

STATEMENT OF TRIBAL COUNCIL MEMBER CAROLE LANKFORD  
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OF THE FLATHEAD RESERVATION

PRESENTED BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS  
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Good afternoon Chairman Barrasso, Vice Chairman Tester, Senator Daines and distinguished members of the Senate Committee on Indian Affairs. Thank you for holding this hearing on Improving Interagency Forest Management to Strengthen Tribal Capabilities for Responding to and Preventing Wildfires, and on the Senate Bill 3014, a bill to improve the management of Indian forest land, and for other purposes and thank you for inviting me to be a part of this discussion.

I also want to specifically thank Senator Daines for his work in introducing Senate Bill 3014, which will provide tribes and federal agencies additional tools to restore forest health across the landscape. Thank you for allowing our Tribes to have input into the current draft bill. The reality is that while as well intended as the Tribal Forest Protection Act (TFPA) of 2004 was, it has not been implemented in any meaningful way. Tribal Stewardship Contracting proposals just seem to gather dust at BLM and US Forest Service offices despite the fact that the poor health of the forests managed by those agencies that are adjacent to tribal lands can and have negatively affected our lands. Fire and disease have spread from those lands to ours and despite our professional and innovative approaches to dealing with those problems; the bureaucracies of those agencies have stifled requests by tribes to allow our experts to implement forest restoration projects under TFPA. S. 3014 will require the Secretaries of Agriculture and Interior to reply in a timely fashion and will hopefully lead to some innovation and protection in forest management practices on lands surrounding Indian reservations. These changes are long overdue.

The Flathead Indian Reservation is located in western Montana. It is approximately 1.3 million acres, over one-third of which or 460,000 acres are forested. About half is available for active forest management. The other half is set aside for wilderness and other primitive uses. Included in that is the first tribally designated wilderness in the United States. We have a Forest Management Plan (FMP) that encompasses an ecosystem management perspective with long term functional and structural goals related to forest health and restoration. We focus on managing and protecting our entire homelands. Our forests are a vital part of our everyday lives.

Our tribal ancestors took a very active role in management of our vegetative landscape, primarily with fire, be it prescribed or wildfire in nature. Our traditional world evolved from a cultural landscape that was shaped by fire. This way of life continues today. We are steadily working toward re-introducing fire to our lands and in so doing enhancing our diverse utilization of our natural resources. Our approach is all-inclusive and involves more than just the Wildland Urban Interface and/or certain species of interest, which others seem to overly emphasize. Over the past ten years, our tribal Fuels personnel have treated over 7,300 acres per year in fuels reduction treatments, including thinning, piling, pile burning, and understory burn projects. We take great pride in being active land managers, to sustain vital forest communities for our future generations.

Over the last 18 year period, we have averaged 85 wildfires per year that have burned over 145,000 acres in that timeframe, yet proudly with no lives or structures lost. The largest and most devastating being the Chippy Creek Fire in 2007 that burned over 99,000 acres, of which about a third or 33,000 forested acres that burned were on our reservation and were important tribal forest lands. Our most fundamental problem is not the so-called Wildland Urban Interface. It's the interface with our own federal government – issues of funding, priorities and borders.

Earlier this year, the Intertribal Timber Council testified before Congress about last summer's fires that severely impacted a number of western Indian reservations, the majority of which were in Washington State. In some cases, federal suppression resources were diverted from Indian reservations to fires threatening private property elsewhere. Yes, while in the middle of fighting fires on Indian lands, firefighters were suddenly pulled away and sent to a different and apparently more important place. That's when the reservation fires exploded. Nearly 500,000 acres of Indian trust forest burned. Approximately 1.5 billion board feet of timber was destroyed, worth hundreds of millions of dollars in tribal revenue. This is revenue badly needed for health care, education and law enforcement, similar to the property tax base for county governments. These forests provide critical jobs for Indian people, they provide habitat for some of our most important sources of food, nutrition and medicines and they are central to our culture.

This is why tribes are very sensitive to discussions about priorities for funding in fuel reduction treatments, in fire suppression resources when wildfires occur, and in funding for rehabilitation of lands after the devastating fires are out. The federal government has long-affirmed fiduciary obligations to protect Indian trust assets, and cannot simply let them burn while it protects often-insured private property at resorts. After the United States settled the so call Salazar cases for over \$1 billion for the mismanagement of Indian trust lands, it seems odd to us that those making determinations about allocating fire funds have given such low priority to protecting lands that they hold in trust. We can only assume that there is a fundamental misunderstanding about what the role of a trustee is in this situation. Let me cite a few examples. In 2012 and 2013 the Office of Wildland Fire (OWF) came up with a process for allocating funds they called the Hazard Fuels Prioritization and Allocation Process (HFPAS). Tribes kept asking for input into helping design a fair formula and our pleas were ignored. Had it been implemented as proposed, my Tribes and the Yakama Nation would have both have had our Hazardous Fuels dollars decreased by over 90%! We appreciate that both Senator Tester and then Congressman Daines sent letters to Interior expressing concerns about HFPAS. Finally after OMB began questioning the fairness of HFPAS, it was withdrawn. More recently the BIA received only 6% of a new formula for allocating funding in 2015 under the Office of Wildland Fire's "Wildland Fire Resilient Landscapes Program." This is a program focusing on the "integrity and resilience by restoring natural vegetation landscapes to specific conditions and maintaining fire resiliency. Now are trying to deal with the latest allocation method that the OWF has proposed that they call the "Risk Based Wildland Fire Management Model" (RBFMP). Don't just listen to our concerns on this; the congressionally established Indian Forest Management Assessment Team (IFMAT) has said that the values prioritized in this model are inherently biased against tribal trust land, the federal government's trust and fiduciary responsibility to protect those lands. On the larger

picture the 2015 IFMAT Fire report stated that the Interior Department “is actively failing in its fiduciary obligations to tribal forests.”

So my tribe and many others have asked for a re-evaluation of fire suppression priorities. We believe that the protection of our vital trust forest assets fully warrant fire suppression priority at least on a par with that for private structures, and we apparently need Congressional direction to the agencies on that point.

No President in my lifetime has shown a better understanding of this trust relationship than has Barack Obama and his Secretaries of the Interior have shared that support but in the area of forestry firefighting we don't think our letters and emails are getting to the sixth floor, so I am hopeful that my words today will be understood with good spirit and cooperation.

The Bureau of Indian Affairs receives about one dollar for every three that the Forest Service gets for forest management. Yet fires on Indian land are generally smaller and less destructive. We produce more timber volume but also accomplish more for wildlife, water and air quality. Surely there are lessons to be learned from Native people.

We support more funding being obligated to tribes to reduce hazardous fuels to enhance and protect natural, cultural and economic resources, reduce the cost of fire suppression and improve the safety of our fighter fighters. Fuels treatments in forested environments have a reasonably long effective period of reducing fire behavior and providing safer opportunity to suppress fires in initial attack and significantly reduce the cost of fire suppression. The Fiduciary Trust Responsibility, and the protection of Tribal natural, cultural and economic resources must be incorporated in all DOI Wildfire Funding Allocation systems and those trust resources must be paramount when allocations are made.

While Secretarial Orders such 3360 and 3336 have their place they do not exceed Executive Orders and Federal Court decisions supporting the Fiduciary Trust Responsibility owed to Tribes by the Federal Government.

Clearly we are concerned with the performance of the Federal Government “our Trustee” when funding allocation systems are developed. Systems recently developed including HFPAS and RBFMP have disregarded tribal goals and objectives and fallen way short of the requirements of a Trustee. We constantly have worked to undo what OWF has created. We want Tribes to have an opportunity to treat and protect Tribal trust lands at the least on par with the allocations other land managers receive.

Our lands are our home; the uniqueness of Indian Country is the sacrifice that has shaped the political boundaries we see today. We are left with remnants of our usual and accustomed areas that we know must be preserved for the future; it is all we have left, and the United States has a fiduciary obligation for its protection. When wildfire strikes, this protection must include our vital forest resources. To prioritize the sacrifice of this critical asset so that private structures or certain birds can be saved is a continuing injustice, and we look forward to working with the Congress on fashioning its correction.