



# Intertribal Timber Council

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September 22, 2015

The Honorable Rob Bishop  
Chairman  
House Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Don Young  
Chairman  
Subcommittee on Indian, Insular and  
Alaska Native Affairs  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Raul Grijalva  
Ranking Member  
House Committee on Natural Resources  
1329 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Raul Ruiz  
Ranking Member  
Subcommittee on Indian, Insular and  
Alaska Native Affairs  
1329 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairmen Bishop and Young, and Representatives Grijalva and Ruiz:

The Executive Board of the Intertribal Timber Council (ITC) supports H.R.538, the Native American Energy Act of 2015.

We wish to particularly express our strong support for Section 6, which would establish Tribal Biomass Demonstration Projects. Such projects are sorely needed to promote economic opportunity, improve forest health, and reduce threats to lands held in trust for Indians. Tribal inquiries into biomass projects on federal public forests have often been thwarted by lack of federal direction, administrative timidity, and crippling slow decision-making. The demonstration projects will help overcome these obstacles by providing clear direction to the Forest Service and BLM and assuring that eligible projects are promptly selected and carried out.

Tribal forest lands frequently adjoin or are in close proximity to federal public forest land, much of which is in need of forest health treatments that can be carried out by tribal forestry operations. Biomass projects could help reduce threats to nearby Indian trust forest resources from fire, disease and insect infestation. Protection of these trust lands and resources is the basic premise of the Tribal Forest Protection Act. In addition, improvement of forest health and ecological functions are vital to maintain watersheds and fish and wildlife habitat on lands that may be subject to federally-reserved tribal rights.

Tribes are particularly well situated to undertake biomass projects. Some forested tribes have their own forest products processing facilities and many provide timber that supports other forest products milling facilities. Such infrastructure (roads, site, electricity, water, harvesting, transportation, and a trained work force) is essential for development of facilities that can use woody biomass for biofuels or renewable energy to contribute to national goals of energy independence and security.

Tribes, as America's first stewards, are committed to long-term, sustainable management of forests and other natural resources and have skilled and experienced professional staffs and field operations. The biomass demonstration project will help provide jobs, revenues, heat, fuel, or electricity for tribal and other rural communities. Some financial opportunities available to tribal governments, such as tax credits or bond financing, could also prove helpful in securing financing to develop and operate biomass facilities.

The ITC appreciates the thought and effort in developing Section 6. Among particular elements we note in the bill are –

- A minimum of four projects a year for the Project's five year authorization should provide an adequate opportunity for interested tribes to develop and submit applications to participate in the program.
- The eligibility criteria allow the Secretary, working with affected tribes and intertribal organizations, to flexibly tailor those requirements. The selection elements, drawn from the Tribal Forest Protection Act, include the Secretary's according weight and deference, pursuant that Act's Section 2(e)(2)(A), to the special and unique attributes of tribal governments, such as the government-to-government relationship between tribal governments and the U.S. and the sovereign authorities of tribal governments.
- The budget neutrality of the Project, including the specific limitations on direct service contracts and use of merchantable logs already identified for commercial sale to assure that neutrality.
- The prompt promulgation required for the Program.
- The authority for the Secretary to extend, as practicable, the tribe's forest management plan or Integrated Resource Management Plan to the biomass project. Such plans are already required by statute to be sustainable, and must have been approved by the Secretary to be in effect, and their potential application to the biomass project would substantially facilitate the project's implementation.
- The twenty-years-plus-ten year term for contracts or agreements entered to carry out the Act. The potential to secure a thirty-year feedstock supply would provide sorely-needed support for financing biomass plants.

The ITC is an association of sixty Indian tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of forest land held in trust by the Bureau of Indian Affairs. The ITC is dedicated to pursuing the best management and protection of tribal forests and other natural resources. We actively participated in the development of the National Indian Forest Resources Management Act (PL 101-630, 1990) and the Tribal Forest Protection Act (PL 108-278, 2004). It is our pleasure to now support H.R.538.

We appreciate the Committee's swift action on H.R.538 and look forward to the House's consideration of the bill this year, and hope the bill will promptly move through Congress.

Sincerely,



Phil Rigdon  
President