

**Testimony of Cody Desautel**  
**President, Intertribal Timber Council**  
**&**  
**Executive Director, Confederated Tribes of the Colville Reservation**  
**Before the House Committee on Natural Resources**  
**Federal Lands Subcommittee**

**Hearing on Discussion Draft of H.R.\_\_\_\_ (Westerman) “*To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.*”**

**April 17, 2024**

I am Cody Desautel, President of the Intertribal Timber Council (ITC) and Executive Director for the Confederated Tribes of the Colville Reservation in Washington State. On behalf of the ITC and its more than 60 member Tribes, thank you for asking to hear our perspective on this draft legislation.

Background

All of America’s forests were once inhabited, managed and used by Indian people. Today, only a small portion of those lands remain under direct Indian management. On a total of 334 reservations in 36 states, 19.3 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians.

Tribes actively manage their forests for multiple uses, including clean water, habitat, economic revenue, jobs, cultural foods and materials and for other cultural purposes. Despite our diligent efforts to manage our forests with the limited resources we have we have experienced unprecedented wildfire impacts. Since 2015 the Colville reservation has seen more than 700,000 of its 1.4 million acres burn in wildfires. Unfortunately, Colville is not alone, as many tribes have experienced devastating fire seasons over the past decade.

The risk of wildfire to Indian lands is compounded by the thousands of miles of shared boundary with federal agencies, primarily the U.S. Forest Service and Bureau of Land Management. There are countless examples of wildfire spilling over from federal lands onto tribal forests, causing significant economic and ecological losses. These fires regularly pose a risk to human life on Indian lands and have resulted in fatalities.

In addition to these adjacent threats, tribes must compete for fire suppression resources with federal lands that pose a risk to local communities across the country. In 2015 fires around the northwest were competing for suppression resources, including the Northstar fire on the Colville reservation. Because other fires burning in the region were closer to communities, suppression resources were prioritized to those incidents leaving the Northstar fire to burn

on the reservation with very little support from the national interagency fire system. A similar situation occurred on the Yakama reservation in 2015, where Hot Shot crews were pulled from the Cougar Creek fire on reservation to respond to another fire deemed to be a higher priority because of its proximity to communities. The Cougar creek fire ultimately burned more than 50,000 acres, mostly on the Yakama reservation.

The impacts of wildfires are not limited to the reservation. Tribes retain treaty, reserved, and other aboriginal rights across much of the federal land managed by the U.S. Forest Service and Bureau of Land Management. When these lands don't receive adequate management, or are severely damaged by wildfires tribes feel the impact. This is particularly true for tribes with small reservations. In these situations, many of the culturally significant plants, animals, and places are under the management of another federal agency. When these resources are lost or damaged it limits their ability to practice the culture that defines them as people.

For these reasons the Intertribal Timber Council looks forward to working with the committee on this legislation. The ITC commends Chairman Westerman, and this legislation's intention to prioritize fuels treatment in areas needed to protect communities and infrastructure, and authorize accelerated procedures to implement those projects. The ITC supports both goals and has long advocated for fuels treatment on federal lands at a pace and scale that is commensurate with the ecologic need to return these landscapes to a healthy, resilient condition. While the ITC believes that treatment across the landscape is needed to reduce fire severity and post fire effects, we understand the urgency of protecting communities most at risk of wildfire as a critical first step.

The legislation primarily uses a combination of priority firesheds identified in the "Wildfire Crisis Strategy" and existing national Fireshed Registry ratings to prioritize fuels reduction projects. The ITC recommends adding a provision that allows states and Indian tribes to identify and request additional areas for assessments and treatment. Wildfire is a complex phenomenon that can be unpredictable. Many of the areas most devastated by wildfire in recent years do not appear on the Registry at all. Likewise, areas that have burned in recent years are treated at a lower risk of future wildfire. While that may be true in the very short term, large areas with standing dead snags may pose a much greater risk of catastrophic fires as time goes on. We recommend more research about how to calculate wildfire risk from these massive dead zones on federal lands.

The ITC appreciates that the bill authorizes tribes to request participation in producing the fireshed assessments. Tribes are best situated to define risks, strategies for reducing the threat of those risks, and determining the benchmark goals for their communities. For the sake of parity, we request that Tribal Forest Protection Act projects on federal lands be provided the same implementation authorities, such as emergency NEPA procedures and categorical exclusions. This would be helpful in accelerating TFPA treatments across the country.

A prime example of this is the Tule River Tribe's TFPA project in the Sequoia National Forest in California. The NEPA process for the project, intended to protect giant sequoias from stand-replacement fire, took roughly a decade to get through. By the time of implementation, wildfire was already affecting the sequoia stands. Congress ultimately stepped in to create emergency authorities for fuels treatment.

The Colville tribe is working through a similar situation where a TFPA project that shares 10 miles of boundary with the reservation was approved in 2014, later reduced because of the 2015 Northstar fire, and had the NEPA decision litigated in 2023. Now --10 years later—we are working on a new version of the project with no treatment accomplished on the ground to date. While tribes understand the importance of environmental review, we also understand that we must live with those decisions and justify our actions to our tribal membership. Decisions that impact natural and cultural resources are not things we take lightly.

The ITC appreciates the inclusion of traditional ecological knowledge in the definition of “Best Available Science” used in the firehatched assessments. This can be a critical tool to better understand the historic forest characteristics and fire behavior. It will be important to respect the tribal sovereignty of our 574 federally recognized tribes, and ensure we have a process for collection and protection of this data that meets the needs of each tribal government. The ITC also appreciates the inclusion of cultural burning as a designated firehatched management project. For many tribes this will be a critical tool to accomplish their risk reduction goals.

The ITC supports the bill’s provisions that address full tribal inclusion in Good Neighbor Authority, and adding the National Park Service and U.S. Fish & Wildlife Service to that authority. We also support extending the length of stewardship contracting authority. To ensure we have the infrastructure needed to accomplish these firehatched management goals we will need a healthy forest products industry. To achieve this, we must have long term commitments to forest products supply chains. The Wildfire Mitigation and Management Commission also recommended investments in wood processing facilities and the wood utilization sector more generally.

The bill’s provision on litigation reform mirrors existing direction from Congress in the Healthy Forests Restoration Act. Since federal forests are often managed by the whim of federal courts, we believe it is reasonable for Congress to direct courts to weigh the long-term effects of fuels reduction versus wildfire impacts to untreated areas. With approximately half of the reservation burning over between 2015 and 2021 we have firsthand experience with fire effects on untreated areas. Although we have an active forest and fuels management program, we are not funded to work at the pace and scale needed for our forest types. The consequence is high severity wildfire in many of untreated areas. It would be irresponsible to assume “no action” means “no impacts” as we continue to see the growing impacts past management practices and climate change.

ITC would recommend that the Bureau of Indian Affairs be included as a member of the Community Wildfire Risk Reduction Program. The BIA is included as a representative in the Firehatched Center and Public-Private Wildfire Technology Deployment and Testbed Partnership, and should serve in the same capacity to protect tribal interests in this program.

We also support better reporting of fuels reduction projects by type and effectiveness. A true accounting of footprint acres with a quantified risk reduction will help track our success, and inform future investments and projects. We would recommend the work done by the Department of the Interior to consider the “avoided costs” of various fuels treatments.

The ITC also supports the creation of an interagency group focused on technology development and deployment. The Wildfire Mitigation and Management Commission had 16 recommendations dedicated to the integrating modern science and technology. By collaboratively combining the resources of the federal agencies, academia, and private industry we can utilize existing tools, and develop new tools that improve our effectiveness in achieving these wildfire risk reduction goals.

On the whole, the ITC supports the intent of this legislation to accelerate the pace and scale of high priority fuels work on federal lands. The ITC requests that the Committee review additional recommendations to Congress from the Wildland Fire Mitigation and Management Commission report, particularly those that involve tribes and tribal forest and fire management.