

**TESTIMONY OF LARRY BLYTHE, PRESIDENT,
INTERTRIBAL TIMBER COUNCIL, SUBMITTED TO THE
HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES ON
FY 2013 APPROPRIATIONS FOR THE B.I.A. AND DoI WILDLAND FIRE
MANAGEMENT,
MARCH 28, 2012**

Summary

Mr. Chairman, I am Larry Blythe, President of the Intertribal Timber Council and Principal Vice Chief of the Eastern Band of Cherokee Indians. For the ITC, I offer the following recommendations for FY 2013 Indian forestry-related activities in the Bureau of Indian Affairs (BIA) and Department of Interior Office of Wildland Fire Management:

- 1) Provide BIA Natural Resources funding in amounts sufficient to assure the federal government's full compliance with its trust obligations to manage and protect tribal natural resources;
- 2) Direct Interior Department and Forest Service support for the ITC's "Anchor Forest" initiative;
- 3) In the BIA Operation of Indian Programs budget, restore the inequitable funding cuts proposed for "Administrative Cost Savings;"
- 4) In BIA TPA Forestry, reject the Administrative Cost Savings reductions and add \$5 million to move toward parity with similar federal forestry budgets;
- 5) Provide an increase of \$8 million for BIA Forestry Projects, including a \$5 million increase for Forest Development.
- 6) Provide \$5 million for BIA ESA;
- 7) Provide at least \$17.5 million for tribal trust land participation in Cooperative Landscape Conservation;
- 8) Significantly extend or make permanent authority for Stewardship Contracting; and
- 9) For DoI Wildland Fire Management: A) Restore hazard fuels funding to \$216 million, B) Restore DoI Burned Area Rehab to \$33 million, and C) suspend HFPAS until it is proven reliable and transparent.

Intertribal Timber Council background.

The Intertribal Timber Council (ITC) is a 36 year old association of 60 forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of timberland and woodland that are under BIA trust management. These forests cover about one third of the Indian trust land base and are a primary source of revenue for tribal governments. They support thousands of jobs and many millions of dollars in economic activity in and around Indian Country, as documented by such studies as the 2008 University of Wisconsin evaluation of the Regional Economic Impacts of the Menominee Tribal Enterprises Forestry and Mill Operations. Beyond their economic importance, forests also store and filter the water and purify the air to sustain life itself. They sustain habitats for the fish and wildlife that provide sustenance for our people. They produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression, and are vital to our cultural and spiritual lives.

Mr. Chairman, as a first order of business, the ITC would like to express our deep appreciation for the leadership provided by you and this Subcommittee in understanding and protecting the BIA and IHS budgets. Even in the best of times, Indian Country struggles with joblessness and economic deprivation many times that of the country as a whole. And when times are difficult, as they have been in recent years, those difficulties fall even more heavily on our people and our economies. The BIA and IHS budgets are a core element of the federal government's solemn promise to our people and are vital to our welfare and progress. We thank you for your commitment toward honoring these historic and enduring obligations.

1) Provide BIA Natural Resources funding in amounts sufficient to assure the federal government's full compliance with its trust obligations to manage and protect tribal natural resources.

Mr. Chairman, our forests and all natural resources are important to all tribes. These resources – the land and minerals, the water, air and plants, the fish and wildlife, must be protected and managed as an integral part of the trust responsibility of the United States. Unfortunately, the failure of the U.S. to exercise its fiduciary responsibilities for management of the Indian estate for individuals as well as tribal governments has necessitated costly settlement of litigation. The Colville Tribe's \$193 million trust mismanagement settlement is a recent example. Morally and legally, the U.S. must live up to its trust obligations to the Indian people. We ask that, as this Committee reviews the BIA's proposed FY 2013 budget for natural resources trust management, you bear clearly in mind the solemn obligations of the United States to ensure that trust responsibilities are met.

2) Direct Interior Department and Forest Service support for the ITC's "Anchor Forest" initiative.

The ITC requests that this Committee direct the Interior Department and the U.S. Forest Service to expressly support the "Anchor Forest" initiative being developed by the ITC. The "Anchor Forest" concept is designed to address the loss of forests and the jobs and amenities they provide on the landscape. An essential element is supporting the forest infrastructure, such as forest products facilities, labor forces, and transportation systems. We believe that tribal forests and forest products facilities can provide a key role in establishing and maintaining healthy and productive forests. The ITC, in conjunction with a variety of partners, is now conducting an Anchor Forest pilot project in eastern Washington State. By uniting broad forest health and management goals with supporting and maintaining the forest-dependent communities that facilitate those goals, Anchor Forests offer promise for a sorely needed, long-term path to maintain forest health, support rural economies, and provide ecological benefits such as clean water, soils conservation, and fish and wildlife habitat. We ask the Committee to direct the Forest Service and the Interior Department to work collaboratively with the ITC in pursuing the Anchor Forest concept.

3) In the BIA Operation of Indian Programs budget, restore the inequitable funding cuts proposed for "Administrative Cost Savings."

The ITC urges this Committee to reject the \$33 million in “Administrative Cost Savings” (ACS) reductions in Operation of Indian Programs and to restore those funds because the BIA devised the reduction allocation process on its own, without consultation, and the results are grossly inequitable. While BIA says it will consult with tribes on the ACS cuts, the BIA, by having already allocated the ACS cuts among BIA locations and programs, has made a sham of the promise of consultation. If the BIA is to pursue cost savings through streamlining, consolidation or other efficiencies, any process for allocating those savings must be open, fair and equitable, and consultation with the tribes before such an allocation occurs is essential to achieving those goals and obtaining broad tribal support. ITC urges you to reject the ACS cuts and restore the \$33 million, including the \$1.9 million reduction proposed for Forestry which would eliminate 9 BIA Forestry positions, most likely at Regional or Agency locations.

4) In BIA TPA Forestry, reject the Administrative Cost Savings reductions and add \$5 million to move toward parity with similar federal forestry budgets.

Mr. Chairman, in addition to requesting restoration of the \$1.9 million in inequitable ACS cuts in BIA TPA Forestry, we ask that the BIA TPA Forestry program be increased by \$5 million above FY 2012. The program has been seriously underfunded for years. Independent studies by nationally-recognized forestry experts in 1993 and 2003 documented BIA Forestry per-acre management funding is less than half that of the National Forest System. More recent and specific reviews have shown that BIA TPA Forestry continues to fall further behind both inflation and other federal forestry funding. These funding inadequacies in BIA trust forestry are now being made manifest in large tribal trust mismanagement law suits and settlements against the U.S. The requested \$5 million increase is also needed to maintain a wide range of tribal forest trust activities customarily supported by forest management deductions which have been severely eroded by years of depressed timber markets.

5) Provide an increase of \$8 million for BIA Forestry Projects, including a \$5 million increase for Forest Development.

The FY 2013 BIA Forestry Projects request of \$17.2 million continues the outright budget decline for BIA Forestry Projects since FY 2005, when \$18.5 million was appropriated. The Forestry Projects budget funds activities that are essential to the trust, including inventories and planning, woodland management, IRMPs, and Forest Development. The ITC requests that FY 2013 BIA Forestry Projects be increased by \$8 million, with \$5 million of that added to Forest Development so BIA can begin addressing the replanting and thinning needs that now cover about one-sixth of Indian trust commercial forest lands.

6) Provide \$5 million for BIA ESA.

The ITC asks that \$5 million be provided for BIA ESA funding, to give this program some parity with the 9 cents per acre provided to BLM lands. Tribal governments and individual tribal members depend on their lands and resources for income, jobs and subsistence. Adequate funding to evaluate proposed activities for ESA-related impacts is needed to fulfill federal trust obligations.

7) Provide at least \$17.5 million for tribal trust land participation in Cooperative Landscape Conservation.

The ITC supports the FY 2013 proposed increase in BIA Cooperative Landscape Conservation (CLC) to \$1 million. However, even though Indian people are among the most vulnerable to climate change and the U.S. has a trust responsibility, there is little or no funding for substantive tribal participation in the Department's total CLC initiatives. While that amount is not apparently aggregated for FY 2013, based on FY 2012's total of \$175 million, BIA, with 10% of the Department's total 500 million acres of land alone, should receive \$17.5 million.

8) Significantly extend or make permanent authority for Stewardship Contracting.

ITC asks that the Committee significantly extend or make permanent the Stewardship Contracting authority first established in 1999 Interior Appropriations Act (16 USC 2104 note, Public Law 105-277) (as amended by section 323 of the FY 2003 Interior Appropriations Act (117 Stat. 275)) and now due to expire at the end of 2013. Stewardship contracting authority is often essential for tribes, local communities, and others to perform needed forest management activities on USFS or BLM land. For tribes in particular, stewardship contracts can be key in carrying out protective forest health activities on adjacent USFS or BLM land under the Tribal Forest Protection Act (PL 108-278).

9) For DoI Wildland Fire Management: A) Restore hazard fuels funding to \$216 million, B) restore Burned Area Rehab to \$33.2 million, and C) suspend HFPAS until it is proven reliable and transparent.

A) The ITC requests the restoration of the DoI hazard fuel funding to \$216 million. Efforts to reduce the risk of fire are critical to sustaining fire adapted Tribal communities, adaptable ecosystems, cultural values, and economies that sustain Tribes.

B) The ITC also requests the restoration of DoI Burned Area Rehabilitation funds to \$33.2 million to address the damage to ecosystems important to sustaining healthy landscapes across all DoI ownerships. Failure to address the damages from Wildland fires has long lasting detrimental impacts to Tribes and neighboring lands.

C) The ITC also requests the suspension of the DoI Hazard Fuels Prioritization and Allocation System (HFPAS) until such time as it can be tested and proven reliable and transparent. Current runs of the model project drastic, unprecedented transfers of funding from BIA sponsored tribes dependent on commercial forests to Bureau of Land Management shrub-grass ecosystems. The new HFPAS model's removal of significant amounts of fuels funding away from tribes will greatly increase fire and health risks to tribal trust forests and pose significant and unjustified threats to tribal forest revenues, subsistence uses, and tribal employment. We do not believe this shift is warranted.

Mr. Chairman, Members of the Subcommittee, that concludes my testimony. Thank you.