



NATURAL RESOURCES

American Indians and Alaska Natives have nurtured, lived, and thrived off this land as first stewards since time immemorial. The cultures, traditions, lifestyles, communities, foods, treaty rights, and economies of tribal nations are inextricably linked to their natural resources. Yet many critical resources are disappearing faster than can be restored. In response to these global changes, NCAI supports broader incorporation of tribal traditional ecological and scientific knowledge into resource management practices. Native peoples have cultivated and developed ecological stewardship practices for millennia. They are sustainable and practical, and importantly, they are time-tested methods for not only resource but also tribal cultural survival. Given the state of the economy and national priorities, coupled with the increasing and pressing negative impacts of climate change, the vitality and sustainability of natural resources is even more essential to the health of American Indian and Alaska Native peoples, communities, cultures, and economies.

Today, tribal nations are using their unique knowledge and skills in concert with modern resource management practices. This often occurs collectively with community and non-tribal organizations and produces tangible outcomes and model programs of excellence. Tribal nations and their communities can cite many examples where they have shaped the successful restoration and sustainable management of fragile natural resources. These successes come from a commitment to stewardship and often require complex and long-term collaboration with states, regional organizations, local governments and other stakeholders in larger ecosystem management efforts.

Tribal nations, as proven effective managers of their own resources, must be provided with the appropriate funding and support as required by the federal treaty and trust responsibilities. Federal support for tribal natural resources efforts, however, has not kept pace with tribal efforts. As a result, tribal ecological knowledge and natural resources management initiatives are under-funded.

Federal investment in tribal natural resources management helps sustain tribal land, grow economies, and support continued prosperity. As tribal communities become more secure in their environments, food and water systems, and their abilities to manage those resources, tribal nations and tribal citizens are free to turn to other needs: creating jobs; building supportive infrastructure; and forming healthy tribal and neighboring community relations. Federal investment in tribal natural resources 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 tribal nations to fully use their natural resources and to establish and maintain natural resource management programs, funding for Bureau of Indian Affairs (BIA) natural resource programs must increase, as they represent a significant source of funding to protect tribal lands. Further, Bureau of Indian Affairs's trust resource management practices should be modernized in a manner consistent with the Indian Trust Asset Reform Act. Instead, tribal funding opportunities have declined incrementally over decades, and more precipitously than other natural resources programs in DOI. Tribal nations 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. For example, per acre funding for Forest Service lands is three times the per acre funding for tribal forest lands; and per acre funding for DOI's invasive species program is five times the per acre funding for BIA's Invasive Species Program.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Rights Protection Implementation

- Increase funding to \$56.5 million for the BIA Rights Protection Implementation.

The Bureau of Indian Affairs (BIA) Rights Protection Implementation Program has a clear and direct relationship to the federal government's trust responsibility to tribal nations. 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 tribal nations, but to surrounding communities as well. 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 cooperative programming are essential aspects of a sustainable economic approach to national development.

In particular, there are 49 tribal nations 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 tribal nations 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 \$41.743 million in FY 2020 to \$56.5 million in FY 2021 would be a wise investment, and is consistent with the federal trust responsibility. This funding is 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

Tribal Climate Resilience Program

- Support FY 2021 funding at or above \$30 million for the BIA Tribal Climate Resilience program.

Tribal peoples, lands, and infrastructure are disproportionately impacted by the effects of climate change and, due to infrastructure inadequacies and remoteness, tribal nations do not have sufficient personnel to implement programs for climate adaptation. Despite having some of the most pristine habitat in the United States, tribal nations have been historically underfunded for wildlife and natural resource management and conservation. There are 574 federally recognized tribal nations and more than 300 reservations in the United States. Tribal nations 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 tribal nations.

The inequity in the funding supporting tribal nations through the Tribal Climate Resilience Program 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 annually or no dedicated funding at all. 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. From FY 2016 to FY 2019, funding improved, with Congress and the Administration providing approximately \$10 million in each of those years. Due to climate-based threats increasing in both intensity and frequency, tribal nations strongly support increasing this amount to at least \$30 million in FY 2021 to assist tribal nations in building their capacity to design and implement natural resource management programs to address climate change. DOI holds more than 56.2 million acres of land in trust for tribal nations and individual Native people. Despite the amount of tribal land DOI oversees, tribal nations, via the BIA, have consistently received less than one percent of the related funding.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Resources Tribal Priority Allocation (TPA) and Water Management, Planning and Pre-Development Programs

- Provide \$10.5 million for the BIA Water Management, Planning, and Pre-Development Program.
- Provide \$12 million for the Water Resources TPA Program.

Funding from the BIA Water Management, Planning, and Pre-Development Program is used to assist tribal nations in protecting and managing their water resources. However, from FY 2003 to FY 2012, funding for this program declined 30 percent from \$8.298 million to \$5.789 million. In FY 2020, the program received \$8.525 million. Although this amount returns program funding to its 2003-2012 level, this is still insufficient to meet tribal needs and honor treaty rights. Funding should be \$10.5 million.

The Water Resources TPA Program allows tribal nations and BIA regional offices to provide for the protection and management of tribal water resources. Funding is used for the administration and management support of individual tribal water programs. Tribal nations use funding to participate in the management and use of regional water resources appurtenant to tribal and/or Indian trust lands, including public domain allotments. Under this program, funds are also provided to support tribal nations' diverse water management needs. Funding for the Water Resources TPA Program has not increased in decades and should be increased to \$12 million in FY 2021.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Rights Negotiation/Litigation Program

- Provide \$12 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 tribal nation. The inability to access quality water and exercise tribal water rights continues to create significant health, cultural, economic development, farming and ranching, and governance challenges for tribal nations and other communities, especially in light of major environmental events of the past few years. The Water Rights Negotiation/Litigation Program should be funded at \$12 million so that water rights can be protected and disputes resolved.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Bureau of Reclamation Water Settlement Fund

- *Permanently authorize the Reclamation Water Settlement Fund (RWSF).*

A permanent extension of the RWSF would help ensure that the time-tested Indian water rights settlement process can continue into the future without the threat of losing settlement funding by a date certain. The RWSF, codified at 43 U.S.C. § 407, is only authorized to receive deposits beginning in FY 2020 and until FY 2029. Presently, the fund is heavily relied upon by currently enacted and future Indian water rights settlements.

The RWSF will be a vital resource for funding infrastructure projects, such as irrigation canals, dams and storage reservoirs, treatment facilities, and distribution facilities, tied to Indian water rights settlements. These infrastructure projects ensure that wet water reaches tribal lands and Native peoples for domestic, commercial, municipal, agricultural and industrial uses. Importantly, future Indian water rights settlements are currently authorized to tap into the RWSF for infrastructure needs only until FY 2034 when the fund expires.

However, the process of preparing for water settlements, actually negotiating settlement language, and implementing settlements is a years-long process, many times spanning decades. Each water settlement is unique and individual, and takes into account minute hydrological details; specific population considerations; historical considerations; political, legal, and scientific realities; consideration of the federal trust responsibility; and present and future water uses. For this reason, having a sunset date of 2034 for the Reclamation Fund unduly burdens the settlement process, placing a timeclock on the water settlement process that may only be achieved in some instances. In other instances, sunseting of the Fund could leave parties at the table during negotiations, only to have critical funding resources removed from the process, potentially unraveling any progress made and resulting in overall water uncertainty.

For these reasons, NCAI strongly urges Congress to permanently authorize the RWSF to ensure funding resources are available for all current and future enacted Indian water rights settlements. This approach ensures a future of water security, which is a paramount concern for regions combatting severe drought and water shortages in particular. Also, even though Indian water settlements often take years to finalize and ultimately ratify through congressional action, they are by far the preferred vehicle for determining water rights and achieving water certainty.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Endangered Species Program

- *Restore funding to \$4.5 million for the BIA Endangered Species Program.*

The BIA's Endangered Species Program is the only program that provides tribal nations 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. In FYs 2016, 2017, and 2018, funding was approximately \$2.6 million. This is still short of the FY 2002 level. Tribal nations request an annual funding level of \$4.5 million so that tribal nations can continue to support habitat and environmental requirements to protect endangered species, especially in light of increasing threats caused by climate change and human development.

BIA FISH AND WILDLIFE PROGRAMS

Three key programs that empower tribal nations to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD); Fish, 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 species. These programs also employ more than 500 local tribal staff to assist the United States in meeting its trust responsibility to tribal nations.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Tribal Management and Development Program

- *Increase appropriations to \$25 million for base and programmatic funding for the BIA Tribal Management and Development Program.*

From FY 2002 to FY 2012, funding for the Tribal Management and Development Program (TMD) declined 17 percent from \$9.3 million to \$7.7 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. Additionally, the BIA restored them to the budget request structure in FY 2011. For FY 2016, Congress restored funding to \$9.3 million, and in FY 2017 and 2018, Congress provided \$11 million for TMD programs. While these investments are appreciated, an increase to \$25 million for FY 2021 is necessary for substantially strengthening tribal conservation successes and meeting the federal government's trust responsibility. Of the \$25 million requested, \$5 million should be set aside for Conservation Law Enforcement Officers. The remaining \$20 million requested will support the base and programmatic operations of the TMD program, which the BIA has recognized as a critical need for tribal nations 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 \$7 million.*
- *Fund Fish Hatchery Maintenance at \$8 million.*
- *Increase the Wildlife and Parks TPA to \$10 million.*

The 88 tribal fish hatcheries across Indian Country provide essential jobs, food, fish species preservation, and revenue for tribal nations, as well as cultural support and opportunities for tribal youth to pursue environmental careers. Tribal standards in fisheries management are high because tribal nations are highly dependent upon these operations, and they recognize their responsibility to steward and sustain tribal 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 tribal hatchery and rehabilitation costs. In this context, funding levels of \$7 million for Fish Hatchery Operations and \$8 million for Fish Hatchery Maintenance in FY 2021 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 tribal nations 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 support 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 200 hatchery maintenance projects and supplements facility maintenance for 88 tribal hatcheries on a competitive basis. Typical projects include: relining raceways, replacing water pumps, upgrading alarm systems, fencing, 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 tribal nations, and cover a broad array of diverse fisheries, wildlife, conservation enforcement, public use, habitat management and related programs. Tribal nations, through a local priority setting process, determine any changes in annual funding and performance. The base TPA funding for tribal fish and wildlife protection activities has remained relatively flat for years, at approximately \$5 million. Funding for Wildlife and Parks TPA should be increased to \$10 million in FY 2021 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 TPA

- *Increase funding to \$10 million for the Natural Resources TPA.*

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 TPA program has remained flat for the last several years. Funding for the Natural Resources program should be increased to \$10 million in FY 2021. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

- *Increase funding to \$12 million for the BIA Invasive Species Program.*

The Invasive Species Program provides critical funds to tribal nations to control noxious and invasive species. The impacts of invasive species have a particularly disproportionate impact upon tribal nations because such species affect plants, animals, and other wildlife that are essential to tribal citizens for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, which was funded at \$6.7 million in FY 2018, is the only funding stream designated to address invasive species on tribal trust land. In contrast, DOI spends considerably more each year to address invasive species on non-tribal lands. 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 impacts invasive species have on tribal nations, the significant disparity in funding between non-tribal and tribal land under DOI's jurisdiction, and the contiguous nature of many tribal and non-tribal DOI land areas, an increase to \$12 million in BIA's Invasive Species Program for FY 2021 is an equitable and reasonable request.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Fish and Wildlife Service's Tribal Wildlife Grants Program

- *Increase funding to \$12 million for the Fish and Wildlife Service's Tribal Wildlife Grants Program.*

Of the \$62.6 million enacted level for State and Tribal Wildlife Grants (TWG) in FY 2017 to help conserve and recover imperiled fish and wildlife, only \$4.2 million was dedicated to competitive grants for tribal nations. The TWG program was originally established because tribal nations were unfairly excluded from an equitable apportionment under the Federal Aid in Sport Fish and Wildlife Restoration Acts. These Acts deliver more than \$1 billion each year for conservation to the states, the territories, and the District of Columbia. Historically, the funding level for TWG has been set far too low to adjust for this inequity. Since FY 2010,

TWG funding has declined nearly 50 percent. Since the inception of the TWG program over thirteen years ago, tribal nations on average 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 tribal nations address fish and wildlife conservation and climate change influences on natural resources. Given past underfunding of this initiative, tribal nations request an increased appropriation to at least \$12 million.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

Commerce, Justice, Science Appropriations Bill

Pacific Coastal Salmon Recovery Fund

- Provide \$110 million to the Pacific Coastal Salmon Recovery Fund (PCSRF).

The 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 created a 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. For FY 2020, \$65 million was appropriated for the PCSRF. Tribal nations support an increase to \$110 million for FY 2021 as a wise investment in a program that produces beneficial economic, ecological, social, and cultural results for tribal nations and their state and federal partners.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

Commerce, Justice, Science Appropriations Bill

Salmon Management Activities

- Provide \$25.9 million for NOAA Mitchell Act Hatchery Programs.

Mitchell Act hatchery production is intended to mitigate for fish and habitat loss caused by the federal hydropower dam system on the Columbia River. Funding for these programs supports the operation and maintenance of hatcheries that release between 50 and 60 million (previously more than 110 million) juvenile salmon and steelhead in Oregon and Washington. These programs provide fish production for tribal treaty and non-tribal commercial and recreational fisheries in the Columbia River, and also contribute to ocean fisheries from Northern California to Southeast Alaska. Additionally, full production from the Mitchell Act hatcheries dampens the impact of Canadian and Alaskan ocean fisheries on Washington fisheries under the terms of the Pacific Salmon Treaty Act of 1985.⁹⁴

NCAI requests \$25.9 million for the Mitchell Act Hatchery Programs. The FY 2018 appropriations provided a total of \$20.2 million. The request for an additional \$5.7 million in Mitchell Act funds above the FY 2018 funding level is to ensure that mitigation hatcheries operate at a full production level to meet federal obligations. This program is funded through the Salmon Management Activities account.

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 tribal nations and tribal consortia and local communities to address environmental and human health risks and for tribal capacity building and project implementation. Tribal nations are seeking to restore funding to this program after steep reductions from \$50 million in 2010 to \$28 million in FY 2016 and FY 2017.

FORESTRY

Tribal nations are among the largest private owners of forest lands 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 more than 12,000 full-time, year-round jobs. The more than 10 million acres of woodlands held in trust for Indians provide habitats for fish, animals, and plants, protect water, and provide fuel, foods, and medicines for tribal communities.

Tribal nations are increasingly involved in the administration and management of 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 tribal nations operate the only sawmills in their region and are major employers for tribal and non-tribal communities. Additionally, several tribal nations are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

In 2015, 539,000 acres of Indian forest lands burned. In the same year on the Colville, Yakama, Nez Perce, Warm Springs, and Spokane reservations, 338,110 forest acres were damaged and tree mortality was approximately 1.2 billion board feet of tribal trust timber. The tribal nations suffered approximately \$521 million in lost revenue, and the Department of the Interior estimated the rehabilitation costs would exceed \$100 million.⁹⁵ The 2015 fires alone crippled tribal revenues, jobs, and economies for decades to come. Insufficient national fire preparedness and suppression resources, in conjunction with national wildfire suppression priorities to protect life and private property, contributed to the devastation of tribal forests. The assignment of fire crews, including reservation-based crews, to off-reservation fires threatening private structures enabled a wave of ignitions in tribal timber to go virtually unchecked, allowing the fires to explode and cause great damage. Prompt post-fire rehabilitation is essential to get these tribal trust forests quickly on the long road to recovery, and emergency tribal governmental support is needed to maintain governmental functions and services.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Aid to Tribal Government

- *Increase BIA aid to tribal governments by \$50 million to initiate a long-term emergency governmental operations support program for tribal nations whose forest-based revenues have been diminished by wildland fires in their trust forests. BIA is to consult with affected tribal nations on support distribution, with any undistributed funds to remain available until expended.*

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Forestry

- *Add \$20 million to BIA Forestry Projects for continued post-fire recovery and rehabilitation activities on Indian trust land. Making the addition to BIA Forestry Projects rather than the DOI Office of Wildland Fire Management will simplify and accelerate delivery of funds to on-the-ground projects. The post-fire recovery and rehabilitation funding should be continued annually through FY 2021 to provide for longer-term activities such as replanting and habitat restoration.*
- *Increase annual funding by \$12.7 million for BIA Forestry Projects to initiate a BIA Forestry Workforce Development Program.*
- *Increase overall base BIA Forestry funding (TPA and Forestry Projects) by \$25 million as a first step toward providing the \$254 million for management and fire-related support the BIA needs as minimum annual funding to achieve parity with other federal forestry programs.*

The third, and most recent, decadal independent assessment of the status of Indian forests and forest management, the Indian Forest Management Assessment Team (IFMAT III) Report (June 2013), 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 tribal forests is only approximately 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 of lands requiring rehabilitation, reforestation, and thinning. 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 U.S. is fulfilling its fiduciary duties in Indian forestry management. Within a tribal nation'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 more than 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 tribal nations 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 tribal nations engage in superb sustainable forestry management practices that are recognized nationally and internationally as innovative models. Indian trust forests are significantly more productive than U.S. 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 tribal nations 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 investments.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

DOI Office of Wildland Fire

- *Increase DOI's Office of Wildland Fire Management Preparedness budget by 25 percent, to approximately \$415 million, to better assure adequate national firefighting preparedness due to expanding wildland fire.*
- *Include language in appropriations bills making wildland fire preparedness and suppression for Indian trust forests the number two national priority, behind only threat to life as a priority and ahead of the protection of private property. The federal government's fiduciary obligation to protect and preserve Indian trust resources, upon which tribal nations and communities depend for revenue, jobs, and physical and spiritual sustenance, must rank higher in national federal priorities than the protection of private property.*
- *In Preparedness, maintain separate funding for tribal Contract Support Costs (CSCs), with directions that DOI offices and agencies be transparent and consult with tribal nations on getting CSCs to them.*
- *Increase Fuels Management funding to \$206 million and direct that the funds be eligible to address burned and downed Indian trust timber.*
- *In Fuels Management, allow funds for Reserved Treaty Rights Lands to be used on tribal lands. Intended to benefit tribal nations, these funds should be eligible for on-reservation use as well as within treaty ceded areas.*
- *Support continuation of the \$30 million Resilient Landscape initiative to conduct fuels and forest health projects in the deeper forest beyond the Wildland-Urban Interface, which currently absorbs most federal forest fuels and health treatment 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. For example, in 2017, 9.8 million acres burned nationwide, in 2018 that number was approximately 8.8 million acres, and from January 1 to November 22, 2019, approximately 4.6 million acres burned.⁹⁶ Appropriated sums are often insufficient to cover these large and unpredictable costs. 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 2021 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 DOI forests. Additionally, in previous budget reports, NCAI has supported federal wildland fire costs exceeding the ten-year average of suppression costs be 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.

U.S. DEPARTMENT OF AGRICULTURE

Interior - Environment Appropriations Bill

U.S. 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 working to embrace forest resource management on a more comprehensive scale. Tribal forests share thousands of miles of common boundaries with the U.S. Forest Service, in addition to extensive borders and watersheds with other forest owners and operators. Tribal nations 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. Tribal nations, BIA, U.S. Forest Service, state, and private stakeholders are all engaged, and there is interest in Anchor Forests from tribal nations and others across the United States.

Tribal nations that engage in timber harvesting are working to expand their participation in the management of neighboring at-risk federal forests through accelerated implementation of the Tribal Forest Protection Act (P.L. 108-278) (TFPA). Individual TFPA projects and Anchor Forest pilots involve non-tribal neighboring forests, and implementation relies largely upon support from sources other than the BIA. The 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.

U.S. DEPARTMENT OF AGRICULTURE

Interior-Environment Appropriations Bill

U.S. Forest Service

- *Enter into P.L. 93-638 tribal self-governance contracts for demonstration projects for tribal management of adjacent Forest Service and Bureau of Land Management lands.*
- *Appropriate additional funding to support P.L. 93-638 contracts for forestry management.*

TFPA authorizes the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements with tribal nations to carry out tribally proposed projects on Forest Service or Bureau of Land Management-managed lands under the following criteria: (1) the proposed project must take place on federally managed land bordering or adjacent to Indian forest land or rangeland under tribal jurisdiction; (2) the conditions on the federally managed land must pose a risk of fire, disease, or other threat to the neighboring Indian forest land or rangeland (or the tribal community), or the federally managed land must be in need of restoration; (3) the proposed project must not be part of a conflicting arrangement; and (4) the federally managed land presents a feature or circumstance unique to the proposing tribal nation (such as a treaty right or biological, archaeological, historical, or cultural circumstances).

The 2018 Farm Bill contains an important expansion of the P.L. 93-638 contracting authority to USDA Forest Service, allowing the Secretary of the Interior and the Secretary of Agriculture to carry out a “demonstration project” where tribal nations or tribal organizations may perform administrative, management, and other functions of programs of the TFPA through P.L. 93-638 contracts. Overall, the extension of P.L. 93-638 contracting authority to tribal forestry is noteworthy because forests and woodlands comprise 18.6 million acres (approximately one-third) of the total 56 million acres of tribal trust land. Previously, tribal nations only had the ability to enter into cooperative management agreements with USDA Forest Service. The 2018 Farm Bill’s authorization of this demonstration project is the first step towards a more fully realized self-governance authority for tribal nations in the area of federal forestry programs and land management.