remedy this situation. A case in point is the successful stewardship contract that the Tribe entered into with the USFS pursuant to the TFPA. Through the 16 Springs Stewardship contract with LNF, the Tribe treated more than 6,300 acres of LNF lands mostly located along the shared boundary between our Reservation and LNF. Due to the Tribe's efforts, these USFS lands are much healthier than they were. However, there are many thousands of additional acres of dense forest within LNF that remain untreated and continue to threaten the lives and property of Tribal members and the public.

Nature provided us a preview of what will happen if the Mescalero forestry program is allowed to fail. The Little Bear Fire started in a modest way on Monday, June 4, 2012. The initial small fire was caused by lightning in the White Mountain wilderness in LNF. Over the first five days, LNF deployed relatively few assets to contain what it thought was a non-threatening forest fire. Firefighters worked only on day shifts, air tanker resources were not utilized, and helicopter water drops were minimal. On the fifth day, the fire jumped the fire line and high winds turned the fire into a devastating inferno. By that night, the fire had blazed through the Tribal ski area, Ski Apache Resort ("Ski Apache"), and crossed onto Tribal lands. Within two weeks, the Little Bear Fire burned 35,339 acres in LNF, 8,522 acres of private land, 112 acres of state land and 357 acres of the Reservation. The fire also destroyed more than 255 buildings and homes in the region and burned 44,500 acres of prime watershed. The overall estimated cost of the fire, including suppression and damages, exceeded $100 million.

The Little Bear Fire's impacts provided a clear contrast between the healthier tribal forests and much less healthy LNF, demonstrating the need for continued funding of smart fuels management projects and increased funding for Tribal Forestry Management.

In 2008, the Tribe completed an important, cost-effective hazardous fuels reduction project on a portion of the Reservation called Eagle Creek. As the Little Bear Fire moved across the landscape, the previously treated Eagle Creek project area was used as a defensible space to turn the Little Bear Fire away from the steep, densely forested terrain of the North Fork of the Rio Ruidoso and prevented complete devastation of the Village of Ruidoso and its source waters. The Little Bear Fire is proof positive that hazardous fuels reduction projects work.

Many members of the surrounding communities, including our Tribal community, felt that this fire should have been contained and controlled within the first few days after detection. The proximity of the fire to Tribal lands, Tribal infrastructure, the Village of Ruidoso and its location within a New Mexico State priority watershed should have triggered a more aggressive response to suppress the fire. Unreasonable restrictions placed on fire suppression actions within LNF wilderness areas contributed to the failure to immediately suppress the fire using all available resources. Had Mescalero not managed its forest through fuels management projects, the fire would have devastated the Village of Ruidoso.

Mescalero Apache Investments in Lincoln National Forest

As noted above, much of LNF is carved out of the ancestral homelands of the Mescalero Apache. Evidence of our connection to LNF can be found throughout the forest, from rock art to mescal pits to the Apache Trail, which was a prime route

for water in the Sacramento Mountains. These Mountains are home to the Mountain Spirit Dancers, who are holy beings that ensure our well-being.

Since 1960, the Tribe has leased approximately 860 acres of LNF lands under two special use permits to establish, manage, and operate Ski Apache. Ski Apache is located on the northern border of the Reservation. The land is part of the Tribe's aboriginal homelands and is located within the Sierra Blanca Mountain Range, which is sacred to the Mescalero Apache people.

Over the past 60 years, the Tribe has made significant improvements to the Resort. In 2012, the Tribe invested $15 million to triple the ski lift capacity at Ski Apache. In addition, the Tribe invested $2.6 million for non-ski/year-round recreation at Ski Apache. Ski Apache employs 350 people during the ski season and contributes millions of dollars to the local economy.

To protect these investments and our sacred lands, the Tribe has a considerable interest in preventing future wildfires and resulting flooding that would devastate the Resort.

Under the current arrangement, the USFS administers these lands, and LNF has the legal responsibility to respond to emergencies, such as the June 2012 Little Bear Fire. However, it has been the Tribe that has acted as the primary first responder in emergency situations. If the Tribe had not taken the initiative, our assets at Ski Apache would have been lost in the Little Bear Fire.

Ski Apache incurred over $1.5 million to tribal assets within the special use permit area due to the Little Bear Fire. Ski Apache is located at the highest point of the Little Bear Fire. Failure to address flooding at higher elevations would have made rehabilitation at lower elevations less effective. The Little Bear Fire crossed the Reservation line at a key topographic area. There are two major canyons, Upper Canyon and the Eagle Creek area, that start on the Reservation and then lead off the Reservation. Both areas are heavily populated off-Reservation. Because of the volume of trees that were burnt, there was a real danger that resulting flooding would have destroyed buildings, access roads, and existing ski runs. However, due to additional investments and hazardous fuels projects conducted by the Tribe, major flooding was avoided.

Even though the Tribe, as a permittee, is solely responsible for rehabilitation and all costs incurred from the Little Bear Fire, the Tribe first had to gain approval from LNF prior to taking action to begin rehabilitation efforts. However, it took LNF months to respond. While LNF committed to cleaning piles of burned trees, it took over 18 months for that action to occur.

The BIA has a Burned Area Emergency Response ("BAER") team that tried to communicate with the USDA/LNF/BAER team to discuss rehab, especially in the area of these two canyons. However, USDA/LNF/BAER and BIA BAER teams lacked coordination to fight fires and flooding, leaving the Tribe and Ski Apache in the middle and out of the loop.

Little consideration was given to the importance of Ski Apache to the Tribe's and our nearby community's economies. Closure of Ski Apache for a single season would devastate the economies of both the Village of Ruidoso and the Tribe. Despite the importance of Ski Apache, LNF prioritized other areas for fire rehabilitation efforts instead of Ski Apache.

Specific Recommendations to Enhance Tribal Forest Management

The work of Tribal Forest managers nationwide has proven effective to protecting lives and property throughout Indian Country while maintaining the healthiest forests in the nation. In addition, Tribal Foresters, through activities taken on through the Tribal Forest Protection Act, our practices have worked to improve the health of nearby federal forests. To enhance the work of Tribal Forest Management, we make the following recommendations:

- The primary barrier to enhancing Tribal Forest Management is the lack of funding. Tribal forestry programs receive far less funding than our state and federal counterparts. The 2023 Report by the Indian Forest Management Assessment Team acknowledged that "Indian forests [receive] much less forest management funding per acre than adjacent forest landowners." BIA allocations to tribes average only $3.11/acre, while National Forests receive $8.57/acre and state forests in the western U.S. average an astounding $20.46/acre. At one-third to one-tenth of the funding our state and federal counterparts receive, tribes still accomplish vastly more reductions in hazardous fuels and have healthier, functioning forest ecosystems. In addition to greatly reducing wildfire hazard on reservations, tribal land managers have seen forest thinning treatments result in increased water yields despite the current extreme drought situation. However, this work is not sustainable.

RECOMMENDATION 1: We support the IFMAT IV recommendations to increase Tribal Forestry funding by $96 million, increase fire preparedness by $42 million, and establish a separate budget line for tribal forest roads to be funded at $89 million/year. All of this would bring Indian forest funding closer to parity with federal forests.

- Tribal governments are among the largest owners of forest lands in the United States. Of the approximately 56 million acres of federal Indian trust land, more than 18 million acres are forest lands. The Forest Service shares approximately 4,000 miles of boundaries with Tribal lands, and much of the National Forest System and BLM lands were carved out of Indian Reservations and ancestral Tribal government homelands and include lands on which Tribal governments exercise legal treaty rights.

As noted above, it is not enough that tribal forest managers work to protect tribal homelands. Missteps and mismanagement of nearby federal lands can just as easily destroy thousands of acres of adjacent Indian lands. The TFPA is working to improve communication and Tribal government input in federal forestry decision-making, but it has fallen far short. Few federal land management agencies implement Tribal Forest management practices or incorporate Tribal forestry knowledge. In addition, while the TFPA is working to protect adjacent lands, dense and unhealthy forests exist throughout Forest Service and BLM lands—which continues to pose a risk to Indian lands and communities.

RECOMMENDATION 2: While the Biden Administration has attempted to enhance Tribal co-management of federal lands, these policies need congressional authorization to take real effect. Amend the TFPA to establish a Pilot Program to authorize Tribal Co-management of federal lands to incorporate Tribal Forest management practices *throughout* Forest Service and BLM lands to achieve landscape-scale management. TFPA Tribal work should extend beyond adjacent lands, and instead be authorized throughout certain federal Forest Service and BLM lands with which Tribes have proven connections. The contracting tools developed, such as PL 93-638, should facilitate the process of co-management. Legislative language to accomplish a portion of this goal was included in Section 302 of Chairman Westerman's Emergency Wildfire and Forest Management Act of 2016, which passed the U.S. House of Representatives.

RECOMMENDATION 3: Make the 2018 Farm Bill's 638 Tribal Forestry Demonstration Project permanent and dedicate funding to TFPA 638 contracts. Use of 638 authority provides a funding mechanism through the Forest Service to cover the cost of Tribal staff and resources (prior to the 2018 Farm Bill, those costs would have to be covered by the Tribal Nation in question). However, no funding for this purpose was allocated in the 2018 Farm Bill, which has limited implementation of the program.

RECOMMENDATION 4: Federal land management laws provide state and local governments and non-profits to administratively acquire federal lands but fail to permit similar transactions with Tribal governments. To achieve parity and respect for the governmental status of Indian Tribes, Congress should amend these laws to provide the Forest Service and BLM with legal authority to administratively transfer federally managed forest lands back to Tribal governments in situations where such lands are former reservations or encompass ancestral lands.

Conclusion

The Reservation is our permanent homeland. Our lands serve as the groundwater recharge areas for much of south-central and southeastern New Mexico. We cannot allow a century of work to restore forest health and reduce the threat of wildfire to simply fall by the wayside. Congress must work with tribes to find large-scale long-term solutions to this problem to maintain the forestry infrastructure necessary to accomplish a fully integrated forest health treatment program that will help maintain our way of life, create jobs in Indian Country, and sustain the vital watershed for the Apache people and our neighbors.

Mr. TIFFANY. Thank you very much, Councilman Rice.

Next, I would like to introduce Mr. Cody Desautel, President of the Intertribal Timber Council and a member of the Confederated Tribes of the Colville Reservation.

Mr. Desautel, you are recognized for 5 minutes. Welcome back before the Committee.

STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL TIMBER COUNCIL, CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, NESPELEM, WASHINGTON

Mr. DESAUTEL. Thank you, Chair Tiffany.

Hello, Chair Westerman. Good to see you again.

I am Cody Desautel, President of the Intertribal Timber Council and Executive Director for the Confederated Tribes of the Colville Reservation in north central Washington State. On behalf of the ITC and its more than 60 member tribes, I appreciate this opportunity to examine the existing and potential value of Indian forest management nationwide.

I will start by describing some of the authorities and opportunities tribes have for cross-boundary management, and then touch on the challenges, including those documented in the recent IFMAT report.

The most widely used authority to date has been the Tribal Forest Protection Act, or TFPA. TFPA allows tribes to petition the Secretaries of Agriculture and Interior to perform stewardship activities on their lands adjacent to Indian lands. The 2018 Farm Bill expanded TFP authority to include contracting under the Indian Self-Determination and Education Assistance Act. The 2018 Farm Bill also gave tribes and counties the authority to enter into Good Neighbor Agreements, or GNA, with Federal agencies.

However, a technical oversight has restricted tribes from using GNA. A legislative fix to include tribes as eligible partners to use project revenue for restoration services would address this. I appreciate this Committee's work to pass Representative Fulcher's legislation to ensure that tribes can fully participate in GNA.

The Department of the Interior also has a program called Reserved Treaty Rights Lands that funds treatment of adjacent lands with ancestral and reserved treaty rights. This is a competitive grant program that helps tribes protect their natural and cultural resources through restoration projects on non-tribal lands with high wildfire risk. However, funding is limited to $15 million annually.

ITC has worked hard in partnerships with the Forest Service and BLM to ensure that both tribes and Federal land managers are aware of these programs and implement them to improve forest health and resiliency to wildfire. There are many success stories, but also continuing barriers. My own tribe can provide one such example.

In 2014, the Colville Tribe submitted a TFPA proposal for the Sanpoil Project on the adjacent Colville National Forest, which resulted in a TFPA agreement. In June 2023, the U.S. District Court for Eastern Washington ruled in favor of an environmental lawsuit aimed to stop the Sanpoil Project. Despite the technical input and partnership with the Colville Tribes and the need to protect the reservation from wildfire, the court's decision never mentioned my tribe or the TFPA agreement.

This example demonstrates that even when tribes and the Forest Service agree on what is right for the land, a Federal court can

stop years of collaboration and analysis simply based on technicalities. Perhaps Congress can provide additional direction to Federal judges, as it did in the Healthy Forest Restoration Act, to weigh the long-term impacts of inaction versus the short-term impacts of forest management activities.

Indian people suffer most from forest mismanagement at places like Colville, Yakama, and Warm Springs. The national forests are our largest neighbor. Limited suppression resources are often sent to higher-risk Federal forests, allowing wildfire to destroy our resources and impact sources of tribal revenue for generations. For example, the Colville Tribe has seen more than 1 billion board feet of timber burn since 2015, with a current delivered log value of approximately a half billion dollars.

Despite all this, there is no greater partner than Indian Country to bring balance and restore resilience to Federal forests.

Another impediment to getting TFPA and GNA work done by tribes is internal capacity. Many tribes are under-funded to manage their own land, let alone have additional staffing needed to plan large landscape projects on adjacent Federal land. Despite generous funding from Congress to implement TFPA and GNA projects, relatively few have been initiated because of limited tribal capacity. The Tribe would like to work with this Committee and the Administration to find better ways of building tribal capacity to get work done on Federal lands.

The primary finding in this IFMAT report and the three that preceded it are the significant inequities in Federal funding for Indian forest management when compared to other Federal forests, such as the U.S. Forest Service and BLM. The IFMAT report found that budget parity between the BIA-responsible forests, national forest system, and BLM forests would require an additional $96 million per year to the current $56 million per year budget for BIA forestry, and $42 million in additional wildfire funding to the current $120 million BIA budget.

This Committee is vested with oversight of all of these agencies and their budgets. I urge you to engage with the Department of the Interior in a constructive dialogue about how to change the massive funding disparities across federally managed forests.

I also request that the House Natural Resources Committee hold a full oversight hearing on the IFMAT report to ensure that its recommendations are heeded and not forgotten on a bookshelf.

I would like to close by restating Indian tribes across the country stand ready to bring our traditional knowledge and modern expertise to Federal forest management. I appreciate this Committee's continued interest in and support of partnerships with Federal agencies. Thank you.

[The prepared statement of Mr. Desautel follows:]

PREPARED STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL TIMBER COUNCIL & EXECUTIVE DIRECTOR, CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

I am Cody Desautel, President of the Intertribal Timber Council (ITC) and Executive Director for the Confederated Tribes of the Colville Reservation in Washington State. On behalf of the ITC and its more than 60 member Tribes, I appreciate this opportunity to examine the existing and potential value of Indian forest management nationwide.

Background

All of America's forests were once inhabited, managed and used by Indian people. Today, only a small portion of those lands remain under direct Indian management. On a total of 334 reservations in 36 states, 19.3 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians.

Tribes actively manage their forests for multiple uses, including economic revenue, jobs, cultural foods and materials and for other cultural purposes. Catastrophic wildfire can negatively impact all of these uses for multiple generations.

The risk of wildfire to Indian lands is compounded by the thousands of miles of shared boundary with federal agencies, primarily the U.S. Forest Service and Bureau of Land Management. There are countless examples of wildfire spilling over from federal lands onto tribal forests, causing significant economic and ecological losses. These fires regularly pose a risk to human life on Indian lands and have resulted in fatalities.

Available Tools

There are many tools to support cross-boundary forest health restoration work with tribes. The Department of the Interior has a small program called "Reserved Treaty Rights Lands" that funds treatment of adjacent lands with ancestral and reserved treaty rights. This is a successful, competitive grant program that helps tribes protect their natural and cultural resources through restoration projects on non-tribal lands that are at high risk from wildfire.

Congress recognized the need for tribes to work closely with their federal neighbors to reduce the threat of fire across shared boundaries. The result was the Tribal Forest Protection Act ("TFPA"), which allows tribes to petition the Secretaries of Agriculture and Interior to perform stewardship activities on their lands adjacent to Indian lands.

The 2018 Farm Bill not only expanded TFPA authorities but also gave tribes and counties the authority to enter into Good Neighbor Agreements with federal agencies. I appreciate this committee's work to pass Rep. Fulcher's legislation to ensure that tribes are able to be full participants in the GNA program.

The ITC has worked hard, in partnership with the Forest Service and BLM to ensure that both tribes and federal land managers are aware of these programs and implement them to improve forest health and resiliency to wildfire.

There are many success stories, but also continuing barriers. My own tribe, the Confederated Tribes of Colville provides one such example.

For years the Colville Tribes urged the adjacent Colville National Forest to address the forest health problems in in our ancestral lands near the Reservation. Years of fire suppression followed by a lack of forest management activities created areas of overstocked stands that are infested with disease and are now vulnerable to catastrophic fire events. We worked with the National Forest on the Sanpoil Project, which resulted in a TFPA agreement.

In June 2023, the U.S. District Court for Eastern Washington sided with an environmental lawsuit aimed to stop the Sanpoil project. Despite the technical input and partnership with the Colville Tribes, and the need to protect the reservation from wildfire, the court's decision never mentioned my tribe or the TFPA agreement.

This example simply demonstrates that even when tribes and the Forest Service agree on what's right for the land, a federal court can stop years of collaboration and analysis, simply based on technicalities. Perhaps Congress could provide additional direction to federal judges—as it did in the Healthy Forests Restoration Act—to weigh the long-term impacts of inaction (e.g., catastrophic wildfire) versus the short-term impacts of forest management activities.

Another impediment to getting TFPA and GNA work done by tribes is internal capacity. Many tribes are underfunded to manage their own land, let alone have additional staffing needed to plan large, landscape projects on adjacent federal land. Despite generous funding from Congress to implement TFPA and GNA projects, relatively few have been initiated because of limited tribal capacity. The ITC would like to work with this committee and the Administration to find better ways of building tribal capacity to get work done on federal lands.

Reconnecting tribes to their ancestral homelands is not just a matter of righting past wrongs. The removal of Indigenous people from the land and the discontinuation of seasonal lifeways over millennia have had drastic consequences on the land. Indian Tribes want to reverse those negative consequences, and I do not believe significant progress can be made without integrating Indigenous concepts of balance and interconnectedness back to the land.

Tribes hold razor thin threads of knowledge passed through native languages for thousands of years that tie us to places in which our people lived, died, and practiced unique cultures. We are collectively grasping those threads to regain knowledges that help guide our stewardship of our resources.

Indian people suffer most from forest mismanagement. At places like Colville, Yakama, and Warm Springs, the reservations are the largest neighbor of National Forests that were carved from our original homelands. When fires burn, we breathe the smoke. We suffer the loss of wildlife habitat. Our water quality is impacted, our fisheries damaged. Fires from federal lands burn our own lands, destroy our timber resources and impact sources of tribal revenue for generations. For example, the Colville Tribe has seen more than one billion board feet of our timber burn since 2015, with a current delivered log value of approximately $500,000,000.

There is no greater partner than Indian Country to bring balance and restore resilience to federal forests. Yet we, too, are at a breaking point.

IFMAT Report

Unlike any other federal forests, Congress mandates an independent, scientific review of Indian forests and their management. Every ten years, the "Indians Forest Management Assessment Team" (or "IFMAT") prepares and presents a report to Congress and the Administration. The fourth such report was finalized earlier this year and presented to you.

I request that the House Natural Resources Committee hold a full oversight hearing on the IFMAT report to ensure that its recommendation are heeded and not forgotten on a bookshelf.

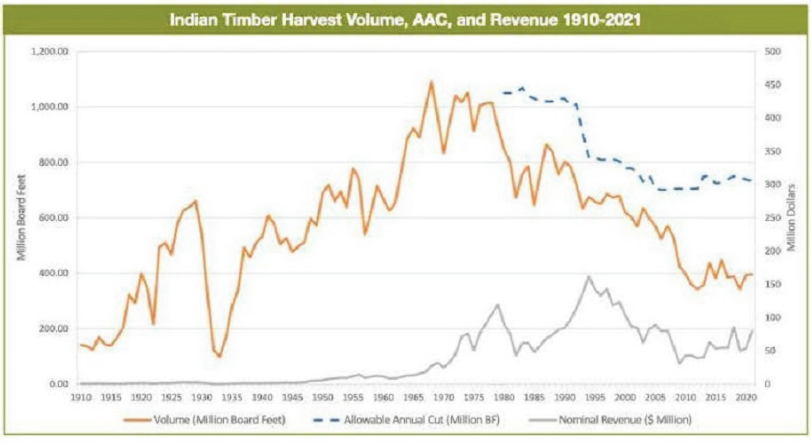
The primary finding of the IFMAT report—and all those that precede it—is the significant inequity of federal funding for Indian forest management versus other federal forests, such as the U.S. Forest Service and BLM.

Based in the IFMAT report's finding, BIA Forestry is funded at about $2.89 per acre for tribes without hazardous fuels funding and $4.89 for those who receive hazardous fuels funding.

Compare that to an estimated $12.24 for National Forest System lands and $41.41 for western Oregon BLM lands. Thus, forests managed by the BIA for tribes receive four times less than the Forest Service and 14 times less than BLM forests.

With respect to wildfire-related funding, the IFMAT report found that BIA receives $3.98 per acre for preparedness—compared to $10.88 per acre for the U.S. Forest Service. The BIA received $2.34 per acre for hazardous fuels reduction, while the Forest Service receives $3.53 per acre. Also, much of this funding is competitive, which makes it difficult to build the capacity needed within tribal programs to treat landscapes at scale with funding uncertainty.

The result of this inequity is catastrophic on Indian communities. The IFMAT report found reduced funding to BIA for forest management resulted in $400 million is foregone timber revenue to tribes between 2010–2019. That means $400 million was not generated to provide essential social, educational, and public safety services to some of the most vulnerable Americans.



The IFMAT report found that budget parity between BIA-responsible forests, National Forest System and BLM forests would require an. Additional $96 million per year for BIA Forestry and $42 million in additional wildfire funding.

This committee is vested with an important oversight of all these agencies and their budgets. I urge you to engage with the Department of the Interior in a constructive dialogue about how to change the massive funding disparity across federally managed forests.

Conclusion

Indian Tribes across the country stand ready to bring our traditional knowledge and modern expertise to federal forest management. I appreciate this Committee's continued interest in and support of our partnership with federal agencies. Thank you for inviting me and my colleagues from other tribes to share our perspective with you.

Mr. TIFFANY. Thank you, Mr. Desautel. Next, I would like to recognize Mr. Michael Skenadore, President of Menominee Tribal Enterprises from my home state of Wisconsin.

Mr. Skenadore, welcome, and you have 5 minutes.

STATEMENT OF MICHAEL SKENADORE, PRESIDENT, MENOMINEE TRIBAL ENTERPRISES, KESHENA, WISCONSIN

Mr. SKENADORE. Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, I would like to thank you for the invitation to provide testimony on opportunities to promote and enhance tribal forest management. My name is Michael Skenadore, and I am the President of Menominee Tribal Enterprises, a wholly-owned entity of the Menominee Indian Tribe of Wisconsin. We are located about 50 miles north and west of Green Bay in Wisconsin.

Since the establishment of our reservation in 1854, my Tribe has practiced sustained yield timber harvesting, a forest management practice where the allowable harvest does not exceed the annual estimated forest growth. As a result, my Tribe has harvested nearly twice the volume of our Menominee forest, but today we have 40 percent more standing timber than when we started managing our forest in 1854. Our methods do work.

Our history. Our harvesting philosophy was first proclaimed by Chief Oshkosh shortly after the formation of our reservation. And he said, "Start with the rising sun and work towards the setting sun. But take only the mature trees, the sick trees, and the trees that have fallen. When you reach the end of the reservation, turn and cut from the setting sun to the rising sun, and the trees will last forever."

We have clear-cut our entire reservation two-and-a-half times using that basic philosophy. This philosophy prioritizes sustainability and preservation by only harvesting weak, sick, and fallen trees, and leaving behind mostly healthy trees to grow, reproduce, and hopefully improve the genetic stock of our forest and improve the quality of our standing timber. As a result, our forest gets healthier and the quality of timber improves over time with mostly assisted regeneration and very limited planting activities.

My Tribe grew and developed our forestry and milling operations with great success. But when Congress terminated its trust relationship with our Tribe in 1954, this period of growth and prosperity came to a halt, and we were thrust into poverty. After tireless advocacy by our tribal leadership and the support of President

Nixon, Congress later restored our nation-to-nation relationship in 1973, recognizing the partnership between our Tribe and the United States in managing our forest resources.

Today, Menominee Tribal Enterprises still embodies the philosophy of Chief Oshkosh while incorporating the latest scientific developments and technology into our practices. One example is the use of drones to help us identify trees suffering from oak wilt, so that our loggers can remove them before they infect other trees. Our fuels team uses the modern practice of mechanical mastication, but also the traditional practice of controlled burns, an ancient practice our ancestors understood for millennia to remove material that could cause wildfires, but also to provide beneficial habitat for traditional medicines, plants, and forest regeneration.

Our sustainable forestry practices have been documented and recognized worldwide by the Forest Stewardship Council, the *New York Times*, and the Princeton Ecological Review, and many others.

The future of our forests. Despite our successes, we still face challenges that the United States, our trustee and partner in forest management, must help us to overcome. While controlled burns are widely used, our non-tribal neighbors often do not understand, and fear the practice. We actually have the Wisconsin DNR that tells us not to burn on our tribal lands because they do not understand the practice.

Congress must appropriate funds to support efforts to increase education on controlled burns and their important role in forest management. Our increased reliance on technology requires expanded internet available and computer processing power. We urge this Subcommittee to support our efforts to continue investing in tribal broadband infrastructure and future funding practices. It is critical that we develop trained and educated foresters, ecologists, IT specialists, and loggers essentially to managing our forest.

I thank you again for the invitation to provide testimony on opportunities to promote and enhance tribal forest management. I look forward to answering any questions you have.

[The prepared statement of Mr. Skenadore follows:]

PREPARED STATEMENT OF MICHAEL SKENADORE PRESIDENT, MENOMINEE TRIBAL ENTERPRISES

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the invitation to provide testimony on opportunities to promote and enhance Tribal forest management. My name is Michael Skenadore, and I am the President of Menominee Tribal Enterprises, a wholly-owned entity of the Menominee Indian Tribe of Wisconsin. Since the establishment of our 235,000 acre reservation, which is 93 percent forest, my people have practiced sustained yield lumber harvesting, a forest management practice where the allowable harvest does not exceed annual forest growth. After nearly 170 years of sustainable forestry, my Tribe has harvested nearly twice the forest's former volume of timber, but has 40 percent more standing wood than when we started.

Our History

Our harvesting philosophy was first proclaimed by Chief Oshkosh shortly after the formation of our reservation in 1854. Chief Oshkosh said,

> *Start with the rising sun and work toward the setting sun, but take only the mature trees, the sick trees, and the trees that have fallen. When you reach the end of the reservation, turn and cut from the setting sun to the rising sun, and the trees will last forever.*

Chief Oshkosh's philosophy of forest management prioritizes sustainability and preservation by only harvesting weak, sick, and fallen trees and leaving behind healthy trees to grow and reproduce. As a result, the forest gets healthier and the quality of wood improves over time, without having to plant a thing.

In 1908, a significant wind event downed millions of feet of timber on our reservation. In response, the Bureau of Indian Affairs (BIA) established three sawmills on the reservation to process the downed timber into boards—the last of the original three mills is still standing and in operation in Neopit, Wisconsin. My Tribe grew and developed our forestry and milling operations with great success. But like over 100 of our fellow Tribal Nations, the Termination era brought this period of growth and prosperity to a screeching halt: Congress terminated its trust relationship with our Tribe in 1954.[1] The Menominee Termination Act devastated the Tribal economy and bankrupted Menominee Tribal Enterprises as the business struggled to maintain the reservation's land base. After tireless advocacy by our Tribal leadership, Congress later restored our nation-to-nation relationship in 1973,[2] recognizing the relationship between our Tribe and the United States as partners in managing our reservation's forest resources.

Our Forest Management Practices

Today, Menominee Tribal Enterprises still embodies the philosophy of Chief Oshkosh while incorporating the latest scientific developments and modern technology into our practices. We have seven departments with unique responsibilities, and each department makes decisions based on what is best for the forest—not people, or profit. For example, our Harvest Preparation team surveys thousands of acres of forest annually and identifies sick and old trees that are more than ten inches in diameter for harvesting. Our loggers then wait until winter, when the ground is frozen, to harvest the trees, so that the logs do not damage the ground.

Our Fuels team uses controlled burns, an ancient practice our ancestors understood thousands of years ago, to burn undergrowth and logging leftovers at the start of the summer. This practice, now recognized by the U.S. Forest Service[3] (USFS) as an environmental resilience strategy, removes material that could cause wildfires. These burns also clear small spaces of the forest to assist in the growth of oak trees, which require plenty of sunlight, and increase fertile ground to support berries and other wild gatherable resources.

Though we still abide by the foundational principles and practices established by our ancestors, we incorporate science and technology to effectively manage our forest. Drones help to identify trees suffering from oak wilt, a fungal disease, so that our loggers can remove them before they infect other trees. Geographic information system (GIS) mapping allows our foresters to identify and monitor forest cover types, forest soil types, forest harvest compartments, known archeological/historic sites where logging is prohibited, and the spread of disease and pests throughout the forest. Light detection and ranging (LIDAR) and other flyover technologies allow our foresters to view the impact of human activity on the forest floor, such as by identifying burial locations and village sites.

Our forestry practices are integral to our Tribal culture. My people tap maple trees for syrup each spring, gather medicinal plants like bitterroot and ginseng, and use our wood resources for traditional crafts, such as basketry and canoes. On the business side, for which I am responsible, our lumber sales account for approximately 50 percent of our Tribe's economic activity. We employ 125 full-time staff, most of whom are Tribal members.

Our sustainable forestry practices have been recognized worldwide. The Menominee Forest was one of the first to receive certification from the Forest Stewardship Council after its formation in 1993. A 2018 study by researchers at the University of Wisconsin-Madison and Dartmouth College demonstrated that our forestlands "exceed nontribal lands in measures of ecological function (biomass, carbon storage, and plant diversity) and the criteria commonly used to assess forest sustainability (sustained yields, forest stature, and diversity, natural regeneration success)."[4] And journalists have come from around the world to document our forestry for

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[1] Pub. L. No. 83-399, 68 Stat. 250 (June 17, 1954).
[2] Pub. L. No. 93-197, 87 Stat. 770 (Dec. 22, 1973).
[3] *See* U.S. Forest Serv., *National Prescribed Fire Resource Mobilization Strategy* (2023), https://www.fs.usda.gov/sites/default/files/2023-06/Rx-Fire-Strategy.pdf.
[4] Donald M. Waller & Nicholas J. Reo, *First Stewards: Ecological Outcomes of Forest and Wildlife Stewardship by Indigenous peoples of Wisconsin, USA*, 23 Ecology & Soc'y, no. 1, at 11 (2018).

publications like the New York Times,[5] Yale Environment360,[6] and Orion Magazine.[7]

The Future of Our Forest

Despite our highly successful forestry practices, we still face challenges that the United States, as our trustee and partner in managing our reservation forest, must help us overcome. This section outlines some of the most pressing issues we face and what Congress can do to ensure that our forest continues to thrive for generations to come.

- While controlled burns have received more widespread recognition, our non-Tribal neighbors often do not understand and fear the practice. This is unsurprising, as federal and state laws criminalized and stigmatized controlled burns for decades. Now that the practice is recognized as a critical component of forest stewardship and wildfire prevention, Congress must appropriate funds to support efforts to educate residents of land adjacent to forests about controlled burns and their important role in preservation and preventing wildfires.
- Our increased reliance on drones, GIS mapping, LIDAR, satellite imagery, and other airplane flyover technology requires expanded computing power and Internet availability to support these data intensive practices. The Menominee Indian Tribe received $500,000 from the Tribal Broadband Connectivity Program[8] to deploy a middle-mile and Fiber to the Home network in rural areas of the reservation. We know firsthand the impact that Congressional infrastructure investments can have on Tribal communities, and we urge this Subcommittee to support efforts to build on these investments in future funding packages.
- A trained and educated workforce is essential to managing our forests. We need to employ foresters, ecologists, and IT specialists to ensure we are leveraging cutting-edge science and effectively using the latest innovations in forest management. In addition, we need additional investments in workforce development to attract young people to our work, improve forestry education, and preserve our forestry philosophy and practices. This Subcommittee should support efforts to fund our Tribe's outreach programs to middle and high schools, paid forestry internships for college and graduate students, and post-doctoral study opportunities.
- Menominee Tribal Enterprises frequently hosts budding forest management professionals, including those employed by the federal government, to learn our forestry practices and sustained yield philosophy. Our Fuels team often travels the United States to share its expertise in controlled burns. Most of this education is uncompensated. We deserve fair compensation for sharing this proprietary knowledge, and this Subcommittee should direct the BIA and other federal agencies to enter funding agreements with our Tribe when federal employees are sent to the Menominee forest for training. We also urge this Subcommittee to support efforts to establish grant programs that could support our forest management education.
- As the Congressional Research Service detailed in its October 5, 2020 report, the Good Neighbor Authority allows states, counties, and Tribes to enter into a Good Neighbor Agreement (GNA) with the USFS or Bureau of Land Management (BLM) to perform forest, rangeland, and watershed restoration work on the federal land managed by those agencies.[9] As also detailed in the report, in 2018, Congress specified that, through Fiscal Year 2023, funds received by a *state* through the sale of timber under a GNA may be retained and used by a *state* on additional GNA projects. However, no such provision exists for Tribes or counties. Providing parity for Tribes and counties could make these GNAs more attractive to enter into. There is federal forest land

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[5] Cara Buckley, *The Giving Forest*, N.Y. Times, Apr. 27, 2023, https://www.nytimes.com/2023/04/22/climate/menominee-forest-sustainable-earth-day.html.

[6] Fred Pearce, *Tree Keepers: Where Sustaining the Forest is a Tribal Tradition*, Yale Env't360, July 24, 2023, https://e360.yale.edu/features/menominee-forest-management-logging.

[7] Alexandra Tempus, *The People's Forest: How the Menominee Are Facing Climate Change*, Orion Mag., Dec. 30, 2018, https://orionmagazine.org/article/the-peoples-forest/.

[8] *Round One Award Recipients: Tribal Broadband Connectivity Program*, Nat'l Telecomm. & Info. Admin., https://broadbandusa.ntia.doc.gov/funding-programs/tribal-broadband-connectivity/award-recipients#M (last visited Nov. 28, 2023).

[9] Anne A. Riddle, Cong. Rsch. Serv., IF11658, *The Good Neighbor Authority on Federal Lands* (2023), https://crsreports.Congress.gov/product/pdf/IF/IF11658.

adjacent to the Menominee forest, and my Tribe would be very interested in bringing our cutting-edge practices to our neighboring federal lands under a GNA.

As such, we would like to thank Representative Fulcher for introducing bipartisan legislation (H.R. 1450, the "Treating Tribes and Counties as Good Neighbors Act"[10]) which seeks to address this problem by extending the ability to retain timber receipts from GNA projects to Tribes and counties for additional restoration projects.[11] This legislation would also improve cross-boundary restoration work by allowing restoration projects to occur on non-federal lands as well as federal lands.[12]

As a member of the Intertribal Timber Council (ITC), our Tribe echoes the testimony of ITC President Cody Desautel before this Subcommittee on May 23, 2023.[13] In addition, we would like to thank this Subcommittee for expeditiously holding the hearing, both the House Natural Resources Committee and the House Agriculture Committee for unanimously reporting this legislation out, and the whole House of Representatives for passing it by an overwhelming bipartisan majority on a voice vote. Finally, we would like to thank Senator Risch for introducing the companion legislation in the Senate as S. 697.[14] We urge the Senate to expeditiously pass this bipartisan, commonsense legislation to provide parity for Tribes and counties under the Good Neighbor Authority.

- As a member of the ITC, our Tribe also echoes the findings of the 2023 Assessment of Indian Forests and Forest Management in the United States[15] and encourages this Subcommittee to review and support the recommendations outlined in the report. Pursuant to the National Indian Forest Resources Management Act,[16] this assessment of Indian forest lands and management practices is produced every ten years through a cooperative agreement between the BIA Division of Forestry and the ITC. The 2023 report is the fourth of its kind and offers recommendations to improve the U.S. government's management of Indian forest lands. In particular, we emphasize the importance of increasing BIA forestry funding to achieve parity with the USFS and BLM, clarifying federal responsibilities in forestry co-management, and addressing immediate threats to Tribal forests, such as wildfire resiliency, staff training and workforce development, and education on controlled burns. The Subcommittee should examine the annual budget requests for forest management and fire management across the Department of Agriculture and the Department of the Interior for discrepancies in funding between Tribal forests and federal forests, and demand parity.

Conclusion

Thank you again for the invitation to provide testimony on opportunities to promote and enhance Tribal forest management. The Menominee Indian Tribe of Wisconsin looks forward to continuing to work with this Subcommittee to advance the priorities articulated in this testimony, preserve the Menominee forest for generations to come, and advance sustained yield forestry practices throughout the United States.

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[10] Treating Tribes and Counties as Good Neighbors Act, H.R. 1450, 118th Cong. (2023).

[11] H.R. Rep. No. 118-168, pt. 2, at 3 (2023), https://www.congress.gov/118/crpt/hrpt168/CRPT-118hrpt168-pt2.pdf.

[12] *Id.*

[13] *Legislative Hearing on H.R. 188, H.R. 932, "Treating Tribes and Counties as Good Neighbors Act", "Continued Rapid Ohia Death Response Act of 2023", "FIRESHEDS Act", "Direct Hire to Fight Fires", "Emergency Wildfire Fighting Technology Act of 2023", "Fire Department Repayment Act of 2023" and "Forest Service Flexible Housing Partnerships Act of 2023" Before the Subcomm. on Fed. Lands of the H. Comm. on Nat. Res.*, 118th Cong. (2023) (testimony of Cody Desautel, President, Intertribal Timber Council), https://naturalresources.house.gov/uploadedfiles/testimony_desautel_.pdf.

[14] Treating Tribes and Counties as Good Neighbors Act, S. 697, 118th Cong. (2023).

[15] Fourth Indian Mgmt. Assessment Team, Intertribal Timber Council, *Assessment of Indian Forests and Forest Management in the United States* (2023), https://www.bia.gov/sites/default/files/media_document/ifmat_iv_report.pdf.

[16] 25 U.S.C. § 3111(b).

Mr. TIFFANY. Thank you, Mr. Skenadore. Now I would like to recognize Ms. Dawn Blake, Director of the Yurok Tribal Forestry Department.

Ms. Blake, welcome. You have 5 minutes.

STATEMENT OF DAWN BLAKE, DIRECTOR, YUROK TRIBAL FORESTRY DEPARTMENT, KLAMATH, CALIFORNIA

Ms. BLAKE. Chairman Tiffany, Ranking Member Neguse, members of the Subcommittee, thank you for inviting me to speak on behalf of Yurok Tribe Forestry Department. My name is Dawn Blake. I am an enrolled member of the Hoopa Valley Tribe and a Yurok descendant. I became the Yurok Tribe Forestry Director in February 2021.

My expertise in forest ecosystems started with my study of pileated woodpeckers. Woodpeckers are considered ecosystem engineers because they provide habitats for themselves and other animals, in part, by creating cavities in trees. Their presence and activity influenced the entire forest ecosystem.

Native people are also ecosystem engineers. Fire management clears the way and invites other animals and species into the forest. Prohibition of placing low-intensity fires on the ground has prevented us from fulfilling this ecosystem role in the forest and initiating some of these long processes, such as snag development and cavity development. This has been our battle cry for decades, and while prescribed fire is happening again, Native people do not have control over the process.

Fire management must return to tribal hands. Right now, burns are overly reliant on the BIA and other agencies. This creates a backlog of forest acres that should burn, including site preparation acres that allow for reforestation. We have dedicated significant time and resources to professional development and increasing qualifications for tribal members. We are capable and ready to step up. I strongly urge those who oversee prescribed fire to recognize this local expertise.

Tribes also benefit from broader access to the forest. The tribes that I am affiliated with manage their land for multiple beneficial uses, including food and medicine. But we should continue to expand access and use.

Our culture is inextricably linked to the land, and we need prescriptive solutions to enhance our culture and provide for a higher quality of life and human resilience.

There are also funding issues that could be resolved. Tribes often need capital to complete projects and currently work on a reimbursement basis. However, reimbursement processes can be lengthy. For example, in these authorities that we are talking about, funds transferred from agencies like the Forest Service to the BIA, then make the funds available to the tribe. This takes a lot of time for the tribe to track down those funds as they go into the IFLA accounts. It would be better to have a mechanism for a direct transfer from the agencies to the tribes in these cases.

Checkerboard jurisdictions. Our issues created by burdensome land transfer processes should also be addressed. The Yurok Tribe has both lands held in trust as well as fee-simple land awaiting trust status. The fee-simple land is more difficult to manage, and

subject to state jurisdiction different from Federal trust lands. This is an issue for the Tribe, which sometimes has fee-simple land positioned next to trust lands. Both areas have the same land use, but are subject to different jurisdictions. This increases vulnerability to lawbreakers, creates compliance issues, and complicates management.

Frustratingly, the jurisdiction issues remain a problem throughout the several years it takes for the land to be taken into trust. One suggestion to ease this burden is for Congress to adopt language that includes tribal ownership as tribal land in fee simple, awaiting to be taken into trust.

My effort as Director is more than just a job to me. It is a passion that reflects both my personal beliefs and culture. I appreciate working for a tribe that leads with its values. I hope to pass on my experience not just from a scientific perspective, but culturally.

In my last 12 seconds I would like to veer from my script and just say that I dedicate my life and my career to increasing the health of my people in body, mind, and spirit, and I think that what we are talking about in forest health is really directly correlated to the health of the people who depend on that land, as well. Thank you.

[The prepared statement of Ms. Blake follows:]

PREPARED STATEMENT OF DAWN BLAKE, DIRECTOR OF THE YUROK TRIBAL FORESTRY DEPARTMENT

I. Introduction

Chairman Tiffany, Ranking Member Neguse, members of the Subcommittee, let me express my sincere thanks to you for inviting me to speak on behalf of the Yurok Tribe's Forestry Department about the important issues involved in forest land management.

My name is Dawn Blake. I am an enrolled member of the Hoopa Valley Tribe and a Yurok descendant. I became the Yurok Tribe Forestry Director in February 2021. In September 2022, I was appointed to the California State Board of Forestry of Fire Protection.

Prior to becoming Director of the Forestry Department, I spent 20 years as a wildlife biologist for the Hoopa Tribe's Forestry Department. As a biologist, I helped with various projects within the wildlife department, including the long-term demographic study of spotted owls (*Strix occidentalis*), known fate study of Pacific Fisher (*Pekania pennanti*), and my own study of pileated woodpeckers on the Hoopa Valley reservation. Additionally, I assisted with the capture and processing of spotted owls, fishers, bears, bobcats, mountain lions, and salamanders.

I have also participated on the Tribe's Interdisciplinary Team for sales, including timber sales, and for Forest Management updates. In 2020 I developed a team and carried out a Natural Resources Symposium for the local region highlighting some of the great works of the local tribes for restoration and conservation.

My testimony will cover the following five main points: (1) the role of Native American people as ecosystem engineers; (2) the importance of relying on Tribe's expertise in managing prescribed burnings to improve forest health; (3) expanding forest access and tribal management power; (4) funding issues exacerbated by burdensome administrative processes; and (5) complications related to checkerboard jurisdiction.

II. Natives Americans are Ecosystem Engineers

My expertise in forest ecosystems started with my study of pileated woodpeckers. Woodpeckers provide habitats for themselves and other animals, in part, by creating cavities in trees. Their excavation of these holes and presence in the ecosystem furnishes important habitats for a multitude of other animals to use the forest. They are considered ecosystem engineers. The cavities that woodpeckers place on the landscape are relative to their body size from 3 in downy woodpeckers to 24 in

pileated woodpeckers. For example, large mesocarnivores, such as fishers, use cavities that pileated woodpeckers place on the landscape. Each cavity has the capability to host a suite of animals throughout the forest.

In many ways, the native people are also ecosystem engineers. Our forest management takes a holistic approach. The role we play in the forest can welcome and improve the success of other animals within the requisite proximity. Every species here evolved with fire by way of native management of our respective spaces. The residual tress in this region still represent that management. Large diameter hardwood and conifers that are becoming uncommon on the landscape embody the effects of low intensity fire management. We do not know what the next recruitment of trees will look like in the absence of this management or the effect of the dependent humans and animals. Cavity dwellers and fire management go hand in hand. The prohibition of placing low intensity fires on the ground in regular intervals has prevented us from fulfilling an essential part of our jobs as ecosystem engineers. Now many of these cavity dwelling species are in peril because fire has been excluded for the last 100 years.

Prescribed fire is the most efficient way to reduce fuels and to treat acreage. The number of acres that need to be treated throughout the country to discourage uncontrollably high intensity fires is daunting. And the current method for doing this is becoming antiquated and is unable to sustain the scaling necessary.

This has been our battle cry for many decades and while we are finally being heard, and prescribed fire is happening again, the native people do not have much control over the process. The California legislature recognizes cultural practitioners as burn bosses. A similar framework at the federal level would be beneficial to tribal people and the ecosystem.

It is not only a critical time in traditional ecological knowledge, but culturally as well. I burned my grandmother's basketry patch with her when I was 13. She did this on an annual basis to ensure she had sticks for her baby baskets. That was in the 80's. As she aged out of active management, her basketry material areas have been unmanaged, while simultaneously her type of burning has increasingly been criminalized and deemed as arson. We are now at a place in time where local expertise is in peril as many of the threatened and endangered species of our forests also are.

III. Fire Management Must Rely on Native Expertise

Fire management must come back to Tribal hands, at least for the tribes with capacity and expertise to manage it. The Hoopa and Yurok tribes have dedicated significant time and resources to professional development and increasing qualifications for Tribal Members. Now, multiple Tribal individuals can navigate federal agencies and conduct conversations around the same science-based systems.

However, the process for implementing a successful burn is arduous and overly reliant upon the BIA and other federal agencies. This creates a tremendous backlog in forest acres that are slated to burn, even site preparation is backlogged in this process, and there are so many other reasons to prescribe fire for community protection, culture, and forest health. Even though not every tribe's capacity to manage prescribed fire is identical, they are nonetheless regulated identically. This undermines the decades that we have dedicated to raising our qualifications to someday prescribe fire on a large scale or prescribe fire at all. Jurisdiction resides with federal agencies. Our ability to develop and apply our local expertise is stymied. At the same time, those who oversee prescribed fire ***must*** rely on the local expertise to efficiently manage intensity.

Likewise, when I caught woodpeckers, I knew when the conditions were correct, even though I was not able to scientifically list or catch the variables that would make a successful capture event. There was a feeling about it that I was sure of. I have had the great pleasure to have witnessed a local expert in action, and he has a great sense of the conditions and exactly the way a fire will burn. Then, the fire behaves as he said. Local expertise is invaluable and encourages safe practices.

IV. We Must Expand Forest Access and Tribal Management

The current framework facilitating formal agreements between tribes and federal agencies related to land management is a great starting point but could be improved. The framework has successfully given ease to partnership for the goal of reducing forest threats that might affect tribes and resources on Tribal land. Historically, the agreements tend to focus on fuel reduction projects. However, while fuel reduction is a worthy cause, we must also consider other causes.

For instance, tribes benefit from broader access to the forest for food and medicine. The tribes that I am affiliated with manage their land for multiple beneficial uses in addition to timber production, but some tribes do not have that ability and

have lost access to the forest. Of all ethnic groups, Natives have the lowest age of mortality. Although this issue is multifaceted, certain forest management goals can provide health benefits. Some tribes are missing some of the food sources that were integral to their wellbeing over the last 50–100 years. That is a trust responsibility issue that can be supported by several federal agencies. Now that native people are nearly wholly reliant on packaged foods, and many reservations are considered food deserts, increasing the ability for natives to access the forest for food and medicine, provided by forest management, is vital.

Our culture is inextricably tied to the forest, and the ability to weigh into decision making action within our ancestral footprint can provide opportunities for human resilience. This concept is most easily demonstrated in youth initiatives. Our children have naturally high ACES scores and provide them with resilience despite their traumas. As I've learned in Trauma Care Training, you cannot change the experience of children, but you can provide them with resilience. The most efficient way to do so is through culture. We have seen the extraordinary success of individuals through these types of initiates who have flourished in their lives and careers, but who would otherwise seemingly be on a fast track to prison.

In many cases these are lands within the ancestral footprint. Getting to co-management rather than co-stewardship will be a great endeavor. Co-stewardship has materialized as Tribes essentially being contractors for the federal agencies.

V. Funding Issues

Although the relationship building between tribes and the federal government has been positive, there are some issues that could be resolved, especially when it comes to funding. Tribes often need capital to complete projects, and work on a reimbursement basis. However, the reimbursement process can be lengthy and inefficient.

For example, Forest Services first transfers funds to the BIA, who in turn make funds available to tribes. However, tribes must follow up with BIA frequently. This process is cumbersome for tribes and diverts resources away from other priorities. If there were a mechanism for the transfer of funds directly from agencies to tribes, that would be better for tribes.

Additionally, the Inflation Reduction Act and Bipartisan Infrastructure Law have provided funding for much needed projects. Lack of internal personnel to carry out necessary tasks sometimes makes it difficult to commit to funding. Consequently, we have lost out on opportunities that the Tribe has need for. It would be beneficial for the federal government to consider alternative funding processes. For example, the government could consider delivering funding to tribes in a similar manner that they are delivered to states.

VI. Complications with Checkerboard Jurisdiction

Checkerboard jurisdiction issues created by burdensome land transfer processes should be addressed and simplified. Tribes have been getting land back, both through initiatives and through tribal constitutional goals. The Yurok Tribe is no different and has both land held in trust and fee simple land awaiting trust status.

Ultimately, this is a great feat that moves the tribe in the right direction. However, the lands in fee simple are more difficult to manage and subject to a different jurisdiction than trust land. This has been an issue for the Yurok Tribe, which sometimes has fee simple land positioned next to trust land. Both areas have the same land use but are subject to different jurisdictions—state jurisdiction for the fee simple land and federal jurisdiction for trust land. This makes newly acquired land vulnerable to lawbreakers, difficult to manage for beneficial use, and expensive in the interim.

To make matters more frustrating, the process for taking fee simple land into trust is lengthy, often taking multiple years to complete. All the while, the jurisdictional issues remain. There are several solutions for this. One suggestion is to adopt language that would include tribal ownership as tribal land in fee simple awaiting to be taken into trust.

VII. Conclusion

At a young age, I recognized the great affinity that my people have for woodpeckers. They are represented in our tribal regalia and given great reverence and appreciation. When I was a young mother of a red-headed son, he was regularly referred to as pileated and acorn woodpecker in both the Hoopa and Yurok language by my elders. Eventually, I went on to develop my own affinity for the bird. That affinity turned into a career of service and commitment to improving the conditions of wildlife and the forest.

My effort as director is more than just a job to me, it is a passion that reflects both my personal beliefs and culture. It is the only career I have known; a career

that has allowed me to raise and teach my four children, and I appreciate being able to work for a Tribe that leads with its values. I hope to pass down my experiences, not just from a scientific perspective, but culturally, too. To do my part in maintaining a continuum of traditions, food sources, and to preserve the bond between tribal members and our inherent cultural core.

Mr. TIFFANY. Thank you, Ms. Blake. Finally, I would like to recognize Mr. Phil Rigdon, the Vice President of the Intertribal Council, and a member of the Yakama Nation.

Mr. Rigdon, welcome back. You have 5 minutes.

STATEMENT OF PHIL RIGDON, VICE PRESIDENT, INTERTRIBAL TIMBER COUNCIL, YAKAMA NATION, TOPPENISH, WASHINGTON

Mr. RIGDON. Thank you, Chairman Tiffany, Ranking Member Neguse, Chairman Westerman, and the distinguished Subcommittee members. I am Phil Rigdon.

My Indian name is Shiakul, Inme Waniksha Shiakul. I am an enrolled member of the Yakama Nation from south central Washington State. I serve as the Vice President of the Intertribal Timber Council, and I appreciate the opportunity to share some of Yakama Nation's success and challenges in forestry, and priorities for improvement to Federal policies with respect to the management of tribal forest lands.

Yakama Nation Reservation consists of approximately 1.4 million acres, of which 650,000 acres is forest and woodlands. These lands provide our way of life with water, food, medicine, spiritual values, employment, and revenue. We operate modern, innovative, and comprehensive natural resource programs premised on our connectedness among the land, resources, and our people. For example, when we look at managing a piece of land, we are not just looking at one resource. We are thinking about our timber, habitat for our foods such as deer, elk, the roots, the berries, protection of our water that support our salmon, our way of life.

So, as we have managed our forests, there are many challenges that we face. And with respect to that, we are very proud of what we have accomplished on our land itself, and it is an important part of who we are. But one of our main challenges is the inability to have the necessary workforce to meet the needs of our land and our people. We are fortunate with the conversation going on here as we expand out and look at doing work on adjacent forests. But it is an important role to play and to what we are trying to see within just what is happening on our reservation.

Last year, the BIA only completed one timber sale at the Yakama Nation. Under the National Indian Forest Resource Management Act and implementing regulations, express trust duties were established for Federal management of Indian forests. Unfortunately, due to the workforce challenges and lack of funding, the BIA Forestry Program at the Yakama Nation has failed to hire many dozens of vacant forestry positions for more than a decade.

This neglect, evident via a profound lack of staffing in the BIA Forestry Program, has forced the Yakama Nation to accept lost revenue, as well as put our forest infrastructure at risk, through sheer

neglect. This is a fundamental breach of the United States' fiduciary trust responsibility owed to the Yakama Nation. Jobs are threatened, Yakama members are losing trust revenue that we should be receiving through a viable timber economy.

As recommended by the most recent Indian Forest Management Assessment Team Report, improved management by the BIA and more funding and resources along with educational and training programs are needed to ensure Federal programs can fulfill its fiduciary duties. Tribal lands must be appropriately prioritized to respond to and recover after wildfires. We need to see those things such as in 2015, when the Cougar Creek Fire burned over 50,000 acres, most of it on our reservation that hit some of our most productive forest lands.

It is important to note that Yakama Forest Products was founded in 1985. It is the second-largest tribal enterprise employer on the Yakama Reservation, providing 220 living-wage jobs in the poorest county in Washington State. However, without better forest management and modernization of our mill, Yakama Forest Products will be forced to curtail its employment and could be forced to shut its doors. Hundreds of livelihoods are at stake.

The inability of the BIA to adequately supply us with enough logs annually is having an impact on our ability to secure long-term financing for our mills, despite aggressively pursuing bank financing, Federal grant opportunities, and tax incentives. Modernizing our mill is crucial. Forest infrastructure is crucial for the work that we are doing jointly on adjacent lands, but critical for what is happening on the reservation.

Even with these challenges, Yakama Nation is trying to meet our forest needs and our innovative approaches. An example would be the LiDAR-Assisted Single Tree Forest Inventory. In collaboration with the BIA, this project utilizes LiDAR imagery and inventory plots to create an accurate inventory database at a single tree level. Implementing this ground-breaking approach assists us in making better forest management decisions, and is currently being utilized to modernize the Yakama Nation's forest management plan.

Furthermore, the Tribal Forestry Program has used this LiDAR inventory to complete a fire risk analysis across our landscape. This analysis is assisting us in prioritizing fuels and forest health treatments that will provide more resilience to insects, disease, and catastrophic fire.

Thank you for this opportunity to testify about the many opportunities and challenges we face within tribal forest management and also the leadership that tribes, I believe, are doing with the active management that we do across our landscape. Thank you.

[The prepared statement of Mr. Rigdon follows:]

PREPARED STATEMENT OF PHIL RIGDON, SUPERINTENDENT, DEPARTMENT OF NATURAL RESOURCES, YAKAMA NATION & VICE-PRESIDENT, INTERTRIBAL TIMBER COUNCIL

Chairman Tiffany, Ranking Member Neguse, and distinguished subcommittee members, I am Phil Rigdon, a proud member of the Yakama Nation, Natural Resources Superintendent for the Yakama Nation in south-central Washington State, and I also serve as Vice-President of the Intertribal Timber Council (ITC). I appreciate this opportunity to share some of the Yakama Nation's successes and challenges in forestry and priorities for improvements to federal policies with respect to the management of tribal forest land.

The Yakama Nation Reservation consists of approximately 1.4 million acres, of which approximately 650,000 acres is forest and woodlands. These lands provide our way of life with water, food, medicine, spiritual values, employment, and revenue to the Yakama Nation. We operate modern, innovative, and comprehensive natural resource programs premised on connectedness among the land, resources, and people. For example, when we look at managing a piece of land, we're not just looking at one resource. We're thinking about the timber value, habitat resources for our deer and elk hunters, impacts to water quality where salmon live, and so forth.

I believe the Indian forest management approach is well balanced and allows for forest management practices that can emphasize several important categories and uses including primitive, general, recreation, traditional use, winter wildlife habitat and riparian areas. It is more focused on conservation of a resource than prohibition of an activity. We protect our resources; yet we understand that utilization is essential to sustain the health of our forests and meet and sustain economic, ecological, and cultural values. We rely on our forests to provide employment and entrepreneurial opportunities and to generate income needed to care for the land and provide services for our communities.

Indian Forest Management Assessment Team Report

Unlike any other federal forests, Indian forests and their management, under the directive of the National Indian Forest Resources Management Act of 1990, are reviewed by an independent scientific panel every ten years. Earlier this year, for the fourth time since 1994, the Indian Forest Management Assessment Team (IFMAT) issued a report. A team of nationally known experts in forest management conduct the assessment and prepare this report for Congress. Among other conclusions, IFMAT IV found that tribal forestry departments are underfunded and understaffed compared to their neighbors and high stand density conflated with limited processing infrastructure has created complex forest health conditions. Specifically the report notes that, "for the fourth time the IFMAT analysis finds Indian trust forest lands funded at about a third per acre of comparable federal forests." The report also found that annual timber harvests are only 50% of the allowable levels under tribal forest management plans, resulting in tens of millions of dollars in lost annual revenue and employment opportunities for tribal communities and deteriorating forest health. We hope that Congress will take a serious look at this report and act on its recommendations.

Tribes partnering with federal agencies for forest management on adjacent lands

Many tribes, including the Yakama Nation, retain off-reservation treaty rights on ceded lands that became National Forests. Catastrophic wildfire on these forests directly and negatively impacts tribes. Since those retained rights are tied to specific areas by treaty, executive order, or agreements with the federal government, tribes are disproportionately impacted when those areas are devastated by wildfire. Even with effective treatments on our own lands, severe wildfires from adjacent federal lands inflict significant damage and economic cost to tribal forests and resources.

As you know, authorities provided by the Tribal Forest Protection Act (TFPA) allow tribes to petition the Secretaries of Agriculture and Interior to conduct projects on federal land to reduce threats to adjacent tribal lands, trust resources, and values—including ecological, cultural or archaeological sites. The 2018 Farm Bill contained important expansions of TFPA authorities and also gave tribes and counties the authority to enter into Good Neighbor Agreements (GNA) with federal agencies. The Yakama Nation is currently using these authorities in the Okanogan-Wenatchee National Forest to make improvements in an area adjacent to the northern exterior boundary of the Yakama Reservation that has shown increased susceptibility to fire, insect and disease outbreaks, declining habitat, and degrading aquatic habitat. This area is part of the tribe's aboriginal lands where ceded rights

to hunt, fish, and gather are maintained. Also, the area includes features unique to the Yakama Nation, including trust resources, treaty rights, and/or culturally important areas and resources. The intent of this project—the South Fork Tieton project—is to implement vegetation and fuels reduction treatments on the landscape to reduce brush, undergrowth and even tree density in over-stocked stands thereby reducing the risk of catastrophic wildfire. Treatments within the project area include commercial and non-commercial thinning, and additional service work items in a cooperative effort between the Yakama Nation and the U.S. Forest Service. This project will also contribute economic opportunities for local communities and supplement the only remaining log milling facility in Yakima County—our own Yakama Forest Products.

While we have found some success in using these authorities to carry out important forest management and fire prevention activities on adjacent lands, these programs must be adequately funded and provide training and technical support so tribes have the resources and staff to implement cross-boundary projects, and recurring funding must be sufficient to maintain tribes existing forestry needs before a tribe can take on additional responsibilities. These are among the recommendations included in the IFMAT report.

Tribal land must also be appropriately prioritized for response to and recovery after a wildfire. In 2015, the Cougar Creek fire burned over 50,000 acres of forested lands, the majority on the Yakama Reservation. We lost more than one-half billion board feet of timber in that fire with an estimated potential loss of $100 million in timber revenue. A significant amount of that fire was on some of the most productive commercial forest lands on the Yakama Reservation, critically important cultural areas. For the Yakama Nation to respond to the devastation, we requested a $4.1 million supplemental budget from DOI that included a salvage strategy. While our request through DOI was denied, we were eventually successful in getting funding from the Natural Resources Conservation Service (NRCS) at the U.S. Department of Agriculture and other avenues to help salvage some of the timber and conduct other recovery work. This episode shows that the protection and restoration of tribal trust resources must be appropriately prioritized by the federal government in the aftermath of a wildfire.

Workforce needs and training

As I mentioned earlier, the Yakama Nation has a 650,000-acre forest, and last year the Bureau of Indian Affairs (BIA) only completed one (1) timber sale. Under the National Indian Forest Resource Management Act and implementing regulations, express trust duties were established for federal management of Indian forests. Unfortunately, due to workforce challenges and lack of funding, the BIA Forestry Program at the Yakama Agency has failed to hire many dozens of vacant forestry positions for more than a decade. In 2014, the BIA Director identified that BIA Forestry at the Yakama Agency was, in his words, "on the verge of collapse." The program has only continued to deteriorate since then.

The Yakama Nation made the decision, and consistent with the Indian Self-Determination and Education Assistance Act (ISDEAA), for the federal government to provide direct services through the BIA Forestry Program. Importantly, forestry management directly implicates Treaty-reserved rights and privileges. However, the lack of staffing in the BIA Forestry Program has forced the Yakama Nation to accept lost revenue through sheer neglect. This is a dramatic breach of the United States' trust obligations established by Treaty, statute, and regulation.

This situation of lost economic benefit has put Yakama Member-owned logging companies out of business. The Yakama Nation's commercial mill can no longer sustain itself on timber harvested from the Yakama Nation's own forest—threatening over 200 Yakama Member-held jobs. Yakama Members are losing the trust revenues that they should be receiving from a viable timber economy. As recommended by the IFMAT report, improved management at the BIA and more funding and resources are needed to ensure that federal direct service programs can fulfill this federal duty so that the Yakama Nation and its members can benefit from the forest resources. There is also a great need for stronger educational and training programs provided by the federal government to ensure the BIA and tribes can hire and retain the workforce needed to staff and maintain these critical forestry programs.

Infrastructure needs

Founded in 1995, Yakama Forest Products (YFP) is the second largest tribal enterprise employer on the Yakama Reservation providing more than 220 living-wage jobs in the poorest county in Washington State. However, without better forest management and modernization of our mills, YFP will be forced to curtail employ-

ment and could be forced to shut its doors. Hundreds of livelihoods are at stake. YFP operates two mills that process Ponderosa Pine, Doug Fir, and other species. Completed in 1998 and 2001 as employment projects, these mills are no longer cost-competitive, and significant upgrades are needed to ensure that YFP remains a growing and competitive enterprise.

The inability of the BIA to adequately supply us with enough logs annually to run at capacity and sell saw logs to supplement our cash-flows and finalize our forest management plan is having an impact on our ability to secure long-term financing for our mill. We are requesting immediate assistance from the federal government in collaborating on short and long-term solutions for YFP to stay active as south-central Washington's milling infrastructure. YFP has created the opportunities to bring over $4 billion of economic benefit to our region since operations started during the late 1990s and we must continue this progress.

Modernizing our mills is crucial to help us remain competitive by achieving improved energy efficiency, increased product recovery and throughput, enhanced product quality, and ensuring safer working conditions. Installing a wood-fired energy system for lumber drying will significantly reduce propane consumption and fossil-based Greenhouse Gas emissions. We also need to develop steep ground logging capacity on Yakama lands to reduce overstocking on fire-prone forestland; produce biochar from dead, non-merchantable forest material; and sequester biochar in soil and in long-term products, such as filtration systems for wastewater treatment plants. We estimate the total cost of the modernization project to be around $130 million and while our staff has been aggressive in pursuing private bank financing, federal grant opportunities, and tax incentives, we have found that the lack of a consistent timber sale program and a modernized forest management plan and other factors have hindered our ability to secure these critical financial resources. We would urge this committee to look at ways to make the many federal grant programs funded in recent years through the Bipartisan Infrastructure Law and Inflation Reduction Act and other legislation more accessible to tribes and give us the needed technical assistance and capacity to compete for these funds. This is in line with recommendations in the IFMAT report calling for a review of national policy on providing tribes with funding and technical assistance and its effect on the tribes' ability to develop a forest products infrastructure. Without forest infrastructure, our ability to implement this important work is jeopardized.

Even with these challenges, the Yakama Nation is driven to sustainably manage our forestlands to meet the needs of our people and resources our lands provide. An example would be the Lidar-Assisted Single-Tree Forest Inventory. In collaboration with the BIA Yakama Agency, this project utilizes lidar imaging and inventory plots to create an accurate inventory database at a single-tree level. Implementing this ground-breaking approach assists us in making better forest management decisions and is currently being used to modernize Yakama Nation's updated forest management plan. Furthermore, the Tribal Forestry Program has used the lidar inventory to complete a fire risk analysis across our landscape. That analysis is assisting in prioritizing fuels and forest health treatments that will provide more resilience to insects, disease, and catastrophic fire.

Thank you again for the opportunity to testify about the many opportunities and challenges ahead with respect to tribal forest management and I am happy to answer any questions you may have.

Mr. TIFFANY. Thank you, Mr. Rigdon, and thank you to all our panelists for your testimony. Now I will turn to the Chairman of the Natural Resources Committee, Mr. Westerman, for his questioning.

Mr. WESTERMAN. Thank you, Chairman Tiffany. And, again, thank you to the witnesses for your testimony today.

Councilman Rice, as I discussed in my opening statement, I had the good pleasure to visit the Mescalero Tribe in the past couple of years, and it was astonishing the difference between the management on the tribal land versus the adjacent Lincoln National Forest.

And I can see behind your shoulder there the real force behind that: Ms. Thora Padilla, the forester who showed me around that day. If you had the authority, if we gave you the authority to

manage the Lincoln National Forest and you could unleash Ms. Padilla and her workforce, what difference could we expect to see?

What would you do on the Lincoln National Forest that is not being done now?

Mr. RICE. We would like to do some logging. Also, more hazardous fuels reduction. And to conduct more projects throughout the forest, not just on the border, and to require Federal land managers to adopt the tribal forestry practices in their management plans.

Mr. WESTERMAN. I am guessing everybody would probably be happy with that. There would be more elk on the Lincoln National Forest, as well.

[Laughter.]

Mr. RICE. Yes.

Mr. WESTERMAN. Mr. Rigdon, it is good to see you back here again. And you talked about in your testimony how Yakama has invested in mill infrastructure, and how you have created markets for the timber that comes off.

But you also said that tribes are only harvesting about 50 percent of the allowable timber harvest under the Tribal Forest Management Plans. What tools can Congress provide that would increase the sustainable timber harvesting among tribes so you could start meeting your timber targets?

Mr. RIGDON. Thank you. First of all, I think we have the capability. It is resource-driven. But one of the biggest things I think that we really face throughout the West is having viable foresters, silviculturists, and leadership, and having bodies to be able to go out and do the work. I think that is one of our biggest challenges that we all face right now.

So, really putting things into place so that we can build a workforce that is able to go out and do the necessary work to lead in the silviculture, and I do think to look how the Menominees, the Mescaleros, the Yakamas, the Colvilles, and the Yuroks, each of us have a unique place on how we approach. And I think getting forestry folks out there and allowing us to do that, but also having the resources to be able to support the type of forest infrastructure that is necessary. So, I think there is that investment.

But also, people don't understand. Tribes follow all the Federal rules, the NEPA, we follow NHPA, we follow ESA, we do all of that and jump through all of those hoops. How do you streamline some of that to allow us to be able to achieve that landscape-level kind of approach? Come and see what we are doing throughout our reservations, and help us build the tools that are necessary.

And I think it is a resource-driven thing, and also looking at how do you get that next generation of youth really interested in being foresters, and really interested in being or working in the woods.

And the other part that I think is critical that people don't talk about is our forest infrastructure. If we don't have a million infrastructure, it is going to hurt our ability to do the type of management that we want. So, I think there needs to be a group that needs to really discuss and put the resources there, because from log truck drivers, to the loggers, to all the aspects of it, I think, is a critical need across not just us, but throughout the whole interior West.

Mr. WESTERMAN. Would you care to make a prediction on the UW Texas football game on the record?

[Laughter.]

Mr. RIGDON. Go Dawgs.

Mr. WESTERMAN. Mr. Desautel, I had the chance to spend time with you touring the Colville. And you have also talked about tribal capacity is one of the primary impediments to increasing the pace and scale of management practices, like Mr. Rigdon was talking about.

How could Congress help address this challenge and promote careers in forestry among tribal members?

Mr. DESAUTEL. Well, I think the easiest first step is to increase funding for BIA. Most of the funding that goes to tribes for forest management comes from the Bureau of Indian Affairs. And if you look at the most recent IFMAT report, and again, the past three had similar findings, they are vastly underfunded compared to other Federal agencies.

If BIA had three times as much funding, presumably much of that funding would be passed down through 638 contracts to tribes. And much of the funding that we get now is competitive, so it makes it very difficult for us to grow a workforce that is needed to do the type of work that is needed to accomplish our forest management goals and, as I noted in my testimony, not just accomplish our management goals at home, but have extra capacity to do that cross-boundary work with our partners across the fence, whether that be the Forest Service, BLM, or State.

Mr. WESTERMAN. And you have also talked about the difference between fires on tribal land and Federal land, and I saw some examples of that when I was out visiting. Can you elaborate on some of the key differences between the wildfire management and suppression practices on tribal versus Forest Service property?

Mr. DESAUTEL. Well, I can speak for Colville, but I think this holds true across most of Indian Country, that tribes understand the value of fire and what place it has in the ecosystem. So, we are much more likely to do prescribed burning in the spring and fall, we are much more aggressive at initial attack in the summer when fire shouldn't be burning.

So, what you see for post-fire effects on reservations tends to be better post-fire conditions than what you would see on adjacent Federal land. I think that Mr. Rice had a good example, where fires didn't get attacked in the initial attack, and ultimately you had that bad wind.

What we have experienced over the last 5 to 10 years at Colville is that we are seeing the vast majority of the acres burning under those absolute worst burning conditions, those hottest, driest, windiest days. So, what you are seeing for post-fire conditions is something much more severe, much worse than what we would experience historically, particularly if you look at fire use by tribes pre-contact, where much of that burning happened on the shoulders of fire season where you had beneficial resource impacts from fire use at that point.

Mr. WESTERMAN. Thank you. I yield back.

Mr. TIFFANY. The gentleman yields. I recognize Ms. Leger Fernández for 5 minutes for questioning.

Ms. LEGER FERNÁNDEZ. Thank you very much, and it is always difficult to come after a forester when we are talking about forests, except for the fact that I always learn so much from our Chair and his knowledge of good forest practices.

Thank you so very much for coming and sharing your experiences, and I always really find it interesting. I mean, you are talking about forests across many different states, many different tribes, but some of the same themes keep emerging. And that is the benefit of this hearing, and I thank you for pulling it together, Mr. Chair and Ranking Member.

I want to go to a favorite place. I love the Mescalero Apache Reservation, loved being there this summer, looking forward to being there in a couple of months once again. If you could share with us some of the 638 expansion programs, Mr. Rice, that you have done, because your recommendation is that we make this permanent. And we just heard about the importance of providing the funding to the BIA so that when you 638 those programs there is enough funding to actually carry out the intended purpose.

So, Mr. Rice, could you share a little bit about what you have been able to do with that 638 funding?

And then I would love to hop on over to Colville and get a sense from them, as well.

Mr. RICE. Thank you for that question. Unfortunately, I am not prepared for that question right now, but I will get back with you as soon as I can.

Ms. LEGER FERNÁNDEZ. OK, thank you very much. Well, let me talk a little bit about the mill then, you raised what happened when the mill had to shut down. Do you think that it is possible to bring a mill back? And what would it take to do that? Because you see that as key for the forest, is that right, Mr. Rice?

Mr. RICE. Yes. Thank you. The sawmills, looking at bringing it back again, there is other potential as far as biomass and the sawmill just breaks even.

So, there are other potential areas as far as biomass and other value-added processing to get it reopened.

Ms. LEGER FERNÁNDEZ. I think there is, yes. I really appreciate the fact that technology has evolved, and there are lots of different opportunities about being able to use the resources from your forests.

Mr. RICE. Yes.

Ms. LEGER FERNÁNDEZ. Is that kind of what you are getting at?

Mr. RICE. Yes. Also, just going back to the pellets, like, pellets you could use the whole tree, where there is no waste. We use everything. And that is where the biomass would come in.

Ms. LEGER FERNÁNDEZ. Yes, thank you for that.

Mr. Desautel, do you want to add a little bit to the 638?

And then I do want to hear from Miss Dawn. I have about a minute, 36.

Mr. DESAUTEL. I will be brief. Additional 638 funding, or just the additional forestry funding that would come to tribes through 638 contracts in the BIA would be a great help in growing that workforce.

But that funding doesn't have to come just from the BIA. If that 638 contract authority that we have for TFPA is expanded to just

the Department of Agriculture in general, that gives us even more flexibility to continue to build that workforce, to continue to build that partnership with the Forest Service or BLM.

Ms. LEGER FERNÁNDEZ. Right, and I think that is the whole benefit of the expansion, right, and we need to make sure that we, across so many different fields, not just this one, that we expand beyond BIA. Sorry if I limited it, but I did intend to have it as expansion.

Ms. Blake, the importance of looking at how we look at prescribed burns and how we protect things, could you expand a little bit more on how you are looking at these problems that we face with regards to both pursuing prescribed burns and then fighting them?

As you know, or you might not know, but we had a huge problem in my place that I am from with regards to prescribed burns that got out of control. So, we always want to be learning lessons.

Ms. BLAKE. We have been trying to develop capacity in this arena for decades, and trying to navigate the system so that this prescribed burning can come back into tribal hands, and to be able to put fire on the landscape at a larger scale.

At this point, we want to do prescribed burning on watersheds, not just a few acres at a time. It is the most efficient way to reduce fuel. And where we are, it is really expensive work to do mechanical treatments and other types of treatments to reduce fuel. So, that ability to do prescribed fire is extraordinarily important.

We have to rely too much on other jurisdictions in order for us to be able to implement fire, and in the meantime we are not developing our local expertise in order to do that. And where prescribed fires happen, you have to rely on local expertise because a burn boss can come from anywhere throughout the country, but in order for the prescribed fire to consume properly or to not burn at too high intensity, you really have to depend on the expertise in that area and the local fuels and conditions.

So, as tribes, we would really like that to come back into our own hands. And as you know, so many members of this Committee have said, we have done this for millennia, but now we are not able to implement this on our own. And I would really appreciate having that back.

Ms. LEGER FERNÁNDEZ. OK, thank you so very much.

And my time has expired. I yield back.

Mr. TIFFANY. The gentlelady yields. I will recognize the Ranking Member for 5 minutes.

Mr. NEGUSE. Well, I thank the Chairman. It is tough following the Chairman of the Full Committee, but it is even more difficult following the Subcommittee Chairwoman, Ms. Leger Fernández. So, I want to just echo her remarks and associate myself with my colleague's sentiments.

And she asked the question of you, Ms. Blake, that I had intended to ask, and I thought your answer was very revealing and, I think, instructive in terms of some of the considerations that this Committee and the other committees of jurisdiction need to make as we consider funding decisions.

And I would just simply say I appreciate every witness, your testimony today, both the written testimony you submitted and your oral testimony.

And I would also say that I think, for me, the takeaway among many takeaways is that it is not as though we don't know the challenges. It is very, very clear. You all have articulated them. They have been well documented in the 2023 Indian Forest Management Assessment. The challenges are very clearly stated. The question is will the Congress have the political will to do what is necessary to help you resolve and ameliorate those challenges.

And that starts principally, as one of our witnesses testified, I think, with making very specific, intentional decisions as it relates to BIA funding, and certainly something I support, and plussing up of various accounts that we know will ultimately be distributed to the tribes.

It also means, I think, redoubling some of the investments that we made in the Inflation Reduction Act and in the IIJA, which have inured to the benefit of Americans, of tribal communities, of everyone. And, of course, it means continuing to be collaborative and looking to all of you as partners as we continue this important work. So, I thank you for being here. I have no questions and want to again thank the Chairman for holding this hearing, and I yield back.

Mr. TIFFANY. Thank you very much, and the gentleman yields. I am going to conclude questioning here. First of all, I would like to ask a couple of questions of Mr. Skenadore.

It is great to have you here. When I was in the State Senate, I represented Menominee County, and it is always a privilege to be able to work with the Menominee Tribe.

Menominee Tribal Enterprises has been in business for a long time and producing wood for America. What would forest management look like on Menominee tribal lands if you didn't have that mill?

Mr. SKENADORE. Thank you for the question. We would have a much more densely populated forest. We would have much older trees than we do. We would also have a lot more fuel on the forest floors. I believe our wildfire risk would have grown exponentially.

I like to say Menominee Tribal Enterprise is in the business of forest management. But as a result, we get logs to turn into boards. So, those decisions to thin the forest, to selectively harvest, to try to make the forest better, all really relate to the quality of the forest that we have right now today.

Mr. TIFFANY. How many tribal members have jobs currently at MTE?

Mr. SKENADORE. We employ about 240 employees. We try really hard to have living-wage jobs for all of them, but that includes sawmill employees, forestry employees, and it also includes our contractors who are out in the forest, taking down trees.

Mr. TIFFANY. Well, thank you so much for the work you do. And MTE is always recognized as a fine mill that we have in northern Wisconsin amongst so many. And they are vital, aren't they, for us to be able to do proper forest management?

Mr. Rigdon, I think you said something about, I am not sure I caught it clearly, but that you had a lack of wood at a time. Could you explain that a little bit more? I didn't catch all of that.

Mr. RIGDON. Yes. During the last 10 years, due to the lack of forestry staff and filling positions within the Bureau of Indian Affairs, we have seen a significant decrease in the amount of timber sales that have been created for our active logging on the reservation. So, this last year we actually received more wood from John Crockett and the Forest Service than we did from our own mill on the reservation, which is trust income that goes back into our community that supports many governmental programs, and it plays an important role into that.

But the fact is that we don't have enough silviculturists and enough timber sale planners to implement what we need to support our facilities. And it becomes an important part because, as you don't have as much wood but your cost to run a mill stays the same, the amount of board feet plays a key role in making that economical, and you get to this place where it costs you more than what you have to cut. And that becomes problematic.

Mr. TIFFANY. So, you really need staff to be able to complete those projects. Is that correct? To be able to get the wood to your mills?

Mr. RIGDON. Yes, staffing plays a key role, and also the resources. And it falls in line with the IFMAT report into what——

Mr. TIFFANY. And I am hearing a little bit about that, the regulatory side of it can be challenging at times also. Are you supportive of some NEPA changes that would make sense to be able to perhaps streamline the process to be able to get wood to the mills?

Mr. RIGDON. I think there are conversations to that. I am very proud that we, and most of the tribes, when we go into our conversation, it is within our internal community. We get feedback right away if our membership doesn't like it, they tell us right away.

And it is some of the other things, the outside drivers, when Endangered Species Act and these things play a role that we aren't managing our forests for the benefit of our people, we are being dictated for spotted owl or for some other species that doesn't always have the same resource values. And we put our forests at risk on some of those things. So, that to me, becomes one of our challenges.

Mr. TIFFANY. Did we end up with better forest management in the Pacific Northwest as a result of the spotted owl scare?

Mr. RIGDON. I want to say it this way. Especially in the Northwest, we ended up and we put every acre into these different models that were not sustainable. And I really think, when you look on the eastern side of the Cascades and fire-prone communities trying to maintain that type of habitat, it is actually a destructive thing that has helped entice and enhance the type of catastrophic fires that we have seen.

I think there needs to be a conversation. I think you can silviculturally achieve some of the same goals, and we need to do that to reduce the risk and the resilience of our forests. And I think that plays a role. I think the model that we used isn't achieving the goals that we want, and you could see that through what has

come out of the Northwest Forest Plan and the survivability of the spotted owl.

Mr. TIFFANY. I want to ask just one other quick question. Mr. Desautel, there was a lawsuit filed by an environmental group to stop a forest management project. Could you tell us a little bit more about that lawsuit and the benefits that would have accrued to the tribe as a result of doing that project, and the health of the tribe and the health of the forest?

Mr. DESAUTEL. So, that project had about 15 miles of adjacent boundary with the Colville National Forest. The intention was to do a lot of forest health, forest restoration work, along with about 15,000 acres of prescribed burning. And really, the issue that the litigant had was some roadside fuels treatments that we wanted to do that were directly adjacent to the reservation boundary because it is tough ground. And that was really one of our opportunities to stop a wildfire.

And subsequently, in 2021, we had a wildfire on the reservation side just south of that, and it burned 50,000 acres in at least a couple of hundred million board feet of timber. So, it did exactly what we were scared it would do. But because of the work that we did on the reservation, we thankfully held it on the reservation, and it didn't go on to the north half.

But it was really driven by a very distinct recreational special interest. So, it is unfortunate that it stopped all of that good potential natural resource work because of one particular group.

Mr. TIFFANY. So, you are saying that lawsuit cost thousands of acres of forest to be burned?

Mr. DESAUTEL. No, the fire started on the reservation side, but that potential still exists on the Forest Service side. Their forest health issues are worse than what we had on our side. So, if we can burn 50,000 acres, they can definitely do that. And we would have lost the opportunity to do some work ahead of time that could have minimized the footprint of a future fire if we don't do that work now.

Mr. TIFFANY. Well, we have heard that many times here throughout the course of the last year.

I would like to thank all the witnesses for your testimony, and our Members for their questions. We really appreciate that you would take the time and effort to come here to Washington, DC to share your thoughts.

Members of the Subcommittee may have some additional questions for our witnesses today. We will ask that they respond to those in writing. Under Committee Rule 3, members of the Subcommittee must submit questions to the Subcommittee Clerk by 5 p.m. on Friday, December 8, 2023. The hearing record will be held open for 10 business days for these questions.

And if there is no further business, without objection, the Subcommittee on Federal Lands stands adjourned.

[Whereupon, at 4:40 p.m., the Subcommittee was adjourned.]