S. HRG. 108–483

INTER-TRIBAL TIMBER COUNCIL'S INDIAN FOREST MANAGEMENT ASSESSEMENT TEAM REPORT

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

ASSESSING THE EFFECTIVENESS AND SUCCESS OF TRIBAL FORESTRY PRACTICES

MARCH 30, 2004
WASHINGTON, DC

U.S. GOVERNMENT PRINTING OFFICE

93–009 PDF WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON INDIAN AFFAIRS

BEN NIGHTHORSE CAMPBELL, Colorado, *Chairman*
DANIEL K. INOUYE, Hawaii, *Vice Chairman*

JOHN McCAIN, Arizona,
PETE V. DOMENICI, New Mexico
CRAIG THOMAS, Wyoming
ORRIN G. HATCH, Utah
JAMES M. INHOFE, Oklahoma
GORDON SMITH, Oregon
LISA MURKOWSKI, Alaska

KENT CONRAD, North Dakota
HARRY REID, Nevada
DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Dakota
TIM JOHNSON, South Dakota
MARIA CANTWELL, Washington

PAUL MOOREHEAD, *Majority Staff Director/Chief Counsel*
PATRICIA M. ZELL, *Minority Staff Director/Chief Counsel*

CONTENTS

	Page
Statements:	
Colegrove, Nolan, president, Inter-Tribal Timber Council, Portland, OR	4
Gordon, John, Interforest, LLC, Branford, CT	6
Martin, Aurene, principal deputy assistant secretary, Indian Affairs, Department of the Interior, Washington, DC	2
Smith, Hon. Gordon, U.S. Senator from Oregon	1

APPENDIX

Prepared statements:	
Campbell, Hon. Ben Nighthorse, Senator from Colorado, chairman, Committee on Indian Affairs	13
Colegrove, Nolan	14
Gordon, John	17
Martin, Aurene	20

INTER-TRIBAL TIMBER COUNCIL'S INDIAN FOREST MANAGEMENT ASSESSMENT TEAM

TUESDAY, MARCH 30, 2004

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

The committee met, pursuant to notice, at 9 a.m. in room 485, Senate Russell Building, Hon. Gordon Smith (acting chairman of the committee) presiding.

Present: Senator Smith.

STATEMENT OF HON. GORDON SMITH, U.S. SENATOR FROM OREGON

Senator SMITH. Good morning.

The purpose of today's hearing is to present a forum for the second Indian Forest Management Assessment Team, a report on the state of Indian forests and forestry. The recently published report does an excellent job of assessing the effectiveness and success of tribal forestry practices. I hope this will shed light on the role that American Indian tribes, the Bureau of Indian Affairs [BIA], and the tribal consortiums play in the management of 18 million acres of forest land held in trust.

The Inter-Tribal Timber Council [ITC], is a nonprofit nationwide consortium of Indian tribes, Alaska native corporations, and individuals dedicated to improving the management of natural resources of importance to Native American communities and represents more than 90 percent of the forest land held in trust. The Secretary of the Interior contracted the ITC for the second time to oversee this assessment. The ITC turned to a group of nationally recognized experts, including many of the same individuals from the first report, to complete the second IFMAT report. The IFMAT II report assesses eight tasks specified in the National Indian Forest Resource Management Act. Among these is an in-depth analysis of management practices, a survey of the condition of Indian forest lands, and a recommendation for any reforms.

The IFMAT report describes the substantial progress made toward sustainability in Indian forests since the first report; however, significant gaps still remain. Today's hearing highlights the progress made in the last 10 years since the last IFMAT report. We'll also hear suggestions on how to help tribal forests reach their full potential.

Finally, it is important to note that the ITC and BIA forest programs have worked together to make the forestry program one of

the best in the Bureau, despite the program's limited staffing. The two organizations work closely together, and BIA attends all ITC Board meetings.

More recently the ITC has been working with the U.S. Forest Service to improve relations there, and has also established relations with the National Association of State Foresters. Thus, Indian forest management is an excellent example of the benefits of government-to-government cooperation.

I thank all the witnesses for appearing before the committee today and look forward to their testimony.

I'm going to also enter Senator Ben Nighthorse Campbell's statement into our record.

[Prepared statement of Senator Campbell appears in appendix.]

Senator SMITH. If I can ask our witnesses that they hold their testimony to 5 minutes. We have another hearing after this on the Coos Forest issue.

Ms. Martin, we'll begin with you and Mr. Colegrove to follow, and finally we'll hear from Dr. Gordon. We thank you all.

Ms. Martin.

STATEMENT OF AURENE MARTIN, PRINCIPAL DEPUTY ASSISTANT SECRETARY, INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Ms. MARTIN. Thank you. Good morning, Mr. Chairman. My name is Aurene Martin, and I am the principal assistant deputy secretary for Indian Affairs at the Department of the Interior. I'd like to thank you for the opportunity to provide the Department's views on the Indian Forest Management Report.

There are approximately 17.9 million acres of forest land in Indian country, of which 5.6 million acres are classified as commercial timber land and 3.5 million acres are commercial woodland. Most of the economic return derived from these lands comes from the industrial harvest of commercial timber land, with the northwest region accounting for 70 percent of the harvested timber volume, and the midwest region with 13.5 percent of the harvested timber volume.

The National Indian Forest Resources Management Act of 1990 directs the Secretary of the Interior to obtain an independent assessment of the status and management of Indian forests every 10 years. The first such report, commonly referred to as IFMAT I, was provided to Congress in 1993 and represents the status of Indian forests and forest management as of 1991. IFMAT I identified four areas in need of improvement for the management of Indian forests. There was a gap between tribal goals for Indian forests and management of those forests as applied. There was a disparity in funding provided to Indian forest management programs as compared to other similar Federal programs. There was a lack of coordinated resource planning and management. And finally there was a need to set and oversee trust standards for Indian forestry programs.

IFMAT I was developed by a group of nationally recognized forestry experts under a contract funded by the Bureau of Indian Affairs with the Inter-Tribal Timber Council. The same issues that were addressed in IFMAT I are addressed in IFMAT II, and many

of the same experts involved in IFMAT I participated in the development of the IFMAT II report.

IFMAT II reviews efforts for the period 1991–2001 and recognizes many improvements in three of the four areas they originally identified as needing improvement. The gap between tribal visions for their forests and the management of those forests has shown marked improvement. This is evidenced by increased self-determination compacting among tribes and the use of integrated resource management plans. This has also been improved because of increased efforts of the BIA to coordinate with tribes.

Second, increased funding in Indian forestry programs has been realized. While the report states that additional funding is necessary, the disparity between other Federal programs and Indian forestry programs has lessened. In 1991, Indian forestry programs were funded at less than one-third the amount per acre that other Federal forest management programs were funded. That amount has increased to more than two-thirds the amount per acre. In fact, Federal funding of Indian forestry programs has increased by 84 percent over the past 10 years, much of the increase due to recent efforts to maintain healthy forests.

The report also recognizes the increase in coordinated or integrated resource planning efforts. This is shown by the advent of integrated resource management plans, or IRMPs. The Department has also recognized the importance of integrated planning and has requested and received increased funding for IRMPs in fiscal year 2004 appropriations. We have made similar requests for 2005.

Finally, the report claimed that little progress has been made in the fourth area, the setting of trust standards and trust oversight. The Department disagrees with this assertion for two reasons. The Department has made significant improvements in trust oversight with the realignment of the Office of Special Trustee and the BIA and through our ongoing trust reform projects. As an example, the Office of American Indian Trust Functions have been transferred to the Office of Special Trustee, an independent third party, and their program has been expanded.

Additionally, the report cites one specific model developed in 1993 as the model for trust reform. While this model is quite interesting and I think bears further discussion, it is not the only model for trust reform. The report contains a number of recommendations which are still under review by the Department. After an initial review, we believe a number of the recommendations have merit and will complement and enhance our commitment to healthy forests.

I'd like to thank you for the opportunity to present our views, and I would be happy to answer any questions you may have.

[Prepared statement of Ms. Martin appears in appendix.]

Senator SMITH. Ms. Martin, I understand that the Department of the Interior requested over $90 million for the Office of Special Trustee, and yet apparently, according to written testimony, it didn't fund and actively rejected a funding request for the second IFMAT. Is that accurate? And if so, why?

Ms. MARTIN. I'm not exactly sure to which fiscal year you might be referring. That is possible, but I couldn't tell you off the top of my head.

Senator SMITH. It's also my understanding that the IFMAT II report expressed concern in the reduction of professional forestry staff since the last decade and the continuing shortage of personnel in critical skills areas such as forest engineering. I'm wondering what the Department of the Interior's plans are to remedy these problems.

Ms. MARTIN. Well, the causes of the problem, itself, are complex. With increased self-determination programs, our staff levels decreased because those funds go out to the tribes to operate programs directly. That's one cause for the decrease in staff. What we have been doing at the Department to increase forestry professionals is we operate a program. It's a scholarship program which encourages students to seek forestry degrees, allows them to intern at the Department, and then pays for their education so that they can come work at the Department when they graduate. We are looking at increasing those types of programs for all of our trust programs in the future, and, in fact, our 2005 budget request seeks an increase in funds for those types of programs.

Senator SMITH. Very good. Thank you.

Nolan Colegrove.

STATEMENT OF NOLAN COLEGROVE, PRESIDENT, INTER-TRIBAL TIMBER COUNCIL, PORTLAND, OR

Mr. COLEGROVE. Thank you, Mr. Chairman, members of the committee. I'm Nolan Colegrove, the president of the Inter-Tribal Timber Council, and I'm also the forest manager in Hoopa in California. It is my pleasure to be here today to present to you the IFMAT II report on the second independent report of the status of Indian forests and their trust management. If I may, I will refer to these two reports as IFMAT I and IFMAT II.

As the president of ITC, I will talk briefly about the ITC as an organization and its role with the IFMAT process. Dr. Gordon, the chairman of both the first and second independent IFMAT teams, will discuss the reports, themselves.

Senator SMITH. Okay.

Mr. COLEGROVE. The ITC is an organization of over 70 timber-owning tribes and Alaska native organizations that collectively represent more than 90 percent of the 18 million forest acres managed by the BIA. Our organization is 28 years old and came together out of a common interest and concern that the BIA forest management problems were not being addressed. However, rather than attack the BIA, the ITC chose to work with the Bureau and others to collectively make improvements. We believe that this approach has been instrumental in making the BIA's forestry programs one of the bright spots in accountability for trust administration in the Bureau today.

In 1989 and 1990, the ITC actively participated in the development and passage of the National Indian Forest Resource Management Act, which became Public Law 101–630. At the ITC's suggestion, section 312 of that law requires that promptly after the enactment and every 10 years thereafter, the Secretary of the Interior shall provide for an independent assessment and report on the status of Indian trust forests and their management. The law also requires that the Secretary enter into a contract with a non-Federal

entity to conduct this assessment, and sets forth eight specific tasks to be covered in every assessment. Copies of these periodic assessment reports are to be provided to Interior, to the tribes, and the Congress.

Right after Public Law 101–630's enactment and with Congressional appropriation support, Interior contracted with the ITC for the first independent assessment report. The ITC selected a nationally preeminent team of forestry professionals led by Dr. Gordon. The ITC facilitated the team's efforts, but otherwise our charge was simple: Tell it straight, tell it like it is. We want to know the good, the bad, and the ugly.

Over 2 years, they visited 33 tribes and numerous BIA and tribal forestry personnel. They issued the IFMAT I report in 1993. IFMAT II and its report, which was issued in December 2003 and is before you today, traveled a slightly different path. We were unable to secure Congressional funding, but with modest assistance from BIA forestry, ITC was able to assemble an IFMAT II team. To help gather IFMAT II data, the ITC and the IFMAT II team worked with the Pinchot Institute and two private foundations who were interested in canvassing Indian tribes for their readiness to participate in third party certification under the two leading systems, the Forest Stewardship Council and the Sustainable Forestry Initiative.

While the teams collected considerable raw data, some members of the IFMAT II team, itself, visited 30 reservations, including many from IFMAT I for comparison purposes. We were fortunate. Six of the IFMAT I team members wanted to be involved in the second assessment, including Dr. Gordon as leader. Their familiarity with the IFMAT processes and Indian forest resource greatly streamlined the assessment and brought invaluable continuity of understanding. Dr. Gordon will discuss the IFMAT II assessment and report and its comparison with IFMAT I.

I would like to comment about the role of the IFMAT reports in the current debate on the adequacy of Federal trust management. We believe these reports play a significant role in that debate for two reasons: First, the IFMAT reports are the only ones of their kind for any trust resource. To the best of our knowledge, there are no other evaluations or reports for Indian trust resources that are comprehensive, standardized, periodic, and, most important, independent. As for any trust, we believe this independent review is not just helpful for tribes, for the Administration, and for Congress; we believe it is essential.

Second, IFMAT's independent observations and recommendation provide a fresh perspective on the trust debate.

Mr. Chairman, IFMAT II notes that tribes have greatly increased their role in caring for our forests, and we believe that this has been the major factor in improved management and stewardship of our resources. We live with our forest every day, as will our children and theirs and all of our future generations. The IFMAT process makes an invaluable contribution by providing periodic independent check on progress and problems in management of our trust forest resources.

We are pleased that the IFMAT II report has been completed and is now being presented to Congress and the tribes and the Administration. We look forward to the discussion it will engender.

Thank you.

[Prepared statement of Mr. Colegrove appears in appendix.]

Senator SMITH. Mr. Colegrove, on the issue of trust oversight, you seem to have some disagreements with BIA, and I wonder if you can speak just a little more as to how you propose to resolve those.

Mr. COLEGROVE. I'm sure that every tribe in the Nation would have a hard time making an agreement on most things, and we saw that over the course of the last 2 years with the trust reform efforts that were put on by the Administration, and working along with the tribes. There are several ideas out there. Some of them have been agreed to. Some of them there has been a lot of agreement, others there haven't been. In this case, the oversight has not been looked on very favorably by the Administration.

Senator SMITH. Do you have concerns about the staffing shortfalls in Indian forests? And how do you propose to remedy those?

Mr. COLEGROVE. Certainly. And as our testimony said, working cooperatively with the Bureau is one of the best ways that we see to be able to resolve that. Of course, a lot of money helps resolve a lot of issues. Some of it is funding, some of it is not funding. Some of it is the increased funding with the wild land/urban interface, hazardous fuels, fire. New money in the Bureau and the rest of Interior has taken a lot of the BIA foresters and a lot of the tribal foresters out of the system, as well as what Ms. Martin had alluded to earlier of tribes compacting programs and assuming a lot of those functions and the BIA staff going down. There has also been foresters leaving the profession going to work as fire fighters or fuels technicians.

The way that we are addressing it is there are several ways. Ms. Martin mentioned one of the most important ways that we're looking at, and that's in terms of educating new foresters. Other ways is bringing other folks in and just trying to entice people to come to work for the Bureau. It's a pretty hard thing to do, given other packages that private industry has, but there are a numbers of ways that we are trying to address that.

Senator SMITH. Thank you very much.

Dr. Gordon.

STATEMENT OF JOHN GORDON, INTERFOREST, LLC, BRANFORD, CT

Mr. GORDON. Mr. Chairman, members of the committee, I'm John Gordon, chairman of the second Indian Forest Management Assessment Team, or IFMAT II. I'm also chairman and partner of Interforest, a forestry consulting firm, and Pinchot professor of forestry and environmental studies emeritus at Yale University. It is my pleasure to testify on an assessment of Indian forests and forest management in the United States done by the second Indian forest management team.

President Colegrove has done an excellent job of describing the fundamentals of Indian forestry, the Inter-Tribal Timber Council, and the National Indian Forest Resource Management Act, so I

will confine my remarks to a brief summary of the major findings and recommendations of the IFMAT II report and compare it with IFMAT I in five major areas: First of all, the four gaps described in the first assessment and alluded to by Ms. Martin; second, funding; third, forest health issues; fourth, staffing of BIA and tribal forestry organizations; and, fifth, trust oversight on Indian forests.

I'm happy to report that on the whole the management of Indian forests is different and better than it was 10 years ago, largely through the efforts of dedicated tribal and BIA resource managers and staff. There has been a significant amount of progress toward sustainability in Indian forests since IFMAT I, although significant progress remains to be made.

Indian forests have retained and enhanced their value, noted in IFMAT I, as areas upon which sustainable forestry to meet human needs can be demonstrated. Because tribal members live intimately with all the results of their forestry activities, they pay close attention to the health of their forests and the effects of forest management activities on themselves and on their environment. This makes Indian forests of special value to all Americans.

IFMAT I identified four gaps: First, the gap between the Indians' vision of their forest and how it is actually managed; second, a gap between Indian forest funding and comparable Federal and private forest funding; third, deficiencies in coordinated resource planning and management; and, fourth, the need for better trust standards and oversight in Indian forestry. Major progress is evident in three of them.

The first gap between the visions Indians express for their forests and the way they are managed is narrowing. This is due to greater tribal participation in forest management and greater alignment between tribal and BIA approaches to management. The trend toward greater tribal participation and management needs to be encouraged and strengthened, in our view.

The second gap in funding between Indian and other comparable lands, particular Federal land, is narrowing due to increased funding to address fire issues in Indian forests and a redirection of emphasis on Federal forests. However, a substantial funding gap still exists, and fire funds we think need to be made recurring and need to be integrated with other funds to achieve greater efficiency in their use.

The third gap in integrated management planning has improved markedly, but inadequate resources are available for the mandated preparation of integrated resource management plans, the larger context for forest management planning. Even now, only 40 percent of the tribes have up-to-date forest management plans.

The fourth gap in trust oversight has, in our view, seen the least progress on the ground. The BIA is still in the untenable position of pitching and umpiring—that is, providing management services and advice and overseeing the adequacy of those services and advice. IFMAT II strongly believes that the recommendation of IFMAT I for independent oversight of forest trust responsibility needs to be implemented on the ground.

Now, innovative management of Indian forests under the principles of adaptive ecosystem management is happening on many reservations, and the quality and quantity of tribal forest manage-

ment staff are increasing. Indian forests remain a vital part of tribal life on reservations in every part of the contiguous United States and Alaska. Timber production, non-timber forest products, grazing, and wildlife management provide revenues and jobs for tribal members and enhance economic life of surrounding communities. Subsistence lifestyles and forest-derived foods and medicines are important to many tribal members. Indian forests often play a role in religious observance and artistic expression. Forest protection and use remain core values on forested reservations.

A number of tribes are increasing their holdings modestly through fee purchase of forests, and others are increasing their holdings by reclaiming or attempting to reclaim lost tribal lands.

IFMAT II believes that if the actions described in our report are taken, this generally positive picture will be maintained and improved at an acceptable rate.

Let me say something more about funding. IFMAT I identified a large gap between funding provided by the Federal Government for national forests, forests held in trust for all Americans, and Federal Government funding provided for Indian trust forests. In 1991, Indian forestry, including fire funds, received only about one-third the amount per acre as was invested in the national forests. In 2001, Indian forestry received about two-thirds of the amount per acre as was invested in the national forests, or $0.68 on the dollar.

This gap has narrowed for two reasons. First, a large reduction in Federal funding for forest management on national forests; and, second, a significant increase in funding for fuels management, fire preparedness, and emergency stabilization activities on Indian forests.

Funding for fire management has increased sharply over the last ten years in recognition of the fuel buildup on Indian and other forests due to past management practices and forest health needs. Restrictions on the use of fuels management funds often limit the ability to integrate them with other needed silvicultural treatments into a comprehensive program of forest management that includes wild land fire hazard and risk abatement. Protecting forest health will be an ongoing task that is most efficiently addressed through integrated management; thus, we recommend making fire funding a permanent part of the funding base for Indian forestry, and at the same time removing barriers that reduce tribes' ability to integrate fire funding into the total forest and natural resource management program. We further recommend that Federal forestry allocations be raised to a total of $181 million annually.

Forest health—there has been an overall improvement in silvicultural practices and management of forest health issues—fire, insects, and disease—on Indian forests in the decade since IFMAT I. This is resulting in integrated silvicultural prescriptions and improved integrated management on the ground.

Indian forest managers have made significant strides in addressing wildfire risks during the last decade; however, acreage treated for hazardous fuels reduction remains lower than needed. In an important related area, good progress has been made on some Indian forests in road location, construction, and maintenance, but, despite improvement, there is considerable risk that efforts to combat for-

est health problems and to institute sustainable management for all forest resources will be overwhelmed by a combination of funding shortfalls, personnel shortages, and ecosystem-based problems—the aforementioned insects, disease, and fire.

Immediate and focused attention is needed to improve the rate of forest health treatment response, utilize small and low-quality logs, and strength staffing. Some actions can be taken without additional funds. For example, funding for fire and other forestry activities could be better integrated to reduce administrative costs and improve the efficiency and effectiveness of silvicultural treatments to accomplish management objectives. But some require substantial and immediate investment.

If better forest health is to be achieved and the promise of Indian forestry described in IFMAT I is to continue to be realized, increases in investment, reduced burden from unfunded mandates, and immediate action are needed, so we recommend that aggressive treatment of Indian lands for forest health maintenance and improvement be a major use of the recommended increase in funding.

With regard to staffing, the number of tribes that compact or contract to provide forestry services and functions on their own reservations has nearly doubled since 1991. That's good. But despite this, Indian forestry programs, BIA and tribal together, exclusive of fire programs, have declined 26 percent in staffing. Overall staffing for Indian programs—that is, including fire—has increased slightly from 1991 levels, and the percentage of workers with professional qualifications has increased. More tribes now employ specialists in wildlife biology, hydrology, and landscape analysis. At the same time, BIA technical assistance staffing has significantly declined over the last decade. Tribes receive less assistance from BIA in forest inventory, management planning, marketing, and economics. Key personnel are retiring or getting ready to retire. Fire funding caused personnel shifts from forestry to fire that have not been entirely made up on the forestry side, and the supply of new Indian professionals is insufficient to meet demand. So we recommend that additional education and training for tribal members in key specialties be given additional support, and that BIA technical assistance levels be brought back at least to the 1991 levels.

With regard to trust oversight, we believe that the triangulation model for trust oversight suggested in IFMAT I remains an appropriate conceptual model for trust oversight. Its virtues are: First, it separates the BIA's role as manager and provider of technical information from its role of arbiter of how effective the management and information is; second, it places tribal goals even more firmly as the driving force of management plans and actions; and, third, it allows appropriate differentiation of tribal goals and activities among the many and diverse tribes that manage forests.

Under this system, tribes would create management plans based on tribal goals with the support, if needed, of BIA technical specialists. These plans would then be negotiated with the Secretary of the Interior, and when in place would be the basis for evaluation of trust oversight performance. Both BIA and tribal performance in pursuit of the goals would be monitored by a commission independ-

ent of the Secretary and the BIA in a manner consistent with tribal sovereignty and Federal law.

Responsibility for delivering a natural resource management program would be placed under a single manager for each tribe or tribal forest. In the complex setting of current forest management, actions taken today have long-term effects on many resource. Thus, we believe the trustee must first require that specific information from each tribe, integrated resource plans and cumulative effects analysis be developed; second, assure that the beneficiary tribe clearly understands the possible consequences of forest management activities as tribal goals are pursued; and, third, to have a truly independent mechanism for assessment. Thus, we recommend that a management oversight structure be put in place to ensure effective and independent oversight of plans that reflect the visions of individual tribes for sustaining their forests.

In conclusion, our report provides many other findings and recommendations, all derived from careful conversations with tribal members, BIA and tribal foresters and resource managers, and on-the-ground observation, data collection, and analysis. We hope you will give them all careful attention and thought; however, I must stress again, as President Colegrove did, that IFMAT reports, themselves, do not present mandates. Ours is simply another view of this vital part of the forest resources of America and the world.

We do think the process of recurring independent assessments has great merit and utility and should be regularized and continued. Indeed, we would like to see this process more broadly applied in natural resource management and forestry.

Indian forests present a unique window into the interaction of forests and people—in this instance, people who care deeply about the land and nature and live intimately with both. In this sense, as well as in the sense of forming a major part of the diminished heritage of important and vital people, there are major asset obligation and opportunity for us all.

Mr. Chairman, that concludes my remarks. I would be pleased to respond to any questions.

Senator SMITH. Thank you, Dr. Gordon.

[Prepared statement of Mr. Gordon appears in appendix.]

Senator SMITH. I note that you participated in the first IFMAT report, and in that you recommended the triangulated trust oversight model. You've spoken to that this morning. And yet what has developed is a different model between BIA and the Office of Special Trustee. I wonder if you can elaborate a little bit more. Is that sufficient? Will that work? Or do you think that should go to the triangulated trust model?

Mr. GORDON. Mr. Chairman, we strongly support the triangulated model. Our on-the-ground assessment mostly ended in 2001, with a little bit of 2002, and it is those observations that we report on, and we did not see any change in trust oversight on the ground in that time. If there has been significant progress since that time, we're very pleased to hear about it, but I do not know the details of what has transpired.

Senator SMITH. You have extensive exposure to Indian forest lands, and you have suggested that because of the ethic of the American Indian peoples for the environment, for their land, that

they are unusually good stewards of the forest. Can you compare their forests with those managed by the Federal Government, for example, or on other private lands? What is your observation?

Mr. GORDON. Well, I think Indian forestry has two big advantages with respect to any other forest management. We've talked about some of the disadvantages—under-funding and under-staffing—but the two big advantages are that they live with the consequences of all their decisions.

Senator SMITH. Because they're there.

Mr. GORDON. If they decide not to cut timber, they get to not have the money.

Senator SMITH. Yes.

Mr. GORDON. If they decide to burn, they get to cope with the smoke. So I think that leads to a balanced view of forest management, and I think that's a very good thing.

The second thing is that tribes are diverse, so many different tribes try many different things in forestry, so instead of a fairly rigid template of management, you have a diverse set of ideas, and this leads to innovation and to a form of adaptive management, where you can compare different kinds of management on similar forests. So to me those are the two major advantages, in addition, of course, to what you mentioned, innate feeling for the land.

Senator SMITH. And because of those forces that you talk about, are the Indian forest lands in better condition than those that you find otherwise in private hands or Federal hands?

Mr. GORDON. Well, I can't respond directly to that because we didn't review private and other Federal lands with regard to quality of management. What I can say is that in many cases you can see very innovative management on Indian forests and cross the boundary to neighbors and see management that isn't as innovative.

Senator SMITH. You have provided written testimony in support of S. 868. That's the subject of the next hearing. It's a bill that I've introduced to restore ancestral homelands to the Confederate Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. Can you tell the committee why you are supporting this bill and what transferred management of these lands would do, in your view?

Mr. GORDON. Well, there are two reasons why I strongly support the bill. The first is that the plan that has been prepared has been prepared with the best expertise and it is very appropriate to the ecosystem to which it would be applied. I think in every respect it respects all the ecological and environmental covenants that now cover the land and would open the way for innovative management of the kind I commented on in my last answer. The second reason is again related to what I said before. It would create yet another tribal entity managing forest and yet another opportunity for innovative and environmentally sensitive management.

Senator SMITH. Are you familiar with the land in question? Have you been there?

Mr. GORDON. I spent 7 years in Oregon at Oregon State University in the 1970's and early 1980's and I was in that country quite a few times at that time on the Siuslaw and on——

Senator SMITH. Are you aware that this land in question had been harvested years ago and is now managed under late succes-

sional reserve and trying to bring back spotted owls and other endangered species?

Mr. GORDON. Yes; I'm aware of that.

Senator SMITH. Do you have any familiarity with the condition of that land now and its ability to help endangered species? Is it in good condition or is it grossly overgrown?

Mr. GORDON. I can't comment directly on that because I have not been there to gather data for years, but my impression is that the potential of that land remains great, both in terms of timber production and environmental protection, and is some of the best forest land in the world.

Senator SMITH. Thank you very much, Dr. Gordon and all of our witnesses. We appreciate your report. With that we will conclude this first hearing. We'll take a 5-minute break and then we'll reconvene.

[Whereupon, at 9:44 a.m. the subcommittee considered other matters.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Thank you, Senator Smith. I appreciate your willingness to chair this hearing, and your long-standing commitment to Indian issues and the specific issue of tribal forestry. This is an important issue for the Oregon tribes but it is also an important issue for tribes throughout the West.

Of the 51 million acres of land held in trust for Indian tribes, almost 18 million acres are forest lands which are a principal source of jobs and governmental revenues for many tribes.

Keeping tribal forests healthy is crucial because tribal trust land is limited and difficult to increase or adjust—the loss of trust forests, particularly through wildfire, would be irreplaceable in the near term, and could devastate a tribe's economy. As trustee, the United States has a trust obligation to protect these valuable tribal forest assets.

I have reviewed the most recent *Indian Forest Management Assessment Team Report [IFMAT II],* and would like to welcome Nolan Colegrove, president of the Intertribal Timber Council, and John Gordon, also of the Intertribal Timber Council. I and my staff have worked with ITC for several years, and our experience has been a good one. The ITC is a professional and valuable organization that provides expertise and insight to the Congress as well as to Indian country.

The periodic IFMAT reports are an important tool for assessing the relative health of tribal forests. I was quite gratified to read in this latest report how much tribal forests have improved since the publication of IFMAT I, 10 years ago. This improvement is due in large measure to the dedicated efforts of Bureau of Indian Affairs and tribal forest professionals, but is also due to the guidance of provided by IFMAT I.

We cannot become complacent about the progress we've achieved in the past decade. Although tribal forest health has greatly improved, there are still areas of concern, and we will hear much more about those concerns from our witnesses.

There is one specific tribal forestry issue I would like to address today. Many tribal forests border on or are adjacent to National Forests or Bureau of Land Management lands that pose wildfire, insect, or disease threats to tribal trust timber assets. In recent years, these potential threats from Federal public forest lands have significantly increased, so that the active management of tribal forests alone does not provide sufficient protection.

Many tribes are very concerned about the protection of their trust timber asset, and are frustrated by the Federal public forest land management agencies' inability to provide timely and appropriate responses.

Last session I attempted to amend the Healthy Forests bill to address this situation by providing willing and able tribes a proactive opportunity to perform needed management activities on adjoining or adjacent Federal public forests, to help the United States fulfill its trust obligation to protect tribal trust forest assets.

The amendment authorized the respective Secretaries of Agriculture and Interior to adopt tribal proposals for tribal forest asset protection activities on National Forest and BLM lands in proximity to tribal trust forest lands if the applicant tribe met the following criteria:

No. 1. The tribal forest had significant exposure to National Forest or BLM land.

No. 2. The tribal forest was a significant percentage of the tribe's trust assets.

No. 3. The National Forest or BLM land posed a fire, disease, or other threat to the tribe's forest or a tribal community.

No. 4. The tribe's project would not displace an existing forest management contractor.

No. 5. The tribe had the capability to meet the goals of its proposal.

No. 6. The proposal's Federal land, or the tribe's relationship to that land, involved unique circumstances, such as treaty rights or biological, historical, or cultural issues.

The amendment was supported by numerous Indian tribes and the ITC, but unfortunately we were unsuccessful in getting the amendment adopted.

In this session of Congress, this idea has been taken up again in stand-alone companion bills introduced by Senator Feinstein and Chairman Pombo on the House side. Senator Smith, Senator Domenici, Vice Chairman Inouye and I are all cosponsors of Senator Feinstein's bill, and we all recognize the importance of passing these bills and addressing this issue before more tribal forest land and more lives are lost to devastating wildfires.

I look forward to hearing the testimony from today's witnesses.

PREPARED STATEMENT OF NOLAN C. COLEGROVE, SR., PRESIDENT, INTERTRIBAL TIMBER COUNCIL

Mr. Chairman, members of the committee, I am Nolan C. Colegrove, Sr., Hoopa Forest Manager and President of the Intertribal Timber Council [ITC]. It is my pleasure to be here today to testify on behalf of the ITC on An Assessment of Indian Forests and Forest Management in the United States by the Second Indian Forest Management Assessment Team, issued December 2003. More informally, this document is referred to as the IFMAT–II report. IFMAT–II is the second independent evaluation of the status of Indian forests and forestry as required by the National Indian Forest Resources Management Act (Public Law 101–630). The first assessment was completed in 1993.

My comments today are intended to provide the historical context for the IFMAT report and to emphasize the importance of periodic, independent assessments of the management of assets held in trust by the United States for the benefit of Indians. The actual findings and recommendations contained in the IFMAT–II report will be described in the testimony of the chairman of IFMAT–II, Dr. John Gordon.

The ITC is a 28-year old organization of 70 forest owning tribes and Alaska Native organizations that collectively represent more than 90 percent of the 7.6 million timberland acres and a significant portion of the 9.5 million woodland acres that are under BIA trust management. These lands provide vitally important habitat, cultural and spiritual sites, recreation and subsistence uses, and through commercial operations, income for our tribes and jobs for our members. Last year, 635 million board feet were harvested from Indian timberlands, with a stumpage value of $62 million. To all our membership, our forests and woodlands are essential to our physical, cultural, spiritual, and economic well-being; their proper management is our foremost concern.

The principal means by which the ITC has sought to review, coordinate and revise Bureau and tribal forestry activities has been the ITCs annual timber symposium. For nearly 30 years, this has been a forum where tribes, the BIA, and outside forestry experts gather to discuss tribal and BIA forestry issues and forest management trends and developments, and to fashion findings and recommendations for cooperatively revising and improving the management of trust forest resources. Each symposium is held in a different part of the United States on or near a forested tribe's reservation.

Our first symposium was convened in Seattle in the late 1970's by a group of tribes which had become increasingly alarmed that significant deficiencies in Indian forest management were not being corrected. At that gathering, Indian tribes discovered that they shared common problems and decided to work together to try to resolve them. The ITC was formed shortly thereafter. Rather than attacking the BIA, the founders of the ITC took a path dedicated to working cooperatively with the BIA, private industry, and academia to improve the management of Indian forests. That philosophy continues to guide the ITC to this day. Over the years, the

ITC and its partners have worked together to make the Forestry program one of the best in the BIA, despite the program's limited resources. More recently, the ITC has been working with the U.S. Forest Service to improve relations there, and has also established relations with the National Association of State Foresters. In legislative activity, the ITC significantly participated in the 1990 enactment of the National Indian Forest Resources Management Act, has sought to improve appropriations, and helped include a tribal watershed forestry program in the Healthy Forests Restoration Act of 2003.

An 11-member, elected Board of Directors of tribal leaders from throughout the United States oversees the ITC's activities, meeting four or more times a year either at the ITC headquarters office in Portland, Oregon, or at Indian forestry-related locations around the United States. The ITC staff is small (two full time personnel and one BIA Forester on an IPA), but the ITC has relied upon contributions of staff from member tribes to work on issues of regional and national significance. The ITC has been an active force in advancing initiatives to improve the management of Indian forests and other resources held in trust for the benefit of Indians. In addition to the symposium, the ITC has a strong scholarship and education program, issues newsletters and updates, participates in national wildland fire activities, monitors and pursues legislation, is engaged in the forest "green" certification issue, and is an active contributor to the Indian trust reform debate.

During the development and consideration of the National Indian Forest Resources Management Act (NIFRMA, 25 U.S.C. 3101), the ITC proposed that the bill include a periodic independent assessment of Indian trust forests. Working with the bill's sponsors, a requirement for independent assessments at decadal intervals was incorporated in section 312 (a)(1). This legislative mandate provides that "the Secretary, in consultation with affected Indian tribes, shall enter into a contract with a non-Federal entity knowledgeable in forest management practices on Federal and private lands to conduct an independent assessment of Indian forest lands and Indian forest management practices." Subsection (a)(2) then sets forth a list of eight specific questions to be addressed in each assessment, including reviews of the funding, staffing, management, and health of Indian forests. With bipartisan support, NIFRMA cleared both Chambers of Congress as title III of H.R. 3703, a compilation of diverse Native American legislation, and was signed into law November 28, 1990, becoming Public Law 101–630.

Following the enactment of NIFRMA, the ITC sought and received funding from Congressional Appropriations Committees to complete IFMAT–I. Congress provided $300,000 in fiscal year 1992 and another $300,000 in fiscal year 1993. The balance of funding for the first assessment was provided by a grant from the Administration for Native Americans. The Interior Department selected the ITC to coordinate the assessment, and ITC sought and obtained the services of a panel of nationally preeminent experts in forestry, including Dr. John Gordon of Yale to lead the assessment team. Once the team was formed, the ITC helped facilitate access to timber tribes and Federal personnel, but otherwise left the team alone to independently conduct its evaluation. ITC's charge to IFMAT was simple "Tell it straight. Tell it like it is. We want to know the good, the bad, and the ugly." The first IFMAT visited 33 timber tribes and interviewed many Federal and tribal personnel over the course of 2 years. IFMAT–I (a copy submitted with this testimony) was issued in November 1993. As part of IFMAT's research, every forested tribe visited received its own confidential report on the team's assessment of that tribe's forest.

IFMAT-I generally found a wide variety of management approaches in Indian forests, that sustainability is a key factor, but that underfunding and understaffing hamper management, and that Indian forests had mixed health and productivity, varying by forest type and geographic location. Four specific gaps were identified: (1) a gap between the Indians' vision of their forest and how it is managed, (2) a gap in funding between Indian forests and comparable Federal and private forests, (3) a lack of coordinated resource planning and management, and (4) the need for better trust standards and oversight in Indian forestry. The report's principal recommendation was that the trust relationship between the tribes and the United States be reconfigured by (1) significantly increasing BIA Forestry funding so that it was on a par with funding provided for Federal forests, and somewhat controversially, (2) establishing a separate and independent entity, apart from the Interior Department, to monitor and evaluate the sufficiency of BIA trust forest management. The ITC distributed the report to the tribes, the Interior Department, and the Congress, accompanied by briefings.

The consequences of the first IFMAT report have been interesting and informative. The findings and recommendations in IFMAT–I, combined with those contained in the reports provided to individual tribes, provided roadmaps for improving forest management on individual reservations which tribes could pursue on their

own volition. Nationally, the report found that, despite significant challenges and funding levels only a third of those provided for the management of federal forest lands, Indian forest lands have a striking potential to serve as models of sustainability. This was both gratifying and heartening, but IFMAT–I warned that certain steps must be taken if this promise was to become reality.

IFMAT–I has continued to contribute to the trust management of Indian forests and has established a benchmark against which change can be measured with a consistent set of criteria. When the Healthy Forests Initiative was getting underway early in this Administration, BIA Forestry program managers referred extensively to the report in policy discussions with senior Departmental personnel, who themselves took a keen interest in it. It is our understanding that Secretary Norton herself extensively reviewed the report. The report also contributed to the Interior Department's better understanding of the trust Forestry program's funding inadequacies, so that over the last 3 years, the base funding level for the BIA Forestry program has increased.

And in the intensive national debate on Indian trust reform over the past several years, IFMAT–I's recommendation that an independent entity be established to evaluate trust management helped spark the presentation and discussion of that idea as an important component of trust reform.

In 2000, with the approach of the due date for the second IFMAT assessment, BIA Forestry program managers sought to have funding incorporated into the Department's budget request. Disappointingly, the request was not included in the Administration's proposed fiscal year 2002 budget. The ITC's requests to Congress to provide funding for the assessment and report were also unsuccessful. But because tribes were convinced of the importance of a periodic, independent assessment of the status of Indian forests and forestry, ITC sought other ways to complete the study. A modest amount of funding was made available from the BIA forestry program. Ultimately, the Pinchot institute, with funding provided by the Ford and Surdna Foundations, worked with ITC to craft an approach that combined the IFMAT assessment with an evaluation of the readiness of Indian tribes to partake in the two leading third party forest certification systems, those sponsored by the Sustainable Forestry Initiative and the Forest Stewardship Council. With limited but critical BIA support, ITC assembled the second IFMAT team. In the second assessment, 30 reservations were included, many of which were involved in IFMAT–I to provide information to indicate the degree of change over the last 10 years. Compared to the first assessment, personal site inspections by IFMAT members were reduced and most of the data was provided by the forest certification inspection teams instead of first-hand observation.

The ITC is pleased that six of the IFMAT–I members and the IFMAT–I project manager were enthusiastic about participating in IFMAT–II. Dr. Gordon again led the team. Their background experience in IFMAT–I greatly streamlined the processes for IFMAT–II and permitted a credible assessment despite the much more limited budget. More importantly, consistency in membership has provided truly invaluable continuity of experience and expertise from IFMAT–I to IFMAT–II, bringing their intimate first-hand familiarity with both IFMAT's analytical processes and the national trust Indian forest resource to the second IFMAT assessment and report.

The ITC is also grateful to the Pinchot Institute, supporting foundations, and the SFI and the FSC for their contributions to the process. They worked cooperatively with the IFMAT–II team on the selection and gathering of pertinent data. As with IFMAT–I, the tribal governments of the thirty reservations visited were provided with individual confidential reports pertaining to prospects for forest certification and IFMAT–II's findings and recommendations.

Today's testimony by Dr. Gordon discusses the IFMAT–II assessment and report, and its comparison with IFMAT–I. But before I close, I would like to offer a few comments on the role of the IFMAT assessments and reports in the context of the Federal Government's trust responsibility.

As you are aware, for the past several years, the U.S. courts, the Federal Government and the Indian tribes have been intensively reviewing and debating the adequacy of the Federal Government's meeting its trust responsibility to Indian people and Indian tribes. Both the first and the second IFMAT reports play, we believe, a very significant role in that debate, because these reports are the only ones of their kind for any Indian trust resource. To the best of our knowledge, there are no other evaluations and reports on an Indian trust resource that are comprehensive, standardized, periodic, and most important—independent. At a time when the trust debate can become heated and skewed, the IFMAT reports provide a professional, analytical approach that can be measured against a similarly based report from 10 years earlier.

The independence of the reports' observations and recommendations also provide a fresh perspective on the trust debate, and can serve as a source of new insights and ideas. We note that some of the recommendations of the independent team may, or may not, be favorably received. Such has been the case for a principal recommendation of both IFMAT–I and IFMAT–II: That management plans developed and approved by the Secretary of the Interior define standards for management performance and that an independent entity be established to provide regular monitoring and oversight of the programmatic trust management activities provided by the Interior Department. Ten years ago, when that idea was first broached as a recommendation in IFMAT–I, the team acknowledged it was controversial. Tribes did not immediately embrace it. But in the interceding 10 years, the landscape has changed. Today, more tribes contract or compact more BIA trust programs. The long history of Interior's trust inadequacy has been bared under the scrutiny of Federal courts, and the Interior Department has been launched on a broad effort to reorganize and even reform its trust capabilities. Under these new circumstances, the idea of independent trust oversight has been favorably received by some tribes and tribal organizations. Recently, the concepts of reliance upon management plans and providing oversight separate from program operational responsibilities have been embraced in proposals for "To Be" process re-engineering currently underway by the Office of the Special Trustee. There are some significant differences from IFMAT-I's recommendation, however. Oversight and operational responsibilities are not proposed to be entirely separated and the concept of an independent entity providing oversight has not been embraced by the Department of the Interior. Nonetheless, the recommendations of IFMAT–I have contributed constructively to the debate.

The IFMAT reports themselves do not present mandates. Rather, they provide a professional and independent assessment and report, along with recommendations to improve the management of trust resources that are vital to the welfare of tribal communities. This independent evaluation is equally available to the tribes and tribal organizations, to the Interior Department and other Federal administrative agencies, and to the Congress. In the conduct of any trust, the availability of such an evaluation and report is, in our belief, not just helpful, but essential. We are pleased with the presentation of IFMAT–II to the Congress, the tribes, and the Administration, and we look forward to the discussion we hope it engenders.

Until the mid-1970's when the Federal policy of self-determination was adopted, we relied principally on the BIA to manage our forests. Our traditions, customs and practices were ignored in favor of non-Indian precepts of scientific "management". Today, we are witnessing the terrible price our lands and resources have paid. The. character of our forests have changed drastically. Imminent threats of devastating loss from insects, disease, and wildfire are posed from both within and outside our reservation boundaries. Although our forests still suffer from underfunding of management and forest health problems, in many respects their condition is improving. Since IFMAT–I the tribal presence in forest management has increased dramatically. We believe that progress toward improved management practices on Indian forests is a direct result of the increased credence, acceptance, and prominence of tribal views and philosophies of stewardship in the care of Indian resources.

In Indian country, we view forest management from a unique perspective. We live with the consequences of management decisions every day because our forests are a part of our homelands. For thousands of years, we have cared for our forests, fish, and wildlife to provide for our communities. Because our forests affect our sustenance, livelihoods, recreation, and spiritual expression, our decisions and actions are driven by a profound sense of duty, a covenant, if you will, with the generations to follow, to manage our forests wisely for the needs of tomorrow as well as those of today.

Mr. Chairman, that concludes my remarks. I would be pleased to respond to any questions you may have.

PREPARED STATEMENT OF JOHN C. GORDON, CHAIRMAN, THE SECOND INDIAN FOREST MANAGEMENT ASSESSMENT TEAM

Mr. Chairman, Members of the Committee, I am John C. Gordon, Chairman of the Second Indian Forest Management Assessment Team (IFMAT II). I am also Chairman and a Partner of Interforest, LLC, a forestry consulting firm, and Pinchot Professor of Forestry and Environmental Studies Emeritus at Yale University. It is my pleasure to be here today to testify on An Assessment of Indian Forests and Forest Management in the United States by the Second Indian Forest Management Assessment Team, issued December 2003.

President Colegrove has done an excellent job of describing the fundamentals of Indian forestry, the Intertribal Timber Council (ITC), and the National Indian Forest Resource Management Act (NIFRMA). I will confine my remarks to a brief summary of the major findings and recommendations of the IFMAT II report in five major areas: (1) the four gaps described in the first assessment (IFMAT I); and specific recommendations regarding (2) funding; (3) forest health issues; (4) staffing of BIA and tribal organizations; and (5) trust oversight on Indian forests.

I am happy to report that on the whole, the management of Indian forests is different and better than it was 10 years ago, largely through the efforts of dedicated tribal and BIA resource managers and staff. There has been significant progress toward sustainability in Indian forests since IFMAT I, although significant progress remains to be made. Indian forests have retained and enhanced their value (noted in IFMAT I) as areas upon which sustainable forestry to meet human needs can be demonstrated. Because tribal members live intimately with all the results of their forestry activities they pay close attention to the health of their forests and the effects of forest management activities on themselves and their environment. This makes Indian forests of special value to all Americans.

IFMAT I Gaps

IFMAT I identified four major gaps: First, a gap between the Indians' vision of their forest and how it is managed; second, a gap in funding between Indian forests and comparable Federal and private forests; third, deficiencies in coordinated resource planning and management; and fourth, the need for better trust standards and oversight in Indian forestry. Major progress is evident in three of them.

The first gap, between the visions Indians express for their forests and the way they are managed is narrowing. This is due to greater tribal participation in forest management and greater alignment between tribal and BIA approaches to management. This trend toward greater tribal participation in management needs to be encouraged and strengthened.

The second gap, in funding between Indian and other comparable lands, particularly Federal land, is narrowing due to increased funding to address fire issues in Indian forests, and a redirection of emphasis on Federal forests. However, a substantial funding gap still exists, and fire funds need to be made recurring and need to be integrated with other funds to achieve greater efficiency in their use.

The third gap, in integrated management planning, has improved markedly, but inadequate resources are available for the mandated preparation of integrated resource management plans, the larger context for forest management planning. Even now only 40 percent of tribes have up-to-date forest management plans.

The fourth gap, in trust oversight, has seen the least progress on the ground. The BIA is still in the untenable position of "pitching and umpiring", that is providing management services and advice and overseeing the adequacy of those services and advice. IFMAT II strongly believes that the recommendation of IFMAT I for independent oversight of forest trust responsibility needs to be implemented on the ground.

Specific Recommendations

Innovative management of Indian forests under the principles of adaptive ecosystem management is happening on many reservations, and the quality and quantity of tribal forest management staff are, increasing. Indian forests remain a vital part of tribal life on reservations in every part of the contiguous United States and Alaska. Timber production, non-timber forest products, grazing, and wildlife management provide revenues and jobs for tribal members and enhance the economic life of surrounding communities. Subsistence lifestyles and forest-derived foods and medicines are important to many tribal members. Indian forests often play a role in religious observance and artistic expression. Forest protection and use remain core values on forested reservations. A number of tribes are increasing their holdings modestly through fee purchase of forests, and others are increasing their forest holdings by reclaiming lost tribal lands. IFMAT II believes that if the actions described in our report are taken, this generally positive picture will be maintained and improved at an acceptable rate.

Funding

IFMAT I identified a large gap between funding provided by the Federal Government for national forests and Federal Government funding provided for Indian forests. In 1991 Indian forestry (including fire funds) received only about one-third the amount per acre as was invested in the national forests. In 2001, Indian forestry received about two-thirds the amount per acre as was invested in the national forests, or 68 cents on the dollar. This gap has narrowed for two reasons: (1) a large reduction in Federal funding for forest management on national forests, and (2) a

significant increase in funding for fuels management, fire preparedness, and emergency stabilization activities on Indian forests. Funding for fire management has increased sharply over the last 10 years in recognition of the fuel buildup on Indian (and other) forests due to past management practices and forest health needs. Restrictions on the use of fuels management funds limit the ability to integrate them with other needed silvicultural treatments into a comprehensive program of forest management that includes wild land fire hazard and risk abatement. Protecting forest health will be an ongoing task that is most efficiently addressed through integrated management. **Thus, we recommend making fire funding a permanent part of the base funding for Indian forestry and at the same time removing barriers that reduce tribes' ability to integrate fire funding into the total forest and natural resource management program. We further recommend that Federal forestry allocations be raised to a total of $181 million annually.**

Forest Health

There has been overall improvement in the silvicultural practices and management of forest health issues (fire, insects, disease) on Indian forests in the decade since IFMAT I. This is resulting in innovative silvicultural prescriptions and improved integrated management on the ground. Indian forest managers have made significant strides in addressing wildfire risk during the last decade. However, acreage treated for hazardous fuels reduction remains lower than needed. In an important related area, good progress has been made on some Indian forests in road location, construction and maintenance. Despite improvement, there is considerable risk that efforts to combat forest health problems and institute sustainable management for all forest resources will be overwhelmed by a combination of funding shortfalls, personnel shortages, and ecosystem-based problems (insects, disease, and fire). Immediate and focused action is needed to improve the rate of forest health treatment response, utilize small and low quality logs and strengthen staffing. Some actions can be taken without additional funds (for example, funding for fire and other forestry activities could be better integrated to reduce administrative costs and improve the efficiency and effectiveness of silvicultural treatments to accomplish management objectives) but some require substantial and immediate investment. If better forest health is to be achieved and the promise of Indian forestry described in IFMAT–I is to be realized, increases in investment, reduced burden from unfunded mandates, and immediate action are needed. **We recommend that aggressive treatment of Indian lands for forest health maintenance and improvement be a major use of the recommended added funding.**

Staffing

The number of tribes that compact or contract to provide forestry services and functions on their own reservations has nearly doubled since 1991. Despite this, staffing for Indian forest management (both BIA and tribal), exclusive of fire programs, has declined 26 percent. Overall staffing for Indian forestry programs when fire is included has increased slightly from 1991 levels, and the percentage of workers with professional qualifications has increased. More tribes now employ specialists in wildlife biology, hydrology and landscape analysis. At the same time, BIA technical assistance staffing has significantly declined over the last decade. Tribes receive less assistance from BIA in forest inventory, management planning, marketing and economics. Key personnel are retiring or getting ready to retire; fire funding caused personnel shifts from forestry to fire that have not been entirely made up; and the supply of new Indian professionals is insufficient to meet demand. **We recommend that additional education and training for tribal members in key specialities be given additional support and that BIA technical assistance levels be brought at least back to the 1991 levels.**

Trust Oversight

We believe that the "triangulation" model for trust oversight suggested in IFMAT I remains an appropriate conceptual model for trust oversight. Its virtues are (1) it separates the BIA's role as manager and provider of technical information from its role as arbiter of how effective the management and information is; (2) it places tribal goals even more firmly as the driving force of management plans and actions; and (3) it allows appropriate differentiation of tribal goals and activities among the many and diverse tribes that manage forests. Under this system, tribes would create management plans based on tribal goals with the support, if needed, of BIA technical specialists. These plans would then be negotiated with the Secretary of the Interior, and when in place, would for the basis for evaluation of trust oversight performance. Both BIA and tribal performance in pursuit of the goals would be monitored by a commission independent of the Secretary and the BIA, in a manner con-

sistent with tribal sovereignty and Federal law. Responsibility for delivering the natural resource management program would be placed under a single manager for each tribe or tribal forest. In the complex setting of current forest management, actions taken today have long term effects on many resources. We believe the trustee must: (1) require that specific information from each tribe (integrated resource plans, cumulative effects analysis) be developed; (2) assure that the beneficiary tribe clearly understands the possible consequences of forest management activities as tribal goals are pursued; and (3) have a truly independent mechanism for assessment. **Thus we recommend that a management and oversight structure be put in place to insure effective and independent oversight of plans that reflect the visions of individual tribes for sustaining their forests.**

Conclusion

Our report provides many other findings and recommendations, all derived from our careful conversations with tribal members, BIA and tribal foresters and resource managers and on the ground observation, data collection and analysis. We hope you will give them all careful attention and thought. However, I must stress again, as did President Colegrove, that the IFMAT reports themselves do not present mandates. Ours is simply another view of this vital part of the forest resources of America and the world. We do think the process of recurring, independent assessments has great merit and utility and should be regularized and continued. Indeed, we would like to see this process more broadly applied in natural resource management and forestry.

Indian forests present a unique window into the interaction of forests and people; in this instance people who care deeply about the land and nature and live intimately with both. In this sense, as well as in the sense of forming a major part of the diminished heritage of important and vital people, they are a major asset, obligation and opportunity for us all.

Mr. Chairman, that concludes my remarks. I would be pleased to respond to any questions you may have.

PREPARED STATEMENT OF AURENE M. MARTIN, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Good morning, Mr. Chairman, Mr. Vice Chairman and Members of the Committee. I am pleased to be here today to provide the views of the Department of the Interior on An Assessment of Indian Forest and Forest Management in the United States, also known as the Indian Forest Management Assessment Report II (Report). The 1990 National Indian Forest Resources Management Act directs the Secretary of the Interior to obtain an independent assessment of the status and management of Indian forest resources every 10 years, Pursuant to the Act, this is the second report assessing Indian forests and forestry management. The recommendations included within this Report provide the Department with feedback to better improve the delivery and management of forestry services provided to federally recognized tribes and individual Indian owners.

Indian forests cover 17 million acres with a commercial timber volume of approximately 42 billion board feet with an annual allowable harvest of 767 million board feet. Indian forests are located on 275 reservations in 26 states. Forest management activities, consist of forest inventory and management planning including the development of Integrated Resource Management Plans, forest products marketing timber sale management, forest projection, woodland management forest productivity enhancement and intensive forest development procedures. These activities ensure the sustainable management of Indian forests and provide for natural resource, protection.

The Bureau of Indian Affairs (BIA) Division of Forestry serves Indian communities by managing or assisting tribes and individual Indians with the management of their forests consistent with tribal goals and objectives identified in forest management plans or integrated resource management plans.

In 1993, An Assessment of Indian Forests & Forest Management in the United States was developed by an independent group of nationally recognized forestry exports pursuant to a contract with the Intertribal Timber Council (ITC). This first report identified four areas in need of improvement to better manage Indian forests, as follows: (1) the inconsistency between expressed tribal goals for Indian forests and the management paradigm actually applied; (2) the disparity in funding of forest management activities between Indian and other similar Federal, state and private lands; (3) the relative lack of coordinated resource planning and management;

and (4) the need for a better method of setting and overseeing trust standards for Indian forestry.

The 2003 Report is a result of a similar contract with the ITC and was produced by the same group of nationally recognized forestry experts who produced the first report. The Report recognizes that the overall management of Indian forests has improved and been modified to better meet the needs of Indian tribes, and individual Indian owners. In addition, the Report indicates that this improvement is due to the efforts of both tribal organizations and the BIA. Moreover, the Report concludes that there has been substantial progress toward sustainability in Indian forests since 1993.

The 2003 Report recognizes many achievements in three of the four areas identified as needed for improvement. The first area of improvement has been a reduction of the inconsistency between expressed tribal goals for Indian forests and the governing forestry management practices. The Report identifies increasing tribal participation in forest management. In fact, the number of tribes that have partially and fully contracted or compacted management services for their own forests has increased from a total of 64 in 1991 to a total of 121 in 2001. The BIA has made improvements in coordination and cooperation with tribes and individual Indians. This partnership between the tribes and the Federal Government has helped to develop a more unified and consistent vision for managing the forests by incorporating both tribal and Federal needs.

The second area of improvement identified in the 1993 Report was the need for increased funding for Indian forestry programs to diminish the funding disparity between Indian forestry programs and other comparable Federal, State, and private forestry programs. The 2003 Reports notes that progress in this area has been made. The progress in this area is two-fold: (1) the increased funding provided for Indian lands under the National Fire Plan; and (2) a more efficient management of the Federal forests, As illustrated by the President's Healthy Forests Initiative, the Administration is committed to improving forest and rangeland health by investing in fuels treatment and related projects and by improving administrative procedures to ensure that projects get accomplished. The Department has significantly increased funding since 2001 for fuels treatment and other forestry activities to help create and maintain healthy, and sustainable forests. The Department will continue to maintain forest and rangeland health as a high priority.

The third area of identified in the 2003 Report showing marked improvement is that of coordinated or integrated planning. Improvements in forest management planning were evident by the progress shown in the preparation and implementation of Integrated Resource Management Plans (IRMPs). The Department has recognized the importance of forest and integrated resource planning. In the fiscal year 2004 appropriations, the Administration requested and received a $1 million increase in the forestry non-recurring fund for Integrated Resource Management Planning. In addition, the President's fiscal year 2005 Budget also includes a program increase of $1.0 million for the development of forest management plans.

The 2003 Report claimed that little progress had been made on the fourth identified area, that of setting of trust standards and trust oversight. The Department recognizes that the main point of this Report's recommendation is the creation of an Independent Trust Oversight organization outside of the Department. The Department strongly objects to this recommendation. The Committee is well aware of the huge investments in trust reform that have been made over the past few years. The Department believes that, with the realignment of the Bureau of Indian Affairs and the Office of Special Trustee for American Indians, we have made significant progress in the improvement of our trust oversight capability.

The Report also contained a number of recommendations, which the Department is in the process of reviewing. At initial reading of the Report, the Department believes a number of recommendations will complement and enhance the President's commitment to healthy forests.

Thank you for the opportunity to present the views of the Department on this important report, I will be happy to answer any questions you may have.

○