



The Confederated Tribes of the Colville Reservation



Prepared Statement of Cody Desautel, Land and Property Director
Confederated Tribes of the Colville Reservation

Oversight Hearing on “Tribal Forest Management: A Model for Promoting
Healthy Forests and Rural Jobs”

U.S. House of Representatives, Committee on Natural Resources

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Good morning, Chairman Hastings, Ranking Member DeFazio, and members of the Committee. My name is Cody Desautel and I am the Land and Property Director for the Confederated Tribes of the Colville Reservation (“Colville Tribes” or the “CCT”).

My testimony today will focus on three issues: (1) how the Colville Tribes’ forest management activities are more efficient than neighboring federal land managers; (2) how the Tribal Forest Protection Act (“TFPA”) can be a critical tool to protecting the Colville Tribes’ on-reservation forests; and (3) the importance of having a sustainable timber economy that involves local communities.

Background on the Colville Tribes and its Forest Economy

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is a confederation of twelve aboriginal tribes and bands from all across eastern Washington State. The present day Colville Reservation is located in north-central Washington State and was established by Executive Order in 1872. The Colville Reservation covers approximately 1.4 million acres and its boundaries include parts of Okanogan and Ferry counties. The CCT has more than 9,400 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest, and the second largest in the state of Washington. About half of the CCT’s members live on or near the Colville Reservation. Of the 1.4 million acres that comprise the Colville Reservation, 922,240 acres are forested land.

The Colville Reservation originally consisted of nearly three million acres and included all of the area north of the present day Reservation bounded by the Columbia and Okanogan Rivers. This 1.5 million acre area, referred to as the “North Half,” was opened to the public domain in 1891 in exchange for reserved hunting and fishing rights to the CCT and its members. Most of the Colville National Forest and significant portions of the Okanogan National Forest are located within the North Half. Both forests are contiguous to the northern boundary of the Colville Reservation.

For decades, commercial timber harvests provided the backbone of the CCT's economy. Until the economic downturn and the housing market crash of a few years ago, the CCT's enterprise division operated two mills. One of the mills was a traditional sawmill, Colville Indian Precision Pine ("CIPP"), that was designed to process larger diameter logs. The other, Colville Indian Power and Veneer ("CIPV"), manufactured plywood and veneer. When both mills were operational the CCT's forest products industry employed nearly 600 people and injected millions in payroll dollars into the local economy. Market conditions forced both CIPV and CIPP to close in 2009. Closure of the mills resulted in the loss of more than 350 jobs for an already economically depressed rural area, not including the loss of the secondary jobs that the facilities supported, such as contract loggers and truck drivers.

Early last year, the CCT's enterprise corporation entered into an agreement to lease CIPV to a third party and for the mill to reopen. CIPV was renamed Omak Wood Products and had its grand opening last October. At full capacity, not only will it create as many as 200 jobs, but it will also create a much needed outlet for forest products in north central Washington.

Tribal Forest Management Practices are More Efficient than other Federal Land Managers and should be incorporated into other Federal Land Management Plans

The Bureau of Indian Affairs ("BIA") comprehensively regulates all forest management activities on Indian trust lands. The Colville Tribes conducts its on-reservation forest management activities under an Integrated Resource Management Plan ("IRMP"), which incorporates natural resource, economic, cultural, and social priorities of the CCT and its membership. The CCT's IRMP is comprised of individual component plans, each of which has been approved by the Colville Tribes and the BIA and sets forth in more specificity the management of each resource. These component plans address forest management, fire management, range management, water quality, fish and wildlife, and parks and recreation. While each plan has specific goals for the respective resource, they each work toward the same holistic goals and desired future conditions established by the CCT and its membership in the IRMP.

To comply with the National Environmental Policy Act ("NEPA"), a full Environmental Impact Statement ("EIS") was completed for the IRMP. Because the IRMP went through a full EIS, subsequent approval of the component plans required only an Environmental Assessment ("EA"). With the EAs completed and the component plans approved, further NEPA compliance is accelerated because the EIS and the respective EAs already address most of the larger issues that would otherwise arise with activities on U.S. Forest Service ("USFS") or other federal lands. When the CCT coordinates a salvage log sale in the aftermath of a wildfire, the IRMP and its tiered approach to NEPA compliance allows the Colville Tribes' personnel to act quickly to identify mitigation measures and complete the public comment process. In past years, the CCT has been able to complete salvage log sales so efficiently that some of the logs were still smoking when they were salvaged. Despite the speed with which the CCT is able to effectuate a salvage sale, the environmental review and public comment periods are maintained for each sale—they are simply expedited.

The BIA's forestry regulations also provide increased efficiency for tribal forest management. The Department of the Interior promulgated these regulations in 1995 and they govern nearly all on-reservation forest management activities. For appeals by third parties of timber sales and other forest management decisions, the regulations define "interested party" as any person "whose own direct economic interest is adversely affected" by the action or decision. This limits the universe of persons and entities who can appeal timber sales on Indian trust land to those with a direct economic interest. For appeals of timber sales and other decisions on USFS and other federal lands, there is no such limitation and appeals can be brought by entities with little relation to the decision or the local community. Further, litigation and appeals over timber sales on federal lands can last for years, often resulting in significant costs and devaluation of projects.

In addition to the regulatory differences between tribal and other federal forest lands, the CCT also has a cultural and political motivation to ensure that its own forests are managed in a sustainable manner. The CCT adapts to changing conditions by modifying harvest schedules to treat watersheds before insect and disease issues become epidemics. This minimizes the impact to the resource and removes at-risk volume before these agents cause mortality. Also, the IRMP requires the CCT to manage its forests not only to maximize the economic return and provide benefits to the local economy but also to accomplish forest restoration and resiliency goals. Tribal members depend on our forests to live, hunt, and gather cultural foods. The CCT has an obligation to ensure that our forests will be healthy and sustainable for generations to come. In the Tribes' view, the health of the community is directly tied to the health of the environment. Agencies that manage other federal lands do not have such a motivation.

Finally, federal land managers should incorporate these and other tribal land management principles into their own land management plans. Notably, Section 202(b) of the Federal Land Policy and Management Act *requires* the USFS to coordinate the lands use plans for National Forest System lands with tribal management practices. For the past few years the CCT has provided detailed comments on the USFS forest plan revision process for the Colville and Okanogan National Forests. The CCT has recommended the establishment of a "Buffer Zone" that encompasses approximately 242,000 acres in both the Okanogan and Colville National Forests to protect the Colville Reservation lands as well as incorporate some of the CCT's on-reservation management principles.

In a November 25, 2009, letter, the Director of the BIA informed the USFS that the BIA agreed with the CCT's management recommendations and concerns with disease and fire threats from Colville National Forest lands. The draft EIS for the forest plan is scheduled to be unveiled late this summer. Although the CCT has not yet been consulted in the development of alternatives, the CCT is hopeful that the USFS will consult with us soon and will ultimately incorporate the CCT's recommended management regime in the draft EIS.

The TFPA Can be a Critical Tool for Protecting Reservation Forests

The TFPA, which was signed into law in 2004, establishes a mechanism that allows Indian tribes to perform hazardous fuels reduction and other forest health activities on federal lands that are contiguous or adjacent to Indian trust lands. Congress's primary reason for

enacting the TFPA was the fire and disease risk that many Indian tribes face from adjacent federal lands.

The Colville Reservation's forests face an imminent threat from pests that have infected large areas of the Colville and the Okanogan National Forests, specifically the spruce budworm and mountain pine beetle. Some of the infected areas are currently just a few miles north of our Reservation boundary. Wildland fire from neighboring federal lands also continues to pose a danger to the Colville Reservation. Many areas of the neighboring national forests contain overstocked stands with fuel loadings well outside historic ranges. When fires occur on these stands they are extremely difficult to manage and pose an extreme risk to the CCT's trust lands. The CCT's management practices have largely prevented on-reservation catastrophic fire events, but wildland fires that start on federal lands could decimate our forests without regard to political boundaries.

The CCT is currently working with officials from the Colville and the Okanogan National Forests to initiate what the CCT intends to be a TFPA project that will allow the CCT to have a role in treating these infected areas in the North Half. The details have yet to be worked out, but discussions with the forest supervisors have been productive and encouraging for both parties. The CCT believes that its desire to treat the affected areas in the North Half to protect our own Reservation lands will assist the USFS in carrying out its management activities. Rep. Cathy McMorris Rodgers has been supportive of the CCT's efforts and her office has assisted with these discussions. The CCT is hopeful that this effort will result in a long-term TFPA agreement that will benefit not only the CCT and the Colville National Forest, but also the forest products economy in both Ferry and Okanogan counties.

If fully embraced by the USFS, the TFPA can provide an effective tool for tribes. While the CCT has been encouraged with its discussions with USFS officials, we understand that other tribes' proposals have been met with resistance by their local USFS officials or delays in implementation. Going forward, changes will likely be needed to the TFPA to encourage its use by the USFS and to expedite approval and implementation of TFPA proposals.

The Importance of a Sustainable Timber Economy

When the CCT closed CIPP and CIPV in 2009, very few timber sales were approved on the Colville Reservation. One of the reasons is that for on-reservation timber sales, forest restoration activities on timber sale areas are funded by the proceeds of the sale. Without milling capacity, forest management shifted exclusively toward forest health and essentially stopped. Harvest levels dropped from an average of 78 million board feet per year to two million board feet in 2010. With timber prices extremely low, no funds were available to support tribal programs or forest restoration projects.

Most of the experienced logging contractors on the Colville Reservation retired or moved on to other endeavors during this downtime. Now that the timber market has rebounded, the CCT is presented with a severe shortage of qualified contractors to log timber sales, both on and off the Colville Reservation. The severe market downturn has made many of these former contractors hesitant to invest in new equipment for fear that the market will again dip. Worse,

the vast majority of experienced contractors are over the age of 50. At this point there are very few young people who want to pursue a career in logging.

All of this presents a very real challenge to providing needed treatments to the forests in north central Washington. Without milling capacity and logging contractors, a community loses its ability to manage forests. As we are seeing on the ground on the Colville Reservation, huge financial investments are required to replace this infrastructure once it has been lost.

The CCT believes that stakeholders and land managers must collaborate across ownership boundaries to ensure that the infrastructure needed to maintain healthy, productive forests can be maintained, even during market downturns. This is one of the goals of the Intertribal Timber Council's "Anchor Forest" initiative. The CCT is participating in this initiative and is hopeful that it will lead to a solution that will prevent the severe labor shortage we are currently experiencing from repeating itself in future years.

This concludes my testimony. Thank you for allowing the Colville Tribes to testify today. I would be happy to answer any questions that the members of the Committee may have.
