

**Testimony of Cody Desautel**  
**President, Intertribal Timber Council**  
**&**  
**Executive Director, Confederated Tribes of the Colville Reservation**  
**Before the House Committee on Natural Resources**  
**Federal Land Subcommittee**  
**Hearing on H.R. 1450: “Treating Tribes and Counties as Good Neighbors Act”**  
**May 23, 2023**

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, I appreciate this opportunity to testify on H.R. 1450 and other legislation today.

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 to provide the subsistence, cultural, and spiritual values important to their tribal membership, while also providing economic revenue, jobs, and forest products that support both tribal and local economies.. Catastrophic wildfire can negatively impact all of these uses for multiple generations.

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.

Congress recognized the need for tribes to work closely with their federal neighbors to reduce the threat of fire across shared boundaries. The result was the Tribal Forest Protection Act (“TFPA”), which allows tribes to petition the Secretaries of Agriculture and Interior to perform stewardship activities on their lands adjacent to Indian lands.

The 2018 Farm Bill not only expanded TFPA authorities but also gave tribes and counties the authority to enter into Good Neighbor Agreements with federal agencies. Unfortunately, a drafting error in the final text precludes tribes or counties from retaining revenue generated from GNA projects for planning. This is a key component of building successful GNA stewardship programs as states have done since 2014.

The disparity in funding between Tribal forests and other federal forests continues to grow. Without an ability to retain revenue to support tribal capacity, it is unlikely Tribes

will contribute already limited tribal revenue sources to conduct work on adjacent federal land. After expansion of the authority in the 2018 Farm Bill, the Colville Tribe attempted to use the Good Neighbor Authority on the San Poil project, which shared approximately 10 miles of boundary with the reservation. However, without the ability to use timber sale revenue to accomplish restoration services the project was cost-prohibitive, and the Tribe was forced to abandon its plan.

GNA provides tribes and federal agencies an additional tool for improving forest health across boundaries. While the scope of GNA projects is slightly narrower than what tribes may accomplish with TFPA and 638 authorities, GNA provides greater latitude in retaining project revenues and building additional capacity.

## OTHER LEGISLATION

I would like to make brief comments on other legislation that is being considered in today's hearing:

- H.R. 188, “Proven Forest Management Act” (McClintock): This legislation would provide a 10,000-acre Categorical Exclusion for fuels treatment projects, if those projects are developed in cooperation with various entities. The ITC supports the intent of this legislation, and appreciates the requirement to consult with Indian tribes. One technical suggestion is to define the term “qualified entity” as it applies to the contracting of fuels reduction work. We would also recommend that TFPA and GNA projects automatically qualify for the Categorical Exclusion, if they meet other criteria.
- H.R. 4664, “FIRESHEDS Act” (Moore): ITC supports the intent of this legislation which would categorically exclude certain fuels reduction projects from NEPA evaluation, and limits judicial review, if those projects are developed through a collaborative process, community wildfire protection plan, or resource advisory committee. The bill also authorizes the use of GNA to perform covered projects. The ITC recommends the bill be amended to include TFPA projects as eligible, and to align the amendments to the underlying GNA statute reflect H.R.1450 – to ensure that if GNA were used under this bill, tribes are fully eligible to participate.