

**STATEMENT OF BODIE K. SHAW  
DEPUTY REGIONAL DIRECTOR-TRUST SERVICES. NORTHWEST REGION,  
BUREAU OF INDIAN AFFAIRS  
U.S. DEPARTMENT OF THE INTERIOR  
BEFORE THE  
HOUSE COMMITTEE ON NATURAL RESOURCES,  
SUBCOMMITTEE ON FEDERAL LANDS  
OVERSIGHT HEARING ON 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 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.