

**Testimony of Cody Desautel**  
**President, Intertribal Timber Council**  
**Testimony before the House Natural Resources Committee**  
**Hearing on “Examining the History of Federal Lands and the Development of**  
**Tribal Co-Management”**  
**March 8, 2022**

I am Cody Desautel, President of the Intertribal Timber Council (ITC) and Natural Resources Director for the Confederated Tribes of the Colville Reservation in Washington State. On the behalf of the ITC and its more than 60 member Tribes and organizations across the country, I appreciate the opportunity to discuss how tribes are well situated to help co-manage federal forestlands.

Tribes are first stewards of the land, air, water, earth, and all things that walk, fly, swim, or grow roots. Tribal wisdom and practices are needed more than ever. Tribal participation in the management of public and all lands should be embraced to heal and protect the resources we share.

Tribes are the experts when it comes to local conditions, resources, and socio-economic forces. Their cultures, economies, religions, identities, foods, and medicines are grounded in a profound covenant of stewardship of the environment connecting the past, present, and future.

On a total of 334 reservations in 36 states, 18.6 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians. Pursuant to both tribal direction and federal law, our forests must be sustainably managed. Indian Tribes work in partnership with the Bureau of Indian Affairs and others to care for the land.

Tribes operate modern, innovative and comprehensive natural resource programs premised on connectedness to the land, resources, and people. Our approach is holistic – sustaining a “triple bottom line” of economic, ecological, and cultural values. We care for the land through active management and do our utmost to aggressively treat problems such as insect or disease infestations, and fuels before they can reach disastrous proportions fueling wildfires that have plagued the west.

Even with limited budgets, tribes have demonstrated more effectiveness in forest management than federal agencies. I believe we have a stronger balance between resource protection and producing economic outputs. Our forests are more resilient to fire, Tribes also respond to fires more effectively. The average size of a fire on BIA-managed lands is three times smaller than on Forest Service land. Suppression costs, on a per-acre basis, are five times lower on fires on BIA lands.

All public lands are carved from historically Indian lands. Indian tribes are neighbors to federal forests and many tribes retain and exercise treaty and reserved rights on these lands to hunt and fish, gather foods and medicines, and for other cultural purposes that define them as a people. Unhealthy forests impact Tribes' ability to practice those activities on federal lands, and in some cases those impacts overflow onto our reservations. Even with effective treatments to our own lands, severe wildfires from adjacent federal lands inflict significant damage and economic costs to tribal forests.

In the last two decades, tribes have stepped up their co-management activities on federal forestlands utilizing the tools authorized by Congress:

- TFPA: The Tribal Forest Protection Act (P.L. 108-278 [2004]) authorizes the U.S. Forest Service and BLM to enter agreements with tribes for forest health projects on USFS and BLM lands that pose fire, health or other threats to adjacent tribal trust forests.
  - "638 authority": Additional authority provided in the 2018 Farm Bill allows the Forest Service to enter into 638 self-determination contracts with tribes for TFPA projects which provides a funding mechanism to allow tribal participation to ensure tribal goals and objectives are included in implementation of those projects. The ITC and the Forest Service have been working collaboratively to implement this provision on the ground.
- Good Neighbor Authority: The 2018 Farm Bill authorized tribes to enter into cross boundary forest health projects using this authority with DOI and the Forest Service, but failed to give tribes the ability to retain project revenues to build restoration programs. Legislation has been introduced in the House to remedy this situation and the ITC would recommend it be addressed in the next Farm Bill.
- Reserved Treaty Rights Lands: Many Tribes possess reserved rights in off-reservation areas under the management of other Federal agencies. In some cases Tribes share co-management rights with Federal agencies. Federal agencies may not share the same priorities for landscape restoration as tribes or, may agree with Tribal priorities but not have the funds to manage for Tribal priorities. The Department of the Interior's Reserved Treaty Right Lands (RTRL) program enables Tribes to participate in collaborative projects with non-Tribal landowners to enhance the health and resiliency of priority tribal natural resources at high risk to wildland fire.

The ITC has and will continue to support legislation from both parties that increase the roles and responsibilities of Indian tribes in the management of federal forests. The value of co-management projects accrues to all Americans, not just tribal members.

A major barrier to tribal co-management activities is capacity. Management of tribal trust forests are funded at a fraction of equivalent federal forests – thirty cents on the dollar. In addition the funding received from the BIA is restricted to management of tribal trust land. It is difficult for most tribes to self-finance co-management initiatives.

Tribes have been deprived of tools like receipt retention in GNA projects that could be used to build programs as states have successfully done for many years.

The ITC recommends the following steps to increase tribal co-management opportunities on federal forestlands:

- Provide parity in project revenue spending authority to tribes interested in Good Neighbor Authority projects;
- Authorize federal hazardous fuels dollars to be used to build tribal capacity for development of cross-boundary projects;
- Authorize funding for tribes to initiate Cooperative Forest Landscape Restoration projects where TFPA/GNA may not be an appropriate tool;
- Statutorily require that National Forests and BLM units adequately contemplate tribal interests in forest planning processes under NEPA;

The ITC stands ready to work with the Committee and the Administration on enhancing tribal participation in the management of federal forests.