

## TRIBAL FOREST PROTECTION ACT AMENDMENTS BACKGROUND AND LEGISLATIVE SUMMARY

**Background:** The Tribal Forest Protection Act of 2004 (TFPA) authorizes the Secretaries of Interior and Agriculture to enter into contracts and agreements with Tribes to carry out Tribe-proposed projects on Forest Service (FS) and Bureau of Land Management (BLM)-administered federal lands. These projects are designed to protect Indian forest lands and resources from wildfire, disease, and other threats coming from federal lands. TFPA supports Tribes taking the lead in developing project proposals, but the agency still has to accept the project.

Congress passed TFPA in response to devastating wildfires that crossed from federal onto tribal lands in 2002 and 2003, demonstrating that fire knows no boundaries. TFPA complements the Healthy Forest Restoration Act aimed at protecting communities and watersheds from wildfire.

The 2018 Farm Bill provided new authority to the Secretaries of Interior and Agriculture to enter into “638 self-determination demonstration project agreements” with Tribes to take over the management and functions of the federal government under the TFPA with certain conditions.

TFPA, however, is limited to protecting tribal or forest lands “bordering or adjacent to” lands under tribal jurisdiction (25 U.S.C. § 3115a(b)(1)–(3)). Thus for “Indian land” to qualify it must border on or be adjacent to FS or BLM lands; be in trust or restricted status; and be forested or have grass, brush, or other vegetative cover, or, if burned, be capable of regenerating vegetative cover.

**Legislative Summary:** TFPA’s limitations have limited the program’s utilization and ability to meet Congress’ intent of protecting and restoring tribal lands. The *Tribal Forest Protection Act Amendments* would amend existing law to:

1. Expand the definition of “Indian forest land or rangeland” land to include lands held by Alaska Native Corporations. Under the Alaska Native Claims Settlement Act (ANCSA), Congress did not place Native land in Alaska into trust or restricted status. Instead, land was conveyed to Alaska Native Corporations to manage for their shareholders. TFPA’s current lands definition prevents nearly 44 million acres of ANCSA land and resources from being protected from threats from federal lands.
2. Strike the requirement that Indian lands “border on or be adjacent to FS or BLM lands.” The bill instead requires the FS or BLM land to have a special geographic, historical, or cultural significance to an Indian Tribe. Tribes have sacred sites, cultural landscapes and other resources on federal lands that they want to protect or restore, but the lands on which those resources exist are not always bordering on or adjacent to Indian lands.
1. Expand program eligibility to allow for work on Indian forest land or rangelands. The current program only applies to work conducted on federal lands, which further limits its effectiveness.
2. Add/update reporting on the program.
3. Add a five-year authorization of appropriations of \$15 million per year.