



AFFILIATED TRIBES OF NORTHWEST INDIANS

Dedicated to tribal sovereignty and self-determination since 1953

March 14, 2025

Committee on Natural Resources
Subcommittee on Indian and Insular Affairs
1324 Longworth House Office Building
Via email: Haig.kadian@mail.house.gov

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Dear Chairman Hurd:

Please find the answers below to the questions for the record the Committee sent me following the February 25, 2025, oversight hearing on “*Federal Indian Trust Asset Management: Progress Made But Improvement Needed*.” Please feel free to contact me with any additional questions.

1. The Indian Trust Asset Reform Act (ITARA) Demonstration Program was initially authorized for 10 years. How has ITARA streamlined decision-making and reduced bureaucratic delays for ATNI tribes?

ANSWER: *ATNI understands that the Cow Creek Band of Umpqua Indians, which had the first approved Indian Trust Asset Management Plan (ITAMP), can carry out prescribed burns under tribally approved burn plans. This is a significant advantage over the Bureau of Indian Affairs’ (BIA’s) current practice, which requires approval for individual burn plans by a BIA official.*

a. Do you think this program should be reauthorized again?

ANSWER: *Yes, for the reasons set forth in my written statement.*

b. Does ATNI have any proposed legislative changes or improvements to ITARA that would further enhance tribal self-governance?

ANSWER: *Yes. As noted in my written statement, ATNI has three specific recommendations:*

(1) eliminate the Secretary’s discretion to reject tribes from submitting ITAMPs;

(2) clarify the scope of resources includable in ITAMPs; and

(3) make Title II of ITARA permanent.

In addition, ATNI is considering language that would provide for tribally proposed ITAMPs to be deemed approved if the Secretary fails to approve or disapprove them within the prescribed 120 day review window. This approach is consistent with the “deemed approved” language in the Indian Self-Determination and Education Assistance Act (ISDEAA).

2. One of ITARA’s goals was to assist tribes in getting day-to-day business done by providing an option for tribes to hire their own appraisers while eliminating the requirement that the DOI must review and approve them. Congress has recognized that delays in obtaining appraisals negatively impact economic development. Can you describe how the ability to hire appraisers has helped ATNI tribes?



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ANSWER: Section 305(a) of ITARA required the Secretary, within 18 months of enactment and in consultation with Indian tribes, to ensure that appraisals and valuations of Indian trust property are administered by a single bureau, agency or other administrative entity within the Department. Sections 305(b) and (c) establish a process whereby the Secretary establishes minimum qualifications for persons to prepare appraisals and valuations of Indian trust property. When an Indian tribe or Indian beneficiary submits an appraisal or valuation to the Secretary that satisfies those minimum qualifications—and the submission acknowledges the tribe or beneficiary's intent to have the appraisal or valuation considered under this new subsection—the appraisal or valuation will not require any further Secretarial review or approval and will be considered final for purposes of effectuating the applicable transaction.

The Department, despite being fully apprised of ATNI's intent in drafting that section, did not implement Section 305(a) as intended and, in fact, made matters worse. Section 305(a) was intended to eliminate the situation of the BIA being required to request an appraisal from the Office of Appraisal Services, which was the entity within the Office of the Special Trustee that prepared or contracted the appraisals. If the BIA failed to make the request, no appraisal would be pipelined to be assigned to an appraiser. This happened often and resulted in significant delays for tribes.

Instead of unifying the administration of appraisals, the Secretary reorganized and centralized the appraisal function to the Appraisal Services Directorate in the Department. Under this current arrangement, the BIA now must request appraisals to that Directorate and compete within the Department with appraisal requests from larger land management agencies like the National Park Service, Bureau of Land Management, etc.

3. ATNI's membership includes 57 Indian tribes. Can you briefly describe the demographics of ATNI's membership and some of the resource management issues that tribes have identified?

ANSWER: ATNI's membership is a diverse mix of tribes, ranging from tribes with smaller land bases on the coast and waterways in Puget Sound in western Washington to tribes with larger land bases in the Plateau area east of the Cascades. ATNI member tribes have reported that they would like more flexibility to carry out management activities on adjacent federal lands, in addition to their tribal lands. They would also like to see the Department adopt a more flexible position on the scope of regulations that can be waived in ITAMPs.

a. How have ATNI's membership stated how current asset management can be improved by an Indian Trust Asset Management Plan or Project (ITAMP) or other reforms that Congress could consider?

ANSWER: ATNI member tribes have indicated that they would like more authority to perform and contract federal functions on federal lands, including with the U.S. Forest Service.

4. Your testimony highlights the frustration amongst tribes with the Department of the Interior limiting the scope of ITAMPs to forest resources and surface leases. From



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the northwest tribes' perspective, what other resources might tribes want to include in these plans?

ANSWER: *ATNI is still considering an appropriate definition and will provide the Committee with language once finalized. We are considering, however, a definition that would incorporate the definition of "trust resources" in ISDEAA (25 CFR § 1000.352) coupled with any resources that are, or have in the past been, included in any resource management or integrated resources management agreements approved by the Secretary of the Interior.*

5. Your written statement mentions that Title III of the ITARA authorizes the establishment of an Undersecretary for Indian Affairs, a high-level position in the Department. What did ATNI intend for this new position when it worked on Title III?

ANSWER: *The Undersecretary was intended to be a Deputy Secretary-level position within Interior to coordinate Indian issues that implicate non-Indian agencies within Interior.*

Traditionally, Indian Affairs within the Department of the Interior has been disadvantaged when it has had disagreements with other larger land management agencies like the Bureau of Land Management or National Park Service. The Undersecretary's role is intended to ensure alignment of policy positions before other non-Indian agencies within Interior formulate and finalize initiatives or policy positions that affect Indians without the Indian Affairs personnel knowing about it.

6. What are the primary challenges the ATNI faces when managing trust assets under the traditional Bureau of Indian Affairs system?

ANSWER: *ATNI member tribes have expressed concerns over regulatory constraints on forest management activities, particularly prescribed burns. As noted in the Tulalip testimony, other tribes have resources that they would like to manage different types of trust resources.*

7. How does ITARA compare to other federal programs aimed at increasing tribal self-governance in natural resource management?

ANSWER: *I think this has yet to be determined because of the limited scope of resources the Department of the Interior has authorized to be included in ITAMPs to date. At this point, ITARA compares favorably to ISDEAA for the flexibility it has provided the Cow Creek Band of Umpqua Indians in managing its forest land.*

Sincerely,

Amber Schulz-Oliver
Executive Director



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ATNI was founded in 1953 and is dedicated to the protection and advancement of tribal sovereignty and self-determination. ATNI is a nonprofit organization that serves 57 tribal nations in the greater Northwest that includes tribes in Oregon, Idaho, Washington, Alaska, California, and Montana. For more than 70 years, the member tribes of ATNI have provided regional leadership and advocacy for Northwest tribal interests.

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