

Testimony of Bill Tripp on the
Tribal Self Determination and Co-Management in Forestry Act of 2025
House Subcommittee on Federal Lands

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Ayukii - My name is Bill Tripp and I am the Director of Natural Resources and Environmental Policy for the Karuk Tribe's Department of Natural Resources. The Karuk Tribe is **located along the Klamath River in far Northern California** and our Aboriginal Territory is over a million acres, which stretch into Oregon. **98% of Karuk Aboriginal Territory is co-located with National Forest System lands. I have been working in the field of Natural Resources and Environmental Policy for 32 years**, and using fire as a management tool for the last 47 years. I now serve as the Intertribal Timber Council (ITC) Fire Subcommittee Chair, the ITC principal to the Wildland Fire Leadership Council (WFLC) leadership team for the WFLC Western Region, and was the Tribal Government Representative appointed to the bipartisan Wildland Fire Mitigation and Management Commission. **I offer this testimony in my capacity as the Karuk Tribal delegate to the Intertribal Timber Council (ITC) and more specifically my role as Chair of the ITC Fire Subcommittee.**

I have been asked to speak to the Tribal Self Determination and Co-Management in Forestry Act, introduced by Rep. Jared Huffman, who represents part of the Aboriginal Territory of the Karuk Tribe. This bill is based on the unanimous recommendations (number 29 and 30) of the Wildland Fire Mitigation and Management Commission,¹ which urged Congress to provide the Forest Service with authority to enter into agreements to share or transfer decision-making authority with a Tribe or defer to the decisionmaking authority of a Tribe. Specifically, this bill authorizes the Secretary of Agriculture to enter into agreements with Indian Tribes and Tribal organizations for the performance of certain activities of the Forest Service. It also recognizes the authority to the Forest Services to defer to Tribal decisions in their exercise of reserved, retained, and other similar rights. I would urge this Committee to take a bipartisan approach to this topic, as there has also been a related and complementary bill (Fostering Opportunities to Restore Ecosystems using Sound Tribal Stewardship Act, or the FORESTS Act, sponsored by Rep. Hurd). I know there is great interest on both sides of the aisle in working to overcome some of the adversity Tribes have faced in our tribal homelands for generations, while we enable proactive stewardship, restore sense of purpose in our tribal communities, and protect homes, lives and the environment from catastrophic wildfire.

As with any such topic, there is nuance to be addressed and a duty of care to be observed to avoid harm, such as a potential diminishment of tribal sovereignty or perceived

¹ On Fire: A Report of the Wildland Fire Mitigation and Management Commission (September 2023), Recommendation 30.

extinguishment of any reserved, retained, or other Tribal rights.² Given this, I will convey why it is so important that we get this right, provide some historical context, call out some specific distinctions critical to success, and offer help in working to refine this and other bills aimed at enabling tribal co-management of federal lands moving forward.

I have been using fire for traditional and cultural uses and purposes since I was 4 years old. I built a fire in the woodstove one morning so it would be warm when my great grandma woke up. When she heard me, she came out and told me if I was going to be playing with fire, I was going to do something good with it. At that point, she (**my great grandmother**) took me outside, **gave me a task and** went back inside. **When I solved its inherent problems and accomplished it as instructed, she agreed to tell me** the Arrarrahi ipikyav, or **our stories of creation. These stories speak to our relationship to the natural world, and our responsibility to do the things inherent to Karuk culture. One of these things is our World Renewal Ceremonies,** part of which take place **on Offield Mountain.** By the time I was 8 years old I had completed all the lessons. She asked me: now that you have been given this knowledge, what are you going to do with it? I responded in saying that I was going to use my life to help bring fire back to the people, as that would be the one thing that we would have to do if we were to live in a survivable homeland in the future.

Following the Big Burn of 1910, as the Weeks Act was being discussed in Congress, the Western Governors conditioned their support of the bill with a call for the authority for state and federal governments to coordinate in regard to carrying out Wildland Fire Management Programs. The Federal and State governments retained their distinctions as constitutional government entities in doing so, but disregarded the sovereignty and rights of Tribes. As a result of Tribes not being at the table, the misguided singular focus on suppression spread across both the state and federal land management agencies. **Meanwhile, in Karuk territory, the ceremonial burning of Offield mountain happened for the last time due to results of this suppression mindset.** I have spent the last 32 years of my life trying to build relationships so we can restore conditions conducive of revitalizing this essential ceremonial burning practice. In addition to having direct impacts on our religious freedoms and ability to practice our ceremony, the importance of enabling cultural burning cannot be overstated. There is currently no plan for maintaining all of the acres that we are diligently working with our federal partners to restore, and cultural burning is the answer. It is the only way we can sustainably and reliably make our landscapes safer in the face of wildfire, and prevent the loss of lives, property, and timber resources among other things.

In recent years, in an attempt to address the “wildfire problem,” the State of California has passed a suite of laws that accommodate and enable Indigenous fire use as something that is conducted under the inherent sovereign authority of Indian Tribes.³ These laws give

² Additional information on these topics can be found in Good Fire II, available here: <https://karuktribeclimatechangeprojects.wordpress.com/wp-content/uploads/2024/03/good-fire-ii-march-2024.pdf>

³ Senate Bill 310, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB310.

deference to Tribal law in the conduct of inherently tribal activities such as cultural burning. It would be game-changing to see similar authorities at the federal level. In fact, **the same authority founded in the Weeks Act that was originally used to stamp out our Indigenous fire use practices, can and should be used to enable federal deference to such laws at the state and Tribal level. This is where the agreement structure offered in the Tribal Co-Management and Self Determination in Forestry Act becomes a key to its success.** The authority for the Forest Service to enter into an agreement that recognizes the differences between federal actions and those inherently tribal is paramount to our ability to revitalize our cultural identity.

It is clear to me that Congress needs to lead on this issue. Recent Forest Service testimony on the FORESTS Act.⁴, made clear to me that the agency does not understand at all levels that they can and should be working with Tribes in ways unique to their specific situations. They do not seem to understand what kinds of new authorities are needed to make it all work. From my experience, the agreement templates used by the Forest Service are not structured in a manner conducive of a government-to-government relationship, but it should not be difficult to make the appropriate adjustments if properly approached. Conversely, it is important to realize that we have come a long way in our relationship building efforts, and it will be difficult to keep up the pace, let alone increase the scale of our proactive management impact moving forward with continued budget and capacity cuts. Efficiencies are better gained with directional focus that when carried out under an umbrella of fear and confusion.

Both this bill and the FORESTS Act.⁵, if done well, would solidify existing opportunities, reinforce Congressional intent, clarify the fact that the Forest Service should be sharing decisionmaking authority more broadly, and provide specific connections to the Indian Self-Determination and Education Assistance Act (ISDEAA) to promote efficient program delivery while respecting and preserving Tribal Sovereignty. As successful as our co-stewardship partnerships have been in regard to progressing the Forest Service management responsibility in our Karuk homelands, more efficient means are possible with consistent and reliable funding mechanisms like self-governance compacting.

More than two decades ago, the USDA Forest Service recognized that the ISDEAA was indeed a government-wide mandate, but believed that there were no authorities specific to the Forest Service to enable adequate implementation by the agency. This bill's inclusion of additional 638 mechanisms is another key component. **But all too often agencies and bureaus are reluctant to share management and decision-making with Tribes based on their own narrow readings of statutory authority** as well as overblown concerns with the sub-delegation doctrine and what constitutes an "inherently federal function." While those legal doctrines occasionally present legitimate considerations, **federal officials regularly rely on them as an over-simplified and ill-considered interpretation and avoid engaging and co-creating new models of shared management.** Congress needs to push the agencies to do better.

⁴ <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=417109>

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An example of this is explicit in ISDEAA,⁶ where Congress found that parental and community control of the educational process is of crucial importance to the Indian people, and that Tribes will never give up this right. For my Tribe, education is not just what is taught in the classroom, but in the intergenerational transfer of knowledge about our management systems and the places where we are from. Much of Karuk Aboriginal Territory now falls within the jurisdiction of both the Forest Service and the Tribe, including a sacred mountain called Offield Mountain. **The ceremonial burning of Offield Mountain or Ixariyátuuuyship, meaning the spirit people’s mountain, is supposed to be burned by three young men that might not even be 18 years old, but already have a careers’ worth of burning under their belt through our Indigenous education systems.** Because of Forest Service policies, I have been denied this part of my Indigenous education, but it is still my inherent responsibility to ensure others are not. **The federal agencies demand, however, that National Wildfire Coordinating Group training standards are followed before a person can be part of any burning on federally administered lands,** meaning that their experiential learning cannot even begin until they are at least 18 years old. This constitutes an extinguishment of our right to religious freedoms and is in direct conflict with the findings in ISDEAA. Conversely, an Agency cannot extinguish a right, nor can a State. **It is critical that legislation involving co-management or co-decision-making does not extinguish the unceded rights of Indian people, and acknowledges pathways whereby Agencies can defer to tribal sovereign authority over inherently tribal activities.** This bill reinforces this in communicating the premise that the Forest Service can already accommodate and enable our access to conduct our Indigenous fire use practices either as part of, or completely separate from the delivery of federal programs.

Any effective co-management legislation must recognize that Tribes are asking to undertake at least two different kinds of activities on lands administered by federal agencies. **Some Tribes are interested in taking over the implementation of federal programs, services, functions, and activities.** In doing so, they will generally follow federal policies (such as the National Wildfire Coordinating Group qualifications), but also have access to federal benefits (such as tort coverage and federal dollars). But **other Tribes are most interested in mechanisms whereby the federal government can accommodate the exercise of their Indigenous knowledge, practice, and belief systems without burdensome processes.** Cultural burning is one of these practices: it should not be assumed to be prescribed fire, or required to be completed in the context of federal program delivery. **We at the Karuk Tribe are pursuing a complementary combination of the two,** and view this bill as an important means for enabling this.

These two different pathways require two different approaches. Congress should efficiently permit and resource Tribes in undertaking federal programs, services, functions, or activities. And Congress should also empower what should be considered “inherently tribal” activities as well. It also matters whether components involve the significant use of federal funds and are therefore required to be included in an approved land management plan. Who we are and the ceremonial practices of individual Indian people are not required components of such a plan,

⁶ 46 U.S.C. § 5301(b)(3).

but perhaps should rather be analyzed as the related actions of a separate sovereign when included in federal land management planning activities.

In closing, I thank you all for inviting me to testify here today. I look forward to working with your staff as requested to help ensure this dialogue progresses in an appropriate way that fosters bipartisan support, and enables proactive stewardship that truly moves the needle in addressing the wildfire crisis. Getting this done right for the long-term is more important than getting this done quickly. I hope each and every one of you work to progress this dialogue in the states you represent so we can utilize the strengths of federal, state, and tribal sovereignty in a way that does not constitute an extinguishment of our rights. The very term “Indigenous” means “natural to place”, and in gaining a mutual understanding of what that can and should mean to us all, I look forward to preserving our indigeneity while finding lasting solutions to the wildfire problem.

Yôotva (thank you),