

**Testimony of the Confederated Salish and Kootenai Tribes
of the Flathead Reservation**

**Before the House Committee on Natural Resources
An Oversight Hearing on
“Tribal Forest Management: A Model for
Promoting Healthy Forests and Rural Jobs”**

**Washington, DC
April 10, 2014**

Chairman Hastings, Ranking Member DeFazio, Congressman Daines and distinguished Committee Members, my name is Carole Lankford and I have the honor of serving as the Vice Chair of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in western Montana. Let me start by thanking you for holding a hearing on a subject that is so important for the Salish and Kootenai people. I think you have hit the nail on the head merely by the title of this hearing as the promotion of the health of the large forests on the Flathead Reservation and the jobs that can be created when those forests are properly managed are certainly two of the main things that come to mind when we think of our forests that have sustained us for so many years.

The Flathead Indian Reservation is approximately 1.3 million acres, over one-third of which or 460,000 acres are forested. Of that 236,000 acres are available for commercial harvest and there we harvest about 18 million board feet (MMBF) of timber annually. The remaining forests are set aside and include the first tribally designated wilderness in the US and several primitive areas reserved for cultural use. We have a Forest Management Plan (FMP) that encompasses an ecosystem management perspective with both 30 year and 100 year goals related to forest health and restoration. In 1985, my Tribes utilized the Indian Self Determination Act, including the Tribal Self-Governance provisions and we “compact” with the Bureau of Indian Affairs (BIA) and took over management of all natural resources on our Reservation. With the ecosystem management and more holistic approach that the Tribes took, we did have to administratively reduce the levels of harvest to levels that were more sustainable and that would ensure multiple uses including protecting fisheries and wildlife.

The re-establishment of fire on the land, both prescribed and wildfire for multiple objectives are major drivers of our Forest Management Plan. The use of fire to establish forest structures similar to those of pre-European contact, assists us in developing alternatives for consideration under our National Environmental Policy Act (NEPA) planning efforts.

It is evident that our tribal ancestors took a very active role in management of our vegetative landscape. Our forest management plan guides us in our actions of restoring fire-dependent

forest ecosystems. Over the past ten years CSKT Fuels personnel have treated over 7,638 acres per year in fuels reduction treatments, including thinning, piling, pile burning, and understory burn projects. We think the rest of the country could learn much from this type of management.

When an Indian tribe uses the Indian Self Determination Act to take over management and operations of any program that had been operated by the BIA, one of the most pressing questions the Tribal Council asks itself is, "Will there be sufficient funds provided via contract or compact to ensure we can operate this program in a professional manner, that will meet necessary standards and hopefully be a source of jobs and pride for our people." While we are proud of the success we have had in managing our forests, generating income to the Tribes and creating as many jobs as we can, I must tell this Committee in the strongest terms that the funding levels we receive are so inadequate and so radically out of sync with funds received for managing similar US Forests that I wonder if our FMP can be sustained.

The lack of parity between what we receive on a per acre basis compared to what our neighbors receive for managing immediately adjacent lands owned by the US Forest Service is striking. This is not simply our perspective but an observation shared by the Indian Forest Management Assessment Team (IFMAT) in their recently published Third Decadal Review. IFMAT was created by Congress and consists of professional foresters who, once every ten years, meet and visit forested Indian Reservations to analyze the management and successes. The recent study, forwarded to this Committee, supports the arguments we have been making for years, which is that the Congress and the Administration (be they Democratic or Republican) are not providing sufficient funds that allow us to get the job done in the professional manner necessary. The facts speak for themselves and the data indicates that we are routinely receiving one-third of the money per acre that our counterparts next door in the LoLo National Forest receive. This lack of funding leads to lack of adequate staff to oversee and manage timber harvest including compliance with Federal laws such as the Endangered Species Act.

Operating understaffed and underfunded programs means that we cut corners and pay our employees less than other Federal Agencies pay their employees for the same work. We ask our employees to perform multiple jobs for little compensation which leads to retention problems. When we cut corners, some important job requirements 'fall off the table' or don't get done. For example, we do have employees doing timber sale planning, road planning, sale layout, and those who help administer timber sale contracts. We also have personnel helping with sale layout and performing log accountability or scaling. However, we essentially have no one performing Best Management Practice (BMP) monitoring or silvicultural prescription implementation monitoring or performing road and bridge pre-engineering. We are also forced to lay people off (furlough) for extended periods of time. This is not the way to effectively operate a timbered forest and not how other federal forests are managed.

Mr. Chairman this then leads to a question that must be posed to the authorizing and the appropriating committees of Congress: If you know that it cost a certain funding level per acre to manage federal forests, how does the Congress repeatedly fund us at one-third of that level? Knowing that it is the nexus of the fiduciary trust relationship, how does the Department of the Interior, year after year, request only one-third of the amount that they know they are requesting for comparable lands in the National Park Service or that the Department of Agriculture is requesting for US Forest Service lands? I appreciate the fact that I am testifying before an authorizing committee, not an appropriating committee, but you do make recommendations each year to the Interior Appropriations Subcommittee and you communicate with the Interior Department. This inequity must be pointed out and I hope you will do so.

It should also be observed that the United States has just recently handed out billions of dollars in negotiated out of court settlements after being sued first in the Cobell case for mismanagement of Individual Indian Money (IIM) accounts and the resources associated with those accounts and then more recently in the Nez Perce v. Salazar settlements in which 40 tribes sued DOI for mismanagement of monetary assets and natural resources held in trust by the United States for the benefit of those tribes. If the US knows that it takes three times the amount of money to manage adjacent US forests than they are allocating to tribes, what lessons have they learned from the recent Nez Perce v. Salazar cases? If lands that are held in trust by the US for tribes are mismanaged those tribes will have no choice but to sue again. The IFMAT study shows that Tribes are doing a good job with the meager funds they have available from the BIA so the finger cannot be pointed at our foresters but at our trustee. While perhaps not a perfect analogy, the recent Salazar vs. Ramah Navajo decision of the Supreme Court stands for the proposition that the trustee cannot fall back on the argument that they didn't get enough money from the Appropriations Committee to fulfill a contractual obligation as a means for underfunding a known responsibility.

Congress directed that the decadal IFMAT studies be undertaken so that you would have data by which to make informed decisions. You now have clear data and we ask that you assist us in rectifying the problems IFMAT identified. IFMAT recommended that BIA Forestry be increased by \$100 million to achieve parity with other federal forestry programs. We urge the Congress to attack that lack of equity by adding \$25 million a year over the next four years to the BIA Forestry budget. IFMAT also recommended increasing the BIA's Forestry Projects by \$12.7 million to initiate a Forestry Workforce Development program. To assist tribes to achieve sustainable harvest of timber, BIA's budget must also be increased to address invasive species, endangered species and cooperative landscape conservation. Again we realize that you are authorizers not appropriators but recommendations coming from this committee will have some weight when the Appropriations Committee determines the allocation of funds in FY 15 and future years.

We want to also inform the Natural Resources Committee of the initiative on which the Confederated Salish and Kootenai Tribes have taken the lead among all forestry tribes in the area of Hazardous Fuels Reduction. In recent years the Interior Department came up with a

new method of distributing its Hazardous Fuels funds, dollars that are used to thin undergrowth and take other actions intended to retard the growth of large fires and make them more manageable. They called it the Hazardous Fuels Prioritization and Allocation System, more commonly by its HFPAS acronym. HFPAS was a formula so convoluted that one would need a Cray Supercomputer to figure out how money was allocated among Interior agencies. There was never any meaningful consultation with Indian tribes on its development and it was only as the formula was to be implemented that we were given the full range of data and the outcome of how it would impact us. We were stunned to see that, if fully implemented, we would have lost 94% of our hazardous fuels budget! In checking with other large timber tribes, we saw evidence that their losses would be even higher. Essentially the HFPAS formula as proposed would have led to a massive transfer HFPAS funds from the BIA and tribes to the Bureau of Land Management (BLM). You will not be surprised to learn that many of the top people in the Department who had input into the HFPAS formula were BLM or former BLM employees now located in the Office of Wildland Fire (OFW). We and the Intertribal Timber Council raised strenuous objections. We brought back a delegation and met with the leadership in the Office of Policy, Management and Budget (PMB) and OFW within the Interior Department, we wrote numerous letters to Secretary Salazar, to PMB Assistant Secretary Suh and to Indian Affairs Assistant Secretaries Echo Hawk and more recently Washburn. We met with staff for both the House and Senate Interior Appropriations Subcommittees and we met with three budget examiners at OMB and pointed out that the HFPAS would be devastating to our lands, would lead to major job losses on our reservations and would lead to more severe fires on lands on our Reservation that the United States holds in trust, was based on bad data and was biased against Indian lands (especially if those lands were surrounded by USFS lands). Eventually our message was heard and the Department sent a high level delegation out to Indian country and they concluded that more hazardous fuels reduction funds were in fact needed in Indian country. That need is somewhat reflected in the proposed FY 15 budget and we believe that changes are being made to HFPAS (or it is being retooled entirely) so that fuels reduction funds will be more fairly allocated among Interior agencies. We would ask this Committee's help in ensuring that tribes do not lose any hazardous fuels funding.

We also strongly concur in the direction that the Congress - or at least the Interior Appropriations Subcommittee - has given the Interior Department that they should not prioritize Hazardous Fuels Reduction funds in the Wildland Urban Interface (WUI). That Subcommittee correctly pointed out in previous years that much of the land operated by the Department of the Interior is not in the WUI. Encouraging wealthy Americans to build homes near national forests and parks where there are increasing chances that those homes will catch on fire is like encouraging someone to build their home in a known flood plain. It makes little sense. The Subcommittee was also critical of previous DOI proposals (presumably OMB initiated) wherein they recommended large reductions in their hazardous fuel program. You could not find a better example of being penny wise and pound foolish than the idea of reducing funds dedicated to lessening the likelihood of massive fire spread and instead concentrating on fighting fires once they are raging. Another old adage that is appropriate here is the one that says "An ounce of prevention is worth a pound of cure." We had an example of this in 2007 when the Chippy Creek fire moved off of State lands, through the Lolo National

Forest and onto our reservation. As is the case when our fire-fighting crews help respond to off-reservation fires, we had a multi-agency crew helping us extinguish this fire. The area where it crossed onto tribal forestry lands also happened to be a location where we had undertaken a major hazardous fuels reduction effort. As a result, the spread of the fire was significantly slowed and we got it extinguished and were proud of the fact that fire fighters from other agencies gave us major pats on the back for having such an effective fuels reduction program at that location. Further examples of our effectiveness to utilizing hazardous fuels reduction funds can be found in the numerous awards we have received from DOI. Every year from 2004-2010 we given an award of Special Recognition for Outstanding Efforts in Meeting and Exceeding Hazard Fuel Reduction Goals including in 1986 when we accomplished 186% of our target and in 2008 when we were the first tribe to exceed 10,000 acres treated in one year

We strongly support the proposal that the DOI Fuels Management budget must be restored to its FY 2010 budget of \$206 million. We appreciate the fact that the FY 15 proposed budget includes \$10 million for tribal resource management landscape restoration for fuels and forest health and we commend the Office of Wildland Fire for acknowledging this need among tribal forestry tribes.

Mr. Chairman the management of forests is a complex business involving silviculture experts, foresters, wildlife biologists, hydrologists, fisheries biologists, archeologists, tribal preservation experts, range and weed representatives, and our Tribal Elders Advisory Committees as well as prescribed fire and fuels technicians. This has become even more a challenge when the economy is bad and the call for wood products is off while at the same time we must comply with various regulations and laws. We are seeing evidence that climate change will impact our forests from bug infestations to larger fires created by drought while we must simultaneously manage for fish and wildlife that are so important to our people, particularly a culture where many hunt and fish to help feed their families. We are up to the task and are proud to have the only four year bachelor's forestry degree program in Indian country at our Salish and Kootenai College. We will do all we can to manage our forests but we can't do it without the help of our trustee. As we mentioned earlier the 3rd IFMAT Report provided a road map as to what is needed to provide healthy forests and jobs for our people but an IFMAT implementation team needs to be established to turn that report into real policies and budget and we urge your support to see that team is established.

Finally I want to say that we are members of the Intertribal Timber Council and we concur in their testimony including the importance of implementing IFMAT-III Report, the concept of establishing Anchor Forests, and Stewardship Assignments as well as amending the Tribal Forest Protection Act so it can lead to actual projects being implemented as opposed to having those proposed projects mired in endless environmental and agency review.

Thank you. I would be pleased to answer any questions.