

Testimony of
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Regarding

“Examining Opportunities to Promote and Enhance Tribal Forest Management”

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 IJA 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, IJA-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 IJA 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 of 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.