

**TESTIMONY OF CODY DESAUTEL, PRESIDENT
INTERTRIBAL TIMBER COUNCIL
PRESENTED TO THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS
LEGISLATIVE HEARING ON H.R. ____ “FOSTERING OPPORTUNITIES TO
RESTORE ECOSYSTEMS THROUGH SOUND TRIBAL STEWARDSHIP ACT”
MAY 20, 2025**

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 testify in support of the FORESTS Act.

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 wildlife habitat, aquatic resources, subsistence plants and medicines that support tribal cultures, and economic benefits. Those economic benefits include jobs and revenue from the sale of forest products that supports essential tribal government functions, such as law enforcement, education, and social services for our members. 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

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. However, tribes were not able to retain revenues from GNA projects for restoration services the same way states can. Few

tribes have participated in the program. We are currently reviewing how the enactment of Chairman Westerman's EXPLORE Act may remedy that inequity.

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.

However, we continue to face major barriers to using these authorities on the ground. For example, 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 NGO on a 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.

Likewise, TFPA is limited in geographic scope and federal forest projects must be adjacent to tribal lands. This precludes tribes from using TFPA across the landscape or on ancestral forestlands that may be distant from the modern location of the tribe and its lands.

Need for New Authority

The ITC has worked with the committee on development of the FORESTS Act, sponsored by Representative Hurd. The bill aims to give tribes new tools to better participate in the stewardship of federal forests, reduce fuel loads and improve forest resilience to fire and other threats.

I want to thank this Committee for your continued focus and attention to Indian forestry. Your leadership in recognizing the unique role Tribes play in forest stewardship is critical as we face growing threats to our forest lands and natural/cultural resources. The power of partnership cannot be overstated! When Tribes, Congress, and federal agencies work together, we create a force multiplier effect that drives real, lasting results across our landscapes.

However, partnership alone is not enough. We must continue to align our efforts and share resources if we are to succeed in combating the compounding threats of wildfire, disease, and the

lasting impacts of declining forests. The Intertribal Timber Council remains fully committed to working with our member tribes, Congress, and our federal agency partners to advance new tools, authorities, and opportunities that empower Tribal Nations to care for the land, protect vital resources, and build a more sustainable future for all.

I will focus my testimony on Section 2, which would authorize the Forest Service and BLM to enter into management agreements with tribes. Treating federal forest lands as “Indian forest land” simply means that tribes are able to use existing federal laws and regulations that apply to Indian forests, such as the National Indian Forest Resources Management Act (“NIFRMA”).

NIFRMA is the most modern of any forest management statute guiding work on federal lands. It is the only one that requires independent scientific review every ten years and a report to Congress. The law is fairly simple and works well on tribal lands in every region of the United States. When coupled with the Indian Trust Asset Reform Act, tribes have useful tools to efficiently manage forests according to local priorities.

As with our own land, Tribes would be required to comply with NEPA, ESA and other federal laws that apply to federal land management actions. We believe that the results achieved on tribal lands far out-perform those found on other federal lands.

The FORESTS Act replicates this tribal approach to federal lands, at the discretion of both the Forest Service and BLM. There are many sideboards to the authority, including maintenance of public access, competitive sale of commercial timber, and revenue sharing with local jurisdictions.

Since the authority is discretionary upon the land management agency, we anticipate limited use of this authority as we have seen over decades of experience with TFP.

The use of authority under the Indian Trust Asset Reform Act (“ITARA”) is an important tool that is being successfully used by tribes to reduce administrative costs and improve timeliness of forest management projects. However, the authority expires next year and should be permanently reauthorized by either congressional action or administrative authority.

Ultimately, Congressman Hurd’s legislation is a response to growing frustration from tribes that we’re not making enough progress on federal lands. The ITC believe the authority proposed in the FORESTS Act would be a leap forward in tribal co-management of federal lands. The results would be more resilient forests, improved air and water quality, and better wildlife habitat – for all American to enjoy.

The FORESTS Act also extends authorization of the Tribal and Alaska Native Biomass Demonstration Project. The ITC supported the original program, which provides a potential source of biomass to tribes from federal lands. This could make projects conducted under Section 2 more economically viable by providing end uses for small diameter material. The program directs that management plans on affected federal lands be harmonized with tribal resource management plans. This requirement echoes a provision in the National Forest Management Act that requires coordination with tribes and tribal land management plans when revising forest management plans.

Section 4 would create a new biochar demonstration project for tribes. This is a new area to be explored to utilize undervalued wood products. Section 5 creates a tribal prescribed/cultural burns demonstration project, which would provide tribes with the flexibility to conduct prescribed or cultural burns when conditions were appropriate, consistent with approved burn plans. This pilot authority would increase the number of acres available during burn windows, which should increase total accomplishments for tribes.

Section 6 requires prompt consideration of TFPA requests made of federal agencies. This would ensure that tribal requests are not buried in endless planning cycles of federal agencies and are appropriately prioritized. Providing a defined timeline for response will help ensure projects are approved and implemented in a timely manner, consistent with the urgency to reduce fire risk and post fire impacts.

Sections 7 and 8 creates an Indian sawmill infrastructure demonstration project, under which federal land management agencies may enter 20-year stewardship or similar contracts to expedite removal of dead wood or hazardous fuels in high-risk fire sheds. This is similar to recent direction from the Forest Service for partnerships with private industry for long-term timber contracts. Sawmill infrastructure is critical to provide value to the forest products that are being removed. This provides multiple benefits, including jobs for local rural communities, revenue to support additional restoration work, and ensures biomass removed is processed into a value added product, such as boards, panels, biochar, or biomass.

Section 9 provides a full fix for Good Neighbor Authority to allow tribes full participation in that program. We have been working with this committee for several years to address this issue. While this issue may have been addressed in the EXPLORE Act, we want to ensure Congress's intent is explicit to avoid different interpretations from future solicitors about what activities GNA could apply to.

Section 10 would establish a "Wood for Life" program to provide firewood for tribal members and reduce the risk of wildfire. In many tribal communities firewood is the primary source of heat, and other alternatives are either not available or cost prohibitive in the economically depressed regions where many reservations reside.

Section 11 requires a report to Congress from the Departments of Agriculture and Interior regarding the pay rates for tribal firefighters. Recent actions by Congress and federal agencies to increase compensation for wildland firefighters have not necessarily been extended to tribal firefighters operating under contracts with the Department of the Interior. While the Department has gone to great lengths to ensure tribal firefighters are treated similarly, we want to ensure that there is a statement of policy that there should be ongoing parity between these two groups of firefighters who are both called to respond to the same federal fires.

Co-Management Authority

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.

The ITC appreciates the showing of bipartisan support for tribal co-management authority of federal forests. We want to also acknowledge and support the work done by Representative Huffman to codify tribal co-management into federal decision-making. His legislation, introduced last week, would create permanent authority across all land management agencies and integration of Indigenous Knowledge.

We see Mr. Huffman's bill as complimentary to the FORESTS Act and recommend its consideration by this committee.

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.