

**Testimony of Phil Rigdon
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Before the House Committee on Natural Resources
Subcommittee on Federal Lands
Hearing on “State, Local, and Tribal Approaches to Forest Management:
Lessons for Better Management of our Federal Forests.”
September 29, 2015**

Mr. Chairman, Members of the Subcommittee, 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 the behalf of the ITC and its more than 60 member Tribes, I appreciate the opportunity to appear before you today to discuss how tribal forest management compares and contrasts to the U.S. Forest Service’s management of its National Forests. I will touch upon some of the broader management issues and what we believe to be the underlying reasons for management differences, but in particular, with this year’s fire season still burning in Indian country, I want to discuss differences regarding wildfire and the consequences of those differences.

As an introductory note, I want to express the ITC’s appreciation for the attention this Committee has devoted to tribal forestry and for your addressing tribal forestry issues in the Resilient Federal Forests bill now passed by the House. We look forward to working with the Senate to continue the progress of this necessary legislation.

I also want to thank the Committee for the opportunities you have provided for the ITC to present testimony in past hearings, particularly the Committee’s April 10, 2014 hearing on “Tribal Forest Management: A Model for Promoting Healthy Forests and Rural Jobs” and your April 23, 2015 hearing on “The Devastating Impacts of Wildland Fires and the Need to Better Manage our Overgrown, Fire-prone National Forests.” The ITC testimony in those hearings provides background information and context that support my statement today.

Management

Mr. Chairman, tribal forests are generally managed more efficiently, effectively, and innovatively than National Forests. This is principally due to a variety of elements and circumstances attributable to our tribal nations and communities.

Tribal forestry operates in a unique regime. At the time our reservations were established, the United States took title to our land and its resources into trust for our benefit, and that subjects our land and resources to federal law. At the same time, of course, our tribal governments retained and continue to exercise our inherent sovereign authority over our people and property. Today, the management of tribal trust forest resources generally operates successfully within this seemingly conflicted dual regime. The reasons for this are varied.

- Fundamentally, although tribal forestry is subject to both tribal law and federal law, the basic aim of both is the same: sustainability. While there are differences in degree and detail, we are at least heading the same direction.
- The federal trust responsibility can (but not always) temper and inform the application of federal law to tribal resources. The trust requires that the United States protect and manage our assets, including our forests, for the exclusive benefit of our tribes.
- The principal federal law governing the management of our forests, the National Indian Forest Resources Management Act (NIFRMA, PL 101-630, Title III), is the most modern, comprehensive and streamlined federal forest management law, providing flexibility and agility.
- Our forests are truly managed for multiple use. Our limited land base compels us to manage for multiple benefits, from providing revenue for our tribal government, to jobs for our tribal members, to habitat for our fish and game, to spiritual and cultural sustenance for our people. These varied activities must be accommodated. Unlike the National Forests, we cannot afford to have our forests locked up in interminable disputes over such things as single-purpose dominant use and restrictive land classifications.
- Our forests are very immediate to our public. Our tribal members live in and around our forests, and rely upon them for a great variety of functions. They are very aware of and involved in how their forests are managed. Tribes also have broader, longer views of our forests, their uses and their purposes. We have lived with, on and from our forests for eons. We are bound to our forests and have evolved our traditional knowledge that guides our forest management. This deep historic and continuing involvement extends to the ceded forest lands beyond our reservation borders, often secured in treaty rights.
- Pursuant to Indian self-determination, tribes are taking over the direct management of our forests, strengthening the connection and responsiveness to our citizens and our governments. The Bureau of Indian Affairs and its Division of Forestry in their continuing role as trustee and overarching federal administrator are also becoming more attuned and responsive to tribal visions and goals for our forests.

The ITC summarized many of these elements in testimony submitted to this Committee’s March 24, 2015 hearing on “Improving Forest Health and Socioeconomic Opportunities on the Nation’s Forest System,” stating “Pursuant to both Tribal direction and federal law, Indian forests must be sustainably managed. Indian Tribes are direct partners with the Bureau of Indian Affairs in the active management of our forests. We operate modern, innovative and comprehensive natural resource programs premised on connectedness among the land, resources, and people. Our approach is holistic, striving to simultaneously sustain economic, ecological, and cultural values, the “triple bottom line.””

These elements and circumstances that shape tribal forestry and distinguish it from the management of the National Forests are examined in more detail in the IFMAT III report that

was the a focus of the Committee’s April 10, 2014 hearing on tribal forest management. The Indian Forest Management Assessment Teams (IFMAT) themselves and their reviews and reports are also an important element in guiding tribal forestry. Section 312 of NIFRMA requires that an independent scientific assessment of tribal forests and their management be conducted every ten years. IFMAT III is the third such assessment and report. It was completed in November 2013 and, also as required by the law, copies were submitted to the appropriate committees of the Congress, including this Committee, in early 2014. On April 10, 2014, this Committee conducted its oversight hearing entitled “Tribal Forest Management: A Model for Promoting Healthy Forests and Rural Jobs” in which the IFMAT III report was a principal point of focus. Members of the IFMAT III team presented detailed testimony regarding the report, as did the ITC and several timber tribes.

The ITC believes this periodic IFMAT assessment and report are so valuable that, in our testimony submitted for the Committee’s March 24, 2015 hearing on National Forest health and socioeconomic opportunities, our first recommendation was that a similar process be applied to the National Forests. We reiterate that recommendation here.

Funding and Staffing

One of the key findings of the IFMAT III report is that tribal forestry programs are significantly underfunded and understaffed. On a per-acre basis, tribes receive about one-third the funding for forest and wildfire management as the Forest Service. Tribal forestry is also drastically understaffed, primarily as a result of underfunding, but also due to increasing retirements and a diminishing pool of trained and available personnel.

Confronted with these chronic shortages, IFMAT III found that tribes have to do more with less. We must be efficient, effective and inventive, and one result – and IFMAT conclusion - is that tribes can serve as models for forest management. But just providing routine and on-going management of our forests under these constraints is a constant struggle. In terms of constant dollars, federal funding for our trust forests has been steadily declining over many years. Capacity and in-depth activities suffer. These shortfalls accumulate over time, and the consequences of chronic underfunding and understaffing are now being felt. The accumulated shortfalls now hinder the necessarily timely conduct of basic management functions like timber sales, and, more crucially, can cripple our ability to immediately respond to emergencies like the eruption of wildfire. The insufficiency of funding is such that the damaging consequences can be compounded. Over years, lack of forestry staff has prevented the sale of many tribes’ planned annual harvest, depriving tribes of needed revenue and leaving valuable timber standing in the forest. When fire arrives and the unavailability of needed fire fighting resources allows the fire to greatly expand and consume those unsold trees left on the stump, the loss to the tribe is redoubled.

As these last few months have underscored, the United States’ ability to protect and sustain the health and productivity of our forests in the future and the fulfilling of fiduciary trust obligations is very much in doubt. Now, in the wake of this summer’s fires as tribes desperately try to

salvage what remaining value we can from our decimated economic timber base, the federal government's willingness to meet its trust obligations is particularly in focus.

Wildfire and Recovery

Mr. Chairman, the IFMAT III report included an extensive review of wildland fire in Indian country, with dire warnings about the chronic insufficiency of federal support for addressing the growing specter of fires that could be devastating to tribal governments and communities. The IFMAT III report's findings and recommendations regarding fire provided the tribal aspect to the growing national concern about wildland fire overall. When this Committee held its April 23, 2015 hearing on "The Devastating Impacts of Wildland Fires and the Need to Better Manage our Overgrown, Fire-prone National Forests," the ITC is grateful you offered us the opportunity to testify. In our testimony, we discussed the underfunding of BIA and tribal forest and wildfire management, stating that Indian forests operate on a shoestring budget, and that the shoestring is about to break.

Mr. Chairman, I am here today to report that this summer, that shoestring broke.

So far this fire season, BIA reports there have been at least 3,127 wildfires on trust land, and in the past two months, at least five sizable timber reservations have experienced the largest wildfires they have ever recorded. A very preliminary estimate for this season is that at least 411,000 trust acres have burned, most of it in just the last eight weeks in the Northwest. And this fire season, while winding down, is still not over.

Disparate funding and lack of access to suppression resources are major reasons why Tribes in the West suffered such large losses from wildfire. The intensity of earlier fires elsewhere in the West, often involving residences, drew most of the region's fire fighting resources, so that when fires started a little later on lands in and around our reservations, adequate fire fighting resources were not available. While the Tribes wanted to attack the fires aggressively, the lack of adequate resources for early suppression allowed the fires to get out of hand and greatly expand, resulting in unprecedented damage to our forests. The Colville Reservation alone had nearly 200,000 commercial acres (1/3 of their commercial forest land base) seriously impacted by these fires. Collectively the Spokane, Yakama and Colville Tribes project mortality to their timber stands to total nearly 2 billion board feet. I want to emphasize that as more information is gathered, these amounts will change, and likely go up.

Mr. Chairman, the policy of prioritizing fire suppression resources away from the federal trust protection of our forests to try to save private property resulted this year in immense destruction to our forests. We would urge that this policy be reevaluated. But more immediately, with the tribes already bearing the brunt of this policy, we ask that our federal trustee not cause us further harm by denying us the ability to salvage what value we can from our destroyed forests.

Faced with the long-term crippling of our tribes' economies, we must try to recover what value we can from our burned timber. As I have previously noted, the regular, on-going management functions for tribal forestry are already chronically underfunded and understaffed. Now we must

try to harvest as much burned timber as we can in the next 18 months before its value completely disappears. This means trying to move up to three times our normal harvest level in this limited window. Based on very rough estimates, we are asking our federal trustee to immediately increase the BIA TPA Forestry budget by at least \$15 million – about a 50% increase - to allow tribes to salvage what we can from our forests.

Additionally, our burned-over lands require immediate attention for emergency stabilization and recovery. A very initial cost estimate for burned area recovery and replanting of our trust timberlands (approximately 80,000 reforestation acres) is \$25 million. BIA expects that additional post-fire emergency stabilization needs will be extensive, and those costs are still being calculated. But even with these recovery efforts, our forests, water, soil, fish, animals, plants, communities, and governmental revenues will suffer the consequences of this season's fires for many years to come. While private homes might be rebuilt in two or three years, it will take our forests decades to return.

Although this year's fire damage to our trust forests is extreme, Tribes are better able to quickly apply resources to recover value and undertake restoration to minimize damage to our forests. Let me walk you through what's happening right now. As trees are still smoking, our teams are already on the ground performing damage assessments, preparing environmental documentation and will soon begin salvage operations to reduce fuel loads, protect soils, and prepare the ground for reforestation. If our trustee steps up with the funding needed to salvage what we can from this disaster, we will have many of those dead trees harvested and off to local mills before the end of the year. We're racing against the clock – every day we'll lose timber value to decay and blue stain.

Compare that to our federal neighbors. It's not an exaggeration to estimate that the NEPA work on Forest Service salvage sales will take two years to prepare and complete appeals and litigation. Timber value will be lost, as will opportunities to give the new forest a head start in recovery.

Lessons

We believe that Tribes can demonstrate how actively managing the land can help improve the long-term management of federal forestlands, improve their response to disasters like wildfires and minimize potential for hazardous conditions that invite damage to arise. We recognize and understand that a holistic approach is essential to maintain healthy, working forests on the landscape, and with the Forest Service we are pursuing two specific initiatives to extend such holistic management and encourage broader stakeholder participation.

First, we are currently on the ground developing "Anchor Forest" pilot projects to explore opportunities for collaborative management across ownership boundaries. Using tribal expertise and ecological credentials, we're seeking to provide a framework for investment to preserve the management, workforce, harvesting, transportation, and processing infrastructure needed to sustain healthy forests on the landscape both for economic vitality and ecological health. Much

like this Subcommittee, Tribes seek to wisely manage the resources today to preserve the landscape for future generations.

Second, individual tribes and the Forest Service, working with the ITC, have initiated thirteen new forest health and stewardship projects on Forest Service land through the Tribal Forest Protection Act authority (PL 108-278).

Beyond these two initiatives, I offer below a few ideas based on tribal forest management experiences. I recognize these are very broad and, with particular regard to application to the National Forest System, are certainly more easily said than done. But perhaps they can simply suggest a direction to be pursued over the long term rather than a specific point seeking immediate attainment:

- Provide simpler, more flexible and responsive laws and policies for the National Forests. A greater number of ever more specific laws and regulations will only increase the snarl that already ties up the National Forests. The idea of comprehensive, simplifying reform might be explored.
- Consider IFMAT-like periodic independent evaluations of National Forests, perhaps on a regional basis, including findings and recommendations.
- Allow individual National Forests to better engage and reflect local interests and concerns. Current emphasis on increased collaboration within both the Forest Service and the National Cohesive Wildland Fire Management Strategy appears to be already heading this direction.
- Encourage National Forests to work with neighboring forest stakeholders to share and harmonize management across the landscape. This could include policies and concepts such as Anchor Forests, Tribal Forest Protection Act projects, and Good Neighbor Authority projects.
- Re-dedicate the National Forests to active management for sustainable multiple use, seeking mechanisms that would promote cooperation, integration and compromise rather than pitting individual uses against one another.
- Seek to stabilize and equalize funding across the forest landscape for both management and fire, particularly among government entities.

About the Intertribal Timber Council

The ITC is a 39 year old association of forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18.6 million acres of BIA trust timberland and woodland that provide thousands of jobs and significant economic activity in and around Indian Country. In addition, our forests store and filter the water and air, sustain habitats, and produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression. We invite you to come visit.

Mr. Chairman, that concludes my remarks. Thank you.