

**TESTIMONY OF NOLAN C. COLEGROVE, SR.,
PRESIDENT,
INTERTRIBAL TIMBER COUNCIL,
before the
SENATE COMMITTEE ON INDIAN AFFAIRS
MARCH 30, 2004
OVERSIGHT HEARING
on
THE REPORT
of the
SECOND INDIAN FOREST MANAGEMENT
ASSESSMENT TEAM
(IFMAT II Report, December 2003)**

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 (PL101-630). 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.

About the Intertribal Timber Council

The ITC is a twenty-eight year old organization of seventy forest owning tribes and Alaska Native organizations that collectively represent more than 90% 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 ITC's annual timber symposium. For nearly thirty 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 U.S. 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 US 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 eleven member, elected Board of Directors of tribal leaders from throughout the U.S. 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 U.S.. The ITC staff is small (2 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.

The National Indian Forest Resources Management Act and forest assessments

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.

IFMAT I

Following the enactment of NIFRMA, the ITC sought and received funding from Congressional Appropriations Committees to complete IFMAT-I. Congress provided \$300,000 in FY 1992 and another \$300,000 in FY 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 pre-eminent 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 thirty-three timber tribes and interviewed many federal and tribal personnel over the course of two 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 U.S. 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 three 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.

IFMAT II

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 FY 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, thirty reservations were included, many of which were involved in IFMAT-I to provide information to indicate the degree of change over the last ten 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.

IFMAT and the federal trust responsibility

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 ten 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 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 ten 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 reengineering 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 towards 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.