

**STATEMENT FOR THE RECORD
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIGENOUS PEOPLES
REGARDING**

**H.R. 1312 (Huffman) “Yurok Lands Act”
October 3, 2019**

This statement is in response to Ranking Member Bishop’s request of September 18, 2019, for the views of U.S. Department of Agriculture (USDA) on H.R. 1312, the “Yurok Lands Act of 2019”.

Section 3 of H.R. 1312 would require the Secretary of Agriculture to transfer administrative jurisdiction over approximately 1,220 acres of the Redwood Experimental Forest (REF) currently managed by the USDA Forest Service, Pacific Southwest Research Station (PSW) to the Department of the Interior to be held in trust for the benefit of the Yurok Tribe (Tribe). The lands are within the Yurok ancestral territory.

Section 4 of the bill would require the Secretary of the Interior to expand the existing boundary of the Yurok Reservation into the Six Rivers National Forest.

Section 5 would provide the Tribe with “joint lead agency” status when an Environmental Impact Statement (EIS) is prepared under the National Environmental Policy Act of 1969 for an activity on federal lands within the expanded reservation boundary. The bill also would give the Tribe cooperating agency status, at the Tribe’s option, during preparation of an EIS.

USDA has the following comments:

1. The transfer of the REF and any associated disturbance would compromise long-term, critical scientific studies that have been underway for at least 30 years. Research and land management efforts in the REF have earned national and international recognition as a biosphere reserve. The Tribe has not been directly involved in Experimental Forest work, and there is no assurance that Forest Service research would be permitted to continue despite the bill’s requirement that the Tribe and the Forest Service enter into a cooperative agreement to develop protocols to ensure that research activities are allowed to continue.
2. The bill requires the Secretary of the Interior to expand the Yurok Reservation Boundary into an unspecified number of acres of the Six Rivers National Forest without a specified purpose.

USDA believes that the concerns of the Tribe can be resolved under existing authorities. The collection of forest products by Indian tribes free of charge was authorized in the 2008 Farm Bill. The Forest Service has offered to resolve a key concern raised by the Tribe – to authorize the Tribe to selectively harvest fallen trees for cultural practices in a manner that does not affect the research plots. The Forest Service completed NEPA for the harvest of two large trees, which the Tribe harvested in 2017. The agency is currently working with the Tribe on the harvest of additional logs.

Additionally, there are other existing authorities for the Tribe and the Forest Service to partner on shared stewardship opportunities and for the Tribe to participate in federal land management decision making. The agency is also considering an exclusive use agreement or special use permit that would meet the goals of the Tribe but allow the Forest Service to continue its research in the REF.

Thank you for the opportunity to provide USDA comments.