

Testimony of
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Senate Committee on Indian Affairs
Testimony in Support of S. 4370, the Tribal Forest Protection Act Amendments Act of 2024

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Good afternoon, Chair Schatz, Vice Chair Murkowski, and distinguished members of the Senate Committee on Indian Affairs. My name is Benjamin Mallott. I have the honor of being the President-Elect of the Alaska Federation of Natives (AFN). I am writing to express our strong support for S. 4370, the Tribal Forest Protection Act Amendments Act of 2024, introduced by Senator Lisa Murkowski.

AFN was formed to achieve a fair and just settlement of Alaska Native aboriginal land claims, and today, AFN is the oldest and largest statewide Native membership organization in Alaska. Our membership includes 177 Alaska Native tribes, 154 village Native corporations and nine regional Native corporations established pursuant to the Alaska Native Claims Settlement Act (ANCSA), and nine regional nonprofit tribal consortia that contract and compact to administer federal programs under the Indian Self-Determination and Education Assistance Act. The mission of AFN, among other things, is to advance and enhance the political voice of Alaska Natives on issues of mutual concern.

The importance of forest management for Alaska Native communities cannot be overstated. Our forests play a critical role in the lives of Alaska Native communities, providing a source of subsistence and cultural practices and providing economic opportunities in communities challenged by their remoteness and high cost of living. Effective forest management is essential to preserve these Native-owned forestlands for future generations.

The Tribal Forest Protection Act (TFPA) is an important tool that allows Native communities to participate in the stewardship of federal forest lands adjacent to Native lands, but it has faced several challenges that have limited its effectiveness, particularly for Alaska Native communities.

The original TFPA, while well-intentioned, did not fully account for the unique conditions and needs of Alaska Native communities. As you know, ANCSA transferred more than 44 million acres into Alaska Native ownership, with the land to be held by Alaska Native Corporations for their communities. The forestland owned by Alaska Native Corporations is in every respect

“Indian forestland,” but Congress neglected to include these Alaska Native lands within the scope of the TFPA’s definition of this term.

In 2023, in testimony before the Senate Committee on Agriculture, Nutrition and Forestry, Angela Coleman, Associate Chief of the U.S. Forest Service, stated that “[c]limate change, wildfire, and other natural disturbances do not respect land management boundaries; therefore, we need policies and management approaches . . . that remove barriers and allow for shared stewardship and cross-boundary management.” Unfortunately, in Alaska, the lack of clear definitions that incorporate Alaska’s model of self-determination and land ownership has hindered our Native communities’ ability to engage in shared-stewardship activities to support “shared stewardship and cross-boundary management” of our forests.

Our inability to work with the Federal Government to support shared stewardship of our forests does not stem from a lack of interest on the part of Alaska Native landowners or the U.S. Forest Service. In fact, the U.S. Department of Agriculture’s Natural Resources Conservation Service acknowledges that, “[a]s the largest private landowners in the state, Alaska Natives play a critical role in implementing USDA conservation programs on the ground. ... This share success is built on a foundation of locally-led partnerships.”

The TFPA as originally enacted undermines the ability of Alaska Native landowners to partner with the Federal Government—even in the Nation’s largest National Forest, the Tongass—to protect and manage forestland from wildfire threats, pest infestations, and other forest health issues. I would call to your attention the fact that well over 2 million acres of forestland in Alaska has been affected by a spruce beetle outbreak that was initially detected in 2016. While the U.S. Forest Service recommends a range of management measures to reduce beetle damage—such as removing windthrown trees or thinning or pruning trees—our Alaska Native landowners are powerless to work within the framework of the TFPA to address this outbreak.

Forests in Alaska are increasingly at risk from wildfires. Even the Tongass National Forest, a temperate rainforest, is experiencing more dry weather. Alaska Native Corporations, such as Sealaska Corporation, maintain silviculture programs, and their crews are well-equipped to assist with fuel treatment projects on nearby federal lands. S. 4370 could enable Alaska Native Corporations, like Sealaska, to hire more forest partnership crews, thereby increasing internal capacity. This would facilitate closer collaboration with USFS silviculturists to rethink cedar stand prescriptions for the growth of future cultural use wood. Moreover, having a larger pool of work would help promote the development of local crews, which has historically been a challenge.

S. 4370 addresses these critical issues and represents a significant step toward ensuring that all Native communities, including those in Alaska, can fully utilize the TFPA to protect and manage their forest resources. Specifically, S. 4370 includes the following key provisions:

1. S. 4370 expands the definition of “Indian forest land or rangeland” to include lands held by Alaska Native Corporations. This change is crucial, ensuring that ANCSA lands will be better protected from threats originating from federal lands.
2. S. 4370 strikes the requirement that Indian lands must border or be adjacent to U.S. Forest Service or Bureau of Land Management lands, allowing for greater flexibility in protecting and managing tribal resources.
3. S. 4370 authorizes projects not just on federal lands, but also on Indian forest land or rangeland. Among other benefits, this change supports management efforts that both protect tribal resources from threats that may originate on federal lands while also protecting federal land from threats that may originate on Native lands.
4. Additionally, S. 4370 authorizes the funding necessary for the implementation of these projects.

I would also like to highlight that S. 4370 aligns with President Biden's Executive Order on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, issued on December 6, 2023. This Executive Order underscores the Federal Government's commitment to improving the funding mechanisms and support structures for Tribal Nations, recognizing the importance of self-determination and effective stewardship of natural resources.

By providing clear funding for forest management, S. 4370 directly supports the goals of the Executive Order. This alignment demonstrates a comprehensive approach to fulfilling the federal trust responsibility and promoting Native self-determination.

S. 4370 also aligns with the Joint Secretarial Order No. 3403 on Fulfilling the Trust Responsibility to Indian Tribes. Secretarial Order No. 3403, issued by the Secretaries of Agriculture and the Interior, emphasizes the federal commitment to co-stewardship of federal lands and waters with tribes. This Secretarial Order directs federal agencies to incorporate tribal expertise and Indigenous knowledge into federal land and resource management decisions, ensuring that tribal interests are safeguarded and their contributions are valued in stewardship activities.

The co-stewardship principles outlined in the Secretarial Order are enhanced through S. 4370 by promoting collaborative management of federal lands and by ensuring that Native communities have a role in land and resource management.

In conclusion, S. 4370 is a much-needed update to the TFPA and addresses unique challenges faced by Native communities through partnerships with the Federal Government. S. 4370 also provides the tools and resources necessary for effective forest management, which will benefit our tribal communities and ultimately benefit all Americans. On behalf of the Alaska Federation of Natives, I urge this Committee to support and advance this legislation. Thank you for the opportunity to testify today, and I am happy to answer any questions you may have.

Quyana, Gunalchéesh, Haw'aa, Baasee, Taikuu, Thank you.