



Natural Resources

American Indian and Alaska Natives have nurtured, lived, and thrived off this land as first stewards since time immemorial. Tribes' cultures, traditions, lifestyles, communities, foods, and economies all depend upon many natural resources, and yet so many critical natural resources are disappearing faster than we can restore them. However, the ecological practices tribal peoples have cultivated for millennia are inherently sustainable and practical; they are time-tested methods for resource and, correspondingly, cultural survival. Given the state of the economy and national priorities, coupled with the increasing negative impacts of climate change, the vitality and sustainability of natural resources is even more integral to the health of American Indian and Alaska Native peoples, communities, cultures, and economies.

Today, tribes are using their unique knowledge and skills in concert with modern management practices, often collectively with community and non-tribal organizations, to produce real accomplishments and model programs of excellence. Tribes and their communities can cite many examples where they have shaped the successful restoration and sustainable management of fragile natural resources through a commitment to stewardship that often requires arduous, though rewarding, collaboration with states, regional organizations, local governments and other stakeholders in larger ecosystem management efforts.

Tribes, as proven effective managers of their own resources, must be provided with the appropriate funding and support as required by the treaty and trust responsibilities of the federal government. Federal support for tribal natural resource efforts, however, continues to not match the tribal efforts, nor capture the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation.

Federal investment in tribal natural resources management helps to sustain tribal land and people, grow economies, and support continued prosperity. As communities become more secure in their environments, their food and water systems, and with their abilities to manage their resources, tribes and tribal members are free to turn to other needs such as: creating jobs; building supportive infrastructure; forming healthy tribal and neighboring communities and relations; developing innovative approaches to other concerns that affect the broader community, and diminishing the strain on land management and law enforcement services, among

other things. Thus federal investment in tribal natural resource management will foster tribal economic self-sufficiency, cultural revitalization, and collaborative working relationships across jurisdictions—supporting communities and economies throughout the United States.

However, for tribes to fully utilize their natural resources and to establish and maintain natural resource management programs, funding for Bureau of Indian Affairs (BIA) natural resource programs must increase. Tribal funding has declined incrementally over decades, more precipitously than other Department of the Interior (DOI) natural resource programs, while tribes continue to be excluded from eligibility for billions of dollars from dozens of natural resource programs across the federal agencies that are otherwise available to states, local governments, and other entities. BIA programs often provide the only source of funding to protect tribal lands. Yet, the funding inequities are profound: per acre funding for Forest Service lands is three times the per acre funding for tribal forest lands; per acre funding for the DOI invasive species program is five times the per acre funding for the BIA's Invasive Species Program.

Many of the BIA Trust natural resources programs discussed in this section experienced substantial cuts over the past decade. Further base program reductions in FY 2013-2015 under the Budget Control Act of 2011 and Sequestration have eliminated jobs, stymied economic activity at a critical time for tribes, and curtailed combined tribal, federal, state and community collaboration, as well as the valuable perspective in natural resource management that tribes contribute to the national natural resources and the economy. The most supportive role for the federal government is as a resource-provider—facilitating independent decision-making and true self-governance for tribal nations. When tribes are free to make decisions, they have the opportunity to align policy and planning with established tribal priorities.

Key Recommendations

Department of the Interior

Interior – Environment Appropriations Bill

BIA Rights Protection Implementation

- *Increase funding to \$52 million for the BIA Rights Protection Implementation.*

The BIA Rights Protection Implementation Program has a clear and direct relationship with the federal trust obligation to tribes. This program ensures compliance with federal court orders by implementing effective tribal self-regulatory and co-management systems. Contract agreements are designed to assure proper regulation and management of off-reservation fish, wildlife, shellfish, and plant gathering activities; provide conservation enforcement; and perform the necessary assessment and habitat protection activities that help ensure abundant and healthy populations of ceded territory resources. The benefits of these programs accrue not only to tribes, but to the larger communities as well, because protection and enhancement of ceded territory natural resources and their habitats benefit all users of those resources. The efforts of program participants have been lauded in regional and national forums and serve as proven innovative models in an era where multi-jurisdictional cooperation and synergistic programming are essential aspects of a sustainable economic approach to national development.

In particular, there are 49 tribes whose off-reservation hunting, fishing, and gathering rights in the Pacific Northwest and Great Lakes regions are supported by this program. Five umbrella intertribal organizations assist the tribes in implementing relevant court orders and carrying out co-management responsibilities. In addition,

this program supports implementation of the United States/Canada Pacific Salmon Treaty. Increasing funding for BIA Rights Protection Implementation from \$35.420 million in FY 2015 to \$52 million in FY 2016 would be a wise investment and is consistent with the federal trust responsibility to tribes. This funding is also essential for the protection of tribal economic, subsistence, cultural, and medicinal practices, as well as the sustenance of healthy productive tribal nations and their surrounding states, local governments, and neighboring communities.

Department of the Interior

Interior – Environment Appropriations Bill

Cooperative Landscape Conservation Initiative

- *Maintain \$10 million funding level for the Cooperative Landscape Conservation (CLC) Initiative.*

Tribal peoples, lands, and infrastructure are disproportionately impacted by the effects of climate change and, due to infrastructure inadequacies and remoteness, tribal governments do not have sufficient personnel to implement programs for climate adaptation. Despite having some of the most pristine habitat in the United States, tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 566 federally recognized tribal nations and over 300 reservations in the United States. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

The inequity in the funding supporting tribes through the Cooperative Landscape Conservation Initiative is clear from the FY 2009 to FY 2012 budgets in which DOI received an average of approximately \$150 million to fund the initiative, but BIA received only \$200,000 and several times received no dedicated funding. In FY 2013, the inequity was partially recognized when BIA received \$1 million, however that level of funding was still only less than one percent of the total Initiative funding for DOI. In FY 2014 and FY 2015, Congress and the Administration provided \$10 million for BIA Cooperative Landscape Conservation, and tribes strongly support maintaining this amount in FY 2016 to remedy inequities and enable the BIA to address tribal natural resource management in an effective manner and to build tribal capacity to plan and implement programs in the face of climate change. According to a February 8, 2012, report by the Congressional Research Service, entitled, *Federal Land Ownership: Overview and Data*, the total number of acres owned and managed by DOI for the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service collectively totals 417 million acres. DOI holds 56.2 million acres of land in trust for Indian tribes and individual Indians. DOI's Indian trust landholdings, therefore, represent more than 13 percent of these three agencies' total. Despite the proportionately large amount of Indian land the DOI oversees, tribes, via the BIA, have consistently received less than one percent of Initiative funding.⁹⁰

Department of the Interior

Interior – Environment Appropriations Bill

BIA Water Management, Planning and Pre-Development Program

- *Maintain \$10.5 million for the BIA Water Management, Planning, and Pre-Development Program.*

Funding from the BIA Water Management, Planning, and Pre-Development Program is used to assist tribes in protecting and managing their water resources, thereby reflecting the federal trust obligation to tribes. However, from FY 2003 to FY 2012, funding for this program declined 30 percent from \$8.298 million to \$5.789 million. To meet the significant tribal need and honor treaty rights, funding should be \$10.5 million as the BIA provided in its FY 2014 spending plan.

Department of the Interior

Interior – Environment Appropriations Bill

BIA Water Rights Negotiation/Litigation Program

- *Restore funding to the FY 2003 level of \$10.923 million for the BIA Water Rights Negotiation/Litigation Program.*

Funds from the Water Rights Negotiation/Litigation program are used to define and protect Indian water rights and, if possible, to settle claims or, if not, alternatively to litigate claims. The primary priority of the program is to provide all necessary documentation and other material that may be required to further the United States water claims on behalf of a tribe. The inability to access quality water and to exercise tribal water rights continues to create significant health, cultural, economic development, farming and ranching, and governance challenges for tribes and other communities, especially in light of major environmental events of the past few years. The Western Governors' Association (WGA) recently emphasized the need to resolve water rights disputes to prepare for oncoming changes in water quality and quantity predicted and now occurring as a result of climate change.⁹¹ It is likely that the resources from this program will be needed to settle and litigate water rights disputes foreshadowed by the WGA. However from FY 2003 to FY 2012, funding for this program declined 21 percent, from \$10.923 million to \$8.648 million. Tribes request that FY 2003 funding levels of \$10.923 million be restored so that water rights can be protected and disputes resolved.

Department of the Interior

Interior – Environment Appropriations Bill

BIA Endangered Species Program

- *Restore funding to \$3 million for the BIA Endangered Species Program.*

The BIA's Endangered Species Program is the only program that provides tribes with technical and financial assistance to protect endangered species on Indian trust lands. From FY 2002 to FY 2012, funding for this critical program declined 58 percent to \$1.245 million. Tribes request that FY 2002 funding levels of \$3 million be restored so that tribes can continue to support habitat and environmental requirements so that endangered species can be protected into the future, especially in light of increasing threats caused by climate change and human development since 2002.

Department of the Interior

Interior – Environment Appropriations Bill

- ***Increase funding to \$10 million for the BIA Invasive Species Program.***

The Invasive Species Program provides critical funds to tribes to control noxious and invasive species. Invasive species cause approximately \$3 billion in damage on tribal trust land. The impacts of invasive species have a particularly disproportionate impact upon tribes because such species affect plants, animals, and other wildlife that are essential to tribal members for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, currently funded at \$6.5 million, is the only funding stream designated to address invasive species on tribal trust land. In contrast, DOI spends at least \$1.3 billion each year to address invasive species on non-Indian lands, which amounts to over two hundred times more proportional funding on non-Indian land than on tribal land. The BIA program is a critical element of the Department's Invasive Species Crosscut Initiative, since tribal trust land is often contiguous to other federal lands.

In light of the disproportionate impact invasive species have upon tribes, the significant disparity in funding between non-Native and tribal land under DOI's jurisdiction, and the contiguous nature of many tribal and non-Native DOI land areas, a \$3.5 million increase to \$10 million in BIA's Invasive Species Program for FY 2016 is an equitable and reasonable request. In 2012, the House Appropriations Committee placed a high priority on invasive species prevention, containment, and enforcement by supporting level and increased funding for such programs, and BIA justified an increase in funding for this program to \$6.5 million for FY 2016.

BIA Fish and Wildlife Programs

Three key programs that empower tribes to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD), Wildlife and Parks, and Natural Resources programs. These programs help meet the growing national demand for outdoor recreation and tourism, as well as supporting the protection of millions of acres of habitat necessary for the conservation of fish, wildlife, and plant resources. These programs also employ more than 500 local tribal staff to assist the United States in meeting its trust responsibility to tribes.

Department of the Interior

Interior – Environment Appropriations Bill

BIA Tribal Management/ Development (TMD) Program

- ***Increase appropriations to \$20 million for base and programmatic funding for the BIA Tribal Management and Development Programs.***

From FY 2002 to FY 2012, funding for the Tribal Management and Development Program (TMD) declined 17 percent from \$9.333 million to \$7.705 million. For FY 2010, Congress restored funding for several decades-old, recurring TMD programs including the Lake Roosevelt Management, Upper Columbia United Tribes, Wetlands/ Waterfowl Management, and Intertribal Bison Cooperative programs, and the BIA restored them to the budget request structure in FY 2011. This funding needs to continue in FY 2016. These investments will substantially strengthen tribal conservation successes and meet the federal government's trust responsibility. Of the \$20

million requested, \$5 million should be set aside for Conservation Law Enforcement Officers. The remaining \$15 million requested will support the base and programmatic operations of the TMD program, which the BIA has recognized as critically needed for tribes to manage fish and wildlife programs on their lands.

Department of the Interior

Interior – Environment Appropriations Bill

Trust - Natural Resources Management

BIA Fish, Wildlife and Parks

- *Fund Fish Hatchery Operations at \$3.35 million.*
- *Fund Fish Hatchery Maintenance at \$6.582 million.*
- *Increase the Wildlife and Parks Tribal Priority Allocation to \$10 million.*

The 83 tribal fish hatcheries across Indian Country provide essential jobs, food, and revenue for tribes, as well as cultural support and opportunities for tribal youth to pursue environmental careers. Tribal standards in fisheries management are high because the tribes are highly dependent upon these operations and because many tribal peoples recognize their responsibility to steward and sustain their natural resources. These programs create jobs, advance economic self-sufficiency, and reduce costs by promoting cooperation and local economic growth.

At the request of Congress, the BIA conducted a comprehensive needs assessment study in FY 2006 which identified a \$48 million need in hatchery and rehabilitation costs. In this context, funding levels of \$3 million for Fish Hatchery Operations and \$7 million for Fish Hatchery Maintenance in FY 2016 at 88 tribal fish hatcheries across the country are small investments that will lead to significant returns.

Fish Hatchery Operations funding is provided to fish-producing tribes to support hatching, rearing and stocking programs. Salmon and steelhead trout released from tribal hatcheries in the Pacific Northwest benefit Native and non-Native commercial and sport fisheries in the United States and Canada, and help satisfy Native subsistence and ceremonial needs. Throughout the rest of the country, recreational opportunities created by the stocking of trout, walleye, and other species attract numerous sport fishermen to reservations and assist in developing reservation economies.

Fish Hatchery Maintenance funding provides for approximately 50 hatchery maintenance projects and supplement facility maintenance for 83 tribal hatcheries on a competitive basis. Typical projects include: relining raceways, replacing water pumps, upgrading alarm systems, fencing, completing roof and ceiling repair, and rearing tank installation.

Wildlife and Parks Tribal Priority Allocation supports tribal activities in the areas of fisheries, wildlife, outdoor recreation, and public use management, conservation enforcement, and related fields. Activities conducted are determined by tribes, and cover a broad array of diverse fisheries, wildlife, conservation enforcement, public use, habitat management and related programs. Tribes through a local priority setting process, determine any changes in annual funding and performance. The base Tribal Priority Allocations (TPA) funding for Tribal fish and wildlife protection activities has remained flat for years, at just under \$5 million. Funding for Wildlife and Parks TPA should be increased by \$5 million in FY 2016 to expand the capacity of tribal fish and wildlife management departments to meet the needs of their communities and to work with federal, state, and local partners.

Department of the Interior

Interior – Environment Appropriations Bill

BIA Natural Resources Tribal Priority Allocations

- *Increase funding to \$10 million for the Natural Resources Tribal Priority Allocations.*

The Natural Resources program fulfills the federal trust obligation through improved management, protection, and development of Indian land and natural resource assets. Funding for this tribal Priority Allocation (TPA) program has remained flat for years, at just under \$5 million. Funding for the Natural Resources program should be increased by \$5 million in FY 2016. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies. By enhancing tribal economies through this program, the economic costs of social decline (e. g., increased need for law and order, social services, and health services) are decreased, resulting in cost savings.

Department of the Interior

Interior – Environment Appropriations Bill

Fish and Wildlife Service's Tribal Wildlife Grants Program

- *Increase funding to \$8 million for the Fish and Wildlife Service's Tribal Wildlife Grants Program.*

Of the \$58.7 million enacted level for State and Tribal Wildlife Grants (TWG) in FY 2015 to help conserve and recover imperiled fish and wildlife, only \$4.1 million was dedicated to competitive grants to the Indian tribes. Since FY 2010, TWG funding has declined nearly 50 percent. Since the inception of the TWG program over thirteen years ago, on average, tribes have received only \$6 million per year despite having the need for significantly more funding. TWG will be a key program in the coming decades as tribes address fish and wildlife conservation and climate change influences on natural resources. The Administration's FY 2014 request for TWG in the amount of \$4.268 million is nearly \$2 million less than the historic average. Given past underfunding of this initiative, tribes request an increased appropriation to at least \$8 million.

Department of Commerce, National Oceanic and Atmospheric Agency

Commerce, Justice, Science Appropriations Bill

Pacific Coastal Salmon Recovery Fund (PCSRF)

- *Provide \$110 million to the Pacific Coastal Salmon Recovery Fund.*

The Pacific Coastal Salmon Recovery Fund (PCSRF) addresses watershed restoration and salmon recovery work for both Endangered Species Act listings and populations, and is critical to meeting trust obligations codified in treaties, laws, and other legal instruments regarding Indian fishing rights. The thousands of PCSRF projects that have been implemented throughout the region have made important contributions to improve the status of Endangered Species Act-listed species, prevent extinctions, and protect currently healthy populations.

This fund originated the groundbreaking multi-governmental collaborative project in salmon habitat restoration that was led by the Nisqually Tribe and recognized by President Obama with the nation's first and only Coastal America Partnership Award in late 2011. The President's FY 2012 budget included \$65 million for PCSRF, and \$80 million was appropriated in FY 2010. Tribes support an increase of \$45 million from the FY 2012 level as a wise investment in a program that creates a ripple effect including economic, ecological, social, cultural, legal, and intergovernmental co-benefits.

Environmental Protection Agency

Interior – Environment Appropriations Bill

Geographic/Ecosystem Programs

- *Restore funding to a minimum of \$50 million for the Geographic/Ecosystem Program in Puget Sound.*

The geographic-specific/ecosystem program in Puget Sound provides funding to tribes and tribal consortia and local communities to address environmental and human health risks and for tribal capacity building and project implementation. Tribes are seeking to restore funding to this program after steep reductions from \$50 million in 2010 to less than \$20 million in the EPA request for FY 2013.

Forestry

Tribes are among the largest owners of commercial forestry resources in the United States. Of the total 56 million acres of federal Indian trust land, more than 18 million acres are forest lands, of which 7.3 million acres are designated for commercial forestry. The BIA estimates that these forests contain 43 billion board feet of commercial timber with a maximum sustainable annual cut of 1.02 billion board feet per year, although tribal non-harvest priorities typically reduce this number by a third or more. In the 1980s, these forests produced \$100 million annually in stumpage revenue and provided the equivalent of over 12,000 full-time, year-round jobs.

Increasingly, tribes are administering and controlling forest resources. Commercial forestry on tribal lands is a key economic driver on over 103 reservations and the surrounding communities across 23 states. For example, some of the larger forested tribes operate the only sawmills in their region and are major employers of not only their own people, but of the non-Native residents who live in or near their communities. Additionally, several timber tribes are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

Key Recommendations

Department of the Interior

Interior – Environment Appropriations Bill

BIA Forestry

- *Increase BIA Forestry funding (TPA and Forestry Projects) by \$25 million to an FY 2016 total of \$73 million as a first step toward providing the \$254 million the BIA needs as minimum annual funding to achieve parity with other federal forestry programs.*
- *Increase annual funding by \$12.7 million for BIA Forestry Projects to initiate a BIA Forestry Workforce Development program.*

The third decadal independent assessment of the status of Indian forests and forest management, the Indian Forest Management Assessment Team (June 2013 IFMAT III) Report, documents the chronic underfunding and continued forestry staff decreases which pose threats to tribal forests, decrease economic opportunities, and lead to resource losses due to wildland fire, insects, disease, and climate change. Federal funding for the management of Indian forests is only one third of that provided for National Forests. An additional \$100 million annually would be required to reach funding parity with Indian forestry and wildfire management. Staffing

shortfalls are further jeopardizing the capacity to care for forest resources. The IFMAT III Report calculates that 800 additional positions in a wide variety of skill areas are needed to provide adequate staffing and \$12.7 million is needed annually for recruitment, training, and retention.

Further, forestry management on federal Indian trust land has at least a one million acre backlog. The BIA's lack of forestry funding and capacity is also reflected in the agency's failure to harvest the full annual allowable cut (AAC). The difference between the tribally-set AAC and the actual harvest level funded and overseen by the BIA is a key metric that can be used to help measure the degree to which the US is fulfilling its fiduciary duties in Indian forestry management. Within a tribe's sustainable harvest limit, the tribally-determined AAC reflects tribal policy decisions regarding the desired balance of multiple use considerations involving economic development, ecology, and cultural values. Failure to harvest the full tribally-designated AAC has serious consequences for the ability to maintain the health and productivity of the trust corpus (decreased productivity, increased threats from wildfire, insects, and disease) and for the jobs, income, water, soils, fish, wildlife, and plants that are vital to sustain tribal communities. According to statistics from the BIA's Branch of Forest Resources Planning (BOFRP), in 2014 only 437 million board feet (MMBF) was harvested, just 60 percent of the AAC of 723 MMBF. This represented a loss in immediate stumpage revenue of over \$41 million and over 15,000 total jobs. Since 1991, the failure to harvest the full tribally-designated AAC has resulted in the loss of \$727 million and 272,000 jobs.

Even with the funding and staffing shortfalls, IFMAT III shows the resiliency of tribes to operate innovative and efficient forestry programs. By combining sound business practices, traditional ecological knowledge, modern techniques, and an inherent respect for the land, many tribes engage in superb sustainable forestry management practices that are recognized nationally and internationally as innovative models. Indian trust forests are significantly more productive than US Forest Service forests, generating on a per-acre basis about 250 percent of the harvest of comparable federal forest lands. These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances. In an era where federal funding commitments must demonstrate high return and accountability for administering trust programs, tribal forests and their management are strong, essential investments.

Office of Wildland Fire

- ***Increase Fuels Management funding to \$206 million.***
- ***Support Disaster Fire Funding legislation that treats wildfires like other natural disasters and emergencies to ensure federal funding.***

Due to a number of factors including a history of natural fire suppression, diminished active management of forests and climate change, wildland fires on federal lands are significantly increasing in size, intensity, and cost. Appropriated sums are often insufficient to cover these large and unpredictable costs, so fire suppression funds must often be "borrowed" from regular federal forest management programs. Repayment is always late and often partial, disrupting and diminishing those programs' effectiveness. As part of a national effort to address these unnatural fires and their costs, \$206 million is requested in Interior's Office of Wildland Fire for FY 2016 Fuels Management, which would restore this activity to its FY 2010 level and accelerate the reduction of the fuels build-up in BIA trust and other Interior Department forests. Additionally, NCAI supports the legislative initiative proposed both in Congress and by the Administration to have federal wildland fire costs that exceed 70 percent of the ten-year average paid from federal disaster assistance accounts. Such authority would allow

the large, unpredictable and often unbudgeted costs of fighting wildland fires to be treated the same as other natural disasters, and would provide more budgetary stability to regular on-going federal forest management programs.

US Department of Agriculture

Interior-Environment Appropriations Bill

US Forest Service

- *Encourage support for expanded Anchor Forest initiatives.*
- *Make USFS implementation of the Tribal Forest Protection Act a priority.*

Tribal forests and forestry programs are also working to embrace forest resource management on a more comprehensive scale. Tribal forests share 2,100 miles of common boundaries with the US Forest Service, in addition to extensive borders and watersheds with other forest owners and operators. Tribes developed and are leading Anchor Forest pilot projects in Washington State and Idaho that seek to coordinate and stabilize long-term active forest management across the landscape and among a variety of neighboring landowners and infrastructure stakeholders. Tribes, BIA, US Forest Service, state, and private stakeholders are all engaged, and there is interest in Anchor Forests from tribes and others across the United States.

Timber tribes are also working to expand their participation in the management of neighboring at-risk federal forests through accelerated implementation of the Tribal Forest Protection Act (TFPA). Individual tribal TFPA projects and Anchor Forest pilots involve non-tribal neighboring forests, and implementation relies largely upon support from other than BIA sources. BIA has contributed to these initiatives where and when it can, but with severe and chronic underfunding already constraining BIA Forestry on trust lands, other federal agencies with lands involved in TFPA and Anchor Forests need to better honor their own trust obligations with improved support of and engagement in TFPA and Anchor Forest projects.