

**Hearing Before the United States House of Representatives
Committee on Natural Resources
Subcommittee on Federal Lands**

**“Examining Opportunities to Promote and Enhance
Tribal Forest Management”**

December 5, 2023

**Testimony 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 of 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 initiatives 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.