

Testimony of Phil Rigdon
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&
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Before the House Committee on Natural Resources
Federal Lands Subcommittee
Hearing on “Examining Opportunities to Promote and Enhance Tribal Forest
Management”
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Chairman Tiffany, Ranking Member Neguse, and distinguished subcommittee members, I am Phil Rigdon, a proud member of the Yakama Nation, Natural Resources Superintendent for the Yakama Nation in south-central Washington State, and I also serve as Vice-President of the Intertribal Timber Council (ITC). I appreciate this opportunity to share some of the Yakama Nation’s successes and challenges in forestry and priorities for improvements to federal policies with respect to the management of tribal forest land.

The Yakama Nation Reservation consists of approximately 1.4 million acres, of which approximately 650,000 acres is forest and woodlands. These lands provide our way of life with water, food, medicine, spiritual values, employment, and revenue to the Yakama Nation. We operate modern, innovative, and comprehensive natural resource programs premised on connectedness among the land, resources, and people. For example, when we look at managing a piece of land, we’re not just looking at one resource. We’re thinking about the timber value, habitat resources for our deer and elk hunters, impacts to water quality where salmon live, and so forth.

I believe the Indian forest management approach is well balanced and allows for forest management practices that can emphasize several important categories and uses including primitive, general, recreation, traditional use, winter wildlife habitat and riparian areas. It is more focused on conservation of a resource than prohibition of an activity. We protect our resources; yet we understand that utilization is essential to sustain the health of our forests and meet and sustain economic, ecological, and cultural values. We rely on our forests to provide employment and entrepreneurial opportunities and to generate income needed to care for the land and provide services for our communities.

Indian Forest Management Assessment Team Report

Unlike any other federal forests, Indian forests and their management, under the directive of the National Indian Forest Resources Management Act of 1990, are reviewed by an independent scientific panel every ten years. Earlier this year, for the fourth time since 1994, the Indian Forest Management Assessment Team (IFMAT) issued a report. A team of nationally known experts in forest management conduct the assessment and prepare this report for Congress. Among other conclusions, IFMAT IV found that tribal forestry departments are underfunded and understaffed compared to their neighbors and high stand density conflated with limited processing infrastructure has created complex forest health conditions. Specifically the report notes that, “for the fourth time the IFMAT analysis finds Indian trust forest lands funded at about a third per acre of comparable federal forests.” The report also found that annual timber harvests are only 50% of the allowable levels under tribal forest management plans, resulting in tens of millions of dollars in lost annual

revenue and employment opportunities for tribal communities and deteriorating forest health. We hope that Congress will take a serious look at this report and act on its recommendations.

Tribes partnering with federal agencies for forest management on adjacent lands

Many tribes, including the Yakama Nation, retain off-reservation treaty rights on ceded lands that became National Forests. Catastrophic wildfire on these forests directly and negatively impacts tribes. Since those retained rights are tied to specific areas by treaty, executive order, or agreements with the federal government, tribes are disproportionately impacted when those areas are devastated by wildfire. Even with effective treatments on our own lands, severe wildfires from adjacent federal lands inflict significant damage and economic cost to tribal forests and resources.

As you know, authorities provided by the Tribal Forest Protection Act (TFPA) allow tribes to petition the Secretaries of Agriculture and Interior to conduct projects on federal land to reduce threats to adjacent tribal lands, trust resources, and values – including ecological, cultural or archaeological sites. The 2018 Farm Bill contained important expansions of TFPA authorities and also gave tribes and counties the authority to enter into Good Neighbor Agreements (GNA) with federal agencies. The Yakama Nation is currently using these authorities in the Okanogan-Wenatchee National Forest to make improvements in an area adjacent to the northern exterior boundary of the Yakama Reservation that has shown increased susceptibility to fire, insect and disease outbreaks, declining habitat, and degrading aquatic habitat. This area is part of the tribe's aboriginal lands where ceded rights to hunt, fish, and gather are maintained. Also, the area includes features unique to the Yakama Nation, including trust resources, treaty rights, and/or culturally important areas and resources. The intent of this project – the South Fork Tieton project – is to implement vegetation and fuels reduction treatments on the landscape to reduce brush, undergrowth and even tree density in over-stocked stands thereby reducing the risk of catastrophic wildfire. Treatments within the project area include commercial and non-commercial thinning, and additional service work items in a cooperative effort between the Yakama Nation and the U.S. Forest Service. This project will also contribute economic opportunities for local communities and supplement the only remaining log milling facility in Yakima County – our own Yakama Forest Products.

While we have found some success in using these authorities to carry out important forest management and fire prevention activities on adjacent lands, these programs must be adequately funded and provide training and technical support so tribes have the resources and staff to implement cross-boundary projects, and recurring funding must be sufficient to maintain tribes existing forestry needs before a tribe can take on additional responsibilities. These are among the recommendations included in the IFMAT report.

Tribal land must also be appropriately prioritized for response to and recovery after a wildfire. In 2015, the Cougar Creek fire burned over 50,000 acres of forested lands, the majority on the Yakama Reservation. We lost more than one-half billion board feet of timber in that fire with an estimated potential loss of \$100 million in timber revenue. A significant amount of that fire was on some of the most productive commercial forest lands on the Yakama Reservation, critically important cultural areas. For the Yakama Nation to respond to the devastation, we requested a \$4.1 million supplemental budget from DOI that included a salvage strategy. While our request through DOI was denied, we were eventually successful in getting funding from the Natural Resources

Conservation Service (NRCS) at the U.S. Department of Agriculture and other avenues to help salvage some of the timber and conduct other recovery work. This episode shows that the protection and restoration of tribal trust resources must be appropriately prioritized by the federal government in the aftermath of a wildfire.

Workforce needs and training

As I mentioned earlier, the Yakama Nation has a 650,000-acre forest, and last year the Bureau of Indian Affairs (BIA) only completed one (1) timber sale. Under the National Indian Forest Resource Management Act and implementing regulations, express trust duties were established for federal management of Indian forests. Unfortunately, due to workforce challenges and lack of funding, the BIA Forestry Program at the Yakama Agency has failed to hire many dozens of vacant forestry positions for more than a decade. In 2014, the BIA Director identified that BIA Forestry at the Yakama Agency was, in his words, "on the verge of collapse." The program has only continued to deteriorate since then.

The Yakama Nation made the decision, and consistent with the Indian Self-Determination and Education Assistance Act (ISDEAA), for the federal government to provide direct services through the BIA Forestry Program. Importantly, forestry management directly implicates Treaty-reserved rights and privileges. However, the lack of staffing in the BIA Forestry Program has forced the Yakama Nation to accept lost revenue through sheer neglect. This is a dramatic breach of the United States' trust obligations established by Treaty, statute, and regulation.

This situation of lost economic benefit has put Yakama Member-owned logging companies out of business. The Yakama Nation's commercial mill can no longer sustain itself on timber harvested from the Yakama Nation's own forest – threatening over 200 Yakama Member-held jobs. Yakama Members are losing the trust revenues that they should be receiving from a viable timber economy. As recommended by the IFMAT report, improved management at the BIA and more funding and resources are needed to ensure that federal direct service programs can fulfill this federal duty so that the Yakama Nation and its members can benefit from the forest resources. There is also a great need for stronger educational and training programs provided by the federal government to ensure the BIA and tribes can hire and retain the workforce needed to staff and maintain these critical forestry programs.

Infrastructure needs

Founded in 1995, Yakama Forest Products (YFP) is the second largest tribal enterprise employer on the Yakama Reservation providing more than 220 living-wage jobs in the poorest county in Washington State. However, without better forest management and modernization of our mills, YFP will be forced to curtail employment and could be forced to shut its doors. Hundreds of livelihoods are at stake. YFP operates two mills that process Ponderosa Pine, Doug Fir, and other species. Completed in 1998 and 2001 as employment projects, these mills are no longer cost-competitive, and significant upgrades are needed to ensure that YFP remains a growing and competitive enterprise.

The inability of the BIA to adequately supply us with enough logs annually to run at capacity and sell saw logs to supplement our cash flows and finalize our forest management plan is having an impact on our ability to secure long-term financing for our mill. We are requesting immediate

assistance from the federal government in collaborating on short and long-term solutions for YFP to stay active as south-central Washington's milling infrastructure. YFP has created the opportunities to bring over \$4 billion of economic benefit to our region since operations started during the late 1990's and we must continue this progress.

Modernizing our mills is crucial to help us remain competitive by achieving improved energy efficiency, increased product recovery and throughput, enhanced product quality, and ensuring safer working conditions. Installing a wood-fired energy system for lumber drying will significantly reduce propane consumption and fossil-based Greenhouse Gas emissions. We also need to develop steep ground logging capacity on Yakama lands to reduce overstocking on fire-prone forestland; produce biochar from dead, non-merchantable forest material; and sequester biochar in soil and in long-term products, such as filtration systems for wastewater treatment plants. We estimate the total cost of the modernization project to be around \$130 million and while our staff has been aggressive in pursuing private bank financing, federal grant opportunities, and tax incentives, we have found that the lack of a consistent timber sale program and a modernized forest management plan and other factors have hindered our ability to secure these critical financial resources. We would urge this committee to look at ways to make the many federal grant programs funded in recent years through the Bipartisan Infrastructure Law and Inflation Reduction Act and other legislation more accessible to tribes and give us the needed technical assistance and capacity to compete for these funds. This is in line with recommendations in the IFMAT report calling for a review of national policy on providing tribes with funding and technical assistance and its effect on the tribes' ability to develop a forest products infrastructure. Without forest infrastructure, our ability to implement this important work is jeopardized.

Even with these challenges, the Yakama Nation is driven to sustainably manage our forestlands to meet the needs of our people and resources our lands provide. An example would be the Lidar-Assisted Single-Tree Forest Inventory. In collaboration with the BIA Yakama Agency, this project utilizes lidar imaging and inventory plots to create an accurate inventory database at a single-tree level. Implementing this ground-breaking approach assists us in making better forest management decisions and is currently being used to modernize Yakama Nation's updated forest management plan. Furthermore, the Tribal Forestry Program has used the lidar inventory to complete a fire risk analysis across our landscape. That analysis is assisting in prioritizing fuels and forest health treatments that will provide more resilience to insects, disease, and catastrophic fire.

Thank you again for the opportunity to testify about the many opportunities and challenges ahead with respect to tribal forest management and I am happy to answer any questions you may have.