

Testimony of Cody Desautel
President, Intertribal Timber Council
&
Executive Director, Confederated Tribes of the Colville Reservation
Before the House Committee on Natural Resources
Federal Lands Subcommittee
Hearing on “Examining Opportunities to Promote and Expand Tribal Forest
Management”
December 5, 2023

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 recommendations are heeded and not forgotten on a bookshelf.

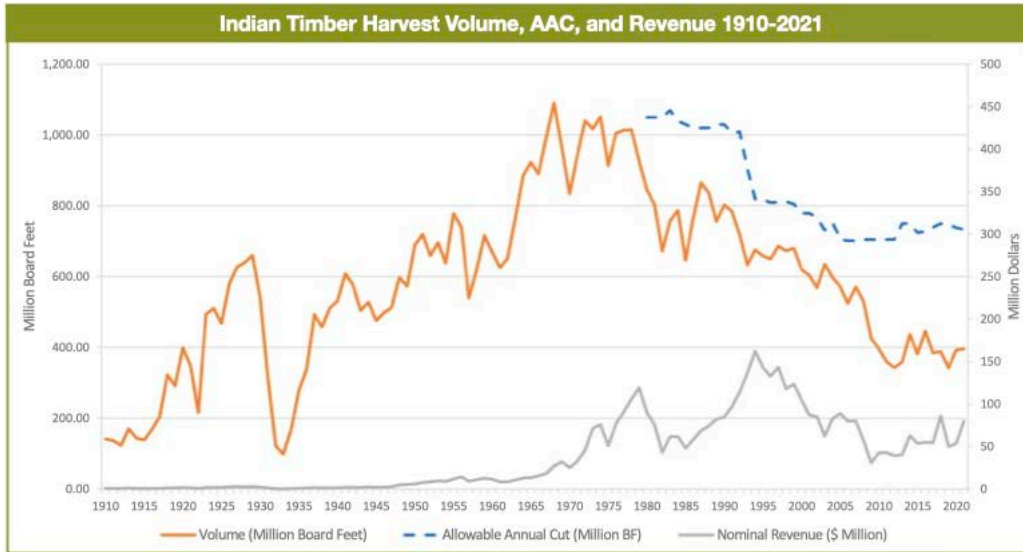
The primary finding of the IFMAT report – and all those that precede it – is the significant inequity of federal funding for Indian forest management versus other federal forests, such as the U.S. Forest Service and BLM.

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 in 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.