

Testimony of Phil Rigdon
President, Intertribal Timber Council
Before the House Committee on Natural Resources
**Hearing on “*The Devastating Impacts of Wildland Fires and the Need to Better*
Manage our Overgrown, Fire-prone National Forests.”**
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I am Phil Rigdon, President of the Intertribal Timber Council (ITC) and Natural Resource Deputy Director for the Yakama Nation in South-central Washington State. On behalf of the ITC and its member Tribes, I appreciate today’s opportunity to share concerns and recommendations over the management of our nation’s forests.

I can summarize my testimony in three sentences:

1. Indian forests are more economically and ecologically productive, with superior forest health and smaller, more controllable wildfires than on other federal lands.
2. Indian forests achieve these outcomes under the same regulatory framework as other federal lands at a fraction of the cost.
3. This phenomenon boils down to innovation, willpower and the accountability of our decisions to our tribal culture, tribal government and our generations of family members.

On a total of 334 reservations in 36 states, 18.6 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians. Pursuant to both tribal direction and federal law, our forests must be sustainably managed. Indian Tribes work in partnership with the Bureau of Indian Affairs and others to care for the land. We operate modern, innovative and comprehensive natural resource programs premised on connectedness among the land, resources, and people. Our approach is holistic – sustaining a “triple bottom line” of economic, ecological, and cultural values. We care for the land through active management and do our utmost to aggressively treat problems such as wildfires and insect or disease infestations before they can reach disastrous proportions.

Indian tribes are neighbors to federal forests and many tribes retain and exercise treaty and reserved rights on these lands to hunt and fish, gather foods and medicines and for other purposes. Unhealthy forests impact these activities on federal lands, as well as on our own land.

Our National Forests are being lost by the failure to undertake active management. Tribes can offer federal forest managers new tools and a holistic approach badly needed to restore forest health.

Unlike Forest Service and BLM forests, Indian forests and their management are reviewed by an independent scientific panel every ten years. In 2013, the Indian Forest

Management Assessment Team (IFMAT) released its third report to Congress since 1993. On one hand, the IFMAT report shows that Tribes are suffering from chronic underfunding and challenges created by the loss of leadership and staffing. On the other, it also shows significant progress being made on tribal forests.

Funding: One of the key findings of the IFMAT report is that Tribes are able to accomplish more in their forests with far less funding than other federal land managers. On a per acre basis, tribes receive about one-third the funding for forest and wildfire management as the Forest Service.

Using my own Reservation as an example, the Yakama Nation is funded for fire preparedness at \$0.57 per acre per year while the adjacent Gifford-Pinchot National Forest is funded at \$1.18 per acre per year; and the Mount Hood National Forest at \$2.11; the Columbia Gorge National Scenic Area at \$2.83 – nearly five times what we receive at Yakama.

Unfortunately, the effect of under-funding has very real results. Again using the Yakama Nation as an example, we typically have 55 BIA forestry positions to help manage our forest. Currently 33 of those are vacant because of an insufficient pool of available manpower, B.I.A. slowness and budget shortfalls. The tribe has diverted funds from other tribal functions to help mitigate that loss, but cannot do so in the long term without a decline in either our tribal services or production from our forest.

While Indian forests operate on a shoestring budget, that shoestring is about to break. The ITC continues to work with the Administration and Congress to increase funding for tribal forest management.

Wildfire & Recovery: Tribes are better able to use scarce resources to prepare our forests for fire, recover after fire and ensure the continuity of forest resources for generations to come.

First, tribes understand that a “let it burn” approach is not always acceptable given the forest health conditions found across our nation’s landscape. Instead we are effectively responding to and reversing unnatural conditions in the forest. One such example is the response to budworm infestation on the Yakama Reservation. Timber sales were prioritized as a tool to treat areas that were most severely affected by the budworm. Between 1999 and 2003, silvicultural treatments were implemented on approximately 20,000 acres of budworm habitat per year. 97,000 acres were treated with a biological control agent between 1999 and 2001 to control tree mortality.

The epidemic peaked in 2000 when the budworm defoliated trees on 206,000 acres. As a result of the Yakama Nation’s silvicultural treatments, defoliation decreased dramatically. In 2002, only 1,207 acres were defoliated – a reduction of over 99%. Significant economic value was recovered from dead and dying trees, and forest density has been reduced, promoting forest health and resiliency. While such forest health treatments are common on tribal lands, it would be a challenge to find similar

speed, scope and effectiveness on other federal forests.

In addition to restoring forest resilience, Tribes also respond to fires more effectively. While the comparison is not completely equivalent, the average size of a fire on BIA-managed lands is one-third the size of fires on Forest Service land. On a per-acre basis, suppression costs on BIA and BLM lands are one-fifth the cost of fires on Forest Service lands.

Even after fires, tribes are able to respond much quicker than other federal agencies to recover economic value and rehabilitate landscapes. The 2002 Rodeo-Chediski fire burned 467,000 acres of tribal and federal land, including half the timber on the Fort Apache Indian Reservation. While significant damage was done to tribal forests, the intensity of the fire was dramatically less on tribal land. This is because, since 1945, the Apaches have conducted commercial thinning coupled with prescribed burning on 30,000 acres annually.

Likewise, tribal salvage and reforestation began within months of the Rodeo-Chediski fire – removing up to 500,000 board feet of fire-killed timber a day. The Forest Service sales faced litigation that delayed salvage operations, reducing resource value and increasing operational costs.

Tribal interests in healthy landscapes goes beyond reservation boundaries. Many tribes maintain off-reservation treaty rights on ceded lands that now are National Forests. Catastrophic wildfire on these forests directly and negatively impact tribes. Many of these fires burn into tribal forests. Even with effective treatments to our own lands, severe wildfires from adjacent federal lands inflict significant damage and economic costs to tribal forests.

Ecological Conditions: Tribal forests must meet - and often exceed - the same goals as other federal lands -- all subject to NEPA, ESA and other federal regulations. But Tribes are able to manage our lands in harmony, because we live with the consequences of our actions. We must meet the “triple bottom line.” If forests are overcut or devastated by wildfire, we lose revenue and jobs, a myriad of ecological benefits we rely upon from our forests, and the traditional and cultural sustenance our forests have provided since time immemorial. The active management tribes employ to realize the “triple bottom line” is facilitated by three elements:

- The fact that our forests held in federal trust are for the use and benefit of our tribes and their members and, within the scope of the trust, are subject to the direction of our tribal governments,
- The federal law guiding B.I.A. and tribal management of these trust forests, the National Indian Forest Resource Management Act of 1990 (PL 101-630, Title III), is the most recent and most flexible federal forest management statute, and
- The Indian Self-Determination Act (PL 93-638) has enabled tribes to assume direct and comprehensive management of our forests.

While IFMAT certainly identifies possible improvements for tribal forest management, our existing successes offer empirical examples that can and should be replicated across landscape ownerships. The ITC offers the following legislative recommendations that will help all rural communities and federal forests; tribal and non-tribal.

Recommendation #1: Anchor Forests

Chief among the legislative recommendations made in the IFMAT III report is the “Anchor Forests” concept. It is modeled on a landscape-wide partnership in central Washington State, covering Forest Service, Yakama Nation, state and private forest lands. The goal is to coordinate ecological and economic goals across ownership boundaries, rather than stopping at them, in an effort to preserve forest products infrastructure needed both for economic vitality and forest health treatments.

Currently, ITC is working with four tribes - the Yakama Nation, the Confederated Tribes of Colville, the Spokane, and the Coeur d’Alene, the Forest Service Region 6 and other forest stakeholders on three Anchor Forest test sites in the states of Washington and Idaho. Elsewhere around the country, ITC has received expressions of interest in Anchor Forests from tribes in the Lakes States, the Midwest and the Southwest. We would like to work with Congress to create legislative direction for this concept.

Recommendation #2: Improve the Tribal Forest Protection Act

When Congress authorized the Tribal Forest Protection Act (TFPA) in 2004, it was intended to enable tribes to propose projects on adjacent federal lands that would protect the tribe’s rights, lands, and resources by reducing threats from wildfire, insects, and disease.

Under the TFPA, the Secretaries of Agriculture and Interior are authorized to enter into agreements or contracts, pursuant to tribal proposals, to address risks and threats originating on nearby Forest Service and BLM administered lands.

Although well-intentioned in Washington, D.C., the TFPA has not met expectations on the ground. Since 2004, only six TFPA projects have been effectively implemented on Forest Service lands.

One project proposed by the Tule River Tribe took over ten years to navigate the Forest Service’s environmental review process. Another project, proposed by the Warm Springs Tribe in Oregon, was abandoned because of the threat of litigation from environmental organizations. Without treatment, a Forest Service fire in 2014 spread onto Warm Springs tribal land, burning an area being considered for carbon sequestration. The opportunity was lost due to this fire.

The Forest Service and the ITC recently completed a formal review of the TFPA and identified several recommendations to better accomplish its intended outcomes. These included greater education of Forest Service staff about the TFPA authority and finding

other ways to encourage tribes to commit the time and resources to the TFPA process. ITC and the USFS - are conducting regional workshops for USFS, other federal personnel, tribes, and interested parties to learn about TFPA and to start forging TFPA agreements that help restore healthy, resilient landscapes.

ITC would like to work with this Committee to explore ways to amend TFPA or other authorities to expedite consideration, approval, and implementation of TFPA projects. These include addressing environmental compliance through categorical exclusions and faster timelines.

Recommendation #3: Tribal Stewardship Leasing

Third, ITC recommends new legislative authority for Tribes to enter into long-term “stewardship leasing” agreements with federal agencies to address emergency situations on Forest Service and BLM lands that threaten both tribal forests and tribal rights and interests on federal land such as hunting and protection of cultural resources. This concept differs from TFPA projects in that the Tribe itself would be managing the resource over a longer period of time to achieve optimal forest health conditions. Tribes would operate under tribal NEPA procedure as we do on tribal land.

Summary: We believe the nation would benefit by looking to Indian forestry as models of sustainability. We can help move the country forward to create a healthier, sustainable future for our forests and natural resources. We invite this Committee to come visit Indian forests for a firsthand look, and we also look forward to working with the Committee on our recommendations.