

**STATEMENT OF
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BEFORE THE
UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS
CONCERNING**

**IMPROVING INTERAGENCY FOREST MANAGEMENT
TO STRENGTHEN TRIBAL CAPABILITIES
FOR RESPONDING TO AND PREVENTING WILDFIRES
and,**

S. 3014 To improve the management of Indian forest land, and for other purposes

JUNE 8, 2016

Introduction

Mr. Chairman and Members of the Committee, thank you for the opportunity to present the views of the U.S. Forest Service regarding efforts to strengthen tribal capacities to carry out projects on our nation's forests, and then to address S. 3014.

Our National Forests and Grasslands provide a broad range of benefits, including biodiversity, recreation, clean air, forest products, erosion control, and clean water. Covering a third of the country's landmass, forests store and filter more than half of the nation's water supply and take in approximately 12 percent of the country's carbon emissions. Our mission of sustaining the health, diversity and productivity of our nation's forests and grasslands is critically important to maintaining these values and benefits. In 2015, we produced 2.873 billion board feet of timber. Our timber harvest has increased 18 percent since 2008. In 2015 we improved 19 watersheds,

and treated 2.5 million acres of hazardous fuels. The agency is achieving these results through an emphasis on collaboration.

The frequency and intensity of wildfire is increasing while the cost of controlling the spread of wildfire is rising, and the way we pay for fire suppression constrains the agency's capacity to realize additional gains through efficiencies and partnerships alone. The Forest Service faces two related but distinct challenges from the rising cost of fire suppression. First, wildland firefighting (suppression) activities are currently funded entirely within the U.S. Forest Service budget based on a 10-year rolling average. Today the agency spends nearly half of its budget on fire management activities and has seen a corresponding 39 percent decline in non-fire staffing since 1998. Between fiscal year 2015 and 2017, the 10 year average increased by \$237 million. Absent action from Congress this year, the Forest Service will begin with \$237 million less for all of its non-fire programs next year. In a constrained budget environment, no agency can absorb this level of increase in costs or the loss in resources and capacity.

Second, when appropriated resources fall short, as they did in 2015 by \$700 million dollars, the Forest Service is forced to transfer funds from non-fire programs to cover the cost of suppression. These mid to late season transfers stop projects, cause uncertainty and instability in planning, and impact the agency's ability to implement projects. Notably, the type of work delayed by the rising cost of suppression can include the needed restoration work on National Forest System lands adjacent to tribal lands.

The President's Budget Request for FY 2017 continues a proposal from FY2015 to change wildfire suppression funding by providing access to nearly \$1 billion for emergency purposes outside of the statutory discretionary limits. We can no longer afford to transfer funds away from mission critical work, nor can we sustain a growing 10-year average that permanently reduces an already shrinking portion of the Forest Service non-fire budget. A comprehensive fire budget solution—that addresses both the growth of fire programs as a percent of the agency's budget and the compounding problem of annual fire transfers—remains the most important action Congress can take to increase the pace and scale of forest restoration across all landscapes.

Tribal Forest Protection Act (TFPA) and the Anchor Forest Concept

The Forest Service and Indian tribes share approximately 4,000 miles of contiguous boundary with National Forest System lands. In the summer of 2003, nearly 20 Indian reservations were affected by wildfires from adjacent federal lands. In 2011, New Mexico's Las Conchas fire devastated over 15,000 acres of the Santa Clara Pueblo. Last year, wildfires scorched over 500 square miles of reservation lands in the Northwest. These fires severely affected tribal communities, destroying structures and costing tribes millions in lost resources and, tragically, a number of lives.

The Tribal Forest Protection Act of 2004 (TFPA) authorizes the Forest Service and the DOI's Bureau of Land Management to give special consideration to tribally proposed projects to protect tribal natural and cultural resources on agency land adjacent to tribal lands. The Act authorizes tribes and the Forest Service to work together on National Forest System lands (through contracts or agreements) to reduce threats to Indian trust land and Indian communities. For a project to be approved, the National Forest System lands must pose a fire, disease, or other threat to tribal lands and communities, must be in need of restoration, and the project must involve tribal concerns about traditional and cultural resources.

Passage of TFPA (Public Law 108-278) initially generated many project proposals with a few projects completed. The momentum of the new authority declined and subsequently few additional TFPA projects were proposed or completed by 2012. The Intertribal Timber Council (ITC), which represents over 60 Indian tribes with forest land, the Forest Service, and the Bureau of Indian Affairs undertook a study to determine why so few projects had taken place and what could be done to encourage use of this valuable authority. That effort resulted in a 2013 report with several recommendations that are now being implemented.

Since 2013, the TFPA has become an increasingly important tool to accomplish work on National Forest System lands. The Forest Service continues to work with the ITC to increase the understanding and awareness of the flexibilities with this authority. We have hosted three

workshops, connecting over 150 tribal and Forest Service representatives, to find common areas of interest for TFPA projects. The first of several workshops was hosted in April 2015 and resulted in six proposals. The most recent workshop, held the week of May 23, 2016, was the most successful to date, and is expected to generate at least one proposal from each of the 10 participating tribes. These interactions have significantly increased the number of proposals, which will produce even more projects with partner National Forests.

Anchor Forests

Anchor Forests are large contiguous areas that can support sustainable long-term wood and biomass production backed by local infrastructure and technical expertise, and that have been endorsed politically and publicly to achieve forest management objectives.

The purposes of Anchor Forests are to:

- **Promote** *forest ecosystem function by maintaining and improving working forests and the infrastructure needed to increase ecosystem services and benefits gained from healthy forests;*
- **Reduce** *the impacts of insects, disease and wildfire in the face of a changing climate through active forest management, and*
- **Provide** *a framework for cross-boundary land management that achieves the social/cultural, economic, and ecologic values and benefits realized through long-term stewardship.*

Forests throughout the United States are negatively affected by fragmentation, wildfire, insects, disease, drought and climate change. The management, harvesting, transportation and processing infrastructure necessary to sustain healthy and productive forests are disappearing. As a result, vital ecological systems and economies of rural communities are being severely impacted. The Forest Service intends to mitigate these adverse impacts through the Anchor Forests concept by creating large networks of interdependent local partners to promote robust large scale landscapes. The Intertribal Timber Council (ITC) believes that Anchor Forests are a “common

sense, multifaceted approach for retaining healthy working forests through partnerships, collaboration and coordination.”

The Anchor Forests pilot project is funded through a \$700,000 grant from the Forest Service to ITC. The pilot consists of three study areas in eastern Washington State, including Indian tribal lands of the Yakama Nation, Confederated Tribes of the Colville, and Spokane Tribe. Partners include the Forest Service (Region 6 and Pacific Northwest Research Station), Washington Department of Natural Resources, the University of Washington, The Nature Conservancy, and the University of Idaho. Data were gathered for six tasks: infrastructure analysis, Tapash collaborative case study, institutional capacity, barriers and solutions, tools and funding opportunities, and ecosystem services.

Three Indian Forest Management and Assessment Team studies done in the last three decades have determined Indian tribal forests have desirable management practices. And, because most Indian tribal trust lands are considered ancestral lands, the Anchor Forests will remain intact for future generations.

Tribal Engagement Roadmap

The Forest Service Research and Development Tribal Engagement Roadmap is a major step in improving the way our research community works with and serves tribes. Under the Roadmap, we are building and enhancing partnerships with tribes, indigenous and native groups, tribal colleges, tribal communities, and intertribal organizations. We are enhancing communication with tribes and other native communities by providing research results that are relevant for their needs in forums that are culturally appropriate and effective. Through a collaborative and participatory approach with tribes and tribal organizations, we seek to advance research on topics of joint interest, such as climate change, fire science, traditional ecological knowledge, water protection, fish and wildlife, forest products, non-timber forest products, restoration, social vulnerability, and sustainability.

Fuels Reduction

Planning and implementation of vegetative fuels treatments are critical for all land management agencies, including tribes, to reduce the risk of undesired wildland fire impacts. The Forest Service consults with tribes to design and implement fuels treatments.

The purpose of fuels treatments is to alter potential fire behavior; its full value is only realized when tested by a wildland fire. However, that value also relies on careful planning and design, and on proper implementation. Some fuels treatments require collaborative work between many partners and governments, and years of arduous efforts to complete a project.

Fuels treatments can be effective in changing the outcome of wildfires because the fuel volume has been reduced and the structure and arrangement of the fuel has been modified. Ideally, the resulting fire behavior has lower intensity, thus providing wildland suppression personnel more options to safely manage the fire. Fuels treatments can serve as strategic points on the landscape from which to implement suppression operations and protect property and natural resources. Congress recognizes the utility and value of fuels treatments and has enacted legislation to support land management agencies to effectively implement fuels treatments.

A recent example of the Forest Service working with the tribes in support of fuel treatments is the Isleta Project in New Mexico.

As part of The Chiefs' Joint Landscape Restoration Partnership, the U.S. Forest Service and Natural Resources Conservation Service approved \$1,520,000 for the Isleta Project in the East Mountains near Albuquerque. The authorities used to implement this project include the Collaborative Forest Restoration Program, Joint Chief's Initiative, TFPA, Forest Service Forest Health Protection Program, and the Wyden Amendment which allowed the Forest Service to fund fuels reduction projects in the Chilili Land Grant. Under the TFPA, the Pueblo of Isleta submitted a proposal to treat 10,420 acres across three political boundaries, including lands on the Sandia and Mountainair Ranger Districts. The 10,420-acre project will treat 2,000 acres on the Pueblo, 7,800 on Cibola National Forest, and 620 in the Chilili Land Grant. It will provide

fuel wood, create local employment opportunities for Hispanic and Native American youth, and increase the small-scale wood products industry.

S. 3014: To Improve the Management of Indian Forest Land, and For Other Purposes

S. 3014 would amend the Tribal Forest Protection Act of 2004 and the National Indian Forest Resources Management Act. Although we did not have time to complete a detailed analysis, we generally support the intent of this bill but would like to work with the Committee on a few details. Some specific comments are listed below.

Section 2 - Protection of Tribal Forest Assets through Use of Stewardship End Result Contracting and Other Authorities.

Section 2 of the bill would amend the Tribal Forest Protection Act of 2004 to specify deadlines for responding to an Indian tribe's request to treat National Forest System lands adjacent to Indian forest land or range land, for completing the environmental analysis for the project, and entering into an agreement or contract with the Indian Tribe to carry out the project, or for denying the Indian tribe's request. Specifically, the Secretary would have two years to complete the environmental analysis for a project and enter into an agreement or contract with the Indian tribe to carry out the project. While this timeframe is a laudable goal, we anticipate that some projects will require work that extends beyond two years.

Section 3 - Management of Indian Forest Land Authorized to include Related National Forest System Lands and Public Lands.

Section 3 of the bill would amend the National Indian Forest Resources Management Act under which the Secretary of the Interior is authorized to carry out forest land management activities on Indian forest land to achieve the management objectives specified in the Act. The amendments would authorize the Secretary of Agriculture, at the request of an Indian tribe, to treat National Forest System land as Indian forest land for purposes of planning and conducting forest land management activities if the National Forest System land is located within, or mostly within, a

geographic area that presents a feature or involves circumstances principally relevant to that Indian tribe. National Forest System lands that the Secretary treats as Indian Forest land would be managed exclusively under the National Indian Forest Resources Management Act.

Although we are supportive of the general objectives of the bill, we'd like to work with the Committee to address concerns.

Section 4 – Tribal Forest Management Demonstration Project.

Under section 4, the Secretary would be authorized to carry out demonstration projects under which federally recognized Indian tribes or tribal organizations may enter into contracts to carry out administrative, management and other functions under the Tribal Forest Protection Act, through contracts entered into under the Indian Self-Determination and Education Assistance Act (ISDEAA).

Currently, the Forest Service does not have authority to enter into self-determination contracts under the ISDEAA. We support applying this authority within a demonstration project, which would allow the evaluation of its usefulness to the agency and Indian tribes.

Summary

The Forest Service is ready to assist tribal governments and communities in managing tribal forests to improve their health and resiliency which is in all parties' best interest. Joint steps will achieve mutually beneficial management objectives to reduce losses due to wildfire, and bolster post-burn environmental and social consequences. We are committed to our government-to-government relationship with tribes, and welcome the opportunity to consult with tribal governments to improve the resilience of our nation's forests across boundaries. We consider our work to be supporting sovereignty through shared stewardship.

I will end this statement where I started. The single most important step Congress can take to advance forest health and resilience, and to further our collaborative partnerships with tribes, is

to enable the Forest Service to continue its mission-critical work and not be forced year after year to respond to the growing 10-year average suppression costs by permanently diverting funds. A comprehensive fire budget solution—that addresses both the growth of fire programs as a percent of the agency’s budget and the compounding problem of annual fire transfers—remains the most important action Congress can take to increase the pace and scale of forest restoration across all landscapes.

Thank you for the opportunity to testify here today. This concludes my testimony. I’ll be happy to answer any of your questions.