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WILDFIRES AND FOREST MANAGEMENT: PREVENTION IS PRESERVATION

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

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WILDFIRES AND FOREST MANAGEMENT: PREVENTION IS PRESERVATION

WEDNESDAY, MAY 14, 2014

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JON TESTER, U.S. SENATOR FROM MONTANA

The CHAIRMAN. The Committee will come to order.

Good afternoon. It is good to have you all here today for this hearing. A special thanks to Kevin. Kevin, every Wednesday at 2:30 p.m., you have had a date here for about the last month. We appreciate you being here.

This Committee is holding an oversight hearing on Wildfires and Forest Management, with a particular focus on the relationship between Federal and tribal forest management.

The 2014 fire season is just beginning and thousands of families across the country, particularly western communities, are bracing for another season of devastating forest fires.

Already this year, there are at least 17 large fires burning across the southern United States. The latest fires are part of an ominous trend toward bigger, hotter and longer fire seasons. Since 1960, there have been 235 million acres plus burned. To put that in perspective, that amount would cover the entire area of Montana and New Mexico combined.

Federal agencies responsible for protecting our communities are working to develop and apply smarter fire fighting strategies and focus on fighting fires and cleaning up the mess afterwards is like trying to live off a high interest credit card. We keep paying more by picking up the pieces at the end as risk for wildfire continues to escalate the cost of damages.

Last year, the Forest Service and the Department of the Interior spent a combined $1.7 billion on suppression alone. This is in line with the last five year average of about $1.8 billion annually. This amount does not count the State, local and travel costs.

I think everyone can agree that wildfire prevention activities such as hazardous fuel treatments reduce fire suppression costs. Yet, budget requests from the Forest Service and DOI don't keep up with the need for hazardous fuel treatments.

No where are the effects of wildfire more apparent and the benefit of working ahead of time to reduce the threat of fires more obvious than on tribal forests. Tribal communities rely on their forests for economic development, recreation and cultural activities. Each year, tribal habitat is lost for decades, sometimes forever.

The damage is not just to trees. Every year wild fire firefighters risk their lives to protect others and each year, we lose too many of these brave men and women. Just last year, 34 wildfire fighters died in the line of duty.

Forest management does not stop at the border of any jurisdiction anymore than the wildfire does. That theme is echoed in three topics our witnesses will discuss today: the Anchor Forest Pilot Project; the IFMAT III report; and the Tribal Forest Protection Act Report.

The Anchor Forest Pilot Project offers an alternative, cross jurisdictional approach to forest management. The IFMAT III report highlights how chronic under funding is leading to lost economic opportunities and tribal resources. Federal funding of Indian forests is still greatly lacking and staffing shortfalls jeopardize the capacity to care for the forest resource.

The Tribal Forest Protection Act Report shows there is still a long way to go for tribes and Federal agencies to work together to better protect tribal lands from threats originating on Federal lands. As we will hear today, tribal forests serve as models of how all of our Nation's forests should be cared for. We need to provide the appropriate support for them to continue to do so.

With that, I will welcome all our witnesses today. It is certainly an important issue in my home State of Montana as well as tribal and non-tribal communities across this country. I look forward to the testimony today regarding how we can improve forest and wildfire management in tribal and Federal forests.

When Senator Barrasso comes, we will have his opening statement. In the meantime, I think we will start with Kevin Washburn and James Hubbard for their opening statements.

Once again, welcome. You have five minutes. Your entire testimony will be a part of the record. After you are done, we will have questions.

We have the Honorable Kevin Washburn, Assistant Secretary for Indian Affairs, Department of the Interior and Mr. James Hubbard, Deputy Chief, State and Private Forestry, U.S. Forest Service, U.S. Department of Agriculture. These folks will offer their agencies' and the Administration's perspective.

I welcome you both. Thank you for taking time out of what I know is a very busy schedule to come and enlighten this Committee.

Kevin, you may proceed.

STATEMENT OF HON. KEVIN WASHBURN, ASSISTANT SECRETARY—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. WASHBURN. Chairman, thank you so much for having us. Thanks for having a hearing on this very important subject.

One of my first experiences with forest fire was in Montana at Flathead. I was a baby lawyer at the Department of Justice. There

was a fire called the NORTH I fire. It was probably 1991 or something like that. I was brought in to sue General Motors because General Motors was arguably the cause of the fire. We ultimately obtained a settlement.

I was at the Justice Department. Why was I bringing a case on behalf of Flathead? It was a trust resource of the United States for the Flathead Tribe, the Kootenai Tribes of the Flathead Reservation. I have been somewhat attuned to these issues for a very, very long time.

I came from New Mexico and more recently I have seen the devastation that forest fires have caused there. I will say as the temperatures grow hotter—what some scientists believe is happening—we are worried that we are going to see more and more fires. It is very timely for such a hearing and I thank you for that.

I agree with your opening statement that the answer to address the fire problem is at least, in part, better prevention, including hazardous fuel treatment but also harvesting of the forests. A forest fire causes a lot of damage and wrecks streams, waterways, landscapes and in some respects, if you view this from the trust resource, it is like lighting money on fire and letting it burn up. That is a bad thing and we need to be very creative in how we address these important issues.

Forests turned out to be one of our most important trust resources. There are 310 forests at Indian reservations located in 24 States, so this is something that broadly affects much of the country. Certainly Montana and New Mexico are two of the States that have a lot of forest land but they range across a lot of States, including over 18 million acres of Indian forests in the United States held in trust by us.

This is no small issue. For many of the tribes, it is their principal source of economic development. It is something we take very, very seriously.

We are grateful to the IFMAT team doing the decennial reports. We have fairly recently been briefed on the most recent decennial report. There is a lot of interesting information in there. One of the things we have seen of interest in this report is everyone knows that I am very much in favor of tribal self governance. We have just about doubled the number of tribes involved in self government since the first IFMAT report was produced in the early 1990s.

Having said that, even for the tribes that aren't contracting or compacting for these functions, they are working very, very closely with the BIA. There is a nice, cooperative arrangement between direct services tribes and the BIA on managing these forests. It is a huge task, so it wouldn't be done nearly as well without that great cooperation.

We are very interested in the Anchor Forest model. It combines both good management of forests with good economic management of trust resources. We are anxious to learn more about that and see how we can be supportive of it. Those are the principal things I would like to say in my opening statement.

I will stop there. Thank you.

[The prepared statement of Mr. Washburn follows:]

PREPARED STATEMENT OF HON. KEVIN WASHBURN, ASSISTANT SECRETARY—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Tester, Vice Chairman Barrasso, and members of the Committee. Thank you for inviting the Department of the Interior (Department) to provide testimony about tribal forestry and wildland fire management. Forests encompass about a third of the total Indian trust lands and provide irreplaceable economic and cultural benefits to Indian people. Forests store and filter the water and purify the air. They sustain habitats for the fish and wildlife that provide sustenance for the people. They produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression. Forests provide revenues for many tribal governments and in some cases provide the principal source of revenue for a tribal government and provide employment for Indian people in these rural communities.

Overview

There are over 18 million acres of Indian forests in the U.S. held in trust by the federal government. There are 310 forested Indian reservations located in 24 states. Six million acres are considered commercial timberlands, nearly four million acres are commercial woodlands, and more than eight million acres are a mixture of non-commercial timberlands and woodlands. Commercial forests on trust land are producing nearly one billion board feet of merchantable timber every year.

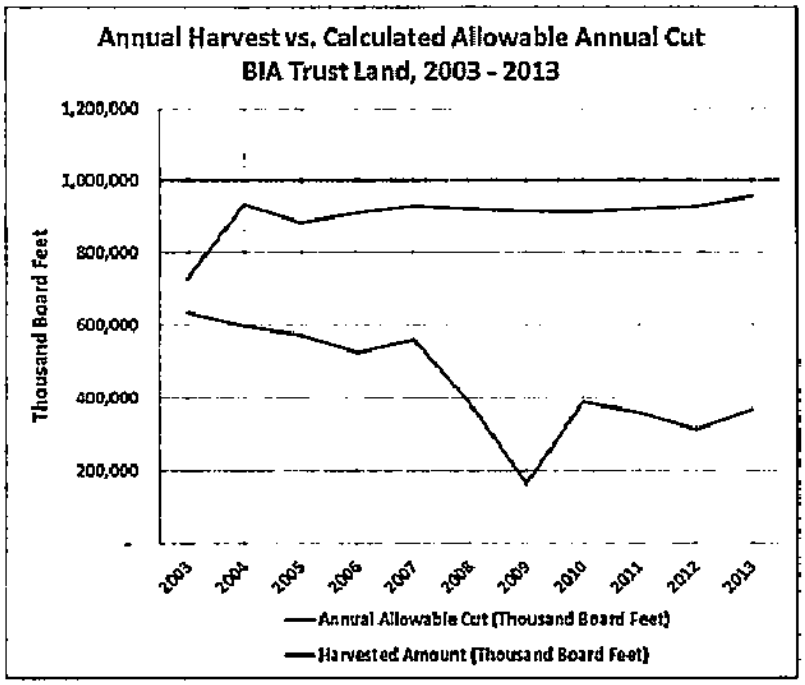
Historically, the management of tribal land was accomplished through the use of fire. Today however, fire alone cannot be used to accomplish forest management activities. The management of Indian forests and other resources is limited by geographic and political boundaries and increasingly threatened from external forces, such as wildfire, insects, disease, development and urbanization.

Forests on tribal reservations and throughout the country, but particularly in the more arid interior west, have grown much denser in recent decades, have undergone shifts in species composition, and have experienced more frequent epidemics of insect and disease infestations. These conditions are considered indicators of poor forest health and jeopardize tribal forest resources. Left untreated, forests in poor condition pose a threat of catastrophic loss by wildfire. Maintaining healthy, productive tribal forests requires the cutting and sale of large trees as well as the thinning of small trees through mechanical and prescribed fire methods.

Timber Management—Thinning the Large Trees

Our professional foresters and fire managers who work for the Bureau of Indian Affairs and for Tribal programs understand the art and science of maintaining forest health, as well as the need to incorporate Tribal goals, objectives and traditional ecological knowledge. However, there are various limitations to the amount of work these dedicated land managers can perform, including the absence of viable forest products markets, milling infrastructure, and resources for post-harvest thinning, burning, and planting.

Since 2003, timber harvest levels have dropped 42 percent, from 635.4 to 367.9 million board feet. Tribes are now harvesting only 38 percent of what is currently available to be harvested on an annual, sustained yield basis. By not harvesting what is growing annually, the forests continue to get denser. It is important to note that these larger trees are not being removed through the Bureau's Forest Development program or the Department's Fuels Management program and contrary to common belief, the large tree component of the forest often sustains catastrophic stand replacement crown fire.



Tribes which actively manage timber and other forest products rely on sale proceeds to employ tribal members, finance economic development projects and tribal infrastructure, and provide social services.

Tribes have begun coordinating and collaborating with their federal and state partners on a regional basis to identify ways marketable forest wood fiber supply can be pooled in an effort to entice industry to finance regional milling and biomass utilization converting facilities, through what is known as the Anchor Forest Initiative. As a stand-alone supplier, most tribes lack the amount of wood fiber necessary to support the capitalization of converting facilities that utilize forest-based fiber. The maintenance of a healthy forest products economy and strategically located regional processing facilities promotes long term forest health and helps to prevent catastrophic wildfire. The Department supports concepts such as the Anchor Forest Initiative and is working with the Tribes, the Bureau of Indian Affairs, and the Department of Agriculture in nurturing this initiative.

Forest Development and Fuels Management—Thinning Small Trees and Treating Dead Fuels

Investments in pre-commercial thinning and hazardous fuels reduction operations keep forests healthy and resilient, helping avoid stand-replacing crown fires and associated environmental and economic consequences, including pollution to the atmosphere.

The Bureau of Indian Affairs funds project work for thinning excess small trees while the Department, through the Wildland Fire Management Appropriation, funds hazardous fuels treatments which reduce both dead and live fuels. These funding sources complement one another and are often strategically comingled in order to meet silvicultural prescriptions. From 2003 to 2013, the BIA has treated an average of 31,430 acres annually, using funding appropriated through the BIA's Forestry Subactivity. During this same period, an average of 210,746 acres annually has been treated using funding appropriated through the Department's Wildland Fire Appropriation. In many tribal forests, treatments which include both the harvesting (sale) of large trees and the removal of excess small trees must be combined in order to ensure treatments are comprehensive and meet science-based silvicultural prescriptions. A comprehensive treatment is the most effective way to ensure the forest

stays healthy, free of infestation and disease, while being resilient to the effects of unwanted wildfire.

National Indian Forest Resources Management Act (NIFRMA)

In 1991, the Department supported enactment of the National Indian Forest Resources Management Act (NIFRMA). The Act authorized the Secretary to conduct a comparative analysis of investments made in Indian Forestry, versus those made in other land management agencies, every ten years (25 USC Sec. 3111). This periodic assessment is known as the Indian Forest Management Assessment (IFMAT).

The IFMAT Report

The IFMAT Report addresses eight required NIFRMA evaluation criteria which include:

1. an in-depth analysis of management practices on, and the level of funding for, specific Indian forest land compared with similar Federal and private forest lands,
2. a survey of the condition of Indian forest lands, including health and productivity levels,
3. an evaluation of the staffing patterns of forestry organizations of the Bureau of Indian Affairs and of Indian tribes,
4. an evaluation of procedures employed in timber sales administration, including preparation, field supervision, and accountability for proceeds,
5. an analysis of the potential for reducing or eliminating relevant administrative procedures, rules and policies of the Bureau of Indian Affairs consistent with the Federal trust responsibility,
6. a comprehensive review of the adequacy of Indian forest land management plans, including their compatibility with applicable tribal integrated resource management plans and their ability to meet tribal needs and priorities,
7. an evaluation of the feasibility and desirability of establishing minimum standards against which the adequacy of the forestry programs of the Bureau of Indian Affairs in fulfilling its trust responsibility to Indian tribes can be measured, and
8. a recommendation of any reforms and increased funding levels necessary to bring Indian forest land management programs to a state-of-the-art condition.

The third IFMAT report was recently completed in 2013. The report found that tribes are assuming an ever-increasing leadership role in forest management activities through self-determination and self-governance, with 38 percent of the 310 Indian forestry programs nation-wide currently managed by the Tribes. I am proud to say that the report found that both Bureau of Indian Affairs and tribal forest managers rank as some of the most dedicated, hardworking individuals in the forest management profession. Their innovation and influence on the science of integrated forestry practices and sustained yield management is widely recognized, providing a solution for ecosystem health and productivity and a framework for cross-jurisdictional management of federal and state lands through the Anchor Forest Initiative.

The IFMAT team visited 20 Indian reservations and received input from Bureau of Indian Affairs (BIA) and tribal foresters and resource managers, forestry students, tribal leaders, and tribal elders. The reservations, forests, and people visited were highly diverse, each with their own set of local challenges. It was broadly noted by respondents that Indian forests are increasingly threatened by external forces, such as wildfire, insects, disease, development, climate change, declining access to markets, and urbanization.

The Report showed many positive examples of people caring deeply about the land and their management decisions. Indian forests represent a unique window into the interaction between forests and people.

The management of Indian forests must be directed toward achieving a dynamic set of tribal objectives, making the management of Indian forestlands particularly unique. Tribal leaders have recently begun extending their influence beyond reservation boundaries to build interagency partnerships for a sustainable future. Tribes with permanent land bases and a demonstrated history of long-term stewardship play a pivotal role to achieve cross-boundary, landscape-level resource management and restoration.

Current Department Initiatives

There are many opportunities to build on the findings and recommendations of the IFMAT Report. The groundwork has already been laid through FY14 Forestry

program initiatives that include additional support to tribes to maintain productive levels of forest management. In addition, as part of the Administration's commitment to advance science-based collaborative efforts, we have provided for climate change research and the development of a youth program in forestry.

We are particularly pleased with our Youth Initiative which supports the development of tribal youth engaged in projects that promote climate change awareness. This program, in partnership with a tribal college, will provide opportunities for youth to gain hands-on classroom and field experience in the field of forestry and study the relationship to climate change and the long term implications to tribal forestry. Furthermore, the college currently sponsors 14 cooperative education students who are receiving Forestry education at universities throughout the country. Our goal is to increase the number of students enrolled in this program by FY16, which provides tuition and other support, as qualified entry level American Indian and Alaska Native foresters are in short supply.

Conclusion

Thank you for the opportunity to provide the Department's views. The Department continues to work with Tribes to promote healthy forests and will continue to work closely with this Committee as well as our federal and state partners to address forestry and fire management issues

Thank you for focusing attention on this important topic. I am available to answer any questions the Committee may have.

The CHAIRMAN. Thank you, Kevin. I appreciate your perspective. There will be questions. I appreciate your willingness to be here.

Mr. Hubbard?

STATEMENT OF JAMES HUBBARD, DEPUTY CHIEF, STATE AND PRIVATE FORESTRY, U.S. FOREST SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. HUBBARD. Thank you, Mr. Chairman and Mr. Vice Chairman. I appreciate being here today.

In terms of relationships, as you stated, it is important to the Forest Service, the government-to-government relationship, recognition that the tribes are the original stewards of the land and their traditional knowledge is something we need to pay attention to and take into account.

This came through loud and clear when we started looking at our sacred sites policy. We would talk to tribal councils and elders and learn from that the only way we are going to better understand is to walk the land with those tribes, where they live and where they are familiar with territory.

How the land is managed, whether it is the national forests, the reservations, any of the trust lands that the tribes are interested in, is an important thing. I think IFMAT points out that to us and gives us a trend of how we are doing, where we are going and what we might want to pay more attention to.

Certainly Anchor Forest is an exploration of how we might better do things across boundaries and how we might use well managed tribal lands and existing processing infrastructure to support an economic base for good forest, active forest management and build off that that.

The Tribal Forest Protection Act, stewardship contracting, good neighbor, all are tools that we can throw into that equation and I think do a better job of managing the forest condition. It is the forest condition and the wildfire threat that results that worries us the most. If we are going to have resilient forests, if we are going to reduce fire risk, it will take that active management to accomplish it. We know that.

The forecast for fire conditions is not good any time in the foreseeable future. The western forests, in particular, are old and dry and in many cases, they are ready to burn or, as we have seen, be susceptible to insect and disease attack on a wide scale. That isn't something that is going to change anytime soon.

We have to pick our places and pick our priorities and make the right kind of choices together across those boundaries on the landscape to have any different outcome if we expect things to look better than they look now.

Those are gut examples of how we can cross those boundaries but we haven't done nearly enough and are going to have to be more selective in choosing our priorities for where we can actually affect that outcome.

The Forest Service has struggled with how to budget and how to pay for fire suppression. Our 2015 budget proposal proposes something different for suppression financing. It says if we have any relief from that suppression bill, we would like to put it into restoration and hazardous fuel reduction.

Those are our priorities. How we deal with fire suppression, we will be prepared to respond to fire suppression as part of our job. We know it. We'd like to do more in the realm of mitigation and the forest management across the boundaries of other partners is the only way we get to a different outcome on a landscape.

We know that and tribes are very much a part of that. There are plenty of examples of well managed tribal land that we could build from.

Thank you very much.

[The prepared statement of Mr. Hubbard follows:]

PREPARED STATEMENT OF JAMES HUBBARD, DEPUTY CHIEF, STATE AND PRIVATE FORESTRY, U.S. FOREST SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Introduction

Good morning Chairman Tester, Vice Chairman Barrasso, and Members of the Committee. Thank you for inviting the Department of Agriculture to provide testimony on our longstanding and productive partnerships with Indian Tribes and Tribal organizations as we responsibly manage shared resources, improve the health of our forests across boundary lines, support rural economies, and work together to make both public and Tribal lands more resilient.

Government-to-Government Relationship With Indian Tribes

Indian Tribes have a unique status established by the Constitution. The Forest Service and USDA are committed to a government-to-government relationship with federally recognized Indian Tribes. We recognize that American Indians and Alaska Natives were the original stewards of the lands that now comprise the National Forest System. In addition, for some National Forest System lands the Forest Service is responsible for fulfilling treaty obligations of the United States. In many cases, National Forest System land shares borders with Tribal land. As part of the government-to-government relationship, the Forest Service coordinates, collaborates and consults with Indian Tribes in the management of the National Forest System and the provision of Forest Service program services. Through this process, the Forest Service seeks to understand and identify areas for common management objectives, as well as to recognize differing landownership and management objectives. Although the agency and Tribes operate under different laws and regulations, the Forest Service intends to be a good neighbor and foster beneficial collaborative relationships and partnerships with Indian Tribes in the management of common landscapes and ecosystems.

There are a number of Federal laws that build upon the Constitutional bedrock of the sovereignty of Tribal governments. Key among those laws for the Forest Service are the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969, both of which provide opportunities for consultation

and coordination and commit agency employees to seek and encourage active Tribal participation in many aspects of land management and program services administration and delivery. In the National Forest Management Act of 1976 land management planning process, the Forest Service consults with Tribes and invites their participation. In addition, Forest Service line officers (Chief, Associate Chief, Deputy Chiefs, Regional Foresters, Station Directors, Area Directors, Forest Supervisors and District Rangers), in accordance with agency policy, frequently meet and consult with the leaders of Tribes who have treaty and other Federally protected rights on National Forest System lands. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, requires Federal agencies to develop an "accountable process" for ensuring meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications. The Forest Service Manual and Forest Service Handbook further define and clarify agency policy with respect to Tribes and are used extensively throughout the agency.

The Forest Service Office of Tribal Relations was formally established in 2004 within the State and Private Forestry Deputy Area. This year will mark ten years of the coordination, collaboration and consultation that the national office has provided to the various staff areas of the Agency. The Tribal Relations directives, including the handbook and manual that guide all 30,000 agency employees on their work with Indian Tribes, have been updated and revised and are currently out for Tribal consultation.

Partnering to Improve Forest Resiliency to Wildfire

A recent report found the U.S. Forest Service may need to spend as much as $1.55 billion fighting fires this year while the agency has only $1 billion available for firefighting. If the season is that costly, the Forest Service will need to take funding out of other critical programs that increase the long-term resilience of our National Forests to wildfire in order to continue fighting fires.

The Forest Service has had to divert funds from other programs to fund firefighting efforts for 7 of the last 10 years. Fire transfer takes funding away from forest management activities such as mechanical thinning and controlled burns that reduce both the incidence and severity of wildfires. In addition to fire transfer, over the last two decades, the Forest Service has also had to shift more and more money to firefighting, thereby reducing foresters, Tribal liaisons, and other staff by over 30 percent.

In its 2015 budget proposal, the Obama Administration proposed a special disaster relief cap adjustment for use when costs of fighting fires exceed Forest Service and Department of Interior budgets. The proposal tracks closely with legislation authored by Oregon Senator Ron Wyden, Senator Mike Crapo of Idaho, and Representatives Mike Simpson of Idaho and Kurt Schrader of Oregon.

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. Fuels treatments must be carried out before a wildfire occurs because when a wildland fire is already burning, it is too late to reduce the risk.

Wildfire is a landscape-scale phenomenon that does not acknowledge political or administrative boundaries. The purpose of fuels treatment 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. 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.

Two recent examples of the Forest Service working with the Tribes in support of fuel treatments are:

- The Isleta Project in New Mexico, and
- The Chippewa National Forest support for Leech Lake Band of Ojibwe in Minnesota.

As part of The Chiefs' Joint Landscape Restoration Partnership, the U.S. Forest Service and Natural Resources Conservation Service have approved $1,520,000 for the Isleta Project in the East Mountains near Albuquerque. The funds will be used for cross-boundary tree thinning, hazardous fuel removal, and controlled burns to restore 2,500 acres of the Cibola National Forest and 2,600 acres in Isleta Pueblo and Chilili Land Grant.

The ponderosa pine and pinon juniper forests of the East Mountains are dense, dry and overgrown. A wildfire in this area would be devastating to both people and nature. A *Wildfire Hazard Risk Report* found nearly 11,000 high-risk homes in the East Mountains. A wildfire in this area also has the potential to burn west through the Manzano and Sandia Mountains where it could jeopardize Rio Grande water supplies.

Since May 2008, 11 project partners have committed to this multi-jurisdictional project. Approximately 10,420 acres are identified for treatment on this landscape including approximately 2,000 acres on the Pueblo, 620 acres on Chilili, and 7,800 acres on National Forest System lands. These projects are cross-jurisdictional efforts that will help protect communities, cultural resources, wildlife habitat, and recreational opportunities and improve overall watershed health. One of the overall measures of success for this project will be in the reduced threat to communities and homes in the project area from destructive wildfire, demonstrated by fuels reduction and improved resiliency (e.g., thinning). Treatments conducted through this partnership will protect Tribal communities as well as the ecosystem services they rely upon from across the landscape. In addition, some work on National Forest System lands will be implemented using Tribal crews through agreements under the Tribal Forest Protection Act, providing an economic benefit to Tribal communities.

The Chippewa National Forest signed a Memorandum of Understanding (MOU) in June 2013 with the Leech Lake Band of Ojibwe, pledging to work together in many areas, including hiring Tribal members, contracting with the Tribe, technology transfer, training, and more. The Chippewa is unique in that it shares overlapping boundaries with the Leech Lake Indian Reservation. Approximately 90 percent of the Leech Lake Indian Reservation lies within the Chippewa National Forest boundary.

Although the MOU was signed last June, collaborative efforts have been going on for years. In 2005, a Forest Service prescribed fire escaped onto reservation lands. To prevent similar events, the Forest offered the Tribe $300,000 in Wildland Fire Hazardous Fuels funds to do fuels treatment and prescribed burns on their reservation. The Tribe treated 500 acres of their land. Following that success, in 2010 the Tribe treated an area close to a Tribal school that was an elevated fire risk. A third project is ongoing, and a fourth is being planned.

To date, the list of fuels projects that have been collaboratively designed include: three Hazardous Fuels Treatments; a Recovery Act project; a Prescribed Fire Agreement; two stewardship projects; and agreements to improve forest conditions on Chippewa NF lands. These projects have improved over 1,000 acres.

Fire Preparedness

The Forest Service is responsible for managing nearly 193 million acres of the National Forest System. We manage these lands mindful of the role they play in providing clean water, wildlife and wildlife habitat and other resources valued by communities and neighboring landowners, including Tribes. The Forest Service has a long and largely successful history of consulting and coordinating with Tribes in a government-to-government relationship on all aspects of forest and natural resource conservation and management, including wildland fire preparedness and wildfire suppression response. In the interagency environment of wildland fire management, the wildland fire management agencies of Tribes and Bureau of Indian Affairs are full partners in managing wildland fires, including coordinating and allocating assets to prepare for and suppress wildland fire.

The Forest Service also assists Tribes to prepare for wildland fire through the Cooperative Fire Assistance Program. Tribes may apply for assistance in training wildland fire fighters and acquiring firefighting equipment through the State Forester. Through coordination and unified command within a geographical area, interagency leaders determine priorities for fire fighter and public safety, identify resources at-risk to wildland fire, and identify post-burn fire rehabilitation needs. For example, in the Southwest Area, interagency wildland firefighting resources are coordinated by the Southwest Coordinating Group which includes agency representatives from the Forest Service, four agencies of the U.S. Department of the Interior (the Bureau of Indian Affairs, the National Park Service, the Bureau of Land Management, and the Fish and Wildlife Service), as well as the States of Arizona and New Mexico. In the Southwest Area, the Bureau of Indian Affairs represents Tribes

with three members on the nine-member Southwest Coordinating Group. The Southwest Coordinating Group manages the Southwest Coordination Center, which is responsible for coordinating and facilitating the movement of wildland firefighting assets within the Southwest Area or as needed nationally through the National Interagency Coordination Center in Boise, Idaho.

Fire Suppression

The Forest Service and the Department of the Interior agencies manage the primary Federal wildland fire suppression crews and assets. The State Foresters and local fire protection districts also provide fire suppression crews and assets to the interagency effort and serve as partners with the Federal agencies. Fire suppression crews and firefighting assets are shared and assigned by an interagency system that includes priority for human health and safety, socio-cultural attributes and biological/natural resources. In periods of high fire danger or during a wildfire incident, Tribal lands are assigned fire prevention and/or suppression crews and assets as fire ignition danger increases. When a critical fire ignites or a fire builds into a large fire on Tribal lands, interagency fire suppression crews and assets are directed to the Tribal agencies that manage the affected lands. Incident Management Teams arrive at an incident with Tribal Liaison Specialists to initiate consultation with affected Tribes on a government-to-government basis as management strategies are developed for the incident.

Burned Area Emergency Response

Burned Area Emergency Response (BAER) is a program that addresses post-fire threats to human life, safety and property, as well as, critical natural and cultural resources in the immediate post-fire environment on federal lands. Common post-fire threats include flash flooding, mudflows, rock fall, hazard trees and high impact erosion.

Under the BAER program, scientists and other specialists quickly evaluate post-fire threats to human life, safety, property and critical natural or cultural resources including traditional cultural properties and sacred sites and take immediate actions to manage unacceptable risks. BAER assessments begin when it is safe to enter the burned area, but usually before the fire is completely contained. BAER may include soil stabilization treatments (e.g., seeding and mulching,) or structure stabilization treatments such as road storm proofing (e.g., constructing rolling dips, and removing undersized culverts, to pass water and avoid damage).

Tribal consultation is an important part of Forest Service BAER assessments. BAER team personnel and the forest supervisor consult with Tribal governments, including elders designated by the Nation, to identify sacred sites, cultural sites and traditional cultural properties, and to address mitigation or stabilization treatments for those sites.

Planning Rule

To create more effective and meaningful engagement with Indian Tribes, the Forest Service chose to start with coordination and collaboration before moving to formal government-to-government consultation on the revision of the National Forest System Land Management Planning Rule. In 2010, the Forest Service started its engagement with all 566 federally-recognized Indian Tribes by hosting 16 national and regional roundtable sessions followed by individual one-on-one Tribal consultation meetings between local Forest Service officials and Tribal leaders. In March 2011, Indian Tribes were invited to a listening session on the proposed rule with the Forest Service subject matter experts available to answer questions. This provided an opportunity for Indian Tribes and Alaska Native Corporations to continue to be part of the process of developing the rule.

Following the September 2011 release of the proposed rule, Indian Tribes and Alaska Native Corporations were invited to consult at the local level. Prior to this date, the Forest Service issued a directive requiring a minimum 120-day period for Tribal consultation on the development of all new national policy that might impact Indian Tribes, allowing more meaningful opportunity to consult. The proposed rule was the first national Forest Service policy to implement a 120-day Tribal consultation period.

Since the Rule was issued on April, 12, 2012, engagement and consultation has continued. An opportunity for Tribal consultation for the proposed implementing directives for the rule was initiated in February 2013.

Additionally, the Agency developed a 21-person Federal Advisory Committee to provide recommendations to the Secretary and Chief on implementation of the rule. The advisory committee includes Tribal representation. To date, 13 forests have begun Tribal outreach and dialogue prior to formal consultation as part of land management revisions initiated under the new rule. This pre-work fosters relation-

ship building as well as provides time for more meaningful dialogue. The more formal government-to-government Tribal consultation is strengthened and becomes more meaningful and effective.

Climate Change and the Tribal Engagement Roadmap

The rapidly changing climate has introduced new risks and opportunities for tribal forests and forestry. Tribes are adapting to the changing climate as they have through centuries of historic climatic changes, and in this new and perhaps unprecedented set of changes, forests and forestry programs can become an important element in that overall adaptation. To manage their forests effectively in a changing climate, Tribes need improved access to science-based information about the impacts of the changing climate and management options for local forests and woodlands.

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 on research results that are relevant for their needs, as well as in forms and forums that are culturally appropriate and effective.

In all lines of research of mutual interest, we will include and consider Tribes, and keep them involved through the entire research process. This includes collaboration in setting research priorities, designing projects, implementing projects, and analyzing/disseminating results. We encourage Tribal and Native representation in the Forest Service workforce through recruitment and outreach, as well as programs such as Pathways and other internship opportunities. We also partner with Tribal colleges and universities to engage students and Native faculty in order to share perspectives and increase their capacity for research engagement.

This effort supports the goals and objectives outlined in the agency-wide *Tribal Relations Strategic Plan 2010–2013*, and contributes to the broader Forest Service Tribal Relations Program. Consistent with Forest Service national strategic goals and objectives, this strategic plan identifies specific goals, objectives, and actions to guide the agency. *http://www.Forest Service.fed.us/research/Tribal-engagement/roadmap.php*

Sacred Sites

In 2010, USDA Secretary Vilsack directed the USDA Office of Tribal Relations and the Forest Service to review policies and procedures for the protection of and access to Indian Sacred Sites on National Forests. The results were published in the Sacred Sites Report in December of 2012, and the Forest Service began to implement the review's recommendations. While the report itself is not a policy, it has paved the way for a new approach to do business, encourages better use of existing policies, and the creation of new policy where needed. Any changes to policy will go through public review and tribal consultation. The report does promote flexibility in using existing policy to meet the need to protect sacred sites.

A charter signed in June 2013 established Executive and Core teams to develop strategies and actions to implement the recommendations in the Sacred Sites Report. The teams are comprised of executive leaders, field line officers, and staff officers with a commitment to cross-cultural understanding and Tribal relationships. These teams are working to develop a shared program of work, advance specific recommendations in the report, and enhance the relevance of sacred sites though firsthand interaction with local Tribal elders and medicine people. The teams benefited from exceptional and powerful interactions with Tribal leaders regarding the nature of Sacred Sites. These interactions provide the teams with insights necessary to develop a strategic and inspirational approach for advancing recommendations in the Sacred Sites Report.

Anchor Forests

Forests throughout the United States are negatively impacted 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 suffering. Anchor Forests are large contiguous areas of Tribal trust land that can support sustainable long-term wood and biomass production levels; are backed by local infrastructure and technical expertise; and are endorsed politically and publicly. Anchor Forests are intended to mitigate the above listed negative impacts by creating large networks of interdependent local partners to promote robust large scale landscapes. The Intertribal Timber Council representing over 60 Indian Tribes with forest interests 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 a $700,000 grant from the Forest Service to ITC. The pilot consists of three study areas in eastern Washington State involving the Indian Tribal land on 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; researchers from the University of Washington, The Nature Conservancy, and the University of Idaho. Data is being gathered for six tasks: infrastructure analysis; Tapash collaborative case study; institutional capacity; barriers and solutions; tools and funding opportunities; and ecosystem services.

Three recent Indian Forest Management and Assessment Team studies spanning the last three decades have indicated Indian Tribal Forests have desirable management practices. And, because most Indian Tribes have their lands held in trust with most lands considered ancestral land, the Anchor Forests will remain intact for future generations.

Special Forest Products

The Cultural and Heritage Cooperation Authority (25 U.S.C. § 3055; Section 8105 of the 2008 Farm Bill) gives the Secretary discretional authority to provide, free of charge, any trees, portions of trees, or forest products from National Forest System lands to federally recognized Indian tribes for noncommercial traditional and cultural purposes. These products are currently being provided to Tribes under a Forest Service Interim Directive. The Department is developing a regulatory process to implement the authority. [A Proposed Rule is being prepared.] Providing federally recognized Indian tribes with a clear and concise process to request forest products for traditional and cultural purposes not only will improve our quality of customer service but demonstrates respect for our government-to-government relationship with Indian Tribes.

The Forest Service continues to work in partnership with Indian Tribes to enhance traditional foods. For example, the Mt. Baker- Snoqualmie National Forest and Muckleshoot Indian Tribe have entered into a partnership to enhance the production of big huckleberries in the Government Meadows area of the Snoqualmie Ranger District, in response to Muckleshoot tribal elders concern that berry yields were declining. Additionally, UC-Berkeley and the Karuk Tribe plan to conduct research with USFS scientists and others to investigate how traditional land management techniques impact the productivity and availability of traditional Karuk foods, and have been working with the Six Rivers and Klamath National Forests under a Memorandum of Understanding since July 2012. Through their research, they plan to determine what the impact of that management might be on the other interests that the National Forests have to also address (such as fire, disease, water, and recreation).

Tribal Forest Protection Act of 2004

The Tribal Forest Protection Act (TFPA) of 2004 provides Indian tribes the opportunity to apply for and enter into stewardship contracts to protect Indian forest land, including projects on Federal land that borders on or is adjacent to Indian forest land and poses a fire or other threat to Indian forest land under the jurisdiction of the Indian tribe or a tribal community.

Since the TFPA was enacted, a limited number of federally-recognized Tribes have used this authority. In an effort to discover why the authority has gone underused and find solutions, the Forest Service funded a $302,824 cooperative agreement with the Intertribal Timber Council (ITC) in 2011. The ITC reported their findings in April 2013, finding that in many areas, Forest Service and Tribal personnel are working together, but that it is not universal. Generally, there is some awareness and understanding of TFPA by both Tribal and Forest Service personnel, yet there is the need for clear, consistent guidance that is readily available to remote locations so new personnel become properly oriented and trained in using the authority more effectively. Tribes are often unable to actively participate in developing plans for restoration of neighboring National Forest System lands due to staff and funding limitations.

Several actions that address the recommendations of the report are already in progress. For instance, we have already identified personnel to serve on the Agency's TFPA implementation team; those individuals will work in conjunction with the ITC and the Bureau of Indian Affairs. A framework has been developed, outlining the guiding principles for the team that will lead to implementation of the recommendations. In addition, the Agency and the Department are working to develop tribal relations training including a module that will be required for all employees.

It will be important to use these training tools when considering a training specifically related to TFPA.

Agreements, such as memorandums of understanding, are excellent ways to maintain relationships in the midst of turnover between the Agency and Tribes and to lay out expectations and protocols. Several agency units have existing MOUs. The team will identify where additional MOUs are needed to address TFPA goals and will work with units to develop those.

We also know that Tribes have accomplished several projects that meet the intent of the Act but are not considered TFPA projects. It will be important to identify that work so that the larger context of accomplishments by Tribes can be appreciated.

OTR Mapping Project

The Forest Service offices of Tribal Relations, Engineering, and Forest Management, in cooperation with the Bureau of Indian Affairs, are developing an interactive map called Native Connections. This tool will be available to Forest Service staff, Tribes, and others, providing a visual map across landscapes to identify Forest Service land, Tribal lands, and ceded lands all in one place. It will help improve decisionmaking on incident and resource management; identify cooperative opportunities; honor and strengthen the federal trust responsibility and treaty rights; and recognize historic Tribal interests and customs relative to contemporary circumstances such as forced Tribal removal.

Conclusion

USDA is ready to assist Tribal governments and communities in managing Tribal forests to improve their health and resiliency, and to avoid, mitigate or replace lost natural resources, crops, infrastructure developments or property due directly to the occurrence of wildfire or the post-burn environmental and social consequences. We are committed to our government-to-government relationship as Sovereigns with Tribes and welcome the opportunity to consult with Tribal governments to improve the health of our nation's forests across boundaries. Mr. Chairman, Mr. Vice Chairman and Members of the Committee, this concludes my testimony. I'll be happy to answer any of your questions.

The CHAIRMAN. Thank you, gentlemen. I appreciate your testimony.

I will turn it over to Vice Chair and Ranking Member Barrasso for his statement and his questions.

STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Senator BARRASSO. Thank you very much, Mr. Chairman, for holding today's very important oversight hearing, obviously healthy forests are vital to many Indian and rural communities, including those in my home State of Wyoming. They provide a foundation for job creation, economic development and tribal cultural preservation.

A healthy forest requires proper forest management. I introduced S. 2132, the Indian Tribal Energy Development and Self Determination Act Amendments of 2014 earlier this year. This is a bill that would, among other things, create biomass demonstration projects over the next several years.

These projects would help create jobs and spur tribal economies. Michael Finley, on behalf of the National Congress of American Indians, testified two weeks ago that this bill would also provide other ancillary benefits to tribes, such as wildfire prevention. Through these biomass projects, tribes could thin forests and reduce hazardous fuels to prevent wildfires and protect their communities. For that reason alone, the bill should be advanced and signed into law this year.

I look forward to working with my colleagues on this bill and that leads to the questions. I can start with you, Mr. Washburn.

You talked about the Indian Tribal Energy Development and Self Determination Act to allow the tribes to use the biomass. You testified on the provisions of the bill just two weeks ago. In that bill, tribes could use this biomass material to thin dense forests and suppress hazardous fuels.

What kind of impacts do you think this use of biomass could have on tribal economies?

Mr. WASHBURN. Thank you, Vice Chairman, and thank you for that bill.

We actually supported some biomass projects, not around this particular subject, forestry, but we have seen tribes being very entrepreneurial in the energy space. I think biomass is something that we think is part of the future. The all the above energy strategy would include this. I do think if we can support biomass projects, it is good for the country and for tribes.

Senator BARRASSO. Mr. Hubbard, kind of along that same line of questioning based on allowing tribes to use biomass materials, I believe such use is going to benefit tribes, generating revenue and preventing wild fires on Indian lands. How would tribal use of the biomass material benefit Federal lands?

Mr. HUBBARD. The Anchor Forest concept is a good example of how we are trying to capitalize on existing processing and infrastructure where we have active management and expand that active management across boundaries on all ownerships, including the national forests.

New efforts in biomass help us to find ways of paying for that mitigation in a different way than with appropriated dollars.

Senator BARRASSO. When you think about 2011, the Wallow Fire burned over 500,000 acres across the State of Arizona. In December 2011, the Bureau of Indian Affairs report highlighted the benefits the White Mountain Apache Tribal Forest Management Practice had in reducing the intensity of that fire.

Is the Forest Service incorporating any of those tribal forest management practices into its forest programs?

Mr. HUBBARD. What we are trying to do is a number of different explorations: how we do with integrated resource restoration, collaborative forest landscape restoration and how we do with landscape scale restoration which means crossing those boundaries and learning from one another what works the best.

Mostly, it is a matter of where we have enough momentum to accomplish that active management and support the industry base that it serves.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Vice Chairman Barrasso.

I would say, God willing, we will be doing a markup on your energy bill next Wednesday.

Senator McCain, if you are ready, you can go. If not, I'll ask a few questions and then you can go, whatever you like.

I'll start with you, Mr. Washburn. You noted the great cooperation between tribes and the BIA. How can that be maintained without sufficient funding?

Mr. WASHBURN. Well, it's difficult. We live in tight fiscal times. I will tell you that cooperation helps a lot, especially in tight fiscal

times. Cooperation is crucial no matter how much money we have. Good cooperation can sometimes help during difficult fiscal times to plug some holes.

We certainly need adequate funding to do this job well. It is a trust responsibility of the United States, so adequate funding is important.

The CHAIRMAN. You talked about investments being critically important. I agree. The question is what can you do to make sure that happens?

Mr. WASHBURN. The Anchor Forest Initiative is a good potential solution. The market can help solve some of these problems for us because if there is a market for these forestry products, there is an ability to thin the forests and manage them better, but the market needs some help. The market doesn't solve all our problems.

What we have seen with the market is when the economy went down, we lost a lot of mills. We need to be more thoughtful about developing those markets and preserving that infrastructure, those mills, so the market can continue to work because I think the market helps a lot. If there is a market supporting the thinning of the forest, that certainly helps.

The CHAIRMAN. There is another issues out there. That is the issue of supply for those mills right now because the market is there. We will be working with the Forest Service as we have in the past to make sure we try to get adequate supply for the mills because that piece of infrastructure needs to remain there so the government doesn't have to bear the entire cost.

Mr. Hubbard, you talked about the fact that—and it's a real world approach—if you have money left over after you fight the fires, you put it into hazardous fuel reduction. Is that what I heard you say?

Mr. HUBBARD. I think what I tried to say was that if we found a way of paying the suppression bill, our priority for any other dollars, the first part of those dollars would go to that hazardous fuel reduction and restoration.

The CHAIRMAN. That is good because I think prevention is absolutely the way to go here to move it forward. The complaint we have seen, both in written testimony, at this hearing and the witnesses in prior wildfire forestry hearings in this Committee and others, is the length of time that it takes for the Forest Service to respond to a request from tribes for action to fire events.

For tribes concerned about fuel build up on Forest Service land adjacent to reservations, perhaps the only thing more frustrating than waiting for a response is falling victim to that wildfire that ultimately happens.

Why do we hear from tribes that the Forest Service is not responding to their concerns regarding fuel build up on forest land? Is that a valid complaint? If so, what could be done about it?

Mr. HUBBARD. I would suggest it is a valid complaint. It is a valid complaint because of the amount of hazardous fuel that we have to deal with and how we prioritize them. One of our more recent ways of prioritizing them is to look at where that national forest fuel is at risk to other neighbor values that are most important to those neighbors and to look at those places first.

Then the economics comes in, whether or not we have money to pay for that or whether we have existing markets to get the job done.

The CHAIRMAN. Is this about money entirely or even does resources fall into it? If it's about money, it's about money. I know it costs a lot to fight fires. Does human resource fall into it as far as the problem?

Mr. HUBBARD. Yes, I think to a certain extent it does. We are looking at how we can shift some of our expertise around to meet the need because there is more need out there than we can cover. We know that and that will always be the case. It is a matter of making sure we get the right expertise in the right place to get these jobs done.

The CHAIRMAN. Senator McCain?

STATEMENT OF HON. JOHN MCCAIN,
U.S. SENATOR FROM ARIZONA

Senator MCCAIN. Thank you, Mr. Chairman.

I thank the witnesses.

As I am sure has already been mentioned, our forest communities are experiencing wildfires on catastrophic scales we have never seen before. In the State of Arizona, we have lost approximately 20 percent of our forest to wildfires over the last decade. Today, our Federal Government frequently spends over $2 billion fighting forest fires in active years.

We have a rather striking comparison between what the White Mountain Apache Tribe in northern Arizona was able to do with forest management following the Rodeo-Chediski fire and the Wallow fire.

In the 2003 Rodeo-Chediski fire, 60 percent of it occurred on the Ft. Apache Reservation. In the aftermath of that fire, Congress passed laws—the Restoration Act, the Tribal Forest Protection Act—and it changed how we managed our Federal and tribal forests.

In 2011, these new forest management techniques paid off during the 535,000 acre Wallow fire where less than three percent of the burn occurred on the Ft. Apache Reservation. In areas where the Wallow fire did burn on the reservation, the tree death rate reached only 10 percent and the surrounding non-Indian lands, reached 50 percent.

Wouldn't you agree, Mr. Washburn, that this is a graphic example of two approaches to the issue? In other words, the White Mountain Apache were able to clear and, through a commercial enterprise which maybe we will mention a little bit later on, have a situation where a very small amount many some years later was burned as opposed to the way that the non-Indian forest was managed which the next time there was a fire, there was a 50 percent burn.

It seems to me—I'd be glad to have your view—that this is a startling contrast between the approaches taken on Indian land and non-Indian land. I'd like to hear from both of you.

Mr. WASHBURN. Senator McCain, you have long been a leader in self governance for tribes and that is a great example of where tribes when they are given the resources and given the ability to

control, along with the BIA, can work really well together to address serious problems. It is also a symbol of the importance of preventive work.

I think that does represent great success. I think tribes do a really good job when we put them in a leadership position to manage their lands. Together with the BIA, we have made great strides in Indian country to manage those well and put in prevention where we can.

Senator MCCAIN. Forest clearing matters immensely as to the amount of damage. We are going to have forest fires and they are probably going to get bigger. We are in the 13th year of a drought, as I calculate, in the southwest.

It seems to me we have the example of vigorous clearing, which was an example of tribal sovereignty, versus a very slow and hesitant process on non-Indian lands. Mr. Hubbard, maybe I am drawing the wrong conclusion there.

Mr. HUBBARD. Not at all. I think those two examples, Wallow and Rodeo-Chediski, are good examples of well managed, actively managed tribal lands that are more resilient to fire when it comes and more resilient than most other lands, whether they be national forest system or private. That is a good example. That is part of what we must do with the Anchor Forest and build on that.

Senator MCCAIN. You would agree that we can't do it just with government money? In other words, it has to be private enterprise. There are just not enough tax dollars to do all the clearing with just a Federal program. The real answer is to use companies that will go out and do the forest thinning and then sell that for proceeds. That way it is a free enterprise, a profit-making enterprise. Is that right? Would you agree with that, Mr. Hubbard?

Mr. HUBBARD. I absolutely agree.

Senator MCCAIN. Right now we have in Arizona, because of another fire that we had, these companies are telling us that they don't have enough NEPA-ready acres to sustain their stewardship contracts. Are you hearing that?

Mr. HUBBARD. We are hearing that. We have had discussions with the region to make sure we are addressing that. We don't want to lose the ground we gained for our project.

Senator MCCAIN. We are hearing there is a sense of urgency out there. Senator Flake and I met with Chief Tidwell, he did well on this issue which I am sure you probably heard about. I'd like you to keep us up to date on that progress.

Mr. HUBBARD. Yes, sir.

Senator MCCAIN. I think you would agree also that if these people go out of business, then no commercial enterprise is going to come back to places like Show Low and others where they are located.

By the way, the White Mountain Apache has the largest wood processing facility in all of Arizona and maybe even the southwest. I am sure you are familiar with that, Mr. Washburn?

Mr. WASHBURN. Yes, I am, Senator.

Senator MCCAIN. It has been a success and the source of quite a bit of revenue for the tribe.

Mr. WASHBURN. And jobs.

Senator MCCAIN. I think 145 tribal employees.

I guess my point here, Mr. Chairman, is we have a situation where the Native Americans, thanks to tribal sovereignty, were able to move quickly forward after a devastating fire—it was huge—and set up an enterprise that is involved in forest clearing, that is making money, that is hiring employees.

Frankly, we have had fits and starts on the non-Indian land. The next time we had a fire where only 3 percent of the Indian land was burned, we had 50 percent of the non-Indian land. There is something wrong with that picture.

Now we have these fledgling companies in the business of sawmills and collecting some of this fuel and they are still having trouble getting amount of acreage released so they can continue their operations. It is of enough importance to all of us that Senator Flake and I met with the Forest Chief the other day.

If you have any recommendations, Mr. Hubbard, as to what we can legislatively do, if anything, I would be more than eager to hear any recommendations you might have. I hope you are giving this issue the priority and a little bit of the passion that I obviously feel about it. Is that true?

Mr. HUBBARD. That's true. You did get the Chief's attention.

Senator MCCAIN. That means we can expect immediate action?

Mr. HUBBARD. I think you can expect action.

Senator MCCAIN. Thank you, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain. I very much appreciate the line of questions. You are spot on.

I can tell you from my perspective that there are several issues. In fact, the Forest Service, not to make any excuses, but the amount of their budget that goes to fires—I am going to ask about that in a second—could be used for forest restoration and reducing fuel.

The other thing that is out there is there are few folks out there who don't want to cut any trees. They tend to bring these guys to court regularly.

Senator MCCAIN. I think your latter point is really very important. Second of all, I'm not sure why the money for forest clearing should be in the same pot, very frankly, as fighting fires.

The CHAIRMAN. Amen. I look forward to working with you to make that happen. I think that is smart.

Mr. Hubbard, you testified that you have had to divert funds from other programs seven out of ten years to fight fires. Give me an idea on what that does to your ability to manage the forests?

Mr. HUBBARD. It's dramatic. It is not just the money that gets moved; it's the timing of the money that gets moved. When we go into fire season, we are also into our most active field season.

When we exceed our suppression budget and have to start transferring funds from other line items to cover the ongoing suppression costs, we won't stop fighting fires, so we have to pay for it, then we disrupt that field season, that activity that is ongoing. We shut it down and move the money and have to pick it up at a later time if the dollars are available.

Congress has been good about providing supplementals, but that is after the fact and definitely affects what we can get done during the field season.

The CHAIRMAN. The fractionated lands issue has been something we have regularly talked about. There are thousands, if not tens of hundreds of thousands, of fractionated lands within the tribal Indian reservations. Could you tell me how the land buybacks are going and if this is enhancing your ability to do forest management or enhancing the tribes' ability to do forest management?

Mr. WASHBURN. The buyback program, we are getting started and it is actually going very, very well. I think we have already consolidated more than 185,000 acres of land. We have had more than 5,000 sales. I can't tell you how many millions of dollars we have already spent out of that $1.9 billion Cobell Settlement Fund. It is really starting to ramp up and run.

It will absolutely have some improvements because there are certainly a lot of allotments that are forest lands. This buyback program, by restoring land to tribes or at least fractionated interest of tribes, will restore tribal control and its ability to harvest those lands and exercise control over those lands in other ways. It will definitely improve things.

If I could respond to the last question a little bit, the President, in his budget, did ask for a great increase in our budget authority to address mostly forest fire because it is true when we have a really bad fire year, it eats into our prevention money.

We have presented to the Congress a proposal that would lift the cap for really bad fires. We do that for other kinds of national emergencies and would ask Congress to do it for forest fires because those of us in the southwest and your State as well, know this is a serious emergency and it causes devastation to tribes.

We have heard figures that one percent of the fires takes like 30 percent of our budget. We have proposed for that really bad one percent that we able to lift the budget caps. We strongly understand the need for fiscal restraint but for these very serious emergency fire events, we would like to see the budget cap lifted so that it can be treated like other national emergencies.

The CHAIRMAN. I appreciate the perspective.

Senator McCain, did you have anything else?

Senator MCCAIN. No. Mr. Hubbard, we don't want to have to call you back up here.

Thank you and I thank the witnesses.

The CHAIRMAN. I want to thank the witnesses. There will be further questions I will submit in writing and other Committee members can also.

With that, we will go to our second panel.

I will introduce the members of the panel with the exception of Mr. Brooks. I will let Senator McCain introduce him if you'd like, John. That would be fine with me.

We have: Danny Breuninger, Sr., President of the Mescalero Apache Nation; Mr. Philip Rigdon, President, Intertribal Timber Council; Dr. Adrian Leighton, Chair, Natural Resources Department, Salish Kootenai Tribal College.

Senator McCain, would you like to introduce Mr. Brooks?

Senator MCCAIN. I'd like to introduce Mr. Brooks. He's a White Mountain Apache. Mr. Brooks, I want to thank you for the great job you all are doing and your stewardship. It is important that you are here so we can hear your story of success.

Thank you, Mr. Chairman.

The CHAIRMAN. We will start with you, Danny. As with the previous panel, you have five minutes. Your entire testimony will be part of the record. If you can keep it as close to five as possible, we would appreciate it so we have time for questions.

You may proceed.

STATEMENT OF HON. DANNY BREUNINGER, PRESIDENT, MESCALERO APACHE NATION

Mr. BREUNINGER. Good afternoon, Committee members and Chairman Tester.

My name is Dan Breuninger. I am the President of the Mescalero Apache Tribe. Thank you for this opportunity to testify.

The forest is a source of life that provides water, food and shelter to our people. Our ancestors roamed the southwest but always returned to our sacred White Mountain and its forests.

I have a map of our reservation that illustrates the 720 square miles here to my right. As you can see, Forest Service and BLM lands border our reservation and our ancestral homelands. Our people continue to gather medicines and conduct ceremonies on these lands.

For more than a century, we have worked with BIA Mescalero Agency to make the forestry program one of the best in the southwest. The tribe has created more than 100,000 acres through commercial harvests and thinning projects to maintain forest health.

We've done a good job maintaining a healthy forest on a shoestring budget, but two things are working against us. The Forest Service is not maintaining this lands property. This impacts our lands, especially in wildfire situations.

Also, drought, insects, lightning and flooding all affect our forests as well. If you'll notice the picture to my left, you'll see the thinned out area. That is the piece on the Mescalero Apache Reservation. The densely forested area is part of the Lincoln National Forest which has not been treated.

Whenever you have forests that are still densely forested, particularly in a drought situation, they become very vulnerable to insect infestation such as the bark beetle that you see there.

The 2012 Little Bear fire showed the impact of an unhealthy national forest. This fire started with a lightning strike in the national forest. The Service viewed this fire as non-threatening and allowed it to smolder for days. On the fifth day, the fire exploded and raged through the Ski Apache Resort and crossed onto tribal lands.

As the fire approached the reservation, the tribe's prior hazardous fuel treatments were critical in preventing complete devastation to the Village of Ruidoso and water sources. Our hazardous fuels reduction efforts proved that this program does work. The fire burned more than 44,000 acres of prime timber and destroyed more than 255 homes and other structures. The estimated cost of the damage exceeded $100 million.

I have photos of the fire and damage to Ski Apache Resort. The upper right photo shows the fire. The upper left photo shows the tribe-owned snowmakers and other equipment to protect our significant investment on Forest Service land. The lower right photo

shows an area that used to be heavily forested but now is totally destroyed as a result of the fire.

For 50 years, the tribe has operated and managed the resort under two special use permits. These permits expire at the end of this year. The fire cost to the tribe was $15 million to repair and replace three damaged ski lifts and currently we plan to invest another $2.6 million to add a year round attraction a Ski Apache.

Ski Apache currently generates 350 jobs and contributes millions of dollars to the local economy. As a permittee, we are responsible for rehabilitation and related costs for our structures damaged by the fire. We accept these responsibilities, but we are frustrated that it took 18 months for the Forest Service to carry out their rehabilitation responsibilities.

Our hope is that our permits will be renewed but also that our relationship can be redefined through this process. We believe it is time for Congress to consider enhancing tribal control over these lands to protect our ancestral homelands, sacred sites, investments and jobs.

Forest management is critical to us. Our reservation and nearby communities rely heavily on the watershed sustained by the forest as well as on the forest itself. We also owned and operated two sawmills which was a forest management tool through timber harvesting. The closure of these mills eliminated jobs for nearly 300 workers.

Also, Federal funding cuts over the past five years have devastated our forestry program. In 2012, we had to lay off 25 people.

In closing, we recommend three straightforward actions. First, authorize and fully fund forest management and hazardous fields programs in Indian country. Two, enact Senate Bill 1875, a bipartisan bill to increase wildfire suppression funding. Finally, foster greater cooperation among tribal, State and Federal forest managers.

Our forest is our home. We must work together to ensure its health.

Thank you very much.

[The prepared statement of Mr. Breuninger follows:]

PREPARED STATEMENT OF HON. DANNY BREUNINGER, PRESIDENT, MESCALERO APACHE NATION

Introduction

Good afternoon Chairman Tester, Vice Chairman Barrasso, Senator Udall and Members of the Committee. My name is Danny Breuninger. I am President of the Mescalero Apache Tribe (Mescalero Apache or Tribe). Thank you for this opportunity to testify on the topic of forest management and the need to improve wildland fire prevention in Indian Country and nearby forestlands.

Background: the Mescalero Apache Tribe

Long before the first European settlers came to this land, our Apache ancestors roamed the Southwestern region, from Texas to central Arizona and from as far south as Mexico to the peaks of Colorado. We were protected by our four sacred mountains: White Mountain/Sierra Blanca, Guadalupe Mountains, Tres Hermanas/Three Sisters Mountains, and Oscura Peak. We traveled the rough Apacheria through mountains and deserts but always returned to our sacred White Mountain.

As Europeans began to encroach on our lands, the Apaches entered into a treaty with the United States on July 1, 1852. This treaty, known as the Treaty with the Apaches, promised the Tribe a permanent homeland in its aboriginal territory. The Mescalero Apache Reservation (Reservation), located in the White and Sacramento Mountains of rural south-central New Mexico, was created by a succession of Execu-

tive Orders in the 1870s and 1880s. The Reservation spans approximately 720 square miles (460,405 acres) across south-central New Mexico. Our elevation ranges from 4,000 feet in the Chihuahuan desert plateau to over 12,000 feet above sea level in the sub-alpine pine forests. The Reservation is home to approximately 4,900 tribal citizens and approximately 200 non-Indian residents.

The original Reservation boundaries included lands that are currently held in federal ownership, such as Lincoln National Forest (LNF) and Bureau of Land Management (BLM) lands surrounding the Fort Stanton State Monument. However, the Mescalero Apache people have maintained strong cultural ties to these lands, which constitute our ancestral homelands. To this day, we continue to gather plants important to our traditions and conduct ceremonies on these federal lands. To strengthen our ties to these lands and to have input into their management, the Tribe has entered into Memoranda of Understanding (MOUs) with federal agencies, including the U.S. military and U.S. Forest Service (USFS).

Mescalero Apache Forest Management

For centuries, we have managed our forests holistically, as a way of life, to promote the growth of food and medicinal plants, to manage the wildlife in these forests, and to protect our lands from invaders.

This tradition of forestry was put into formal practice when the Bureau of Indian Affairs (BIA) Mescalero Agency opened its Branch of Forestry in 1910. Mescalero's first major commercial timber sale was in 1919. With the opening of the tribally owned Mescalero Forest Products' (MFP) sawmill in 1987, the Tribe entered a new era of forest management. Today, the Mescalero forest remains one of the best-managed, healthiest forests in the Southwest.

For more than a century now, the BIA Mescalero Agency and the Tribe have worked together to develop a premier forestry program on the Reservation. The BIA Branch of Forestry currently employs 3 professional foresters and 2 forestry technicians in the Timber Sale section. This small staff is responsible for preparing and offering for sale lumber at 16.8 million board feet annually and completing all sale planning, environmental compliance work, timber sale layout and administration. Due to the amount of lumber harvested, the BIA identifies the Reservation as a Category 1–Major Forested Reservation. Additionally, the Fire Management and Fuels Management Programs are each rated as High Complexity. These ratings describe not only the complexity of addressing fire concerns across a large landscape but also the need for coordinated efforts among programs and agencies. Despite the importance of this mission and a small budget, over the past five years the Mescalero BIA Branch of Forestry has seen a 43 percent reduction in its staffing levels.

Operating on a shoestring budget, the Tribe's Division of Resource Management and Protection has been able to provide high quality forestry services on the Reservation and has even been able to assist the BIA in coordinating timber sales and performing fuels management projects. While the local BIA agency oversees the overall management of the forest on the Reservation, many of the projects, such as thinning for hazardous fuels reduction and timber marking, are completed by the Tribe. The progressive working relationship with BIA Forestry and the implementation of contracts under the Indian Self-Determination and Education Assistance Act (P.L. 93–638) has allowed the Tribe to ensure continued success on forest management.

Out of a total Reservation land base of 460,405 acres, the Tribe has treated approximately 42,671 acres through commercial harvest in modern times. Through funding allocated under the Department of the Interior's (DOI) National Fire Plan program and other federal programs starting in 1999, the Tribe has treated an additional 59,094 acres through hazardous fuels reduction projects. [1]

We view our forest as a dynamic living entity. It provides water, food, shelter and a means of providing jobs and revenue for Tribal members. When the Tribe first began commercially harvesting timber, many opposed the concept. This resistance to proactive forest management began to dissipate, however, in 1996 when the Tribe experienced its first large fire in recent history, the Chino Well Fire. This fire began on a windy spring day in April; and, within one day, the fire threatened 42 homes, forcing evacuation and burning a seven-mile strip of forest of more than 8,000 acres. Due to the rapid fire response of Tribal fire crews, no homes were damaged; but, very quickly, we had homeowners wanting to learn how they could protect their homes from future wildfires.

With the advent of the National Fire Plan in the late 1990's, the BIA Branch of Forestry worked with the Tribe to develop strategic ridgetop fuel breaks and implement wildland-urban interface treatments around residential and recreational areas

[1] A "hazardous fuel" is any kind of living or dead vegetation that is flammable.

across the Reservation. These projects were coordinated with harvest operations, recognizing that understory thinning alone would not reduce the potential for destructive crown fires. As a result of implementing wildfire mitigation measures to reduce fire danger, the Tribe earned Firewise Communities/USA recognition in 2003 and was the first tribe in New Mexico to earn such recognition.

Since then, Tribal leadership and forestry staff have provided congressional testimony and advised the federal government in developing both the Healthy Forest Restoration Act of 2003 and the Tribal Forest Protection Act of 2004 (TFPA). In particular, the TFPA helped pave the way for the Tribe to work with LNF to develop the first Tribal stewardship contract called the 16 Springs Stewardship contract in 2006 to implement hazardous fuel reduction projects on adjacent U.S. National Forest lands.

Hazardous fuel reduction projects are vital. Forests are living organisms; and, with reductions in density, trees and ground cover are better able to thrive. Southwestern forests grow with very little precipitation. On the Reservation and in LNF, 26 inches of annual precipitation is considered a "wet" year. By reducing tree densities to ensure the crowns are not touching, we greatly enhance the available water, light and nutrients each individual tree receives. With open forest conditions, pine seedlings have a better environment to germinate, resulting in increased forest regeneration.

While the Tribe has worked hard to maintain a healthy forest on our Reservation, for many years Tribal leadership has been concerned about the very dense forest conditions in LNF, which borders our Reservation on three sides. These overly dense, unnatural conditions are not healthy. Due to the unhealthy condition of the LNF, we have seen the escalation of insect populations, including bark beetles and other defoliators on the Reservation, and have watched as large swaths of USFS lands die around us.

As bad as it is, it is not too late to remedy this situation. A case in point is the successful stewardship contract that the Tribe entered into with the USFS. Through the 16 Springs Stewardship contract with LNF, the Tribe has treated more than 6,300 acres of LNF lands mostly located along the shared boundary between our Reservation and LNF. Due to the Tribe's efforts, these USFS lands are much healthier than they were. However, there are many thousands of additional acres of dense forest within LNF that remain untreated and continue to threaten the lives and property of Tribal members and the general public.

In addition to its hazardous fuels management program, the Tribe, as mentioned above, owns and operates the MFP sawmill. Using the sawmill as a first-line forest management tool, we have been able to treat the larger trees of the forest overstory through selective harvests. We followed up these activities with hazardous fuels reduction projects in the smaller size classes.

To date, Mescalero has been able to make the most out of a shrinking federal budget and a depressed lumber market. The decline in the lumber market, combined with process inefficiencies and a lack of by-product markets, has resulted in the closure of MFP twice, once in December 2008 and again in July 2012. The closure of the sawmill cost jobs for 55 mill workers and close to 150 supporting staff (including marking, harvesting, hauling, and administrative staff). The Tribe was also forced to close a second mill that it owned in Alamogordo, which employed 82 workers.

Needless to say, the closing of these sawmills significantly hurt our economy, exacerbating high unemployment conditions on the Reservation. The closures are also beginning to impact our ability to effectively manage our forest and assist in the management of LNF. Efforts are currently underway to fully assess the condition of the MFP sawmill and evaluate various management options with the intent to once again open the sawmill.

Even more harmful, in 2012, our forest on the Reservation experienced a 70 percent cut in DOI's Hazardous Fuels Reduction program funding. For the previous 12 years, Congress had appropriated between $2–$2.5 million annually to treat hazardous fuels. In 2012, Congress slashed this amount to $800,000, with only $550,000 being allocated for Tribal fuels projects.

These cuts have had direct and real impacts. The Mescalero Division of Resource Management and Protection had to lay off a 20-man tribal thinning crew and 5 support staff, causing additional unemployment on our Reservation. Unless funding is restored, rather than treating thousands of acres per year, we will only be able to treat a few hundred acres per year.

Because of the combined lack of milling capacity and hazardous fuels reduction funding, Tribal and BIA Foresters have estimated that in 20 to 25 years, Reservation forest conditions will be the same as those in LNF. Prior to congressional funding cuts, the Tribe was able to manage the forest better than LNF on a budget that

was a fraction of LNF's budget. Failure to restore this modest funding will ensure the demise of a hugely successful program.

Little Bear Fire: Lessons Learned

Nature has provided us a preview of what will happen if the Mescalero forestry program is allowed to die. The Little Bear Fire started in a modest way on Monday, June 4, 2012. The initial small fire was caused by lightning in the White Mountain wilderness in LNF. Over the first five days, LNF deployed relatively few assets to contain what it thought was a non-threatening forest fire. Firefighters worked only on day shifts, air tanker resources were not utilized and helicopter water drops were minimal. On the fifth day, the fire jumped the fireline and high winds turned the fire into a devastating inferno. By that night, the fire had blazed through the Tribal ski area, Ski Apache Resort (Ski Apache), and crossed onto Tribal lands. Within two weeks, the Little Bear Fire burned 35,339 acres in LNF, 8,522 acres of private land, 112 acres of state land and 357 acres of the Reservation. The fire also destroyed more than 255 buildings and homes in the region and burned 44,500 acres of prime watershed. The overall estimated cost of the fire, including suppression and damages, exceeded $100 million.

A comparison of the impacts of the Little Bear Fire on the healthier tribal forests and much less healthy LNF demonstrates the need for continued funding of smart fuels management projects. In 2008, the Tribe completed an important, cost-effective hazardous fuels reduction project on a portion of the Reservation called Eagle Creek. As the Little Bear Fire moved across the landscape, the previously treated Eagle Creek project area was used as a defensible space to turn the Little Bear Fire away from the steep, densely forested terrain of the North Fork of the Rio Ruidoso, and prevented complete devastation of the Village of Ruidoso source waters. The Little Bear Fire is proof positive that hazardous fuels reduction projects DO WORK.

Many members of the surrounding communities, including our Tribal community, felt this fire should have been contained and controlled within the first few days after detection. The proximity of the fire start to Tribal lands, Tribal infrastructure, the Village of Ruidoso and its location within a New Mexico State priority watershed should have triggered a more aggressive response to suppress the fire. Unreasonable restrictions placed on fire suppression actions within LNF wilderness areas contributed to the failure to immediately suppress the fire using all available resources. Had Mescalero not managed its forest through fuels management projects, the fire would have devastated the Village of Ruidoso.

Mescalero Apache Investments in Lincoln National Forest

As noted above, much of LNF is carved out of the ancestral homelands of the Mescalero Apache. Evidence of our connection to LNF can be found throughout the forest, from rock art to mescal pits to the Apache Trail, which was a prime route for water in the Sacramento Mountains. These Mountains are home to the Mountain Spirit Dancers, who are holy beings that ensure our well-being.

Since 1960, the Tribe has leased approximately 860 acres of LNF lands under two special use permits to establish, manage, and operate Ski Apache. Ski Apache is located on the northern border of the Reservation. The land is part of the Tribe's aboriginal homelands and is located within the Sierra Blanca Mountain Range, which is sacred to the Mescalero Apache people.

Over the past 50 years, the Tribe has made significant improvements to the Resort. Recently, the Tribe invested $15 million to triple the ski lift capacity at Ski Apache. In addition, this year the Tribe plans to invest over $2.6 million for non-ski, year-round recreation at Ski Apache. Ski Apache employs up to 350 people during the ski season and contributes many millions of dollars to the local economy in tourists and lodgers.

To protect these investments and our sacred lands, the Tribe has a considerable interest in preventing future wildfires and resulting flooding that would devastate the Resort.

Under the current arrangement, the USFS administers these lands, and LNF has the legal responsibility to respond to emergencies, such as the June 2012 Little Bear Fire. However, it has been the Tribe that has acted as the primary first responder in emergency situations. If the Tribe had not taken the initiative to protect its own assets, they would have been lost in the Little Bear Fire.

As noted above, Ski Apache incurred significant damage from the Little Bear Fire. The Tribe has projected a loss of over $1.5 million to tribal assets within the special use permit area due to the fire. Because of the volume of trees that were burnt, there existed a real danger of flooding that could have destroyed buildings, completely re-shaped the existing ski runs, and taken out access roads. Due to additional investments and work conducted by the Tribe, major flooding was avoided.

Ski Apache is located at the highest point of the Little Bear Fire. Failure to address flooding at higher elevations could have made rehabilitation at lower elevations less effective. The Little Bear Fire crossed the Reservation line at a key topographic area. There are two major canyons, Upper Canyon and the Eagle Creek area, that start on the Reservation and then lead off the Reservation. Both areas are heavily populated off-Reservation.

Even though the Tribe, as a permittee, is solely responsible for rehabilitation and all costs related to the Little Bear Fire, the Tribe first had to gain approval from LNF prior to taking such action. Ski Apache quickly submitted a request to LNF to begin rehabilitation efforts. The request included specific rehabilitation actions. It took LNF months to respond. While, LNF committed to cleaning piles of burned trees, it took over 18 months for that action to occur. Burning began in March of 2014.

The BIA has a Burned Area Emergency Response (BAER) team that tried to communicate with the USDA/LNF/BAER team to discuss rehab, especially in the area of these two canyons. However, USDA/LNF/BAER and BIA BAER teams lacked coordination to fight fires and flooding, leaving the Tribe and Ski Apache left in the middle.

Little consideration was given to the importance of Ski Apache to the overall economy of the area. Closure of Ski Apache for a single season would devastate the economies of both the Village of Ruidoso and the Tribe. Despite the importance of Ski Apache, LNF prioritized other areas for fire rehabilitation efforts instead of Ski Apache.

The Tribe's special use permits expire at the end of this year on December 31, 2014. With this impending expiration, the Tribe believes that this is an ideal time to consider enhancing its control over the lands that encompass Ski Apache.

Further Identification of the Problems and Specific Recommendations to Improve Wildland Fire Protection in Indian Country

Tribal forest managers often have a different mission than that of federal land managers. For example, Tribal forest managers work to protect lives and property on our Reservation. Conversely, BLM historically oversees gas/oil/mining permits. BLM has spent millions of dollars implementing projects that are called wildland-urban interface (WUI) that, in reality, only protect the resources under these permits. Likewise, we have seen the USFS propose true WUI projects only to have them challenged in court by third parties. Rather than contesting these legal claims, USFS often chooses to move projects to areas where there is less controversy and less actual fire danger to life and property. Although many project acres are treated, these areas are sometimes not the areas that most need treatment. The current selective WUI process is often implemented at the expense of needed WUI projects that could improve the health of federal lands adjacent to our Tribal lands.

In recent years, due to fires such as Little Bear, annual firefighting costs have exceeded federal budget allocations. This further reduces funding available for prevention programs such as hazardous fuels reduction.

Tribal forestry programs receive far less funding than our state and federal counterparts. A 2013 Report by the Indian Forest Management Assessment Team for the Intertribal Timber Council stated, "Indian forests are receiving much less forest management funding per acre than adjacent forest land owners." BIA allocations to tribes average only $2.82/acre; whereas, National Forests receive $8.57/acre and state forests in the western U.S. average an astounding $20.46/acre. At one-fourth to one-tenth of the funding our state and federal counterparts receive, tribes are able to accomplish vastly more reductions in hazardous fuels and have healthier, functioning forest ecosystems. In addition to greatly reducing wildfire hazard on reservations, tribal land managers have seen forest thinning treatments result in increased water yields despite the current extreme drought situation. This work is not sustainable.

To address the shortfalls and concerns listed above, we submit the following recommendations to improve funding mechanisms and methods of managing both tribal and nearby federal forestlands.

- The Tribe's hazardous fuels treatment and its positive impact in helping stop the Little Bear Fire represents conclusive proof that hazardous fuels treatments save lives, protect property, and maintain healthy forests. Hazardous fuels funding levels must be restored to enable tribes to continue to protect our communities. Each year, more forests throughout the country are burning, more critical watersheds are jeopardized, and more communities are placed at risk. Congress must acknowledge and fulfill the legal treaty and trust obligations of the United States to help protect and care for Indian lands and our forests as permanent homes. Tribal forestry programs must be funded accordingly. Con-

gress should authorize and fully fund hazardous fuels treatment funding for Indian lands and nearby federal lands separately from the national firefighting budgets.

- Federal agency reports show that firefighting costs have exceeded budget allocations for 8 of the past 10 years. As a result, federal agencies have taken money from wildfire prevention and hazardous fuels reduction programs. These cuts have devastated the Tribe's forestry program and our proven wildfire prevention efforts. Instead of taking from the proven hazardous fuels reduction program, emergency wildfire should be funded as natural disasters. The Tribe supports the bipartisan proposal put forth in S. 1875, the Wildfire Disaster Funding Act, which was also included in the President's FY15 Budget. We urge the Committee to work with your Senate colleagues to enact S. 1875.
- As noted above, it is not enough that tribal forest managers work to protect tribal homelands. Missteps and mismanagement of federal and other nearby lands can just as easily destroy thousands of acres of adjacent Indian lands. There needs to be better and faster interagency coordination among federal land managers. At this time, both the Tribe and LNF are in the process of updating and revising our respective Forest Management Plans. The TFPA provides for meaningful consultation with tribes to develop strategies for protecting Indian forest lands and tribal interests as well as the restoration of adjacent federal lands. Because these lands are part of our ancestral homelands, we need to be able to provide input on management of these lands that goes before and beyond NEPA requirements. In order to move forward with restoration strategies, the USFS also needs to implement new guidelines acknowledging the benefits of selective harvesting that were approved in 2012 under the Final Recovery Plan for the Mexican Spotted Owl. Tribes need to have a greater presence in the development of forest management strategies. We urge Congress to take the TFPA to the next level and actively promote true partnerships. Extending tribal values and management philosophies to National Forests would provide for more holistic management of forested watersheds that do not recognize political boundaries.
- As we have seen over the past few years, medium size to severe wildfires like the Little Bear Fire can have devastating impacts to our watersheds and domestic water supplies. The scorched soils become hydrophobic where water is not absorbed into the soil, causing groundwater storage functions to be diminished. The runoff causes highly erosive flooding and debris flows can damage water intake systems. The sacred mountains where we live provide the groundwater recharge for much of southeastern New Mexico. In order to maintain the ecological functions of these watersheds, we need to preserve the infrastructure necessary to commercially harvest and thin the dense forest overstories on USFS lands and Reservation lands. USFS thinning practices, including the practice of thinning from below, are not sustainable. These practices weaken forest structure and reduce biodiversity. The Tribe has already shown its dedication and commitment to proactively managing our lands and preserving both the cultural and ecological integrity of the landscape. Congress must facilitate the regional dialogues necessary for tribal, state and local governments to work together to explore options for sustainable, regional support of forestry infrastructure. All options, including non-traditional funding options from non-tribal sources and education missions, should be considered.

Conclusion

The Reservation is our permanent homeland. Our lands serve as the groundwater recharge areas for much of south-central and southeastern New Mexico. We cannot allow a century of work to restore forest health and reduce the threat of wildfire simply fall by the wayside. Congress must work with tribes to find large-scale long-term solutions to this problem to maintain the forestry infrastructure necessary to accomplish a fully integrated forest health treatment program that will help maintain our way of life, create jobs in Indian Country, and sustain the vital watershed for the Apache people and our neighbors.

The CHAIRMAN. Thank you for your comments, Dan. We will get back to questions in a minute.

Phil Rigdon, you're up.

STATEMENT OF PHILIP RIGDON, PRESIDENT, INTERTRIBAL TIMBER COUNCIL

Mr. RIGDON. Good afternoon, Mr. Chairman and Committee members.

Indian forests cover 18.6 million acres, about one third of all Indian trust land. Tribes strive to manage forests for the triple bottom line—sustainable economic, ecological and cultural values. We are stewards for generations yet unborn. Our decisions reflect thoughtful deliberation of risks posed by fire, insect, disease, drought and threats from hazardous conditions on neighboring Federal forests and by emerging challenges from climate change.

Our forests are held in trust by the United States for our benefit. Management is guided by tribal direction or participation under Public Law 93–638 contracts and our partnership with the Bureau of Indian Affairs.

Increasingly, this has led to the development of responsive, flexible and innovative management approaches. Today, severe consequences of chronic under funding and under staffing of the Indian forests are materializing.

My testimony today reflects a variation of the theme of this hearing, the lack of adequate investment in our forests will result in continued deterioration. The Third Independent Indian Forest Management Assessment Team report provided to Congress and the Administration last June found that in constant dollars, BIA fiscal year 2014 forestry funding is 24 percent below the fiscal year 2001 levels.

Total Federal funding for Indian forests, both BIA management and Office of Wildland Fire is only one third of that per acre for the Forest Service. An additional $100 million is needed on an annual basis to meet the minimum requirements for trust management and an additional $12.7 million is required per year to improve staffing and skill level development.

Staffing is down 13 percent from 1991. Additionally, 800 staff positions are now needed. We are facing the loss of expertise from the great tsunami of the aging workforce. We experience high vacancy rates for forest positions and difficulties in recruiting and retaining replacement staff.

Using my reservation as an example, Yakama is the largest tribal forest and of the 55 BIA forestry positions at Yakama, 33 are unfilled due to budget shortfalls and insufficient pools of replacements. BIA cannot achieve my tribe's timber harvest targets, costing us jobs and economic opportunities and increases the risks to the health and productivity of our forest and its ability to provide for the water, fish, wildlife, foods and medicines so vital to our way of life.

In addition, to the mounting challenges from funding and staffing shortfalls, we are facing increased risks from catastrophic loss of tribal forests from wildfire, insect, disease and droughts. While funding to address wildfire threats has been appropriated in recent years, tribal participation has been inequitable, both in fuels management and preparedness funding.

For instance, at our agency, Yakama receives 57 cents per acre for preparedness while nearby forests get between $1.18 and $2.83

per acre. Tribes are now working with the Interior Office of Wildland Fire to try to correct these disparities.

The consequences of failing to invest in our forests are dire. Community service is suffering and social welfare costs are escalating as tribes divert scarce funds to try to care for our forests. Deterioration of our forests will increase unemployment, reduce economic opportunities and exacerbate the social problems.

We try to cobble together programs piecemeal, relying on short term soft money grants that are unstable and have high administrative costs. The situation is now reaching crisis proportions.

Mr. Chairman, I realize this is not an appropriations committee but despite our best management efforts, the chronic erosion of funding is crippling us and placing our forests in great peril. I ask you to communicate the needs to address the situation to the Administration and to the Appropriations Committees.

This Committee, however, can help preserve our forests by taking preventive measures to institute active management. Active management has made our forests more resilient to fire, has reduced the severity and intensity of wildfires and enabled us to carry out post-fire recovery more quickly and effectively.

Active management is needed across the landscape to fulfill fiduciary responsibilities to protect the health and productivity of the tribal trust forest. To advance our active forest management, the ITC would like to work with the Committee on several legislative concepts including amending the Tribal Forest Protection Act of 2004 setting aside Forest Service funding to improve the ability of tribes to carry out forest fields and health projects on adjacent forests and to provide a means for direct long term tribal management of neighboring forests, Federal public forests perhaps under a leasing contract or assignment arrangement.

We would suggest supporting the Anchor Forest concept to facilitate collaboration of tribes and their forest neighborhoods and Federal, State and private to actively management the lands to support forest health and forest-reliant communities.

Finally, we would suggest supporting the tribal environmental laws and regulations with forest resources. The HEARTH Act and the Indian Energy Act are examples where this type of authority has been provided.

Despite chronic funding and staffing deficiencies, IFMAT III found that tribes have been able to create forestry programs that can serve as models of sustainability. However, Chairman, we are now running on fumes. We are facing an ominous future as cumulative impacts of chronic under funding and under staffing of the Indian forests come home to roost.

Increased investment and new legislative authorities are needed to prevent forests and communities from being placed in grave jeopardy.

Thank you for my testimony.

[The prepared statement of Mr. Rigdon follows:]

PREPARED STATEMENT OF PHILIP RIGDON, PRESIDENT, INTERTRIBAL TIMBER COUNCIL

I am Phil Rigdon, President of the Intertribal Timber Council (ITC) and Natural Resource Deputy Director for the Yakama Nation in South-central Washington State. On behalf of the ITC and its more than 60 member Tribes, I am here to share

observations, concerns and recommendations over the management of our nation's forests.

Tribal forests are critical to the ability to restore and sustain the health and productivity of ecosystems across the landscape. On a total of 334 reservations in 36 states, 18.6 million acres of forestland are held in trust by the United States and managed for the benefit of Indians. Pursuant to both tribal direction and federal law, tribal forests must be sustainably managed. Indian tribes work with the Bureau of Indian Affairs (BIA) and others to actively manage our forests and other resources within a holistic, integrated approach that strives to simultaneously sustain economic, ecological, and cultural values, the so-called "triple bottom line." We operate modern, innovative and comprehensive natural resource programs premised on connectedness among the land, resources, and people. Our approach reflects the concept of reciprocity. If we care for the land, it will care for us. If we neglect our stewardship responsibilities, our lands and communities will suffer.

Our management approach is balanced. We protect our resources yet we understand that utilization is essential to enable us to meet the "triple bottom line." We rely on our forests to provide employment and entrepreneurial opportunities and to generate income needed to care for the land and provide services for our communities.

Pursuant to federal statute (P.L. 101–630, Sec. 312), management of our forests is evaluated every ten years by an independent scientific panel. In 2013, an Indian Forest Management Assessment Team (IFMAT) completed the third independent evaluation of the status of Indian forests and forestry. The IFMAT III report shows that tribes are suffering from chronic underfunding and from challenges created by the loss of leadership and staffing, but still notes that tribal forests can serve as models of sustainable management that other federal agencies could follow.

Ecological Conditions: Tribal forests must meet the same goals as other federal lands, and are subject to both NEPA and the ESA. But we are able to meet, and often exceed those goals. We live with the consequences of our actions and are driven to meet the "triple bottom line." If forests are overcut or devastated by wildfire, we lose revenue and jobs, the myriad ecological benefits we rely upon from our forests, and the traditional and cultural sustenance our forests have provided since time immemorial. The active management tribes employ to realize the "triple bottom line" is facilitated by three elements:

- The fact that our forests held in federal trust are for the use and benefit of our tribes and their members and, within the scope of the trust, are subject to the direction of our tribal governments,
- The federal law guiding BIA and tribal management of these trust forests, the National Indian Forest Resources Management Act of 1990 (P.L. 101–630, Title III), is the most recent and most flexible federal forest management statute, and
- The Indian Self-Determination Act (PL 93–638) has enabled tribes to assume direct and comprehensive management of our forests.

The Tribal forest of the Menominee Nation in Wisconsin is a clear display of the "triple bottom line." As the Menominee Tribal Enterprises publication "The Forest Keepers" stated back in 1997, "The 140 year history of forest resource use and management of the Menominee forest stands as a practical example of sustainable forestry—forestry that is ecologically viable, economically feasible, and socially desirable. This refers not only to forest products and social benefits, but also to wildlife, site productivity, and other ecosystem functions."

Individual tribal witnesses at today's hearing will provide the Committee with other examples of how different tribes fulfill their stewardship obligations to protect the interests of the generations yet unborn.

While IFMAT III certainly identifies possible improvements, our demonstrated successes in innovative forest management offer striking examples that can and should be replicated across the landscape. The ITC offers the following administrative and legislative recommendations that will help all rural communities and federal forests; tribal and non-tribal.

IFMAT III Recommendations: The 2013 IFMAT report identified 68 administrative and legislative recommendations to improve forest management in Indian Country. Last fall, the ITC requested that the Interior Department appoint an IFMAT implementation team that includes the Assistant Secretary for Indian Affairs, the BIA Director and Chief Forester, and others. That team has recently been appointed by the Interior Department, and we are urging the Forest Service to designate a participant as well. We hope that the Team's work can begin soon so that the analysis provided by the IFMAT report will not go stale or be abandoned to some dusty shelf.

Funding: One of the key findings of the IFMAT III report is that the chronic underfunding noted in the previous two IFMAT reports continues. On a per acre basis, tribes receive only about one-third the funding for forest and wildfire management as the Forest Service. Yet, with our holistic approach and a less constrained statutory and regulatory framework, we are able to do more with less, providing more flexible, varied and responsive management than other federal forest managers.

But while tribes are able to do more with less, we are being confronted with increasing, unprecedented challenges. Federal funding is now so insufficient and staffing levels so inadequate that the ability to fulfill fiduciary trust obligations and provide the economic and ecological benefits needed by our communities is very much in doubt.

IFMAT III's finding that tribal forestry is funded at only one third the per acre amount for the Forest Service is based on total combined amounts provided tribal forests from both Interior's Wildland Fire program and B.I.A. funds for forest management. Within that combined total, BIA funding for tribal forest management programs has seriously eroded over the past twenty-three years. In terms of constant dollars, BIA per acre funding for forest land management declined by 22 percent between 1991 and 2011 and 31 percent between 2001 and 2011. We note, and appreciate, that BIA Forestry funding has increased $5 million for FY 2014, but even with that increase, our funding is still 24 percent below 2001 purchasing power.

Because funding drives almost every aspect of forest management, its broad erosion affects virtually all aspects of the BIA program, including on-the-ground projects, technical support, staffing and leadership. For tribal forests that rely on comprehensive active management, this chronic under-funding is taking its toll. Using the Yakama Nation as an example, we typically have 55 BIA forestry positions to help manage our forest. Currently 33 of those are vacant because of budget shortfalls, an insufficient pool of available manpower, and BIA delays in filling vacancies. The Tribe has diverted funds from other Tribal functions to help mitigate that loss, but this reduces our capacity to provide sorely needed services to our communities and cannot be supported over the long-term as the BIA fails to meet its trust responsibility. Meanwhile, the lack of staff is preventing the Yakama Nation's harvest targets from being met and resulting in lost economic opportunities and jobs.

The rise of wildland fire and its associated funding in recent years has masked the growing deficiency of BIA forest management funding. For instance, the increase in wildland fire fuels management projects has helped, to a degree, to ameliorate the growing inadequacy of the BIA forest management thinning programs, as there is some overlap in the goals of these two functions. But these are only emergency patchwork efforts to stave off crisis, have very narrow application that fails to recognize interdependence of forest management and wildfire risk, and cannot be relied upon as a substitute for adequate funding of the base BIA Forestry program.

With BIA's Forestry funding deficiency steadily mounting over the past twenty-plus years, any source of additional support is welcome. The improvement in the Interior Department's wildland fire funding would be helpful for tribes, but our participation in the Interior Department's wildland fire funding has not been without problems.

As with funding for forest management generally, wildland fire funding for tribal forests has not been equitable. Using my own Reservation again as an example, the Yakama Nation is funded for fire preparedness at $0.57 per acre per year while the adjacent Gifford-Pinchot National Forest is funded at $1.18 per acre per year; and the Mount Hood National Forest at $2.11; the Columbia Gorge National Scenic Area at $2.83—nearly five times what we receive at Yakama. This unconscionably disparate funding was a major factor in the Yakama Nation's recent loss of 20,000 acres of timber in the Mile Marker 28 Fire. When the fire just started, we could only send one piece of heavy equipment—a tanker truck—because our federal preparedness budget only supports one heavy equipment operator for our entire 1.1 million acre Reservation. While a bulldozer was also needed and available, we didn't have a person to operate that equipment. The fire got away and burned a total of 28,000 acres, including 20,000 acres of our trust forest resource.

Wildland fire and its budget play a significant role in the management and preservation of our trust forest assets, upon which tribes rely for governmental revenues and community employment. Yet in the past, when the Office of Wildland Fire Management established funding distribution policies and formulas under its Hazard Fuels Priority Allocation System (HFPAS) that greatly disadvantaged the tribes, we were held off at arm's length from almost any real and meaningful consultation, despite our repeated objection. Today, we hope those contentious times are behind us.

The Interior Department's Office of Wildland Fire Management has recently been working diligently to try to increase tribal participation in the Department's wildland fire program. The ITC greatly appreciates this effort and hopes the Department will embrace the Administration's policy of meaningful tribal consultation to improve tribal engagement in the future.

Indian forests are experiencing challenges caused by ownership fragmentation and threats from wildfire, insects, disease, drought, and climate change, all of which are increasing every day. We are losing the management, harvesting, transportation, and processing infrastructure to provide the economic benefits needed to maintain healthy forests across the landscape. The inability of federal agencies to overcome gridlock and polarization that impedes management of their land is creating hazardous conditions for our forests and communities. Transaction costs of forest administration are increasing and fleeting economic opportunities are being lost as burdensome business models promulgated by bureaucracies like the Office of the Special Trustee are being imposed. Tribes are being increasingly called upon to provide funding for resource management at the expense of other pressing needs or by piecing together programs with soft money to try to address long-term issues. Our capacities are being strained to the breaking point. Our trust forest resources are at significant and increasing risk.

Wildfire & Recovery: Compared to other managers of federal forest land, tribes are better able to use scarce resources to prepare our forests for fire, recover after fire and ensure the continuity of forest resources for generations to come.

First, tribes are not hamstrung by cumbersome administrative procedures or the imposition of policies that fail to protect the resources and values that are vital to our communities. For example, we understand that there are circumstances in which a "let it burn" approach would increase the risk of catastrophic loss given the current overstocking and forest health conditions found across the landscape. Active management treatments are needed to address unnatural fuel conditions in the forest prior to letting fires serve their natural role across ecosystems.

When we experienced budworm infestation on the Yakama Reservation, we prioritized timber sales to treat areas that were most severely affected. Between 1999 and 2003, silvicultural treatments were implemented on approximately 20,000 acres of budworm habitat per year. The epidemic peaked in 2000 when the budworm defoliation affected trees on 206,000 acres. As a result of the Yakama Nation's silvicultural treatments, defoliation decreased dramatically. In 2002, only 1,207 acres showed signs of defoliation—a reduction of over 99 percent. Significant economic value was recovered from dead and dying trees while forest density was reduced, promoting forest health and resiliency. While such forest health treatments are common on tribal lands, it would be a challenge to find a similar example of speed, scope and effectiveness on neighboring federal forests.

I must also hasten to point out that today, on Yakama, we would not be able to conduct such an effective response. To move that volume of timber requires boots on the ground, and today the BIA forestry staff at Yakama has been so decimated that we are unable to meet our regular harvest target, let alone such an accelerated emergency removal of material. If we were confronted today with circumstances similar to those in the late 1990s, tens of thousands of acres of trust timber would likely be left to die and deteriorate on the stump, with serious consequences for increased insect infestations and fire, and unwanted impacts to our people and economy.

Tribes also respond to fires more effectively. While the comparison is not completely equivalent, the average size of a fire on BIA-managed lands is typically one-third the size of those on Forest Service land. Even after fires, BIA and tribes are able to respond far faster than other federal agencies to recover economic value and begin the rehabilitation process. The 2002 Rodeo-Chediski fire burned 467,000 acres of Tribal and federal land, including a significant amount of the timber on the Fort Apache Indian Reservation. While significant damage was done to the Tribal forest, the intensity of the fire was dramatically less on Tribal land as the result of the Tribe's stand density treatments and follow-up prescribed burning to maintain stand vigor and resiliency and minimize unwanted impacts to tribal resources.

Tribal forest management in that southwestern part of the country served as a model for active management, salvage and rehabilitation. Within months of the Rodeo-Chediski fire, the White Mountain Apache Tribe was removing up to 500,000 board feet of fire-killed timber a day and managed to salvage over a hundred million board feet of fire-damaged timber before value would be lost to decay and disease. In contrast, the Forest Service faced litigation that delayed salvage operations, reducing the value of salvaged timber and increasing the cost of the operation.

After the Rodeo-Chediski fire, the effectiveness of the White Mountain Apache's thinning program to actively treat the land was amply demonstrated as treated

areas were proven to substantially reduce damage and risk to property. When the devastating Wallow Fire ravaged the area in 2011, the White Mountain Apache treatments were credited with stopping the westward advance of the fire onto the Reservation.

Tribal interests in healthy landscapes go beyond our reservation boundaries. Many tribes have off-reservation treaty and other reserved rights on our ceded lands that became National Forests. Catastrophic wildfire on these forests directly and negatively impact tribal reserved hunting, fishing, gathering and trapping rights and cultural resources like burial grounds and sacred sites. Moreover, wildfires that start on federal lands often burn onto tribal forests and damage watersheds that protect our water and soils. Even with effective treatments on our own lands, severe wildfires from adjacent federal lands inflict significant damage and economic cost to tribal forests.

Administrative Recommendations: Some of IFMAT III's administrative recommendations include:

- Addressing staffing shortfalls with recruitment, training and retention programs to provide well qualified staff and leadership for the management of our forest resources;
- Reducing or eliminating costly administrative requirements;
- Better defining BIA's trust standards for the management of tribal forests;
- Separating trust operations from oversight responsibilities;
- Investing in harvesting, transportation, and processing infrastructure to provide the means to sustain forest health, produce ecological benefits, and provide employment and other economic opportunities; and
- Allowing self-governance tribes to develop their own procedures for implementation of NEPA, replacing BIA NEPA manuals and handbooks.

Legislative Recommendations: The IFMAT report also contained recommendations for restoring and maintaining working forests on the landscape to sustain ecological functions and support rural economies, a key one of which is the "Anchor Forests" concept. Like other forest land owners, Indian tribes are being challenged by the impacts of disappearing management, harvesting, transportation, and processing infrastructure on their capacity to realize the economic benefits needed to maintain healthy forests and economies. Many of the sawmills that used to operate in Indian Country have been closed; only six tribal lumber mills are currently operating. The vast majority of tribal timber is sold to non-tribal mills. Particularly in places like Idaho, Oregon, Washington and Montana, tribal timber has helped fill the gap of a faltering federal timber program, but those areas too are experiencing an infrastructure decline. The ITC is exploring the concept of establishing Anchor Forests to provide a framework for collaboration across ownership boundaries to sustain healthy, productive forests on the landscape. Because tribes are committed to long-term forest retention and stewardship, coupled with proven management expertise, Indian forests are prime candidates to serve as anchors to achieve ecological and economic goals by preserving forest products infrastructure needed both for economic vitality and forest health treatments.

Currently, ITC is working with four Tribes, Forest Service Region 6 and other forest stakeholders to evaluate the feasibility of establishing Anchor Forests in three areas of central and eastern Washington State and Idaho. Elsewhere around the country, ITC has received expressions of interest in Anchor Forests from tribes in the Lakes States, the Midwest and the Southwest. We would like to work with Congress to create legislative direction for this concept.

Second, ITC recommends amending the Tribal Forest Protection Act (TFPA) or other authorities to expedite consideration, approval, and implementation of TFPA projects. In 2004, Congress passed the TFPA to provide tribes a means to propose projects on adjacent federal lands that would protect tribal rights, lands, and resources by reducing threats from wildfire, insects, and disease. This is similar to the "good neighbor authority" that Congress has provided states.

Unfortunately, the TFPA has not met expectations on the ground. Since 2004, only six TFPA projects have been effectively implemented on Forest Service lands. Others have languished for many years in the NEPA process with little hope of completion. We note the determined but so far fruitless efforts of the Tule River Tribe in California as an example. As depicted in the Appendix of the April 2013 ITC report "Fulfilling the Promise of the Tribal Forest Protection Act of 2004," the Tule River Tribe has struggled for 10 years since enactment of the TFPA to obtain a TFPA project to treat conditions that threaten sequoia forests on and near their reservation. To date, their efforts have not been able to overcome a seemingly endless environmental review that is only exacerbated by frequent turnover of local Forest

Service staff, including since 2005 five different Forest Supervisors, three different District Rangers, and four different lead planners.

With the ITC TFPA implementation report, which was done in collaboration with the Forest Service and BIA, we hope that a combination of administrative cooperation and legislative action to implement the report's recommendations can bring the TFPA to realize the potential Congress intended. We would like to explore TFPA improvements with you.

Third, ITC is working on a legislative idea whereby tribes could assume long term management authority—we refer to it as "stewardship assignments"—with federal land managers to address emergency conditions on Forest Service and BLM lands that threaten tribal forests or tribal rights on federal land such as hunting and protection of cultural resources. This concept, involving longer timeframes and more comprehensive tribal management than TFPA, would enable tribes to apply performance-based active and holistic "triple bottom line" forest management to imperiled and threatening nearby National Forest and BLM lands to restore long term health, productivity and sustainability. We note that legislation has been introduced in the House to turn Forest Service and BLM lands over to states for management (H.R. 3294, the State-Run Federal Lands Act).

Summary: We believe the nation would benefit greatly by looking to Indian forests as models of sustainability. We can help move the country forward to create a healthier, sustainable future for our forests and natural resources. We recommend that the Congress and the Administration work collaboratively with the ITC and timber tribes to implement the recommendations of IFMAT III.

We believe that tribal and other forestland owners are suffering from the lack of cohesive and comprehensive policy and programs for our nation's forestlands. A solid foundation for the future is needed now. We recommend that a high level task force or commission, with representation from Congress, the Administration, tribes, academia, private industry, small forest landowners, and others be appointed to develop practical recommendations to restore and maintain healthy, productive forests on the land. Such an effort would require effective leadership and an ambitious timeframe for completion. The need is urgent. The nation's forest circumstances are dire and getting worse with each passing day. Without a unifying actionable vision and the means to attain it, everyone will suffer the consequences of our nation's forests' continued deterioration. Somehow, we must collectively muster the will to care for the land with the respect and proper stewardship it needs so that it can care for us.

Either as part of a federal forest renewal effort or on a stand-alone basis, the full funding of the BIA trust Forestry program is essential. The degree of the BIA's current Forestry funding inadequacy is underscored by the *Cobell*-related tribal trust mismanagement lawsuits, the settlement of which cost the United States more than $1 billion. Although the terms of each tribe's settlement are confidential, it is certain that mismanagement of tribal trust forest assets was a significant element in the lawsuits and their settlements. It is startling and deeply disturbing that the BIA's Forestry budget—the same insufficient budget that subjected the U.S. to many millions of dollars of liability—has failed to reflect a concerted attempt to meaningfully address the very deficiencies that led to the necessity for these settlements.

While we again note with appreciation the recent $5 million increase in BIA Forestry funding, IFMAT III finds that, to meet minimum requirements for management and protection of Indian forests, a $100 million increase is needed for the BIA Forestry budget, including an additional 800 staff positions, and a separate $12.7 million increase is needed for staff recruitment and training. The Administration's insistence on crippling natural resource budgets can only generate new management insufficiencies and failures, and lead to renewed trust mismanagement lawsuits that will cost the U.S. additional billions and cost the tribes untold lost employment, governmental revenue, and economic opportunity. This vicious cycle of trust management insufficiency must be broken, and we urge this Committee to convey this message to the Administration and your colleagues on the Appropriations Committee. We are sustainably managing our forests in an exemplary way, but cannot continue our upward path without timely and strategic investment and access to the management of a broader land base. You can help us achieve both.

We stand ready to help. To share what can be done to save our forests and see firsthand how tribes care for our lands, I invite you to visit Indian country. Come see our forests.

Thank you for the opportunity to testify today.

The CHAIRMAN. Thank you for your testimony, Phil.

Jonathan Brooks, you are up.

STATEMENT OF JONATHAN BROOKS, TRIBAL FOREST MANAGER, WHITE MOUNTAIN APACHE TRIBE

Mr. BROOKS. Thank you, Mr. Chairman and members of the Committee. It is an honor to be here today.

We have already heard the example of the White Mountain Apache Tribe's active forest management and the resilient and health forests that we create through our management.

Why do we manage our forests? We have heard about all the benefits—ecological, cultural and financial—attained by active forest management. We live in these forests. We don't just recreate, don't just get money but they are homes since time immemorial. We make a living and have so many benefits as my testimony states.

How are we able to do all this management? That is the question. What happens on tribal lands like White Mountain Apache lands compared to the national forest lands? How does this happen? We have to. It has to occur. We understand that a healthy, resilient forest is one that is prevented from wildfire.

If you have a wildfire, you will have devastating consequences and you will not have a sustainable forest. People are not going to be able to have the opportunities that exist.

Environmentalists, the Forest Service, how they get mitigated, they say that active forest management—logging, thinning, prescribed burning—there are associated negative consequences but it is not true. An actively managed forest is one that is healthier, more resilient and all the benefits are there—wildlife benefits, habitat, water quality is protected and saved, there are financial and ecological benefits, cultural resources and sacred and holy sites are protected. It is interesting that people say unmanaged forests are better than managed forests.

My question is what is more hurtful—logging, thinning and prescribed burning or Rodeo-Chediski fire, erosion that destroys the forest? Watersheds and livelihoods are destroyed, lives and property are threatened. What is more hurtful, an actively managed forest or one that is not managed?

Rodeo-Chediski, the rehabilitation cost alone was $15 million and cost still continues today, just for the rehabilitation, post-fire rehabilitation. If you look to the left, we have an 800-acre fire that occurred on the reservation last year—800 acres in red, the yellow are two prescribed burns of 1,900 acres.

The wildfire cost $2 million to suppress for a total of $2,750 per acre costs. The prescribed burn cost $21 per acre, a total of $40,000 and used 16 personnel to treat 1,900 acres. The wildfire used 490 personnel to fight that fire.

The fire started in the lefthand corner and as it progressed to the northeast, the fire picked up intensity. At its hottest and most intense point, it reached our prescribed burn. As you can see, it is kind of difficult, but the brighter red areas show where the fire burned into the prescribed burn. It was pretty much halted, stopped in its tracks.

Rodeo-Chediski was the same thing—hot, intense, infernal burning. Here on the right, you can see. The brighter the pink, the more

intense the fire, the more devastation was caused. Anywhere that is not pink on the reservation, you see the yellow line that is the fire boundary or the reservation boundary, anything below that yellow line, you can see there is a lot less pink and it is overlaid with forest management treatments—thousands of acres of logging, thinning, prescribed burning.

What happens on the other side, as soon as the fire gets to the Forest Service again after going through our treatments where it laid down, it picked up intensity again. There is more pink. Fire reaches our treated areas, it shows down and reduces its intensity. Green forest is left behind. It gets to the Forest Service side and there is more devastation.

The Wallow fire was mentioned, another great example of what our forest management has done. It is our legacy at White Mountain Apache Tribe. It needs to occur. Why doesn't it happen on Forest Service land or litigated? They have all these concerns.

The Tribal Forest Protection Act is a very valuable tool that we have employed at White Mountain Apache. We were able to treat 1,500 acres of Forest Service land. The tribe proposed treating Forest Service land, was able to do that and got a more resilient landscape that crosses boundaries.

These management practices that we employ are an example and need to be replicated across the landscape, not just on the reservation but off the reservation, not just small scale but large scale. I mentioned $21 per acre for a prescribed burn on the reservation to help protect our lands from fire.

It is cost effective. It is beneficial. It is a no brainer, in my opinion. Active forest management is the main tool that can help prevent these large, devastating wildfires.

Thank you.

[The prepared statement of Mr. Brooks follows:]

PREPARED STATEMENT OF JONATHAN BROOKS, TRIBAL FOREST MANAGER, WHITE MOUNTAIN APACHE TRIBE

Introduction

My name is Jonathan Brooks and I am the Tribal Forest Manager for the White Mountain Apache Tribe (WMAT). Today I will be providing testimony on behalf of the WMAT, our Tribal Chairman, and Tribal Council. I am here to highlight our long standing efforts to actively manage our forests and share our experiences that the benefits of active management have in helping to fight wildfires. I will also provide discussion about concerns and recommendations we have in moving forward in managing our Tribal forests.

The WMAT in east-central Arizona has a 1.68 million acre homeland that is called the Fort Apache Indian Reservation (FAIR). The reservation is covered by 1.3 million acres of forest lands. We have 755,051 acres of timbered forest (pine, spruce, fir species) and 615,258 acres of woodland forest (pinyon/juniper species). These forests are managed by the WMAT and the Bureau of Indian Affairs (BIA) Fort Apache Agency for the benefit of our Apache people. The goals and objectives that guide our forest management are multi-faceted and provide a wide range of economic, cultural and ecological benefits for our land, our resources, and our people. These benefits include(but are not limited to) economic revenue through the sale of timber resources; jobs created for tribal members in all aspects of forestry, logging, and mill industries; sustainable and healthy forests that are more resilient to negative effects of natural processes (insect, disease, and fire); protection of cultural resources, sacred sites, and medicinal plants for the Apache people; habitat for all species of wildlife including popular game species as well as threatened and endangered species; abundant recreation opportunities for tribal members and non-tribal members alike; protection of our water resources which are a major issue with the passing of the Tribe's Water Quantification Settlement; as well as a healthy functioning for-

est ecosystem that is as aesthetically beautiful as any in the country. All of this is possible due to the active and responsible management of these forests between the WMAT and the BIA.

Our forests have been actively managed through various forest management activities, predominantly sustainable timber harvests (logging), prescribed fire, pre-commercial thinning, and hazardous fuels reduction thinnings. Logging began early in the 1900's, and since that time, our management has evolved into what it is today. Our tribal leaders, our people, and our trust agents have embraced a history, a culture, and a need for forest management which has helped create a healthy and sustainable forest landscape that has adapted to the demands, needs, and objectives of the WMAT and the forest itself. The forests have always been a part of our culture and our heritage, providing food, water, medicine, and materials for survival; and now today that includes providing jobs and economic gains for the benefit of the Tribe and our people.

Management Background/Accomplishments

The theme of today's hearing, "Wildfires and Forest Management: Prevention is Preservation", is a very important subject that has been a topic of discussion and debate among politicians, government agencies and the general public for many years, but it is a subject that the White Mountain Apache Tribe is well rehearsed to speak about. Preserving and protecting our forests is our duty, and that has only been accomplished through our legacy of active forest management. Actively managed southwest pinyon/juniper woodlands, ponderosa pine forests, and mixed conifer forests are forests that are far more resilient against the threat of today's devastating, catastrophic wildfires than unmanaged forests, which do not receive frequent thinning, logging, and/or prescribed burning. Devastating fires, which are far more commonplace now than anytime in recorded history, are able to occur because of a century of "hands-off" management and a century of fire suppression which removed fire as an integral part of these forest ecosystems. Natural fire helps keep the fuel loads of these forests from accumulating to what we see today. These ecosystems adapted with, and are dependent on, fire to maintain an ecological equilibrium that protects and preserves the forests in their healthiest and most sustainable form, a form which existed for centuries prior to European settlement. With the exclusion of fire for decades, and the controversy that has always surrounded fire, active management is needed to mimic the role of fire in our forests. Today I will highlight some of our recent and historic management accomplishments, and provide testimony on the benefits our management practices have on the impact of wildfires. I will also highlight some of our more recent and innovative management approaches that we have had to use, and also discuss shortcomings we are facing and what we need to be able to continue our legacy of sustainable forest management.

The following tables and figures are a quick illustration that highlights the level of active management that the Tribe and the BIA have executed on the FAIR through various types of forest management activities. This is not an all-inclusive list, but is a snapshot of what I was able to gather in the short time I had to prepare this testimony. I will be happy to gather more exact information at your request.

Table 1. Recent Accomplishments for Pre-Commerical Timber Stand Improvement Thinnings

FY's	BIA TSI Acres	WMAT TSI Acres	BIA + WMAT Acres
1995–1999	9193	2583	
2000–2009	13825	5574	
2010–2013	6639	254	
Total Since 1995	29657	8411	38068

Table 2. Fuels Management Thinning and Prescribed Burning Accomplishments (data for all years was not immediately available). This type of thinning began in 1998.

FY's	BIA + WMAT Thinning Acres	BIA + WMAT Prescribed Burn Acres
1948–1949	n/a	2,980

Table 2. Fuels Management Thinning and Prescribed Burning Accomplishments (data for all years was not immediately available). This type of thinning began in 1998.—Continued

FY's	BIA + WMAT Thinning Acres	BIA + WMAT Prescribed Burn Acres
1950–1959	n/a	164,906
1960–1969	n/a	210,285
1970–1979	n/a	88,226
1980–1989	n/a	244,941
1998–2013	75,000	225,000
Totals Since 1948	75,000	936,338

Table 3. Logging History on Fort Apache Indian Reservation

Year that timber sales approved	Board Foot Volume Removed	
1918	490,380,590	
1929	2,212,170	
1930–1939	303,155,870	
1940–1949	594,745,925	
1950–1959	103,168,540	
1960–1969	613,500,561	
1970–1979	775,638,878	
1980–1989	636,134,701	
1990–1999	613,977,240	
2002	92,224,670	2002 Rodeo/Chediski Fire Salvage
2000–2009	216,115,900	
2010–2013	7,000,000	Sawmill Closed in 2010, reopened 2014

This table shows board foot volumes that were removed by decade. Each decade had logging in multiple timber sale units.

Forest Management Impacts On Fire Prevention/Suppression

All of these accomplishments that I have shown amount to a forest that is healthier, more resilient and better protected from wildfires. The success of our fire management staff to effectively put out fire starts on our reservation is astonishing and can be attributed to our management. Our firefighting initial attack success rate on the reservation, which is measured by keeping fires at less than one acre, is consistently greater than 95 percent! The small percentage of fires that we are not able to keep at less than one acre, range from 2 to 468,000 acres (Rodeo/Chediski fire, although only 276,000 acres of that were on the reservation).

In order to capture the theme of today's hearing, I will highlight three fires on the reservation in which our active management proved extremely beneficial to help reduce the intensity and spread of these fires which helped preserve and protect forest resources. What I am providing here are brief summaries of what occurred in these fires and more detailed information is available on each of them.

Rodeo/Chediski Fire Response to Management Activities

In 2002 our reservation experienced what was at the time the largest wildfire ever to happen in the state of Arizona, the Rodeo/Chediski Fire. This was two human-caused fires that both started on the reservation and merged together to burn a total of 469,322 acres of tribal, federal, and private lands. Of this amount, 276,355 acres burned on the reservation. Despite the severely devastating nature of this fire, there were some valuable lessons learned within areas on the FAIR that had been actively managed in the decades prior by logging, thinning, and/or prescribed fire.

In untreated forest stands with little to no management, there existed thick, heavy loadings of ground fuels, heavy brush, and dense stands of stressed small diameter trees, all of which created a ladder of fuels into the canopies of larger pine trees, creating a raging, devastating and intense inferno that left moonscapes in its wake and associated negative ecological consequences (soil sterilization, erosion, loss of forest ecosystems) . But, where this raging inferno came across areas that had received logging, thinning, or prescribed burning (especially in areas that had received more than one of these management activities), there did not exist the heavy

ground fuels and underbrush, there were not thick stands of stressed small diameter trees, the larger trees were more well spaced, and all of this helped slow the inferno and it dissipated as it passed through these managed areas, leaving some black behind, but also leaving green, leaving life that provides all the benefits I mentioned on Page 1, 2nd paragraph of this testimony. These forests lived, and continue to live as functioning healthy ecosystems, a testament to the management that helped prevent more widespread devastation.

Summary and findings of management activities on fire effects and forest stand structure;

- Forest thinning and prescribed fire use were highly effecting in reducing fire intensity.
- Fire behavior was low intensity burns that consisted of ground fire and under burning activity.
- A combination of treatments (i.e. thinning and prescribed fire) were most effecting in reducing fire behavior and intensity.
- There was low to moderate burn severity effects on soils, whereas untreated areas had moderate to severe impacts on soils.
- Previously managed stands required little to no emergency stabilization and rehabilitation treatments. (emergency stabilization and rehabilitation treatments were extensive on the rest of the fire, they have cost over 20 million dollars and are ongoing still today).
- Management treatments must be implemented at landscape scales to effectively mitigate against large fires that occur at the same scale.

Wallow Fire Response to Management Activities

The Wallow Fire of 2011 became the largest wildfire ever in the history of the state of Arizona, and burned under forest and weather conditions that mirrored those of 2002 for the Rodeo/Chediski Fire. The Wallow Fire burned a total of 538,049 acres, of which, 12,959 acres burned on the FAIR. This fire started just off the eastern boundary of our reservation and despite winds that moved from west to east pushing the fire away from our lands, the fire progressed west against the wind toward our lands. As the fire grew and created its own weather (which these large intense fires always do), erratic winds and downdrafts combined with dry thunderstorms that were forming over the fire area, and the threat of fire consuming our prized eastern timberlands increased. This area of our reservation is full of values at risk that include culturally significant areas, sacred springs, threatened and endangered species, economically valuable timber lands, and our Sunrise Ski Resort, all of which are extremely valuable to the WMAT. The western edge of the fire could not be anchored, it could not be controlled, and it was not held in check until a large burnout operation was conducted on the actively managed forests of the FAIR.

A BIA report was produced following the Wallow Fire that examined the beneficial effects of forest management on the FAIR and its impacts on the Wallow Fire. The report was released in December of 2011 and is titled *"Fuel Treatment Effectiveness on the Wallow Fire on the Fort Apache Indian Reservation"*. A brief summary of the findings are:

- Timber harvests, fuels management, forest thinning and prescribed fire were highly effective in reducing fire intensity by reducing heavy fuel loads.
- Fire behavior from the Wallow Fire on the FAIR consisted of low-intensity surface fire that predominantly burned the understory fuels component.
- Forest and Fuels management treatments provided fire managers a successful option of a large burnout operation to halt the westward movement of the fire on the reservation.
- Fuel treatments allowed firefighters to implement their suppression strategy safely and quickly enough to be effective.
- Of the area burned on the FAIR, less than 7 percent of the acreage experienced high tree mortality, and the remaining 93 percent experienced less than 10 percent tree mortality (very low intensity burn). And
- Fuel treatments ensured that the Wallow Fire's negative effects on values at risk and resources were kept at minimal levels.

This report helps solidify the fact that managed forests which exercise various combinations of fuels management techniques are effective at mitigating negative consequences of wildfire.

Rock Creek Fire Response to Management Activities

The Rock Creek Fire of 2013 was a 795 acre fire that occurred in a high use recreation area just beyond the city limits of our main tribal community. The fire exhibited active and sustained crown fire behavior which increased as it moved N and NE from its point of origin, being pushed by winds out of the southwest. The size of this fire does not appear significant at first, but the small size is exactly what makes this fire significant. As the fire moved to the NW, N and NE, and became an intensifying crown fire, it moved into a large area of 2 prescribed burn projects that had been completed in 2012 and 2010. The 2012 project was the first buffer against the fire and was fortified further to the NW, N and NE by the adjacent prescribed burn project that was conducted in 2010. The results were astonishing as the fire penetrated no more than 40 acres into the 2012 prescribed burn, and did not even burn into the 2010 project area! Fire behavior was almost immediately reduced due to the removal of excessive fuel loadings on the ground and ladder fuels that would have carried the fire through the canopy.

A report was carried out following this fire which not only showed the remarked effectiveness of stopping the spread of the fire and protecting firefighter safety and abundant forest resources, but it also showed an extremely effective cost benefit analysis of carrying out fuels management projects versus the cost of fighting the fire. The following table illustrates a comparison between the firefighting efforts of the Rock Creek Fire versus the efforts needed to carry out the two prescribed burn projects.

Rock Creek Fire Cost Benefit Analysis of Fuels Management vs Fire Suppression Costs

	Fire Fighting	2012 Rx Burn	2010 Rx Burn
Acres	795	1303	600
# of Personnel	491	8	8
Total Cost	$2,043,290	$27,363	$12,600
Cost/Acre	$2,570	$21	$21

Some key points to be taken from the above table are;

- The per acre cost of conducting prescribed fire in this area was more than 100 times cheaper than the cost of fighting the fire!
- For the cost of fighting this 795 acre fire, that same 2 million dollars could have treated 97,299 acres with prescribed fire!
- Conducting well executed prescribed burn projects takes nearly 40 times fewer personnel than fighting a wildfire of similar size, greatly reducing the level of threat to human lives.

All three of these fires(R/C Fire, Wallow Fire, and Rock Creek Fire), are examples of how active forest management can help protect and mitigate the effects of wildfires. The Rock Creek Fire, and its comparison of fuels management costs versus fire suppression costs is compelling. I would like to have shown this same analysis for the Rodeo/Chediski and Wallow Fires as well, but with short notice of this hearing I was not able to research all of the data to come up with this same comparison. However, it is safe to say that fighting the bigger, hotter, and more dangerous fires was more expensive per acre than conducting the prescribed burn and thinning activities that helped reduce the intensity and/or spread of those fires. If the Committee is interested in knowing this information, please let me know and I can research the matter further to come up with exact cost comparisons.

Newer/Innovative Forest Management Techniques and Practices

Despite the extensive forest management that has occurred on the FAIR, we are facing new challenges that we have not faced before. Climate change, drought conditions, lack of management on adjacent land ownerships, larger fires, insect and disease outbreaks, and depressed housing markets which slowed and eventually stopped timber harvests for a few years, all have forced the WMAT to develop and consider different forest management strategies to protect against these challenges. This section will highlight a few projects that the WMAT has undertaken to address these challenges and further protect and manage our forest resources.

Hazardous Fuels Reduction/Wildand Urban Interface Fuels Management in High Elevation Forests

In 2012, the WMAT Tribal Forestry program began a Hazardous Fuels Reduction/ Wildland Urban Interface project in and around our ski resort in our high elevation

spruce/fir and mixed conifer forests. This type of thinning had never occurred in this forest type on the FAIR, but after the Wallow Fire scare of 2011 in which adjacent Forest Service lands of the same forest type were devastated, the Tribe became proactive in addressing the heavy fuels loads in and around the ski resort. These forest ecosystems exhibit steeper terrain and are less accessible for typical logging and thinning equipment and have different ecological processes, especially with fire. In these steeper, thicker, less accessible forest areas, the cost to effectively thin them increases to well over $1,000/acre. The fuel loadings are tremendous and pose many challenges to traditional thinning practices because the ground is littered with "jackstraws" of dead and down fallen trees. Despite these challenges something needed to be done because the ski resort is infrastructure, it is property, it is a large revenue source, and it is jobs and livelihoods for over 200 employees.

This project has to occur in phases due to the heavy fuel loads of this forest type. The first phase is to remove all of the already down and dead trees that cover the ground surface. This has to be done so that thinning (phase 2) can occur. We cannot thin the standing forest until we remove all of the woody material on the ground so that logging equipment and tree fallers can safely and effectively maneuver themselves. At the time this project began, the sawmill was closed and could not take the vast amounts of raw material that was generated. Because the material we were dealing with was dead trees and in various stages of rot, we had to work with the sawmill management team to market and sell the wood for whatever product we could. The logs were hauled to the base of the ski resort and a sort yard was established, separating the logs from higher grade house logs to firewood to biomass. The work we did in 2012 only covered 75 acres but it removed 2400 tons (120 logging truckloads) of dead and down material and generated over $60,000 dollars for the sawmill. The revenue was not a lot, but the fact that this project removed more than 30 tons/acre of heavy fuels from the forest is extremely significant as a fire protection measure. As a comparison, WUI thinning in our small diameter ponderosa pine stands that cut green trees yields 3–5 tons per acre! From a forestry perspective, this work we are doing in the high elevation forests is exactly the type of work that needs to be done, but not on 75 acres, not on 1000 acres (which is the current project boundary), but on over 200,000 acres which comprise this forest type. We have been able to work with our local agency to set aside funding for small portions of work for this year and next, but we need more stable federal appropriations so that we can help treat this forest type more effectively on a landscape scale. Without funds to treat this area, there is no effective way to remove the excessive and dangerous fuels loads that create an extreme fire hazard.

Tribal Forest Protection Act With the Apache/Sitgreaves National Forest

The Tribal Forest Protection Act (TFPA) of 2004 is federal legislation that was passed in response to large devastating wildfires that caused many human casualties and destroyed entire reservations in California. These fires started on National Forest Service lands and then moved onto these reservations. The purpose of the TFPA is to provide a mechanism for Tribes to propose forest management projects on Forest Service lands to protect tribal resources.

In 2009, the WMAT submitted a proposal to the Apache/Sitgreaves National Forest (ASNF), requesting that the ASNF thin their overgrown forest adjacent to the reservation, to protect our already thinned forest from fire, and insect and disease outbreaks that could move onto the reservation from the ASNF. The ASNF and Forest Service Regional office in Albuquerque, NM approved the project which was funded by American Recovery and Reinvestment Act (ARRA) dollars and became known as the Los Burros TFPA. In the project proposal, the WMAT also requested that our own WMAT Tribal Forestry crews conduct some of the thinning work and receive training/certification to become more proficient with timber cruising activities.

Project implementation and success was facilitated by several key factors:

- The WMAT Tribal Forestry and ASNF had a pre-existing working relationship in which they collaborated successfully on several prior projects.
- The WMAT had already successfully treated more than 30,000 acres of their forest lands adjacent to the proposed project area.
- The ASNF had previously identified the Los Burros project area as an area that needed fuels management treatment and had conducted the necessary environmental (NEPA) reviews for the project.
- As a result of the Tribe's TFPA proposal, the ASNF re-prioritized the Los Burros project for implementation as part of their White Mountain Stewardship Contract.

- WMAT Tribal Forestry staff assisted with the project development due to strained Forest Service staffing who were busy with other projects.

Overall, the project was successful in every aspect and should be used as an example of how inter-agency management can be done to protect both reservation and National Forest lands. The project accomplishments include:

- Training for 3–5 WMAT Forestry crew members in the areas of timber cruising and Forest Service standards for project preparation activities.
- Using this training, these WMAT employees helped "prep" 5,800 acres for the ASNF on various areas within the White Mountain Stewardship Project (including the Los Burros TFPA project area).
- A crew of 6–13 WMAT Forestry employees thinned 1,580 acres on the Los Burros TFPA project.

Biomass Removal and Utilization

Much of our current fuels management thinning activities focus on WUI areas with overstocked forest stands comprised of stressed, small diameter trees which are not valuable from a traditional lumber standpoint. This material is referred to as "biomass". When our sawmill (Fort Apache Timber Company, or FATCO) was shut down, our WMAT Tribal Forestry department worked with the BIA and FATCO to use existing fuels management dollars to generate a wood products utilization program which thinned over 4,000 acres of WUI areas and generated over $300,000 in revenue for the Tribe from the sale of biomass material to the nearby pellet plant off reservation. Prior to this, our Tribal Forestry Fuels program was not allowed to use federal dollars to get rid of the material, and so for many years the wood was piled and burned out in the woods, or even worse was just left out in the woods to rot, ineffectively leaving the fuel in the woods and not reducing the fire hazard completely. But with a lot of effort through my department and by the Tribe, we were able to negotiate and get permission from the national fuels management program within the BIA, to use some fuels management dollars to process the biomass into chips and haul the material to the pellet plant. This is a little more costly per acre, but extremely beneficial in creating healthy and fire resilient landscapes which is the ultimate goal of the fuels management program. It also helped generate revenue which helped to re-open the sawmill after being closed for several years (this was just a small portion of the money needed to re-open the sawmill but it helped with feasibility studies, consulting work, and repairs and maintenance). However, this utilization program was only conducted over a 2 year period (2010–2012) and the Tribe and Ft. Apache Agency received fewer fuels management dollars due to federal budget cuts, which for the time being has halted this beneficial program.

Restraints on WMAT/FAIR Forest Management

1.)*Federal Appropriations*—Unfortunately, WMAT and other Indian Tribes fall victim to less adequate funding through the BIA than our counterparts in the U.S. Forest Service. On a per acre basis, the BIA and Tribal funding is on average, one third the amount that the Forest Service receives for the same work. The result is, we have to be more innovative and extremely stringent in how we utilize our dollars, and the one glaring result is we pay our staffs and contractors less than what the work garners elsewhere. It is something that needs to be remedied, especially given the fact that the WMAT and other tribes are far more effective in managing our forests than the Forest Service.

2.)*Restrictions on how Fuels Management Dollars can be spent:*

a.) *Areas prioritized for thinning are confined to WUI areas*—Our Tribe has been very effective since the year 2000 at prioritizing and thinning around local communities and infrastructure (WUI). This has been a very successful endeavor, but in order to fully protect these communities and values at risk, thinning treatments need to move further away from the WUI zones and deeper into the forests. Large fires like Rodeo/Chediski Fire and Wallow Fire demonstrated that forest management is much more effective at reducing negative fire effects when treatments are conducted on a broader landscape and not just confined to smaller patches of land.

b.) *Funds are not readily available to be spent on biomass utilization*—Fuels management programs and thinning projects on our reservation (and other Tribal lands) are not as heavily subsidized as projects on U.S. Forest Service lands which allow for biomass utilization to be included in the treatment costs. Projects such as the White Mountain Stewardship contract on the Apache/Sitgreaves National Forest provided funds not only for the thinning to be done in the forest, but were funded to allow wood utilization industry (pellet plant)

to be constructed as a destination for the material to go. Although WMAT does not have a biomass facility on the reservation to utilize the material, the pellet plant located just off the reservation is a viable destination where we can sell our biomass material. Our projects need to be funded so that we can do more biomass removal like what we did in 2010–2012, and/or establish our own biomass facility on the reservation.

3.)*Fire Suppression Costs vs Management Costs*—The example I used earlier of the Rock Creek fire shows that the cost of fighting fire is far more costly than conducting prescribed burn activities in these same forests. Unfortunately, these dollars which are used to fight fire are not spent more effectively by actively managing forests. The Rock Creek Fire example compared fire suppression to prescribed fire, and did not include mechanical or crew thinning costs. Our WMAT Tribal Forestry costs to conduct thinning in this same forest types averages from $150–$300/acre, which is still 10–20 times cheaper than the $2570/acre cost of fighting the fire. Somewhere in the federal budgeting process, the cost benefit analysis of fighting fire versus managing fire through active fuels management practices needs to be more seriously considered. The effectiveness of our Tribe and local BIA office at actively managing and protecting our forests through efficient and cost saving practices should not only be heeded, but replicated more on our own lands and elsewhere across our Nation's forests.

4.)*Reliable Lumber/Housing/Wood Products Markets*—The continued success of our commercial logging and timber harvest activity is centered on reliable lumber and housing markets. These markets are directly affected by the growth and stability of our national economy. In recent years, these markets hit an all-time low and the cost of logging and manufacturing wood products was more than the revenue generated from selling these wood products and the WMAT was forced to close our sawmill. The closure of the sawmill results in a loss of potential annual sales of 10 million dollars of manufactured wood products, and the loss of over 200 associated jobs in the sawmill and out in the woods. Recently, the WMAT was able to secure financing to re-open our sawmill and we began logging again in November 2013. However, if future markets for commercial timber products are not beneficial to support the logging and sawmill industry, then appropriations for BIA timber sale activities (through fiduciary trust responsibilities) should be re-appropriated into the fuels management program for our Tribe so that we can continue to manage timber sale areas.

Summary/Conclusion

- The work that has been done by the White Mountain Apache Tribe and the Fort Apache Agency can, and should be used as a model that demonstrates how active forest management preserves the forest and creates a healthy and sustainable environment which is more resilient to devastating wildfires.
- The work that we have done is nothing compared to what we need to do. It is a small portion of what needs to be done to protect our land, our people, and our resources, and also those of our neighbors adjacent to us.
- Federal appropriations need to be proactive and focus on active fuels and forest management activities that prevent wildfires, instead of being reactive to fire suppression which is far more costly and dangerous and results in millions of dollars of rehabilitation work as well.
- Active forest management on our reservation and other forested lands cannot occur in just a certain forest type, it can't focus only on WUI areas, but rather it needs to occur forest wide, in all forest types, away from communities, across the entire landscape and across jurisdictional boundaries.
- With our active forest management, we are protecting our home, our way of life, and our culture. We as indigenous people, who have depended on these forests and their resources since time immemorial, are not only managing and protecting them for ourselves in the present, but we are managing for sustainability and to protect them for our future generations who will need to depend on the forest as much as we do, and who will need to protect it for their future generations as well.

On behalf of our Tribal Chairman, Ronnie Lupe, and the entire WMAT Tribal Council, I thank you for the honor and privilege of being able to testify on this hearing and provide insight into our storied forest management. Thank you.

The CHAIRMAN. Thank you for your testimony, Jonathan. Adrian?

STATEMENT OF ADRIAN LEIGHTON, PH.D., CHAIR, NATURAL RESOURCES DEPARTMENT, SALISH KOOTENAI COLLEGE

Dr. LEIGHTON. Thank you, Mr. Chairman, Senator McCain and members of the Committee.

Thank you for this opportunity to testify.

I am one of the ten independent forestry professionals assembled to form the Third Indian Forest Management Assessment Team. I also teach forestry at Salish Kootenai College. I will do my best to do this without PowerPoint or dry erase markers.

Forest management performed by tribes and the BIA is a remarkable, innovative blend of placed based wisdom and active management that has the potential to be a national model. However, lack of stable, equitable funding, an understaffed and aging work force and inadequate access to technical resources comprises long term sustainability.

Twenty-three years after the first IFMAT assessment, tribes are constrained by conflicting rules and regulations that hinder rather than help them achieve self governance. Tribal forests are increasingly threatened by inaction on the borders of their lands. Here are some of the challenges we see.

Insufficient funding, in 2011, BIA and tribal forestry programs received on a per acre basis one-third of the funding allocated for Forest Service management. This funding has been consistent across all three IFMATs. That figure is fairly stable.

Staffing levels are well below State, private and Federal comparators. Funding reductions over the last 20 years has further compounded this problem. Mr. Rigdon's example at Yakama of over half the BIA forestry positions being vacant is just one of many examples.

We have an aging workforce with an uncertain supply of future foresters. While the number of Native foresters in the BIA and working for tribes has doubled in the last 20 years to about 50 percent of the total, there is still only approximately 100 Native American students in four year forestry programs nationwide. That includes the 40 at Salish Kootenai College, the only tribal college with a Bachelor's degree in forestry. Meanwhile, the average age of BIA and tribal foresters is 51 and less than 2 percent of the professional workforce is under the age of 30.

There is a diminishing infrastructure. Timber harvest levels and revenues have steadily dropped since IFMAT I and since 2001, ten tribal sawmills have closed, leaving four operational and two trying to reopen, while total employment associated with management, harvest and processing of tribal timber has dropped by 10,000 jobs, 38 percent.

To aid in understanding of these challenges and opportunities, IFMAT has introduced the concept of FIT: fire, investment and transformation. These things embody the progress that has been made over the last two decades as well as the issues that lie ahead for tribal forests and the people, Native and non-Native, who depend on them.

Fire and related threats, such as insects, disease and climate change, pose serious risks to tribal lands, resources and communities as you have heard from other testimony today. We found many examples of healthy and productive forests and successful

treatment such as Mr. Brooks pointed out. Such effective treatments offer hope but are not enough to match the growing magnitude of the problem.

We estimate that if tribes to restore ecosystems and reduce fuel accumulations, then the amount of acreage treated each year much increase by five to ten fold. Stable and reliable funding is crucial to this task. Strategic investment is needed to achieve tribal vision and plans and to fulfill the government's trust responsibility.

We find that tribal forests require a minimum annual appropriation of $254 million to bring per acre funding up to par with comparators. This is $100 million over the current funding level. Also, an additional 792 professional and technical staff are needed to adequately support tribal forestry programs. This is about a 60 percent increase.

Transformation, tribal knowledge and stewardship capabilities are now uniquely positioned to help sustain forests beyond reservation boundaries. The Tribal Forest Protection Act is an under utilized opportunity to be aggressively expanded as tribes have nearly 3,000 miles of common boundary with at risk national forests and range lands.

To add to the list of endorsements for the Anchor Forest concept, the IFMAT team fully supports the expansion of this pilot project. As a tribal member told us in a focus group interview, if we are not maintaining our forests, then that is a reflection of how we are living our lives.

This level of dedicated commitment to integrated management was a common theme observed by the IFMAT team and I think one you have heard expressed very well today. However, we are concerned that such high caliber management cannot be sustained. Chronic under funding is limiting the ability to maximize the forest economic and ecological potential.

If support for tribal and BIA forestry programs is increased to recommended and equitable levels, and fulfillment of trust responsibility assured, tribal forests will continue to grow into their role as a model of sustainable management for Federal and private forests alike.

Thank you for this opportunity.

[The prepared statement of Dr. Leighton follows:]

PREPARED STATEMENT OF ADRIAN LEIGHTON, PH.D., CHAIR, NATURAL RESOURCES DEPARTMENT, SALISH KOOTENAI COLLEGE

Mr. Chairman, Members of the Committee, my name is Dr. Adrian Leighton, Natural Resources Department Head at Salish Kootenai College. I am also one of ten independent forestry experts assembled to form the Third Indian Forest Management Assessment Team (IFMAT III). During the course of our two-year investigation we visited numerous Indian reservations, tribal colleges, Bureau of Indian Affairs (BIA) offices, and other federal agencies. Pertinent government reports, manuals, historical literature, and journal publications were reviewed. Cultural and workforce surveys were conducted, focus groups with tribal members were held and Indian forestry symposia attended. In 2013, the IFMAT III assignment was completed and our final reports were submitted for publication. The Committee has been provided copies of IFMAT documents. IFMAT III web-published materials (Executive Summary, Volume I, and Volume II) are also available for download at: *http://www.itcnet.org/issues*__projects/issues__2/forest__management/assessment.html

Thank you for this opportunity to testify before your Committee. I will begin by summarizing IFMAT III's principal finding and its main recommendations.

IFMAT III Summary

Forest management performed by tribes and the BIA is a remarkable, innovative blend of placed based wisdom and active management that has the potential to be a model for ecosystem management nationwide. However lack of stable, equitable funding, an understaffed and aging workforce and inadequate access to technical resources compromises the long term sustainability.

To be sustainable, Indian forestry programs must:

1.) be assured of predictable, consistent, and adequate funding;
2.) have access to up-to-date technical and research support;
3.) be guided by each tribe's vision for its forests; and
4.) have a capable workforce committed to protecting tribal resources.

Twenty-three years after the first IFMAT assessment, notwithstanding the record of tribes improving management of their forests, Indian forests remain underfunded and understaffed, tribes are constrained by conflicting rules and regulations that hinder rather than help them achieve self-governance, and tribal forests are increasingly threatened by inaction on the borders of their lands. The result is a decades-old tale of missed opportunity for economic and environmental benefits.

IFMAT Backround

During the development of the National Indian Forest Resources Management Act in 1991 (NIFRMA, PL 101–630, Title III), Congress acknowledged that the United States has a trust responsibility toward Indian forest lands and that federal investment in Indian forest management was significantly below levels for comparable public or private forestry programs.

NIFRMA mandated that independent assessments of Indian forests and forestry programs be conducted every ten years. Three have been completed (1993, 2003, 2013).As with preceding reports, the Secretary of the Interior contracted with the Intertribal Timber Council (ITC), a national organization of forest-managing Indian tribes, to select IFMAT members and provide administrative support for completion of this report. The findings and recommendations in the IFMAT report represent an independent evaluation of members with a broad range of expertise and knowledge was brought to the task, including silviculture, wildlife management, engineering, wildland fire, education, economics, and climate change. The three reports are national in scope and provide periodic evaluation focused on eight topics of inquiry:

1. Management practices and funding levels for Indian forest land compared with federal and private forest lands,
2. The health and productivity of Indian forest lands,
3. Staffing patterns of BIA and tribal forestry organizations,
4. Timber sale administration procedures, including accountability for proceeds,
5. The potential for reducing BIA rules and regulations consistent with federal trust responsibility,
6. The adequacy of Indian forest land management plans, including their ability to meet tribal needs and priorities,
7. The feasibility of establishing minimum standards for measuring the adequacy of BIA forestry programs in fulfilling trust responsibility, and
8. Recommendations for needed reforms and increased funding levels.

At the request of ITC, the assessment was expanded to include the following three questions regarding contemporary issues of special interest to forest-managing Indian tribes:

1. Issues relating to workforce education, recruitment and retention with special attention to recruiting more Indian professionals in natural resource management.
2. Quantification of economic, social, and ecological benefits provided by Indian forests to tribal and regional communities.
3. Consideration of changes to enhance collaboration in forest management, harvesting, and transportation infrastructure in the vicinity of reservations and the potential for Indian forests to become "anchors" of forest infrastructure.

Other topics that currently affect Indian forests include trust responsibility, federal budget reductions, policies related to fractionated ownership, widespread loss of timber harvesting and processing infrastructure, and the Tribal Forest Protection Act. Immediate threats to the sustainability of forests across all ownerships, such as forest fire hazard, insect and disease infestation, invasive species, trespass, climate change, endangered species, and market declines, also warrant consideration.

Tribal Forests

Spread across 334 Indian reservations on more than18 million acres, tribal forests cover about one-third of all Indian trust lands and serve as the economic and cultural backbone for many Indian reservations. More than one million acres of tribal forests have been set aside from harvest by tribal governments as cultural and ecosystem reserves.The standing inventory of commercial timber in Indian Country is 43 billion board feet. There is perhaps no other single natural resource as varied or as important to tribal governments and their members. Forests store and filter the water and purify the air. They sustain habitats for the fish and wildlife that provide sustenance for the people. They produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression. Forests generate revenues for many tribal governments and sorely needed employment for Indian people and rural communities. Forests provide a sense of place that sustains tribal lifeways, cultures, religions, and spiritual practices. Since the first IFMAT report in 1991, through dedicated programs of consolidation and reacquisition, tribes have been able to gradually increase their cumulative forest holdings by more than 2.8 million acres.

IFMAT III Principal Finding

In spite of formidable obstacles, such as chronic underfunding and understaffing, tribal forestry programs are remarkably successful. Progress continues in innovative silviculture, adaptive integration of forest management for a range of values, and in the presence of quality staff. However, if these positive attributes are to be retained and strengthened, tribal and the BIA forestry programs will need to secure stable and adequate funding mechanisms.

Insufficient Funding

In 2011, Indian forests received less management funding per acre than adjacent public and private forest owners (as example, tribes received only 33 percent of Forest Service funding). See Attachment 1. Recurring program funding has been declining in real terms (23 percent decline since 1991) and tribes are not receiving additional funds as their land base (17 percent increase since 1991) and obligations (such as climate change adaptation and forest health restoration) increase. Funding for hazardous fuel management on Indian forests (2011 per acre basis) is equivalent to just 49 percent of Forest Service allocations. Only 16 percent of tribal roads are functioning at acceptable or better levels. Remote locations and inadequate protection (BIA Forestry receives no funding for law enforcement) leave tribes vulnerable to timber theft and trespass (illegal marijuana "grows" are an especially troubling example) that bring violence and pollution to remote locations on many reservations

Insufficient Staffing

Staffing shortfalls for Indian forestry programs are worsening (13 percent staff decline since 1991; 51 percent of foresters are 50 years old or older). An example of this is at Yakama where 33 of 55 forestry positions are currently vacant due to lack of funding. See Attachment 2. Wages and benefits for tribal forestry positions are 15–30 percent lower than for comparable federal jobs. Yet there are no systematic BIA programs for employee recruitment and retention such as exist for other federal agencies. BIA Forestry lacks in-house scientific and technical support sufficient for inventory updates, topical research and reporting, and long-range planning.

An Aging Workforce With Uncertain Supply of Future Foresters

The average age of BIA/Tribal foresters is 51, several years older than that of comparable resource management agencies. In some regions, over half of the BIA foresters are eligible to retire in the next 5 years. While the number of Native foresters has more than doubled in the last 20 years (from 22 percent in 1992 to 48 percent in 2013) there are still only approximately 100 Native American students enrolled in forestry programs nationwide (with about 40 percent of them located at a single tribal college: Salish Kootenai College). The BIA funded National Center for Cooperative Education (NCCE) has supported dozens of tribal and BIA foresters through school and provided internships, but this program alone is not enough. A BIA/Tribal partnership to strategically plan workforce recruitment, retention and training is needed that will also work with tribal and non-tribal colleges and all universities to ensure that the future generation of Native foresters is present and properly trained to deal with the management challenges of the coming decades. The creation of a four year forestry program at a single tribal college has resulted in a greater than 50 percent increase in the number of Native forestry students. What more could be done with a coordinated, strategic approach? As the title of this hearing suggests, "prevention is preservation", and one way to prevent future challenges is through preparation. The better we prepare the next generation of man-

agers now, the more likely that they will have the tools they need to preserve tribal lands and the values associated with them.

Diminishing Infrastructure

Timber harvest levels (down 51 percent) and timber revenues (down 64 percent) have steadily dropped since IFMAT I. Since 2001, ten tribal sawmills have closed, leaving justsix surviving, while total employment associated with management, harvest, transport and processing of Indian timber has dropped by 10,000 jobs or 38 percent. Experiences throughout the rural West have shown us that once harvesting and processing infrastructure is lost, it is very difficult to replace. The consequent loss of infrastructure exacerbates problems of unemployment, social welfare, public health and safety while reducing tribal stewardship flexibilities.

Undermanaged Woodlands

Woodlands encompass the largest area of Indian forest ecosystems. In total, 202 tribes have woodlands. For 109 of these tribes, woodlands are their only forests. Water, firewood, wildlife, foods and medicines are important resources derived from woodlands. But, with little commercial value, woodlands receive insufficient funding and attention from the BIA for proper stewardship. Tribal elders are already noticing climate change impacts to woodlands such as juniper encroachments and lowered water tables but scarce funding seriously limits tribal options for management.

Economically Vital, Innovatively Managed

However, although tribal timber activities have slowed considerably in recent years, Indian forests remain a source of significant employment (19,000 full- and part-time jobs). Timber harvests extend high job and revenue leverage, in part because of the labor-intensive nature of some Indian forestry practices, such as uneven-aged management. New opportunities for forest enterprises may also be emerging. The sensitive harvest of non-timber forest products for health, herbal, and cosmetic products holds promise and may align well with sustainable forestry.

IFMAT III Framework: FIT (fire, investment, and transformation)

Underfunded and understaffed yet applauded for successes, Indian forest programs appear as an enigma. To aid understanding, IFMAT introduced the concept of FIT (fire, investment, and transformation). These themes embody the progress that Indian forestry has made over the last two decades, as well as the opportunities and challenges that lie ahead. Indian forestry is at a tipping point. Choices for moving forward will have profound and lasting consequences for Indian people and forests.

Fire

Fire represents threats to forest health such as wildfire, insects, disease, and climate change. These threats pose serious and increasing risks jeopardizing the economic, cultural, and ecological sustainability of Indian forests and tribal communities. Despite rising costs of wild fire suppression across the nation, and the National Fire Plan (2000) that led to major increases in federal agency funding for preparedness and fuel treatments, there has been an increase in the acreage of forests and woodlands consumed by wildfire each year. In proactive response, tribes are drawing upon traditional knowledge to restore the cultural role of fire to the landscape but funding shortfalls slow progress.

We found many examples of healthy and productive Indian forests as a result of sound forest management practices such as innovative uneven-aged forest management including prescribed fire, thinning regimes, and increasing use of integrated multiple resource management.

Such effective treatments offer hope, but are not enough to match the growing magnitude of the challenges facing Indian forests. This is especially the case in the dry interior West where much of Indian forest acreage is located adjacent to untended federal forests at risk from uncharacteristically severe wildfires, drought, insects, and disease that pose significant hazards to tribal communities. We estimate, that if fire is realistically to be used as tool to restore ecosystems and reduce landscape-level fuel accumulations, then the amount of acres treated each year must increase by five to ten times.

Investment

Strategic Investment is needed to achieve tribal forest visions and plans, and to fulfill the U.S. government trust responsibility for Indian forests.When investments in tribal forests support stewardship and recoverable products can be sold, caring for the forest can bring net return instead of reactive cost. But when investments are insufficient the productivity of forest lands is compromised. For example, there

are currently about 750,000 acres (about 4 percent of Indian forests) that need planting or thinning if future yields are to be realized.

IFMAT found that Indian forests require a minimum annual appropriation of $254 million to bring per acre funding on a par with appropriate comparators. [1] Current annual funding of $154 million is $100 million below comparable public and private programs.

This base funding does not include support for substantive tribal involvement in the Department of the Interior's (DOI) Landscape Conservation Cooperatives or other collaborative initiatives. Tribes need equitable access to funds and services related to climate change planning, adaptation, and response. In 2012, the BIA received just one-tenth of one percent of the total climate change funding allocated to DOI despite the fact that DOI has a unique trust obligation for tribal lands which account for 10 percent of the DOI land base and host the largest residential population of any DOI agencies. BIA and tribal staffing is inadequate in number and expertise to provide the quality and quantity of services needed to care for Indian forests. The involvement of Native American professionals has increased, but retirements, insufficient recruitment and retention, employment transfers for higher wages, and limited professional training opportunities are resulting in the erosion of workforce skills, leadership, and institutional knowledge within BIA and tribal forestry programs. Due to the lack of stable and adequate funding, Indian forest programs have become increasingly reliant upon non-recurring grants from other agencies and NGOs that come with high transaction costs, hit-and-miss alignment with tribal priorities, and uncertain funding futures.

Review of the 2011 Funding and Position Analysis indicates that an additional 792 professional and technical staff (a 65%increase above current levels) are needed to adequately support Indian forestry programs. In addition, IFMAT recommends that a BIA national education coordinator be recruited to pursue and oversee forestry education and training programs as envisioned by NIFRMA.

Transformation

An auspicious *Transformation* may be underway in Indian forest management and should be continued. BIA-dominated policies and programs of the past are being replaced by tribal visions and leadership. In the last twenty years, the number of contract and compact tribes that have taken control of their own forest management programs has doubled. Management priorities are shifting more towards forest protection, with commodity production receiving less emphasis. Tribal members define protection as the sustainable provision of all benefits derived from the forest, including but not limited to harvesting and revenue-generating activities but beginning with the assurance that forests are kept as forest land in perpetuity. IFMAT III found that forest management plans now exist for most tribal forest lands. In 1991, 5.8 million acres were covered by a forest plan, whereas, in 2011, 15.5 million acres of tribal forests had forest plans. We recommend that management plans could serve tribes in new ways: as a vehicle for funding and staffing negotiations, as a planning agreement that sets forth the Trustee's obligations to tribal beneficiaries, as a conservation strategy toreduce the regulatory burdens of the National Environmental Policy Act, and as adaptive approach to mitigate climate change impacts.

In policy and action, there appears a growing acceptance of an Indian worldview that "all things are connected," accompanied by recognition that environmental challenges cannot be contained within political boundaries. Tribal knowledge and stewardship capabilities are now uniquely positioned to help sustain forests beyond reservation boundaries. In particular, we encountered numerous instances where tribal approaches to sustainable forestry and resource stewardship could find beneficial application on the neglected federal forest estate.

For example, the Tribal Forest Protection Act of 2004 (TFPA) was passed to protect tribal assets by allowing tribes to contract with the federal agencies to carry out hazardous fuel and forest health silvicultural treatments on adjacent at-risk federal lands. TFPA represents an underutilized opportunity to work with state and federal agencies to increase jobs and economic stability in tribal communities, protect tribal resources and treaty rights on and off the reservation, and implement needed hazardous fuels reductions that otherwise might not be accomplished. TFPA partnerships should be aggressively expanded, as tribes share nearly 3000 miles of common boundary with 80 million acres of at-risk national forests and rangelands.

An initiative of the Intertribal Timber Council, the "Anchor Forest" concept centers on the idea of tribal forest managers collaborating with neighboring ownerships

[1] Forest Service for stewardship and wildfire for commercial timberlands; BLM for stewardship and wildfire on non-commercial forest lands; state and industrial forests for timber production.

to collectively ensure a long-term flow of harvested timber sufficient to sustain wood processing facilities and maintain healthy forests. A key aspect of this collaboration is a shared recognition that forest management must be both ecologically sustainable and economically viable. The third component (with economic viability and ecological sustainability) of this "triple bottom line" is social sustainability. The jobs provided directly and indirectly by the timber flow under the Anchor Forests concept will provide stable employment to tribal and non-tribal residents and do much to reduce poverty, thus greatly strengthening the social fabric of rural communities.

Indian forestry programs can become models of sustainable forest management for federal and private forests alike. However, without increased federal resolve and investment, historic obligations will remain unfulfilled and opportunities on and off the reservation will be lost.

Trust Responsibility

Federal statutes, court decisions and treaties establish the trust responsibility of the federal government to Native American tribes. This responsibility extends beyond BIA to all agencies of the federal government. Treaties further establish tribes as sovereign nations and grant tribes rights to hunt, fish, and gather natural resources on lands ceded to the federal government. Ceded lands include both public and private ownerships. Meeting the trust responsibility and satisfying treaty rights requires environmental conditions both on and off reservations such that lands and waters are biologically diverse, productive, resilient to both natural and human-caused disturbance, and capable of sustainably yielding desired resources and settings.

The preamble to NIFRMA [Title III SEC 302] explicitly recognized the US trust responsibility for sustained management of Indian forests and identified a number of concerns with the government ability to fulfill those obligations. Two decades later, IFMAT III finds that the federal government continues to inadequately fulfill its trust obligations to Indian forestry. Real funding and staffing levels are lower now than at the time of IFMAT I. We remain concerned that funding and staffing levels continue to be insufficient to support state-of-the-art forest management, that sufficient separation of oversight from operational responsibilities has not been put into effect, that administrative processes for Indian forestry are increasingly costly to complete, and that trespass remains a serious problem. In addition, there continues to be an inadequate response to the mandate of NIFRMA that the federal government work with the tribes to provide for multiple use management consistent with tribal values and needs such as subsistence and ceremonial uses, fisheries, wildlife, recreation, aesthetic and other traditional values.

After 20 Years, Still Both "Pitcher and Umpire"

A conflict of interest is created by the dual obligations of the Bureau of Indian Affairs to both deliver Indian services and to assess whether those services are adequate and well-executed. Prior IFMAT reports characterized this situation as the BIA attempting to perform as both "pitcher and umpire".

The organizational diagram, as presented in Attachment 3, was first proposed by IFMAT I, two decades ago, as a framework to restructure trust oversight. An independent commission would periodically review performance of services against tribal plans, accepted by the Secretary of the Interior, and would have the power to require corrections. The commission would be national-level, but with local reach. An example of such a model is the Nuclear Regulatory Commission. The trust oversight commission could contract with regional entities to be primary providers of oversight duties, subject to commission review. Any trust oversight body must have the technical capacity and skill to assess forest management issues.

Fulfillment of the federal trust duty depends upon standards against which performance can be evaluated. Standards must have adequate oversight for their execution, and must be enforced. An effective mechanism for enforcing standards does not currently exist, and the third party oversight as recommended by past IFMAT reports has not been implemented.

IFMAT III Key Recommendations

The IFMAT III report contains a total of 68 recommendations, including the 10 below considered to be key.

1. *The trust oversight recommendations of previous IFMATs should be further developed and implemented.* An independent commission should be formed to periodically review performance of services against tribal plans.When third party oversight is augmented by signed agreements between tribes and the DOI, the role of BIA can evolve out of the umpire/pitcher impasse toward that

of technical service provider and facilitator of communication between Indian tribes and the federal government.

2. *Increase Indian forestry funding by a minimum of $112.7 million per year.* Increase annual base level funding by $100 million to $254 million-the amount we estimate necessary for a level of forest stewardship and timber production that would be consistent with Indian goals and comparable to funding provided to National Forests. Appropriate an additional $12.7 million to support education and professional training programs as envisioned by NIFRMA.

3. *Increase staffing by 792 professional and technical forestry positions. An education coordinator will also be needed.* Staffing replacement procedures need to be reviewed so that funded positions can be filled promptly according to an established recruitment and retention strategic plan. Adequate compensation and relocation programs must be available.

4. *The Anchor Forest concept should be supported and expanded.* Innovative tribal management techniques should be considered for appropriate portions of the federal forest estate. We hypothesize that collaborative agreements such as Anchor Forests, TFPA, and stewardship contracting will result in valuable market and ecosystem benefits that more than compensate for investment.

5. *The implications of organizational and personnel changes within the BIA and the federal establishment should be examined* for their immediate and potential effects on trust responsibility and the sustainability of Indian forests.

6. *Self-governance tribes should be able to develop tribal NEPA procedures* and to replace BIA NEPA manuals and handbooks. This approach furthers self-determination and self-governance and would reward tribes for progress in integrated planning.

7. *A specific list of unfunded mandates should be drawn up and recommendations for their alleviation made and implemented.*

8. *Control of trespass within tribal boundaries should be reviewed and strengthened.*

9. *Tribes should consider a desired-future-conditions based approach to forest planning.* We note that a DFC is not a static state, but takes into account and makes provision for the dynamics of natural agents of change (fire, insects, disease, storms, and climate change). DFC forest planning will require better research and technical support from BIA.

10. *A regularly recurring state-of-the-resource report, including a protocol for continuing data acquisition should be implemented* jointly between BIA and tribal organizations such as the Intertribal Timber Council. An IFMAT-type study of the Native peoples of Alaska and their forests is needed and long overdue. Lack of technical support for economic analysis, climate change adaptation, timber and non-timber forest products marketing, habitat and ecosystem enhancement, and forest planning and inventory severely undermines self-determination and integrated forest management.

In conclusion, IFMAT observed dedicated forestry professionals and technicians, Indian and non-Indian, working together in tribal and BIA operations to care for Indian forests. Tribal forestry programs strive to do the best they can with limited available resources in accord with the wishes of tribal leadership. Accomplishments notwithstanding, Indian forestry appears at a tipping point as decades of "begging Peter to pay Paul" cannot be sustained. Chronic underfunding is limiting tribal abilities to maximize the forests' economic and environmental potential. On the other hand, if federal support to Indian forests and forestry programs is increased to recommended levels and fulfillment of trust responsibility is assured, Indian forests stand to become a model of sustainable management for federal and private forests alike.

Attachment 1. Funding

Forest Management Funding Comparisons ($/acre)		
Forestry Organization	**$/acre**	**Range $/acre**
BIA	**$2.82**	
States East		
Wisconsin State Lands	$3.83	
Minnesota State Lands	$5.50	
Maine State Lands	$7.63	
Private East		
Southeast	$4.85	[$1.33-$16.77]
Northeast	$4.55	[$3.73-$6.58]
North Central	$4.43	[$3.41-$6.51]
Appalachia	$2.70	[$1.58-$4.82]
States West		
Montana Trust Lands	$11.28	
Idaho Department of Lands	$17.91	
Washington Trust Lands	$19.98	
Oregon Trust Lands	$32.67	
Private West		
Westside OR/WA	$19.00	[$8.00-$62.00]
Eastside OR/WA	$7.25	[$2.00-$12.00]
National Forests	$8.57	
Fire Funding Allocations ($/acre)		
Organization	**Preparedness**	**Hazardous Fuels**
BIA	**$0.95**	**$0.69**
National Forests	$3.78	$1.49
BLM	$0.95	$0.49
Roads Maintenance Funding ($/acre)		
BIA	**$0.46**	
National Forests	$2.04	
BLM (all)	$0.30	
BLM (all except AK)	$0.38	
BLM (OR)	$1.54	

Attachment 2. Staffing

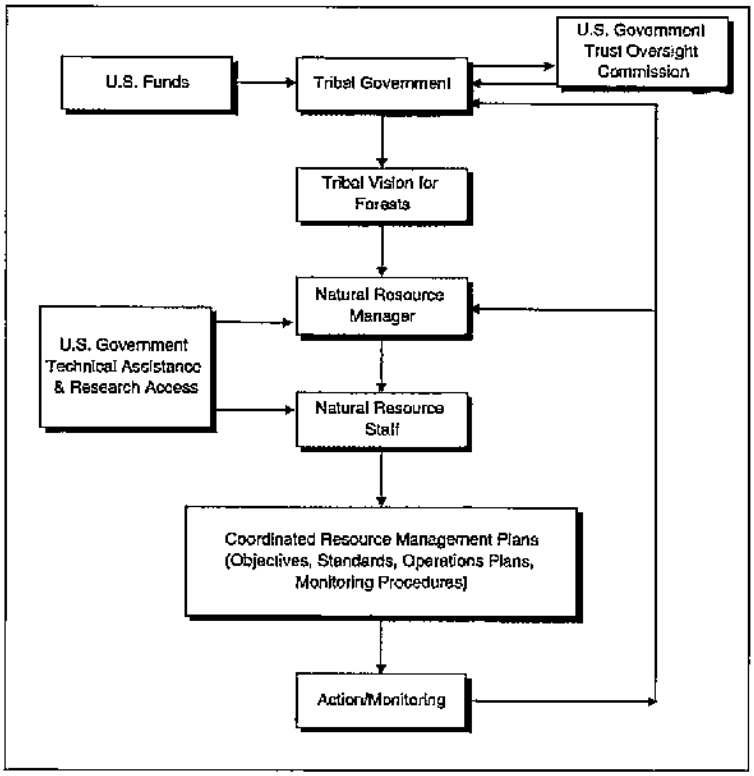
BIA current and requested full time staff positions (professionals and technicians only) by region.

Region	Current Staff	Additional Requested Staff	% Increase
Northwest	565	268	47%
Southwest	330	276	87%
Lake States	226	182	81%
Eastern	49	50	102%
Central Office	40	16	40%
Total	**1,210**	**792**	**65%**

Forestry Organization	% Professional	Forest acres per professional
BIA/Tribes, all	**30%**	**30,000**
National Forests	19%	24,500
Oregon Trust Lands	80%	3,500
NW Forest Industry-West Side	40-80%	9,000
NW Forest Industry-East Side	40-80%	16,000

Comparisons of BIA staffing levels to those of other public and private forest management organizations

Attachment 3. A framework to establish an independent commission to periodically review performance of trust services against criteria established in tribal plans, accepted by the Secretary of Interior, and with power to require corrections.



The CHAIRMAN. Thank you, Dr. Leighton. Thank you for your testimony.

There will be questions. I am going to start with you, Mr. Breuninger.

You indicated that the tribe has made significant effort on the reservation to maintain a thriving forest industry. How many people do you employ, a ballpark figure, in the forest business—harvesting, thinning and sawmills, if you have them?

Mr. BREUNINGER. As I mentioned, Chairman, our sawmill is closed right now. It has been closed about four or five years.

BIA maintains a staff—and I will guess right now—but they are also in their fire season so they have hired additional fire response teams, but as far as the tribe is concerned, we have probably around I would say 20 members employed in our Division of Resource Management. They do a host of other things not just thinning but also range improvement projects, repairing fences, putting in solar wells and these kinds of things.

We did receive a cut in 2012. I think our budget at that time we were receiving about $2.5 million for fuels reduction. Now, we are

receiving around $550,000, so we are still able to 638 contract that amount from BIA. That in turn puts these out for bid to our local tribal members. They will bid on plots. I will use an example of maybe 10 acre plots. We will have maybe 25 of those plots. The individuals fortunate to be drawn will hire a small crew of local individual tribal members. I don't have an exact number of folks they are hiring.

The CHAIRMAN. You said the forest management dollars was at $2.5 million and was reduced to $550,000?

Mr. BREUNINGER. That is what we are receiving now.

The CHAIRMAN. Could you tell me what impact that has had on your ability to manage your forests as far as fire reduction capabilities?

Mr. BREUNINGER. Obviously, we are not able to clear and perform the hazardous fuels reduction as much as we'd like. I think in my testimony I mentioned that thus far, over the years, we have done about 100,000 acres of hazardous fuels reduction, thinning and so forth. As a result of those cuts, we are not going to be able to continue to thin the forest at that same rate that we'd like.

The CHAIRMAN. The amount of money spent on thinning the forest and hazardous fuels reduction, with the greater number of dollars does it correlate not only proportionally a greater number of acres but even more than that? Do we get a bigger bang for the buck by running you at a budget that might not be at $2.5 million but not as low? That is about an 80 percent cut.

Mr. BREUNINGER. I would fully agree with that, Mr. Chairman. Obviously the more funding we receive, the more crews we can hire and more areas we can treat. Obviously that translates into a much healthier forest, lowering the probability of infestation of bark beetles and other insects and reduces our fire danger.

The CHAIRMAN. You have a stewardship contract with the Forest Service and the BLM. Tell me how or if this agreement has provided greater protection for you as per the Lincoln National Forest?

Mr. BREUNINGER. It has obviously assisted in providing resources but also working in collaboration with the Forest Service and also working and doing some thinning projects off reservation. This was prior to my administration but so far it has proven to be very successful. I would strongly urge that other tribes possibly look at that.

I would also expand on that for Congress to consider expanding the ability of tribes for 638 national forest dollars to contract those funds to not only work on the reservation but perhaps even go into the national forest and assist in doing some of their thinning projects. The value of that is it places our people at work and gives them an opportunity for employment. It is a win-win situation for everyone.

The CHAIRMAN. Thanks, Dan.

Senator McCain?

Senator MCCAIN. Mr. Brooks, an argument against forest thinning by some environmental activists is that thinning will hurt the endangered Spotted Owl habitat. It is my understanding that the Wallow fire and the Rodeo-Chediski fire destroyed about 20 percent of the Spotted Owl nests that exist in the world. How are the Spotted Owls doing on the Ft. Apache Reservation?

Mr. BROOKS. I don't know their exact numbers, but I know that during the Rodeo-Chediski fire, the areas that had been logged were definitely protected and sustained populations in those areas after the fire. According to our sensitive species coordinator, for the last 18 years, the populations are thriving and are not going down, are being maintained and sustained by our active forest management.

Senator MCCAIN. Some environmental groups want to diameter cap on harvesting trees. They want I think below 16 inches. What range of tree diameter does the tribe harvest?

Mr. BROOKS. Our range of trees goes from 8 to 22 to 25-plus. We manage all diameter classes of trees and practice uneven age management which creates a more sustainable and healthy ecosystem. We don't go in and create stands of trees that are all the same age. We do harvest all size classes.

Senator MCCAIN. How have mills survived all these years, avoided lawsuits and remained largely operational all these years?

Mr. BROOKS. Sustainability. It has shown that it can be financially sustainable but also out of the woods. The work speaks for itself, in my opinion. Our forest exists, it's resilient, it's healthy and provides all the benefits that the tribe needs according to the tribal objectives. We have been able to avoid that and one of the large things is sovereignty. We are a sovereign nation.

People might be able to express their concerns about their dislike for how we manage our lands. If they think we are cutting too much, we can say we appreciate your concern, but thank you very much, we are managing in the best interest of the tribe.

Even some of our tribal leaders may not like thinning and prescribed burning for various reasons—smoke is not a pleasant thing. Aesthetically, you see logging slash piles, logging trucks and they might impact your recreation, so some of our tribal leaders many not like it, but they agree with it because they understand the benefits it has for the Apache people and their forests.

Senator MCCAIN. The fact is that tribal sovereignty is a key element in management of your own lands and to criticize your management is, in a way, an affront to the tribe and their members. As you pointed out, it is not just a place of recreation, it is a place of living.

Mr. BROOKS. Yes.

Senator MCCAIN. Wally Covington, the director of Northern Arizona University's Ecological Restoration Institute, said tribes can conduct forest treatments faster and cheaper because the stakeholders are limited to tribal members and that tribal forestry throughout the west had done some very innovative techniques, many of them adopted from the experience of your tribe, is that correct?

Mr. BROOKS. Yes. To go back to his statement about faster and cheaper, that is true. People who say faster might think that we don't follow environmental policy. I have heard that before. We follow all Federal environmental regulations. The Spotted Owl is a perfect example. It is a threatened and endangered species. We follow that.

Water is sacred, water is holy and we just had our huge water quantification act signed recently and passed into law. We have to

follow all those Federal standards and guidelines, so faster, yes, but that is because we are able to prepare these projects but still go through all the environmental processes, Federal and tribal. We have our own internal tribal environmental review. Cheaper, yes.

Senator MCCAIN. What is the size of the finances of the operation which you oversee?

Mr. BROOKS. It varies based on Federal appropriations and tribal appropriations, but it can range anywhere from $500,000 to $2-$3 million depending on the appropriations.

Senator MCCAIN. How many employees?

Mr. BROOKS. It varies again. For forestry from the tribal side, anywhere from 10 to 100. When we had our stimulus dollars from the Forest Service, that was $7.4 million and that employed over 100 people.

Senator MCCAIN. Where did you get your training?

Mr. BROOKS. I got my training at Arizona State University, Northern Arizona University and at home in the woods.

Senator MCCAIN. I think you would agree that Mr. Covington is one of the better experts on this issue who warned us all through the 1990s of the catastrophic consequences of failure to thin the forests. Unfortunately, we had to learn very, very sad lessons as so much of our forests have been destroyed in the last ten years.

The real great challenge, I'd say, Mr. Chairman, is there is no end in sight of the drought that we are experiencing in the southwest. Unless we do something really different, we are literally in danger of losing our national forest. That is why I thank all the witnesses for coming here today. Thank you.

The CHAIRMAN. Thank you, Senator McCain. I look forward to working with you on giving the Forest Service the tools they need to be able to be successful in forest management because we spend a lot of money on fighting fires. From my perspective right now, the resource has to be taken care of in a better way.

Philip, I want to visit with you a little bit. Native Americans know that a healthy forest is a good thing and is worth more than logging or preventing fires. It is a bigger issue than that.

Could you talk about some of the efforts you have done to help other tribes with their forestry projects?

Mr. RIGDON. There are some key things going on right now across Indian country as a whole. I think our relationship of working together as a collective group is to address common interests and things that we face.

As I discussed earlier, many of our tribes are facing staff deficits and these kinds of things. The Intertribal Timber Council is the Anchor Forest concept, how do we maintain the forest infrastructure that is necessary so we can maintain the values we want from our forests and continue to do the type of work that we are currently doing.

I think there are a lot of different ways tribes are working together. If it is the Salish Kootenai in Montana to the Yakama to the Coville to Oregon to the Apache who we listened to, we come together as collective tribes saying look at what we were able to accomplish with the resources we have. All across Indian country we are seeing examples.

To use an example on just my reservation, in the late 1990s, we had Western Spruce Budworm outbreak where we were seeing mortality of our forest stands in 70 percent of the stands. Our tribe was able over a five year period and treating about 20,000 acres a year, to reduce the impact across the landscape and were able to open our own sawmills and get our economy to function in support of our community.

It is those kinds of things, stuff we don't just do ourselves; we watched the White Mountain Apache deal with salvaging their forests following the Rodeo-Chediski fire. It is that interception between our foresters and the interconnection between our folks. That is the really important part we are starting to see disappear in Indian country. I think it is really important.

People come through Yakama as foresters and work there for two or three years and then move on to other tribes and we had other tribal people come and work. Today, you are not seeing that type of thing. All we are seeing are vacancies, so it is less and less people. I think that is the real struggle we are watching in Yakama and you could talk to any direct service tribe, the compact tribes, all of us are facing those types of situations.

One of the key elements the Intertribal Timer Council wants to focus on is the educational piece, what is the next generation. The $12.7 million I discussed is necessary because we need that next generation of foresters, those people who grew up in our communities who are able to go out and treat, understand and have the knowledge of our land from our cultural perspective but also understand and deal with the current ecological things and deliver what we are doing, people like Jonathan sitting next to me who works for his tribe. We need the next Jonathans, the next myself across there.

That is a real part of some of the main issues and missions the Intertribal Timber Council is pushing forward on.

The CHAIRMAN. We appreciate your work and thank you.

Let's talk about the next generation of foresters with Dr. Leighton. Correct me if I am wrong, the Salish Kootenai College is the only tribal college in the country that offers a four year forestry degree, correct?

Dr. LEIGHTON. Correct.

The CHAIRMAN. Give me an idea on what has made this program successful?

Dr. LEIGHTON. I think a combination of things. We saw, for one thing, that there was a real need at larger, more conventional universities where there was a 25 percent success rate of Native American students going into forestry programs. We offer smaller classes, the cultural connection, we integrate culture and case studies into all of our classes.

The fact we can be out in the woods in five minutes since we are located right on the edge of the Mission Mountains and we have had wonderful cooperation from the Confederation of Salish Kootenai Tribal Forestry Department.

We have also gotten students to feel they are a part of something. They go to Intertribal Timber Council meetings, we have speakers from tribal forestry programs and they see they are an important part of this next generation. We get them early on to

help with that. There has been support, scholarship support from the Intertribal Timber Council and the BIA has a wonderful workforce development program that supports students in school and internships around the Nation.

The CHAIRMAN. That's good to know.

I don't want to put words in your mouth. You said Native American students who go to not your school but other schools, there is a 25 percent success rate? Is that what you said?

Dr. LEIGHTON. That is correct.

The CHAIRMAN. What is your success rate?

Dr. LEIGHTON. Around 50–60 percent.

The CHAIRMAN. That is good. Are they all tribal members?

Dr. LEIGHTON. About two-thirds are. We do have students from around 14 different tribes right now in forestry, so they learn from each other.

The CHAIRMAN. IFMAT found that we need about a 65 percent increase in professional and technical staff to adequately staff the Indian forestry programs. Say we were able to get that 65 percent and forward fund these programs, do we have the trained professionals to fill the jobs?

Dr. LEIGHTON. We don't right now. We need to expand at all levels for recruitment. There are 100 Native American students right now and we are looking for 792 positions, so there is a real need.

The CHAIRMAN. Back up. What did you just say?

Dr. LEIGHTON. There are 100 Native American students in forestry programs and the call is for 792 additionally.

The CHAIRMAN. Where did you get that figure? Was that in Salish or all the forestry programs?

Dr. LEIGHTON. That is all the forestry programs across the Nation. Salish has about 40 percent. That was based on USDA education statistics.

The CHAIRMAN. What can be done to recruit those Native American students where in a place like Montana and maybe every one of these tribes unemployment is so high and there is that much need out there, what can be done?

Dr. LEIGHTON. Many things. One thing is getting the story out to younger Native students from youth camps all the way up to supporting some of the big schools. Northern Arizona University used to have a Native American Forestry Mentoring Program that is not currently operational. The University of Montana has a very successful one they started a few years ago. These are real models.

When SKC built the forestry program, they gained and we had a 40 percent increase or more than. More tribal colleges need the help to step up and start forestry programs. There are many things we can do.

The CHAIRMAN. Have tribal colleges expressed an interest to you since you have a program?

Dr. LEIGHTON. Yes. We have had quite a few. The problem frequently with tribal colleges like the tribes is due to funding. The funding has to come first, so they struggle to find that.

The CHAIRMAN. I just want to say thank you all for your work. I very much appreciate it. Thank you all for being here today and your testimony. I appreciate you guys making the trip out here today to testify and talk about an issue that quite frankly needs

attention on a broad based level, not only tribal governments but the Forest Service and BLM.

The record will remain open for two weeks from today.

ADDITIONAL STATEMENT FOR THE RECORD

PREPARED STATEMENT OF HON. MICHAEL O. FINLEY, CHAIRMAN, CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

On behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribes" or the "CCT"), thank you for the opportunity to provide this statement for the record for this important hearing, which focuses on three issues: (1) how the Colville Tribes' forest management activities are more efficient than neighboring federal land managers; (2) how the Tribal Forest Protection Act ("TFPA") can be a critical tool to protecting the Colville Tribes' on-reservation forests; and (3) the importance of having a sustainable timber economy that involves local communities.

Background on the Colville Tribes and its Forest Economy

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is a confederation of twelve aboriginal tribes and bands from all across eastern Washington State. The present day Colville Reservation is located in north-central Washington State and was established by Executive Order in 1872. The Colville Reservation covers approximately 1.4 million acres and its boundaries include parts of Okanogan and Ferry counties. The CCT has more than 9,400 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest, and the second largest in the state of Washington. About half of the CCT's members live on or near the Colville Reservation. Of the 1.4 million acres that comprise the Colville Reservation, 922,240 acres are forested land.

The Colville Reservation originally consisted of nearly three million acres and included all of the area north of the present day Reservation bounded by the Columbia and Okanogan Rivers. This 1.5 million acre area, referred to as the "North Half," was opened to the public domain in 1891 in exchange for reserved hunting and fishing rights to the CCT and its members. Most of the Colville National Forest and significant portions of the Okanogan National Forest are located within the North Half. Both forests are contiguous to the northern boundary of the Colville Reservation.

For decades, commercial timber harvests provided the backbone of the CCT's economy. Until the economic downturn and the housing market crash of a few years ago, the CCT's enterprise division operated two mills. One of the mills was a traditional sawmill, Colville Indian Precision Pine (CIPP), that was designed to process larger diameter logs. The other, Colville Indian Power and Veneer (CIPV), manufactured plywood and veneer. When both mills were operational the CCT's forest products industry employed nearly 600 people and injected millions in payroll dollars into the local economy. Market conditions forced both CIPV and CIPP to close in 2009. Closure of the mills resulted in the loss of more than 350 jobs for an already economically depressed rural area, not including the loss of the secondary jobs that the facilities supported, such as contract loggers and truck drivers.

Early last year, the CCT's enterprise corporation entered into an agreement to lease CIPV to a third party and for the mill to reopen. CIPV was renamed Omak Wood Products and had its grand opening last October. At full capacity, not only will it create as many as 200 jobs, but it will also create a much needed outlet for forest products in north central Washington.

Tribal Forest Management Practices are More Efficient than other Federal Land Managers and should be incorporated into other Federal Land Management Plans

The Bureau of Indian Affairs (BIA) comprehensively regulates all forest management activities on Indian trust lands. The Colville Tribes conducts its on-reservation forest management activities under an Integrated Resource Management Plan (IRMP), which incorporates natural resource, economic, cultural, and social priorities of the CCT and its membership. The CCT's IRMP is comprised of individual component plans, each of which has been approved by the Colville Tribes and the BIA and sets forth in more specificity the management of each resource. These component plans address forest management, fire management, range management, water quality, fish and wildlife, and parks and recreation. While each plan has specific goals for the respective resource, they each work toward the same holistic goals

and desired future conditions established by the CCT and its membership in the IRMP.

To comply with the National Environmental Policy Act (NEPA), a full Environmental Impact Statement (EIS) was completed for the IRMP. Because the IRMP went through a full EIS, subsequent approval of the component plans required only an Environmental Assessment (EA). With the EAs completed and the component plans approved, further NEPA compliance is accelerated because the EIS and the respective EAs already address most of the larger issues that would otherwise arise with activities on U.S. Forest Service (USFS) or other federal lands. When the CCT coordinates a salvage log sale in the aftermath of a wildfire, the IRMP and its tiered approach to NEPA compliance allows the Colville Tribes' personnel to act quickly to identify mitigation measures and complete the public comment process. In past years, the CCT has been able to complete salvage log sales so efficiently that some of the logs were still smoking when they were salvaged. Despite the speed with which the CCT is able to effectuate a salvage sale, the environmental review and public comment periods are maintained for each sale—they are simply expedited.

The BIA's forestry regulations also provide increased efficiency for tribal forest management. The Department of the Interior promulgated these regulations in 1995 and they govern nearly all on-reservation forest management activities. For appeals by third parties of timber sales and other forest management decisions, the regulations define "interested party" as any person "whose own direct economic interest is adversely affected" by the action or decision. This limits the universe of persons and entities who can appeal timber sales on Indian trust land to those with a direct economic interest. For appeals of timber sales and other decisions on USFS and other federal lands, there is no such limitation and appeals can be brought by entities with little relation to the decision or the local community. Further, litigation and appeals over timber sales on federal lands can last for years, often resulting in significant costs and devaluation of projects.

In addition to the regulatory differences between tribal and other federal forest lands, the CCT also has a cultural and political motivation to ensure that its own forests are managed in a sustainable manner. The CCT adapts to changing conditions by modifying harvest schedules to treat watersheds before insect and disease issues become epidemics. This minimizes the impact to the resource and removes at-risk volume before these agents cause mortality. Also, the IRMP requires the CCT to manage its forests not only to maximize the economic return and provide benefits to the local economy but also to accomplish forest restoration and resiliency goals. Tribal members depend on our forests to live, hunt, and gather cultural foods. The CCT has an obligation to ensure that our forests will be healthy and sustainable for generations to come. In the Tribes' view, the health of the community is directly tied to the health of the environment. Agencies that manage other federal lands do not have such a motivation.

Finally, federal land managers should incorporate these and other tribal land management principles into their own land management plans. Notably, Section 202(b) of the Federal Land Policy and Management Act requires the USFS to coordinate the lands use plans for National Forest System lands with tribal management practices. For the past few years the CCT has provided detailed comments on the USFS forest plan revision process for the Colville and Okanogan National Forests. The CCT has recommended the establishment of a "Buffer Zone" that encompasses approximately 242,000 acres in both the Okanogan and Colville National Forests to protect the Colville Reservation lands as well as incorporate some of the CCT's on-reservation management principles.

In a November 25, 2009, letter, the Director of the BIA informed the USFS that the BIA agreed with the CCT's management recommendations and concerns with disease and fire threats from Colville National Forest lands. The draft EIS for the forest plan is scheduled to be unveiled late this summer. Although the CCT has not yet been consulted in the development of alternatives, the CCT is hopeful that the USFS will consult with us soon and will ultimately incorporate the CCT's recommended management regime in the draft EIS.

The TFPA Can be a Critical Tool for Protecting Reservation Forests

The TFPA, which was signed into law in 2004, establishes a mechanism that allows Indian tribes to perform hazardous fuels reduction and other forest health activities on federal lands that are contiguous or adjacent to Indian trust lands. Congress's primary reason for enacting the TFPA was the fire and disease risk that many Indian tribes face from adjacent federal lands.

The Colville Reservation's forests face an imminent threat from pests that have infected large areas of the Colville and the Okanogan National Forests, specifically the spruce budworm and mountain pine beetle. Some of the infected areas are cur-

rently just a few miles north of our Reservation boundary. Wildand fire from neighboring federal lands also continues to pose a danger to the Colville Reservation. Many areas of the neighboring national forests contain overstocked stands with fuel loadings well outside historic ranges. When fires occur on these stands they are extremely difficult to manage and pose an extreme risk to the CCT's trust lands. The CCT's management practices have largely prevented on-reservation catastrophic fire events, but wildland fires that start on federal lands could decimate our forests without regard to political boundaries.

The CCT is currently working with officials from the Colville and the Okanogan National Forests to initiate what the CCT intends to be a TFPA project that will allow the CCT to have a role in treating these infected areas in the North Half. The details have yet to be worked out, but discussions with the forest supervisors have been productive and encouraging for both parties. The CCT believes that its desire to treat the affected areas in the North Half to protect our own Reservation lands will assist the USFS in carrying out its management activities. Rep. Cathy McMorris Rodgers has been supportive of the CCT's efforts and her office has assisted with these discussions. The CCT is hopeful that this effort will result in a long-term TFPA agreement that will benefit not only the CCT and the Colville National Forest, but also the forest products economy in both Ferry and Okanogan counties.

If fully embraced by the USFS, the TFPA can provide an effective tool for tribes. While the CCT has been encouraged with its discussions with USFS officials, we understand that other tribes' proposals have been met with resistance by their local USFS officials or delays in implementation. Going forward, changes will likely be needed to the TFPA to encourage its use by the USFS and to expedite approval and implementation of TFPA proposals.

The Importance of a Sustainable Timber Economy

When the CCT closed CIPP and CIPV in 2009, very few timber sales were approved on the Colville Reservation. One of the reasons is that for on-reservation timber sales, forest restoration activities on timber sale areas are funded by the proceeds of the sale. Without milling capacity, forest management shifted exclusively toward forest health and essentially stopped. Harvest levels dropped from an average of 78 million board feet per year to two million board feet in 2010. With timber prices extremely low, no funds were available to support tribal programs or forest restoration projects.

Most of the experienced logging contractors on the Colville Reservation retired or moved on to other endeavors during this downtime. Now that the timber market has rebounded, the CCT is presented with a severe shortage of qualified contractors to log timber sales, both on and off the Colville Reservation. The severe market downturn has made many of these former contractors hesitant to invest in new equipment for fear that the market will again dip. Worse, the vast majority of experienced contractors are over the age of 50. At this point there are very few young people who want to pursue a career in logging.

All of this presents a very real challenge to providing needed treatments to the forests in north central Washington. Without milling capacity and logging contractors, a community loses its ability to manage forests. As we are seeing on the ground on the Colville Reservation, huge financial investments are required to replace this infrastructure once it has been lost.

The CCT believes that stakeholders and land managers must collaborate across ownership boundaries to ensure that the infrastructure needed to maintain healthy, productive forests can be maintained, even during market downturns. This is one of the goals of the Intertribal Timber Council's "Anchor Forest" initiative. The CCT is participating in this initiative and is hopeful that it will lead to a solution that will prevent the severe labor shortage we are currently experiencing from repeating itself in future years.

Thank you for allowing the Colville Tribes to provide this statement. We look forward to working with the Committee on these issues.

The CHAIRMAN. Once again, thank you all and this hearing is adjourned.

[Whereupon, at 3:48 p.m., the Committee was adjourned.]

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