

**EXAMINING THE HISTORY OF FEDERAL
LANDS AND THE DEVELOPMENT OF
TRIBAL CO-MANAGEMENT**

OVERSIGHT HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

Tuesday, March 8, 2022

Serial No. 117-15

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

47-061 PDF

WASHINGTON : 2022

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**OVERSIGHT HEARING ON EXAMINING THE
HISTORY OF FEDERAL LANDS AND THE DE-
VELOPMENT OF TRIBAL CO-MANAGEMENT**

**Tuesday, March 8, 2022
U.S. House of Representatives
Committee on Natural Resources
Washington, DC**

The Committee met, pursuant to notice, at 10:02 a.m., via WebEx, Hon. Raúl M. Grijalva [Chairman of the Committee] presiding.

Present: Representatives Grijalva, Sablan, Huffman, Lowenthal, Gallego, Porter, Leger Fernández, Stansbury, Soto, García, McCollum, Tlaib; Westerman, Young, Graves, Hice, González-Colón, Fulcher, Stauber, Rosendale, Moore, Herrell, Boebert, Obernolte, and Bentz.

The CHAIRMAN. Thank you very much. The Committee on Natural Resources will come to order.

The Committee is meeting today to hear testimony on examining the history of Federal lands and the development of tribal co-management.

Under Committee Rule 4(f), any oral opening statements at this hearing are limited to the Chair and the Ranking Minority Member, or their designees. This will allow us to hear from the witnesses sooner and help Members keep to their schedules.

Therefore, I ask unanimous consent that all other Members' opening statements be part of the hearing record if they are submitted to the Clerk by 5 p.m. today, or at the close of this hearing, whichever comes first.

Hearing no objections, so ordered.

Without objection, the Chair may also declare a recess subject to the call of the Chair.

As described in the hearing notice, statements, documents, or motions must be submitted to the electronic repository at HNRCDocs@mail.house.gov.

Additionally, please note that, as always, Members are responsible for their own microphones. As with our in-person meetings, Members can only be muted by staff to avoid inadvertent background noise.

Finally, Members or witnesses experiencing technical problems should inform the Committee staff immediately.

I will now recognize myself to make an opening statement.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

The CHAIRMAN. Hello, and welcome to the House Natural Resources Committee hearing entitled, "Examining the History of Federal Lands and the Development of Tribal Co-Management." I appreciate our Committee members joining us today and hope that we will have an insightful and productive hearing. Today's hearing is one that I believe is long overdue—both at the Committee level and in Congress.

Fundamentally, tribal co-management provides an opportunity for Indigenous people to work alongside Federal agencies to manage Federal lands and resources. Indigenous perspectives are uniquely significant for cultural preservation and can improve management practices, particularly when coupled with Indigenous traditional ecological knowledge. Through tribal co-management we can lift the Indigenous presence, while continuing to meet our obligations to protect the climate and conserve Federal lands.

During my time as Chair, this Committee has consistently worked to elevate the presence of tribal governments in the Federal decision-making process by strengthening tribal sovereignty and reaffirming tribal self-determination. The expansion of tribal co-management on Federal lands further builds on that essential work.

But if we want to begin the conversation about tribal co-management meaningfully, first we must acknowledge and come to terms with the country's history. The European colonization of this continent and the founding of this country are built on the dispossession of land from Indigenous Peoples by force, coercion, or bad faith legal arrangements. Indigenous Peoples, the original caretakers of these lands and resources, were forcibly displaced. Congress must formally acknowledge that the lands we now know as the United States are the ancestral homelands of millions of Indigenous Peoples who were killed, removed, or relocated.

It is equally important to acknowledge that while many tribes suffered and were exterminated through these acts, many tribes still persist and call these lands home today. As uncomfortable as it may be to hear, this is our history and it must be considered honestly and respectfully.

To that end, I plan to introduce the resolution formally acknowledging the Federal dispossession of these lands from Indigenous communities and calling on the Federal Government to include tribal governments and Indigenous traditional ecological knowledge in the management of these lands.

I am working with the Government Accountability Office to review how Federal land management agencies work with tribes regarding their ancestral lands. I am working with soon-to-be-introduced legislation with Senator Heinrich from New Mexico that would better protect tribal sacred sites.

While the history of land dispossession and violence can never be fully redressed, I believe that there are opportunities to bring tribal communities back into the management of their ancestral lands. In doing so, we can support Indigenous communities, while improving land management based on expertise developed since time immemorial.

I am encouraged by the Biden administration's renewal of the White House Tribal Nations Summit, which is focusing on protecting tribal sacred sites, incorporating Indigenous traditional ecological knowledge, and engaging tribes in land management.

I look forward to working with my colleagues in the Administration and Congress to expand and incorporate Indigenous knowledge and history in land and resource management across the country, especially on our public lands. I look forward to this conversation today and hope that the insights provided help develop a roadmap for significant expansion of tribal co-management.

I want to make it clear that today is a starting point, and efforts to expand co-management must continue in the weeks, months, and years ahead.

Before we turn to our panel, I would like to thank our witnesses for their expert testimony and appreciate their being with us today.

I want to recognize the tribal leaders testifying: Lieutenant Governor Carleton Bowekaty from the Pueblo of Zuni and Chair Melvin Baker from Southern Ute.

I also want to acknowledge that we are honored to have a historic Administration witness, National Park Service Director Charles F. Sams. Director Sams is the first Senate-confirmed Park Service Director in nearly 5 years and the first tribal citizen to lead the agency. He is an enrolled member of the Cayuse and Walla Walla of the Confederated Tribes of the Umatilla Indian Reservation.

So, thank you all again for your participation today. I sincerely look forward to the conversation.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, CHAIR, COMMITTEE ON
NATURAL RESOURCES

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Fundamentally, tribal co-management provides an opportunity for Indigenous Peoples to work alongside Federal agencies to manage Federal lands and resources. Indigenous perspectives are uniquely significant for cultural preservation and can improve management practices, particularly when coupled with Indigenous traditional ecological knowledge.

Through tribal co-management, we can lift up Indigenous voices, while continuing to meet our obligations to protect the climate and conserve Federal lands.

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Congress must formally acknowledge that the lands we now know as the United States are the ancestral homelands of millions of Indigenous Peoples, who were killed, removed, or relocated. It is equally important to acknowledge that, while many tribes suffered and were exterminated through these acts, many tribes still persist and call these lands home today.

As uncomfortable as it may be to hear, this is our history, and it must be considered honestly and respectfully.

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Federal Government to include tribal governments and Indigenous traditional ecological knowledge in the management of these lands.

I am working with the Government Accountability Office to review how Federal land management agencies work with tribes on their ancestral lands. And I am working on soon-to-be-introduced legislation with Senator Martin Heinrich (NM) that would better protect tribal sacred sites.

While the history of land dispossession and violence can never be fully redressed, I believe there are opportunities to bring tribal communities back into the management of their ancestral homelands. In doing so, we can support Indigenous communities while improving land management based on expertise developed since time immemorial.

I'm encouraged by the Biden administration's renewal of the White House Tribal Nations Summit, with its focus on protecting tribal sacred sites, incorporating Indigenous traditional ecological knowledge, and engaging tribes in land management.

I look forward to working with my colleagues in the Administration and Congress to expand and incorporate Indigenous knowledge and history in land and resource management across the country, especially on our public lands.

I'm grateful to have the opportunity to host this conversation and hope the insights provided help develop a roadmap for the significant expansion of tribal co-management. But I want to be clear: today is a starting point, and efforts to expand co-management must continue in the weeks, months, and years ahead.

The CHAIRMAN. I yield back and recognize our Ranking Member, Mr. Westerman, for his opening statement.

Sir, you are recognized.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Mr. Chair, and thank you to the witnesses for being here today.

While the subject of today's hearing is important to me and many who are on this WebEx, there is a subject that is being ignored that is far more important that we should all be discussing. We should be having hearings on this until we get to a resolution, and that is the unprecedented energy crisis that our country and the world is facing right now. This Committee has jurisdiction over many of the resources that could be used to solve this energy crisis, and I would consider it a dereliction of duty to have a hearing and not to bring this up.

And Mr. Chair, until we start working on this, we won't be quiet about it. It is an issue that needs to be addressed. The energy policy that this country has right now is not reliable, not reliable in the sense of technology, not reliable in where our energy is sourced from, it is not affordable, and it is certainly not cleaner, or as clean as it could be if we were serious about energy policy.

This is affecting everyday Americans. With prices at the pump at \$4.10 a gallon and going up, it is only starting. As we all know, energy is a component to the cost of everything. It is time to start planting crops in our country, and the cost of fertilizer is directly linked to the cost of natural gas. So, we are going to see food prices go up and probably even food shortages because of a lack of good energy policy.

The Administration should be talking to domestic producers, and we should be facilitating that on how we increase production, not just banning oil and energy from Russia and then turning around

and negotiating with countries like Iran and Venezuela to fill in that gap.

Contrary to claims about increases in renewable power and more electric cars on the road, this will not solve the energy crisis. We have seen the disastrous results of our European allies who have shut down their own supplies of reliable baseload power in an attempt to rapidly transition to renewables.

Mr. Chairman, I was in Germany back before I got into Congress, when I was doing engineering work 10 years ago, riding around with German engineers, and them being critical of the political decisions that were being made to shut down their nuclear power plants. Today, Germany is getting 44 percent of their power from fossil fuels. They are supposed to be the example to the world on how to do renewable energy. But we see the bind that they are in right now and their dependence on Russia.

We have to develop our domestic energy resources, and this Committee needs to be having hearings on this crisis and how increasing production on Federal lands and waters can directly address the challenges we face. This crisis is only going to get worse if we fail to react.

I would like to talk a little bit about the subject of today's hearing on tribal co-management. I think we can learn a lot from tribes. As I have traveled around the country and met with tribes, and I have seen how they manage their land, it is in stark contrast to the way our Federal Government manages lands. If we would work more closely with tribes, if we would truly adhere to the Indian Self-Determination and Education Assistance Act, if we would be more aggressive with the Tribal Forest Protection Act, then we would see not only better management on tribal lands, but we could learn from that on how we manage our Federal lands.

We are getting ready for another unprecedented fire season, and we are to blame for that. We know what to do, but we are not doing it. We are continuing to tie up management activities. Fortunately, we have tribes and state governments and private landowners who are managing properly, and they can show the way that we need to manage.

And I also want to acknowledge two of our witnesses joining us here from the Southern Ute Tribe and the Intertribal Timber Council, who both support responsibly developing natural resources, while also protecting the environment. There is a perspective here that I, as I said, I think we can all learn from. And I look forward to the testimony today.

But Mr. Chairman, I request that we start having hearings on domestic energy production and how this Committee can be proactive in getting more of our energy resources—and not just energy, but minerals and elements, as well—into the marketplace.

I look forward to the discussion, and I yield back.

The CHAIRMAN. Thank you, Mr. Westerman. I think the war in Ukraine and our dependence on oil and gas are both issues of great national concern. But we are here to recognize this country's history of dispossession of tribal communities and to consider opportunities to expand tribal co-management of ancestral lands.

And I know my colleagues on my side of the aisle are not about avoiding the conversation, sir. There is nothing to protect and any

history to look at, particularly the previous 4 years of the previous administration, in terms of policies in this direction.

But we can go forward, and I will be glad to have our mutual staffs talk about that and structure something that is both informative and just doesn't deal with the gas and oil industries talking points, which seems to be to use the crisis of Ukraine in a very shameless way, to try to push a drilling wholly only agenda for our Federal lands. I think that merits discussion, and I look forward to seeing if we could structure that.

With that, we can begin with the testimony of our witnesses.

Let me remind the witnesses that under our Committee Rules, they must limit their oral statements to 5 minutes and that their entire statement will appear in the hearing record.

When you begin, the timer will start, and it will turn orange when you have 1 minute left and red when your time is expired.

I recommend that Members and witnesses joining remotely use the grid view, so that they may lock their timer onto the screen.

After your testimony is over, please mute yourself so that we don't have any background noise. And I will allow the entire panel to testify before we begin questioning the witnesses.

Let me begin with the testimony from the Honorable Charles F. Sams, Director of the National Park Service.

Director Sams, you are invited to share your testimony, sir. You are recognized.

**STATEMENT OF THE HON. CHARLES "CHUCK" SAMS, III,
DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF
THE INTERIOR, WASHINGTON, DC**

Mr. SAMS. [Speaking Native language.] I am Chuck Sams, National Park Service Director. Good morning, Chairman Grijalva, Ranking Member Westerman, and members of the Committee. Thank you for the opportunity to discuss tribal co-management of Federal lands.

I would like to submit our full statement for the record and summarize the Department's views.

I am the first tribally enrolled member to lead the National Park Service. I come from the Umatilla Indian Reservation in Oregon, where I am Cayuse and Walla Walla, with blood ties to the Cocopah and Yankton Sioux. I share the Biden-Harris administration's commitment to strengthening the role of Native American tribes, Alaska Natives, and Native Hawaiian organizations, and I will focus my comments today on cooperative stewardship of our national parks.

Last November, Secretary Haaland and Secretary of Agriculture Vilsack issued a Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. This Secretary's Order recognizes that Federal lands were previously owned and managed by Indian tribes, contain cultural and natural resources of significance to tribes, and are sometimes in areas where tribes have reserved rights to hunt, fish, gather, and pray, pursuant to treaties and agreements with the United States.

The Secretary's Order also directs agencies to increase opportunities for tribes to participate in their traditional stewardship of

present-day Federal lands and the integration of Indigenous knowledge into Federal management. As Director of the National Park Service, I am committed to increasing co-stewardship with tribes in the interest of all peoples of the United States.

The co-stewardship of parks by the NPS and tribes takes many forms, including co-management obligations in law, collaboration and cooperative agreements, and self-governance agreements. Currently, four parks in the National Park System have co-management authority with tribes: Canyon de Chelly National Monument, which is located within the Navajo Nation in Arizona; Glacier Bay National Park and Preserve in Southeast Alaska; Grand Portage National Monument, which is located within the Grand Portage Indian Reservation in Minnesota; and Big Cypress National Preserve in Florida, which I was very fortunate enough to visit a couple of weeks ago.

One example of co-management is the traditional harvest of gull eggs by the Huna Tlingit in Glacier Bay National Park, a practice that has ensured intergenerational transmission of ancestral traditions and strengthens the Huna Tlingit ties to their homeland.

Another example is the co-management of the Grand Portage National Monument by the NPS and the Grand Portage Band of Chippewa Indians. The project in the park and on the reservation includes preservation of historic structures, ethnobotanical restoration, wildland fire activities, and archeological surveys. Most NPS working relationships with Tribal Nations are collaborative or cooperative opportunities.

To highlight just two examples:

The Nisqually Tribe is currently collaborating with Mount Rainier National Park to publish a report on traditionally harvested plants with recommendations for conducting gathering in a sustainable manner.

At Acadia National Park, a multi-year project with the Wabanaki Nation of Maine centers on traditional gathering of sweetgrass within the park. This project incorporates centuries of traditional ecological knowledge, as well as cultural protocols to assert Indigenous sovereignty and natural and cultural resource management on ancestral lands.

The NPS also negotiates with self-governance tribes for annual funding agreements, or AFAs. As authorized under the Indian Self-Determination and Education Assistance Act, federally recognized tribes that are traditionally associated with a park may carry out services such as research, fire protection, interpretation, and educational programing and maintenance functions.

Since the NPS began entering into AFAs with self-governance tribes, tribal communities have received over \$38 million. To highlight one example, the Yurok Tribe has an AFA at Redwood National and State Parks. The Yurok Youth Trail Crew will assist the park with performing repairs on the California Coastal Trail. The crew will also participate in resource stewardship, education opportunities, gain exposure, and various resource management operations, and receive orientation to career opportunities within the park system.

Finally, some tribes have specific kinds of statutory authority related to national parks. For example, the Nez Perce Tribe owns

and operates 29 of the sites that comprise Nez Perce National Historic Park. While the NPS owns and manages the other 9 sites, the park is authorized in its enabling legislation to cooperate with the Nez Perce Tribe through research and to provide interpretive services.

Although the NPS has entered into a number of co-management, cooperative, collaborative, and self-governance agreements, we still have many opportunities to expand the use and scope of these agreements with interested tribes, pursuant to the Secretary's Order 3403. With the dedicated professionals of the NPS, I look forward to continuing to engage, collaborate, and enter agreements with tribes.

Chairman Grijalva, Ranking Member Westerman, thank you for inviting me to testify before you today. I would be happy to answer any questions that you or other members of the Committee may have. Thank you.

[The prepared statement of Mr. Sams follows:]

PREPARED STATEMENT OF CHARLES F. SAMS III, DIRECTOR, NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR

Chairman Grijalva, Ranking Member Westerman, and members of the Committee, thank you for the opportunity to discuss Tribal co-management of federal lands. President Biden and Secretary Haaland are committed to improving the stewardship of our Nation's lands and waters by strengthening the role of Tribal communities in federal land management.

I am the first Tribally enrolled member to lead the National Park Service (NPS). I come from the Umatilla Indian Reservation in Northeast Oregon where I am Cayuse and Walla Walla with blood ties to the Cocopah and Yankton Sioux. As the 19th Director of the NPS, I share the Biden-Harris Administration's commitment to strengthening the role of Native American Tribes, Alaska Natives, and Native Hawaiian Organizations, and will focus my comments today on the NPS's cooperative stewardship of our national parks.

The NPS preserves unimpaired the natural and cultural resources and values of 423 parks, 23 national scenic and national historic trails, and 64 wild and scenic rivers, for the enjoyment, education, and inspiration of this and future generations. In addition to welcoming over 300 million visitors each year to these special places, we administer nationwide programs to preserve local history, celebrate local heritage, and create opportunities for close to home recreation. The NPS collaborates with a variety of Tribal nations, partners, and communities, to carry out our important mission.

The Biden Administration is committed to strengthening the role of Tribal communities in federal land management, honoring Tribal sovereignty and supporting the priorities of Tribal Nations. On November 15, 2021, Secretary Haaland and Secretary of Agriculture Vilsack issued Secretary's Order 3403: *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*. This Secretary's Order recognizes that federal lands were previously owned and managed by Indian Tribes and that these lands and waters contain cultural and natural resources of significance and value to Indian Tribes and their citizens; including sacred religious sites, burial sites, wildlife, and sources of Indigenous foods and medicines. In addition, many of those federal lands and waters lie within areas where Indian Tribes have the reserved right to hunt, fish, gather, and pray pursuant to ratified treaties and agreements with the United States.

The Secretary's Order also directs agencies to increase opportunities for Tribes to participate in their traditional stewardship of present-day federal lands and waters and the integration of thousands of years of Indigenous knowledge and sustainability practices into federal management and operations, subject to the interest of each Tribe.

The Department, including the NPS, recognizes and values Tribes' thousands of years of traditional ecological knowledge of the lands the Department administers. Our collaboration with Tribes, through co-stewardship and the incorporation of tribal traditional ecological knowledge into federal management practices, strengthens the management of the nation's public lands. It also ensures a

continued connection between Tribes and their culturally significant and sacred sites, many of which are located within national park boundaries.

As Director of the NPS, I am committed to seeking ways to increase opportunities for co-stewardship with Tribes in the interest of all peoples of the United States and in accordance with the laws and policies governing the NPS. The NPS works cooperatively with Tribes in the stewardship of national parks. This co-stewardship takes many forms, including co-management obligations in law, collaborative and cooperative agreements, and self-governance agreements.

The NPS is implementing the Secretary's Order in a variety of ways. First, together with the Department as a whole, the NPS is reviewing its sources of authority to enter into the full range of co-stewardship agreements, inclusive of but not limited to formal co-management. The NPS is also assessing its Tribal consultation processes to ensure that parks and regional offices have the necessary support and guidance to work with Tribal Nations on these agreements and to enhance Tribal member opportunities to work in and connect to national park sites that hold significant cultural and spiritual importance, consistent with President Biden and Secretary Haaland's direction on meaningful consultation.

Park Specific Tribal Co-Management Agreements

There are currently four parks in the national park system that have co-management authority with Tribes. The four parks are Canyon de Chelly National Monument, which is located within the boundaries of the Navajo Nation in Arizona; Glacier Bay National Park and Preserve in Southeast Alaska; Grand Portage National Monument, which is located within the boundaries of the Grand Portage Indian Reservation in northern Minnesota; and Big Cypress National Preserve in Florida, which I was fortunate enough to visit a couple of weeks ago.

Canyon de Chelly National Monument is located entirely within the Navajo Reservation and the monument's enabling legislation preserves some land and mineral rights of the Navajo as well as the preferential right to provide some visitor services. An Agreement for Cooperative Management of Canyon de Chelly was negotiated and signed by the Navajo Nation President, NPS Park Superintendent, and Bureau of Indian Affairs (BIA) Regional Area Director. This process involved extensive Tribal consultation and community involvement. Development of a joint/co-management plan is anticipated to begin in FY2023 and will include determining how joint management will work. A model plan has been proposed based on the success realized at Uluru-Kata Tjuta National Park in Australia, which is operated with a board that makes major decisions. This board consists of park personnel and community members and is advised by three advisory committees, all of which include local Indigenous people.

For centuries, the Huna Tlingit harvested gull eggs at rookeries scattered throughout the recently deglaciated islands of lower Glacier Bay, now located within Glacier Bay National Park. Egg harvests not only provided a healthy spring food source, but also served as a mechanism for families to bond through intergenerational food harvests. These traditional harvests were curtailed in the 1960s when the NPS began enforcing the Migratory Bird Treaty Act and related NPS policies that prohibited egg harvest. In recent years, the NPS and the Hoonah Indian Association collaborated on a range of programs designed to encourage and reinvigorate cultural activities within the park, including the harvest of gull eggs. With the support of both the NPS and the Hoonah Indian Association, in 2014, Congress passed legislation authorizing harvest of glaucous-winged gull eggs by the Huna Tlingit in their traditional homeland of Glacier Bay National Park. Hoonah Indian Association Tribal members harvested gull eggs in Glacier Bay in 2020 and 2021 in accordance with cooperatively developed sustainable harvest plans, returning hundreds of eggs to community elders. This collaborative effort has ensured intergenerational transmission of ancestral traditions, strengthened Huna Tlingit ties to their traditional homeland, and bridged relationships between the Tribe and NPS.

Grand Portage National Monument is co-managed by the Grand Portage Band of Chippewa Indians and the NPS, as provided through the monument's enabling legislation. The NPS and Tribe have had a unique and special relationship over the last 20 years. The Tribe donated the land that became the park, which sits in the middle of its reservation. Since 1999, self-governance annual funding agreements for maintenance, interpretation, and resource management positions and projects have been negotiated between the Tribe and NPS totaling over \$27 million. In 2018, the NPS and the Grand Portage Band created the Grand Portage Conservation Crew. This youth organization now provides resource management at Grand Portage National Monument, Grand Portage Indian Reservation, and Isle Royale National Park. Examples of co-management practices and projects include preservation of

historic structures, ethnobotanical restoration, construction of a LEED platinum dormitory, archeological excavation at the Monument; wildland fire activities, timber stand improvement, and archeological surveys on the Reservation; and moose browse surveys and enclosure construction on Isle Royale. The stewardship of Grand Portage National Monument exemplifies how successful co-management can be, while infusing valuable dollars into the local Tribal economy.

The fourth park, Big Cypress National Preserve, through its enabling legislation, provides for usual and customary rights to the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, as well as right of first refusal to provide visitor services. Although the Tribes have the authority to enter into co-management with the Preserve, neither Tribe has yet expressed interest in pursuing co-management agreements and there are currently none in place.

Collaboration and Cooperative Agreements

The majority of NPS working relationships with Tribal Nations are collaborative or cooperative opportunities rather than co-management and are supported through official agreements, often with accompanying Tribal Council resolutions. The NPS has approximately 80 agreements of this type in place, and we expect that number to increase. Two examples of these widely varied agreements include the following.

The Nisqually Tribe is currently collaborating with Mount Rainier National Park to publish the report *Plants, Tribal Traditions, and the Mountain Practices and Effects of the Nisqually Tribal Plant Gathering at Mount Rainier National Park*. The report will contain the results of five years of traditional plant gathering research on three species traditionally harvested by Nisqually tribal members on Mount Rainier. It will offer summary considerations and recommendations for administering traditional plant gathering activities in a manner that minimizes impact to harvested plants and associated plant communities. The park's consultation with the Cowlitz Tribe and Yakama Nation in developing the Ohanapecohsh Visitor Center exhibits will give visitors historical and contemporary context of the traditionally associated Taidnapam. The park's consultation with the Nisqually on interpretive programs has resulted in the document *Mount Rainier Interpretive Themes and the Nisqually Tribe*, a great resource for developing interpretive programs.

Acadia National Park has been involved in a multi-year project with the Wabanaki Nations of Maine for traditional gathering of sweetgrass within the park. The interdisciplinary work focuses on Wabanaki stewardship approaches through centuries of learned traditional ecological knowledge, as well as cultural protocols to assert Indigenous sovereignty in natural and cultural resource management on ancestral lands. This research project aims to provide a template of culturally appropriate engagement between Native American gatherers and national parks. The results of the project have proven how effective incorporation of traditional ecological knowledge can be, how plant gathering has a positive impact on the plant colonies when gathered in a culturally appropriate traditional manner, and how beneficial it is to include this knowledge at the initial stages of a project.

Indian Self-Determination Education and Assistance Act (ISDEAA) Agreements

In addition to co-management and collaborative and cooperative agreements, the NPS has made a concerted effort in negotiating with Self-Governance Tribes for annual funding agreements (AFA), as authorized under the Indian Self-Determination Education and Assistance Act (ISDEAA). The ISDEAA, as amended, recognized the obligation of the United States to respond to Tribal self-determination in education and other federal services to Indian communities. Under Title IV, Tribal Self-Governance, of the ISDEAA, any non-BIA program, service, function, or activity that is administered by the Department of the Interior that is "otherwise available to Indian Tribes or Indians," can be administered by a Tribe through a self-governance funding agreement. These include programs, services, functions, and activities or portions thereof that are of "special geographic, historical or cultural significance" to a Self-Governance Tribe.

On an annual basis, the NPS works with the Office of Self Governance to publish a list in the Federal Register of potential activities and locations of national parks with close proximity to Self-Governance Tribes that may be eligible for inclusion in funding agreements for the upcoming fiscal year. Elements of programs that may be eligible for a Self-Governance AFA include resource management research and activities, planning documents, fire protection, housing construction and rehabilitation, interpretation and educational programming, maintenance functions and services, road and trail repair or rehabilitation. Federally recognized Tribes that are traditionally associated and have cultural, historical, or geographical significance to a park in the National Park System may initiate the request to enter into

negotiations for an AFA. Funds are transferred through AFAs to the Tribe to carry out the agreed upon programs, services, functions, and activities. Overall, since the NPS began entering into AFAs with Self-Governance Tribes, the Tribal communities have received an aggregate amount of over \$38 million. The following are examples of these AFAs.

In addition to the earlier mentioned co-management of Grand Portage National Monument, the National Monument entered into an AFA with the Grand Portage Chippewa Tribe for 35 total projects plus the base agreement to do all maintenance and construction work at the National Monument. This includes project work at Isle Royale National Park.

The Yurok Tribe has an AFA for three projects at Redwood National and State Parks. The Yurok Youth Trail Crew, established through the Public Land Corps program, will assist Redwood National and State Parks with performing repairs to failing and damaged trail surfaces on the Crescent Beach and Klamath sections of the California Coastal Trail. This work will bring approximately three miles of trail back to acceptable trail standards and help reduce the park's deferred maintenance and repair backlog. The crew will participate in resource stewardship education opportunities, gain exposure to various resource management operations, and receive orientation to career opportunities within the park system.

River Raisin National Battlefield Park entered into AFAs with the Wyandotte Nation for educational programming, visitor center operations, volunteer program support, maintenance, research, and to expand youth kayaking and educational programs. Additionally, the Wyandotte Nation will complete a special history study with 78 federally recognized Tribes on their connections to the battlefield and its aftermath. The study will provide valuable information which will be used in the future in development of the park's interpretive stories.

In October 2019, Valles Caldera National Preserve entered into a multi-year funding agreement with the Pueblo of Santa Clara for cyclic road maintenance on 54 miles of public and administrative use dirt roads within the preserve.

Additional Statutory Frameworks for Tribal Engagement

Some Tribes have specific kinds of authority in or related to national parks provided by statute. Nez Perce National Historical Park, in parts of Idaho, Montana, Oregon, and Washington, consists of 38 sites. The NPS owns and manages nine of those sites and the Nez Perce Tribe owns and operates the others. The park is authorized in its enabling legislation to cooperate with the Nez Perce Tribe through research and to provide interpretive services. The park partners with the Nez Perce Tribe, the Confederated Tribes of the Colville Reservation, and the Confederated Tribes of the Umatilla Indian Reservation.

In 2000, the Timbisha Shoshone Homeland Act, based on a study by the NPS identifying lands suitable for a reservation for the Tribe, transferred lands within Death Valley National Park to the Timbisha Shoshone Tribe. This law also created a "Timbisha Shoshone Natural and Cultural Preservation Area" consisting of NPS and BLM lands and included other provisions pertaining to access and Tribal cooperative management with the NPS and BLM.

Since 1964, the Miccosukee Tribe lived and governed their own affairs on the northern edge of Everglades National Park through NPS permits. In 1998, legislation was passed to replace the special use permit with a legal framework under which the Tribe could live permanently and govern their own affairs in a modern community within park boundaries.

Although the NPS has entered into a number of co-management, cooperative, collaborative, and self-governance agreements, we still have many opportunities to expand the use and scope of these agreements with interested Tribes pursuant to Secretary's Order 3403. We recently reestablished a dedicated national Office of Native American Affairs, which reports directly to me, and I am working to ensure that that office is appropriately staffed.

The National Park Service is a very special agency with a timeless mission that is symbiotic with Tribes: to protect and preserve our resources and to inspire current and future generations. I am impressed with the dedication and skill of the NPS's workforce and look forward to continuing to work with these professionals as we engage, collaborate, and enter into agreements with Tribes.

Chairman Grijalva, Ranking Member Westerman, thank you again for inviting me to testify before you today. I would be happy to answer any questions that you or other members of the Committee may have.

QUESTIONS SUBMITTED FOR THE RECORD TO DIRECTOR CHARLES F. SAMS III,
DIRECTOR, NATIONAL PARK SERVICE

Questions Submitted by Representative Grijalva

Question 1. During the hearing, Director Sams mentioned that the National Park Service (NPS) is working with DOI to examine opportunities to expand tribal co-management under existing authorities. Pending the completion of that assessment:

(1a). What additional authorities does NPS require to implement tribal co-management effectively?

Answer. One authority that could potentially improve the NPS's ability to implement tribal co-management is the cooperative management agreement authority found in 54 USC 101703. This authority allows the Secretary to enter into agreements with State and local governments to acquire goods and services in order to create a more effective and efficient delivery of service. National parks across the country have used this authority to provide a variety of services from snowplow operations to transit. H.R. 6442, which the House Natural Resources Committee has approved, would expand cooperative management agreement authority to include Tribes. The Department believes this authority could yield substantial benefits for the both the NPS and our tribal partners, which is consistent with Secretary's Order 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, and NPS Policy Memorandum 22-03, *Fulfilling the National Park Service Trust Responsibility to Indian Tribes, Alaska Natives, and Hawaiians in the Stewardship of Federal Lands and Waters*.

(1b). Is additional funding necessary to expand tribal co-management?

Answer. Congress may want to consider expanding funding streams available for the NPS to increase its engagement with Tribes in co-management opportunities.

(1c). Please provide information on the appropriate levels and accounts if additional funding is necessary.

Answer. We recognize it is the role of Congress to determine appropriate funding levels.

Question 2. Director Sams, you mentioned that NPS is expanding the use of agency funding agreements to expand tribal co-management across NPS units.

(2a). Can you provide additional details on these efforts?

Answer. The NPS's commitment to strengthening nation-to-nation relationships with Indian and Alaska Native Tribes and supporting Tribal self-governance through cooperative agreements and service contracts is reflected in Policy Memorandum 22-03, *Fulfilling the National Park Service Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*. On an annual basis, the NPS works with the Office of Self Governance to publish a list in the Federal Register of potential activities and locations of national parks with close proximity to Self-Governance Tribes that may be eligible for inclusion in annual funding agreements (AFAs) for the upcoming fiscal year. Elements of programs that may be eligible for a Self-Governance AFA include resource management research and activities, planning documents, fire protection, housing construction and rehabilitation, interpretation and educational programming, maintenance functions and services, road and trail repair or rehabilitation. Federally recognized Tribes that are traditionally associated and have cultural, historical, or geographical significance to a park in the National Park System may initiate the request to enter into negotiations for an AFA. Funds are transferred through AFAs to the Tribe to carry out the agreed upon programs, services, functions, and activities. Overall, since the NPS began entering into AFAs with Self-Governance Tribes, the tribal communities have received an aggregate amount of over \$38 million.

(2b). Are you aware of similar efforts within other Department of the Interior agencies?

Answer. Other DOI bureaus engage in similar efforts.

Question 3. Director Sams, you identified the need for additional employee education on the Indigenous history of the United States and Indigenous connections to current agency resources as an essential next step in better integrating Indigenous perspectives at NPS and expanding tribal co-management.

(3a). What efforts is the NPS making to provide staff, both at headquarters and in the field, with Indigenous culture and history education?

Answer. The NPS will, in accordance with Secretary’s Order 3403, and NPS Policy Memorandum 22-03, prioritize and make available training for all staff who may be involved in programs and decision making that may impact Indian or Alaska Native Tribes, relevant Alaska Native entities, or the Native Hawaiian Community to ensure staff have an appropriate understanding of applicable laws and policies, treaty rights, trust responsibilities, and the Federal relationships with Indian and Alaska Native Tribes and the Native Hawaiian Community. Many of the parks that have ties to Indigenous cultures are increasing their training in Indigenous culture and history in order to help ensure the protection of resources associated with those cultures and to appropriately interpret the culture and history for park visitors.

(3b). Is the agency working with other Federal agencies or non-Federal organizations to plan or provide this training?

Answer. The NPS encourages continuous learning and skills development for staff with ongoing and sustained Federal-Tribal/Alaska Native/Native Hawaiian responsibilities and supports formal and informal networks of subject matter experts. The NPS encourages and supports joint training opportunities with Indian and Alaska Native Tribes, the Native Hawaiian Community, and other Indigenous or traditionally associated peoples to promote shared understanding, build working relationships, and develop best practices for communication and collaboration at local, regional, and national levels.

Question 4. Director Sams, you mentioned that NPS supported the work of tribal youth corps programs.

(4a). Can you share the current state of the Indian Youth Service Corps program (as outlined under P.L. 116-9)?

Answer. The NPS Youth Partnership Program service-wide funding source (about \$11.5 million annually) supports youth engagement and development, including various Indian youth employment, education and outdoor recreation projects, across the National Park System. The NPS received a funding increase of \$700,000 in fiscal year 2020 to develop and invest in Indian Youth Service Corps programs. This funding was in addition to funds that were already dedicated to natural and cultural resource conservation projects involving Native American youth and young adults through service and conservation corps organizations.

Fiscal Year 2022 national funding allocation for Indian Youth Service Corps (IYSC)

Total IYSC Allotment	FY22: \$700,000	Number of Participants	Allocation of Funds
Traditional Trades Apprenticeship Program (TTAP)	TTAP is recruiting IYSC interns for Bandelier NM, Casa Grande Ruins NM, Haleakala NP, Southern Four Corners Group of parks, and Zion NP.	11	\$250,000
Indian Affairs Outreach Internship Program	Funding will support 2 to 3 long-term interns working in support projects led by the NPS Native American Affairs Liaison.	3	\$120,000
Capacity Building Service Corps Programs	Native crew members and interns will be helping to preserve and maintain the natural and cultural resources of Navajo NM and Canyon de Chelly NM for 2 to 3 months. The program participants will be recruited from the local Navajo communities.	16	\$250,000

Fiscal Year 2022 national funding allocation for Indian Youth Service Corps (IYSC)—Continued

Total IYSC Allotment	FY22: \$700,000	Number of Participants	Allocation of Funds
Alaska Native Internship Program	Funding will support the continued work at the Ahtna Cultural Center (Wrangell-St Elias NP & Pres) for educational and community outreach with a focus on shared tradition, science and shared stewardship goals.		\$80,000

(4b). *How many individuals are working under these authorities?*

Answer. See chart above.

(4c). *In what NPS units?*

Answer. See chart above.

(4d). *Are there plans to expand these programs to other NPS sites?*

Answer. Yes, as additional funding is available.

Question 5. In his testimony, one of our other witnesses, Dean Washburn, noted that providing contract support costs, engaging in consultation regarding tribal co-management opportunities, and incentivizing land managers to support co-management would be key steps toward expanding tribal co-management.

(5a). *Would any of these suggestions require legislative authority?*

Answer. The NPS is examining its existing authorities in these areas. We look forward to continued discussions with the Committee about future opportunities and potential changes.

(5b). *Is NPS considering undertaking any of these efforts? If so, please provide additional details.*

Answer. The NPS is open to exploring multiple pathways to increase engagement with Tribes.

(5c). *How can Congress support these efforts?*

Answer. We appreciate the support of the Committee and look forward to continuing conversations regarding tribal engagement and co-stewardship.

(5d). *Are you aware of efforts at other Federal agencies to act on these items?*

Answer. We defer to these other federal agencies to speak on these issues.

(5e). *Can you provide a cost estimate for these efforts if they were implemented?*

Answer. Further details would be needed to develop cost estimates.

The CHAIRMAN. Thank you, Director Sams. It is much appreciated. Let me now turn to the Honorable Carleton Bowekaty, Lieutenant Governor of the Pueblo of Zuni and Co-Chair of the Bears Ears Inter-Tribal Coalition.

Lieutenant Governor, you are welcome, and you are invited to share your testimony. You are recognized.

STATEMENT OF THE HON. CARLETON BOWEKATY, LIEUTENANT GOVERNOR, PUEBLO OF ZUNI; CO-CHAIR, BEARS EARS INTER-TRIBAL COALITION, ZUNI, NEW MEXICO

Mr. BOWEKATY. [Speaking Native language.] Chairman Grijalva, Ranking Member Westerman, and respected members of the Committee, I am Carleton Bowekaty, Lieutenant Governor of the Pueblos of the Zuni Tribe, and the Co-Chair of the Bears Ears Inter-Tribal Coalition. On behalf of the people of the Zuni Tribe, with support from the Coalition—namely, the Hopi Tribe, Ute

Mountain Ute Tribe, Navajo Nation, and Ute Indian Tribe—I want to thank you for inviting me to speak on the topic of tribal co-management this morning.

To begin, I would like to respectfully ask the Committee to contemplate how far the arch of Indian relations has been from the inhumane policies of Indian removal, bounties for Indian scalps, and the painful legacies of boarding schools and criminalization of our language and culture from more recent policies that really began with the Nixon administration.

The arch is now bending in a direction that is very different. Now, remarkably, presidents and Members of Congress, like you, are acknowledging that our centuries of experience living and perpetuating the environment around us, developing what some people call traditional ecological knowledge, is an important resource, not something to be ignored, but instead to incorporate in a collaborative effort to care for our public lands.

Our present-day lands are comprised of approximately 600,000 acres in Western New Mexico and Eastern Arizona. However, our aboriginal lands, as well as those of our 18 sister pueblos in New Mexico and the 5 tribes that comprise our coalition, include the lands that comprise the Bears Ears National Monument. The lands within Bears Ears are part of our history and culture, and even today they play an integral role in our traditions and religious ceremonies. It, along with the neighboring Grand Staircase-Escalante to the east and Mesa Verde to the west, is part of the Colorado Plateau, the region where our Zuni ancestors lived before migrating southward into present-day New Mexico.

Zuni has been actively involved in the Bears Ears Inter-Tribal Coalition since its inception. It is a unique coalition, one that has remained focused on our mutual interest in ensuring that the unique cultural and natural resources found on these ancestral tribal lands are protected and preserved. Zuni recognizes that while the Bears Ears lands, though once controlled and used exclusively by the tribes in the Southwest, are now Federal lands owned by all Americans, however the unique historical and cultural ties that Southwestern tribes have to Bears Ears must also be recognized and given meaningful voice.

Today, instead of being removed from a landscape to make way for a public park, we are being invited back to our ancestral homelands to help prepare them and plan for the resilient future. We are being asked to apply our traditional knowledge to both the natural and human-caused ecological challenges, drought, erosion, visitation, et cetera, that are growing. What could be a better avenue of restorative justice than giving tribes the opportunity to participate in the management of lands their ancestors were removed from?

Tribal co-management of our nation's public lands also offers our youth the opportunity to learn about public land management. Tribal co-management provides us the means to fulfill our obligations to land, our ancestors, and to our children and grandchildren.

With specific regard to Bears Ears, Zuni, along with the other four tribes that comprise the Bears Ears Commission, are eager to work with the Bureau of Land Management and Forest Service to create a management plan for the Monument that we will hope will

ensure that its unique landscape and cultural resources can be seen and experienced.

I believe that collaborative problem-solving and candid but respectful exchanges of perspective will be crucial to co-management. We realize that the Bureau of Land Management and the U.S. Forest Service have developed their own policies and approaches to land and resource management, generally reflecting the Western point of view. As a coalition, we are developing and finalizing a land management plan that is based on and reflects upon our collective traditional ecological knowledge. We hope that this tribally led combined land management plan will be given careful consideration by the Federal land management agencies and will be incorporated into the Bears Ears Monument management plan and general planning process.

We also hope that the Federal Government will provide us with the financial resources to carry on our work as co-managers. As Dean Washburn recently noted in his University of Iowa article, through mechanisms like 638 contracts and cooperative agreements, Federal agencies can facilitate meaningful tribal participation in the management of public lands.

We are enormously grateful to President Biden for restoring the boundaries of the Bears Ears National Monument, and it is time we begin the hard work of managing Bears Ears and doing so in a manner that we can all be proud of.

[Speaking Native language.] Elahkwa for your time today. I am here because our people care enormously about the Bears Ears National Monument and stand united with the Bears Ears Coalition—the Hopi Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Ute Indian Tribe. We, along with our sister pueblos in New Mexico and tribes throughout the country, express our appreciation for this dialogue and thank you for bringing this important topic up for discussion. Thank you.

[The prepared statement of Mr. Bowekaty follows:]

PREPARED STATEMENT OF THE HON. CARLETON R. BOWEKATY ON BEHALF OF THE
ZUNI TRIBE

Chairman Grijalva, Ranking Member Westerman, and respected members of the Committee, I am Carleton Bowekaty, the Lieutenant Governor of the Zuni Tribe and the co-chair of the Bears Ears Intertribal Coalition. On behalf of the people of the Zuni Tribe, with support from the Coalition, namely, the Hopi Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Ute Indian Tribe, I want to thank you for inviting me to speak on the topic of tribal co-management this morning.

To begin, I would like to respectfully ask the Committee to contemplate how far the arch of Indian relations has bent that while the most enduring policies of Indian removal, bounties for Indian scalps and the painful legacies of boarding schools and criminalization of our language and culture, this arch is now bending in the direction that is very different. Now, remarkably, Presidents and Members of Congress, like you, are acknowledging that our millennia-long experience living and perpetuating the environment around us, what some people call “Traditional Ecological Knowledge”, is an important resource, no longer something to erase or subjugate, in the combined effort to take care of our shared home.

THE BEARS EARS INTER-TRIBAL COALITION AND THE BEARS EARS NATIONAL MONUMENT

For contextual purposes, the Zuni Tribe has almost 13,000 members, the vast majority of which live on tribal lands in far western New Mexico. Our reservation contains 600,000 acres. However, our aboriginal lands, as well as those of our 18 sister Pueblos in New Mexico and the 5 tribes that comprise our Coalition, include the lands that comprise the Bears Ears National Monument. The lands within

Bears Ears are part of our history and culture, and even today they play an integral role in our traditions and religious ceremonies. It, along with neighboring Grand Staircase Escalante to the east and Mesa Verde to the west, is part of the Colorado Plateau, the region where our Zuni ancestors lived before migrating southward into present-day New Mexico.

Zuni has been actively involved in the Bears Ears Inter-Tribal Coalition since its inception. It is a unique Coalition, one that has remained focused on our mutual interest in ensuring that the remarkable cultural and natural resources found on these ancestral tribal lands are protected and preserved. Zuni recognizes that while the Bears Ears lands, though once controlled and used exclusively by tribes in the southwest, are now federal lands, owned by all Americans. However, the unique historical and cultural ties that southwestern tribes have to Bears Ears must also be recognized and given meaningful voice.

THE BEARS EARS COMMISSION AND TRIBAL CO-MANAGEMENT

Today, instead of being removed from a landscape to make way for a public park we are being invited back to our ancestral homelands to help repair them and plan for their resilient future. Instead of continuing with a policy to erase our language and way of life, we are being asked to apply our traditional knowledge to the ecological challenges (drought, extinction, erosion, etc.) that are daily becoming more prominent and unavoidable. For progressives that like to talk about “restorative justice” what could be more restorative than giving tribes the opportunity to participate in the management of lands their ancestors were removed from.

For conservatives that espouse self-determination and have consistently supported legislation providing tribes the tools to be self-reliant, creating a career path for our youth to become public land managers would establish another pillar in our government’s economically self-sufficient structure. For the Zuni People, tribal co-management gives us the means to fulfill our obligations to the land, to our ancestors, and to our children and grandchildren.

In the context of Bears Ears, a place we all agree, regardless of political affiliation, is stunningly beautiful with diverse terrain and a variety of complex management challenges, from intentional acts of vandalism to the exponential growth in tourism, Zuni along with the other four tribes that comprise the Bears Ears Commission are eager to co-create a Management Plan for the Bears Ears National Monument that will create a more durable landscape that can be enjoyed by everyone for centuries to come.

What is crucial to the success of tribal co-management and I hope to impress upon you, is that this is a brand new arrangement, together, the federal agencies and tribes, are still forging the path to tribal co-management and it will be important to problem solve together, respond to challenges creatively and fine tune the mechanism so that it can function efficiently and mutually support the objectives of each of the co-managers. The Bureau of Land Management and the US Forest Service have many policies and resources for land and resource management from a western point of view. As a Coalition we are developing and finalizing a combined land management plan that is based on, and reflects upon, our collective “Traditional Ecological Knowledge.” This tribally-led combined land management plan will be utilized by the Bears Ears Commission for incorporation into the Bears Ears Monument Management Plan and planning process.

One of the aspects we are looking for creative solutions to is financing our work as co-managers. Through mechanisms like 638 contracts and cooperative agreements with the agencies of jurisdiction, we want to increase our tribe’s capacity to do the work and be good partners to the land management agencies, which, in the case of Bears Ears, are the Bureau of Land Management and the United States Forest Service.

CONCLUSION

While we are grateful to President Biden for restoring the boundaries of the Bears Ears National Monument, it is now that the hardest work, making tribal co-management function and addressing the management challenges on the landscape, it is only now that the work can finally begin.

Elahkwa for your time today, I am here because our people care enormously about the Bears Ears National Monument and stand united with the Bears Ears Coalition—the Hopi Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Ute Indian Tribe. We, along with our sister Pueblos in New Mexico and tribes throughout our country, express our appreciation for this dialogue and thank you for bringing this important topic up for discussion.

The CHAIRMAN. Thank you, Lieutenant Governor. Let me now recognize Chairman Melvin Baker of the Southern Ute Tribal Council.

Chairman Baker, you are welcome and invited to share your testimony, sir. You are recognized.

**STATEMENT OF MELVIN J. BAKER, CHAIRMAN, SOUTHERN
UTE TRIBAL COUNCIL, IGNACIO, COLORADO**

Mr. BAKER. Good morning. Thank you, everyone. Thank you for allowing me to do this testimony. Good morning, Chairman Grijalva, Ranking Member Westerman, and members of the Committee. My name is Melvin J. Baker. I am the elected Chairman of the Southern Ute Indian Tribal Council, the governing body of the Southern Ute Indian Tribe. Thank you for the invitation to speak to you today regarding tribal participation in the management of areas of cultural significance and the opportunity to acquire public lands that may benefit tribes.

The Southern Ute Indian Tribe has extensive experience working with our Federal and state partners in the maintenance and management of lands in which we have a mutual interest. We believe that experience will benefit the Committee.

By way of background, the Southern Ute Indian Reservation consists of approximately 700,000 acres of land located in Southwestern Colorado. Approximately 311,000 surface acres of that land is held in trust by the Federal Government to benefit the tribe. The reservation is checkerboarded with Federal and state governments, as well as private landowners holding interests in reservation land. The tribe, with just under 1,500 members, is a leader in Indian Country, with a demonstrated and sterling record of foresight and business acumen. The tribe is the only Indian tribe in the nation with the AAA credit rating, which was earned through years of steady governance and successful and prudent business transactions.

However, like many reservations today, the Southern Ute Indian Reservation was once much larger. The Utes were forced off their original treaty-protected lands to their present reservation.

In 1874, Congress approved an agreement between the United States and the Ute Indians in Colorado, then known as the Brunot Agreements of September 13, 1873. Pursuant to the Brunot Agreement, the Utes were forced to cede certain lands to the United States but reserved a right to hunt, fish, and gather on that land. This land, which consists of 3.7 million acres on which this present-day Southern Ute and Ute Mountain Tribes reserved their rights, has come to be known as the Brunot Area.

While these off-reservation rights were protected by Federal treaty, history shows that Federal Government often did not honor those rights. Today, over 27 percent of the lands over which the tribes could exercise their reserved rights have, in effect, been lost. Many of those lands currently are under the control of the Federal and state agencies, municipalities, and private landowners.

Yet, even today, almost 150 years after the Brunot Agreement, and despite the Supreme Court's continuing recognition of the enforceability of tribal treaties, the Southern Ute Indian Tribe faces a constant battle to protect its treaty-protected lands. We

frequently encounter proposed land swaps, where the Federal Government considers exchanging federally owned land for land held by private landowners or state or municipal governments. At times, the land the Federal Government wants to transfer is within the Brunot Area and the tribe must intervene to protect its treaty rights, an expensive and time-consuming endeavor.

The Southern Ute Indian Tribe is well known and respected for its expertise in exercising its self-determination in managing its natural resources, including its energy interests. However, it also has a long history of coordinating with the Federal, state, and local governments in the management of the land and cultural resources in which governmental interests may overlap. This is particularly essential in a checkerboarded reservation like the Southern Utes, where the governmental interests must co-exist.

A prime example is that, in September 2008, the Southern Ute Indian Tribe executed a memorandum of understanding with the state of Colorado so that they could cooperatively manage the wildlife resources in the Brunot Area. Under that memorandum, the tribe and the state agreed to develop, adopt, and enforce basic regulations, including opening and closure dates by species, designated hunting area units, bag and possession limits, firearms requirements, and other general requirements deemed necessary for the management and harvest of game species. Moreover, it identified how civil and criminal jurisdiction over violations is allocated. This memorandum ensures, on a cooperative basis, how wildlife resources are preserved and protected for both tribal and non-tribal purposes.

Similarly, the Southern Ute Indian Tribe has been designated for treatment as a state status by the EPA with respect to regulation of air quality on the reservation. In order to receive that designation, an intergovernmental agreement was entered into by the tribe and the state for the cooperative development of air quality standards, rules and regulations on the reservation, once again with an allocation for civil criminal jurisdiction based on that government-to-government relationship.

The key aspects to the effectiveness of those agreements is placing tribes on an equal footing with other governmental interests in the ownership and management of these lands and cultural resources. The Department of the Interior has emphasized that the tribes must be participants in the management of their resources. We agree with this position. It is essential that the tribes not only have a voice in the management of their cultural resources on Federal lands, but actually have an opportunity to administer them on the Southern Ute land.

We thank you for the testimony we are allowed to give today. If you have any questions, we would be more than welcome to try to answer those.

And also, for all of you, if you are ever in our area, please stop by and visit our land. My background is—I used to be a former firefighter, so I understand a lot of this testimony, the land, the resources, and what we could do better to make our own tribal lands better working in cooperating with our local agencies, BIA, the forestry. I mean, working together, we can accomplish a lot. Thank you.

[The prepared statement of Mr. Baker follows:]

PREPARED STATEMENT OF THE HON. MELVIN J. BAKER, CHAIRMAN SOUTHERN UTE
INDIAN TRIBE

Chairman Grijalva, Ranking Member Westerman and members of the Committee. My name is Melvin J. Baker. I am the elected Chairman of the Southern Ute Indian Tribal Council, the governing body of the Southern Ute Indian Tribe.

Thank you for the invitation to speak to you today regarding Tribal participation in the management of areas of cultural significance and the opportunity to acquire public lands that may benefit Tribes. The Southern Ute Indian Tribe has extensive experience working with our federal and state partners in the maintenance and management of lands in which we have a mutual interest. We believe that experience will benefit the Committee.

By way of background, the Southern Ute Indian Reservation consists of approximately 700,000 acres of land located in southwestern Colorado. Approximately 311,000 surface acres of that land is held in trust by the Federal Government for the benefit of the Tribe. The Reservation is checkerboarded with federal and state governments, as well as private landowners, holding interests in Reservation land. The Tribe, with just under 1,500 members, is a leader in Indian Country with a demonstrated and sterling record of foresight and business acumen. The Tribe is the only Indian Tribe in the Nation with a AAA+ credit rating, which was earned through years of steady governance and successful and prudent business transactions.

However, like many Reservations today, the Southern Ute Indian Reservation was once much larger. The Utes were forced off their original Treaty protected lands to their present Reservation.

In 1874, Congress approved an agreement between the United States and the Ute Indians in Colorado, known as the Brunot Agreement of September 13, 1873.¹ Pursuant to the Brunot Agreement, the Utes were forced to cede certain lands to the United States but reserved a right to hunt, fish and gather on that land. This land, which consists of 3.7 million acres on which the present day Southern Ute and the Ute Mountain Ute Tribes reserved their rights, has come to be known as the Brunot Area.

While these off-Reservation rights were protected by federal Treaty, history shows that the Federal Government often did not honor those rights. Today, over 27% of the lands over which the Tribes could exercise their reserved rights have, in effect, been lost. Many of those lands currently are under the control of federal and state agencies, municipalities, and private landowners.

Yet even today, almost 150 years after the Brunot Agreement and despite the Supreme Court's continuing recognition of the enforceability of Tribal Treaties, the Southern Ute Indian Tribe faces a constant battle to protect its Treaty protected lands. We frequently encounter proposed land swaps, where the Federal Government considers exchanging federally-owned land for land held by private landowners or state or municipal governments. At times, the land the Federal Government wants to transfer is within the Brunot Area and the Tribe must intervene to protect its Treaty rights, an expensive and time-consuming endeavor.

The Southern Ute Indian Tribe is well known and respected for its expertise in exercising its self-determination in managing its natural resources, including its energy interests. However, it also has a long history of coordinating with federal, state and local governments in the management of land and cultural resources in which governmental interests may overlap. This is particularly essential in a checkerboarded Reservation like Southern Ute where such governmental interests must co-exist.

A prime example is that in September 2008, the Southern Ute Indian Tribe executed a memorandum of understanding with the State of Colorado so that they could cooperatively manage the wildlife resources in the Brunot Area. Under that Memorandum, the Tribe and the State agreed to develop, adopt, and enforce basic regulations including opening and closure dates by species, designated hunting units, bag and possession limits, firearms requirements, and other general requirements deemed necessary for the management and harvest of game species. Moreover, it identified how civil and criminal jurisdiction over violations is allocated. This Memorandum ensures, on a cooperative basis, how wildlife resources are preserved and protected for both tribal and non-tribal purposes.

Similarly, the Southern Ute Tribe has been designated for Treatment as a State status by the EPA with respect to regulation of air quality on the Reservation. In

¹ Act of April 29, 1874, ch. 136, 18 Stat. 36 (1874).

order to receive that designation, an intergovernmental agreement was entered into by the Tribe and the State for the cooperative development of air quality standards, rules and regulations on the Reservation, once again with an allocation for civil and criminal jurisdiction based on that government-to-government relationship.

The key with respect to the effectiveness of these Agreements is placing Tribes on an equal footing with other governmental interests in the ownership and management of these lands and cultural resources. The Department of Interior has emphasized that Tribes must be participants in the management of their resources. We agree with this position. It is essential that Tribes have not only a voice in the management of their cultural resources on federal lands but actually have an opportunity to administer them. On the Southern Ute Indian Reservation is the Chimney Rock National Monument, currently managed by the U.S. Forest Service. This is a site of cultural importance to the Tribe and there is no reason why it should not be under Tribal administration. Likewise, when federal lands are sold, Tribal interests should be considered. This is particularly important to a Tribe like Southern Ute where the acquisition of land adjacent to the and the protection of its cultural resources.

Once again, we appreciate the opportunity to comment on the importance of Tribal participation in these land management decisions and look forward to any questions from the Committee.

The CHAIRMAN. Thank you, Mr. Chairman. Your testimony is appreciated. And I want to thank all the witnesses for their valuable testimony.

I am reminding Members that our Committee Rules impose a 5-minute limit on questions. The Chair will recognize Members for any questions they may wish to ask these witnesses. Let me start by recognizing myself for 5 minutes.

Director Sams, I mentioned earlier this is one of the first times we have discussed tribal co-management in Congress. With that said, what legislative authorities can Congress use to assist and facilitate tribal co-management relationships going forward?

And what current funding streams are available at the Department of the Interior to support initiatives around tribal co-management opportunities?

Director?

Mr. SAMS. Thank you, Mr. Chairman. Executive Order 13175 really provides us the consultation and coordination with Indian tribes and being able to co-manage these lands.

Congress, under NPS cooperative management agreement authority found under 54 U.S.C. 101703, grants the Secretary the authority to enter into agreements with state and local governments to acquire goods and services in order to create a more effective and efficient delivery service. National parks across the country have used this authority to enter into agreements to provide a variety of services, from snowplow operations to transit. An expanded cooperative management agreement authority to include tribes could yield substantial benefits for both the National Park Service and our tribal partners.

As far as funding streams, on the Federal side, traditional NPS funding sources are available to engage with tribes on co-management opportunities and self-governance and annual funding agreements. State tribal local planning grants are available for the tribes through the Historic Preservation Fund, which supports the work of THPOs through competitive and non-competitive grant programs. There are currently 203 THPOs. The Fiscal Year 2022

budget has requested an additional \$10 billion to fund these offices through non-competitive grants.

The Tribal Heritage Grants are competitive and available to federally recognized tribes, Alaska Natives, and Native Hawaiian organizations. These grants have been used for such things as protection of Indigenous language, oral histories, plant and animal species that are important to tradition, and to sacred and historic places.

The CHAIRMAN. Thank you very much.

Mr. SAMS. Thank you.

The CHAIRMAN. Lieutenant Governor, I have some questions, but let me ask you—during the times that we are in right now, Lieutenant Governor, and you caught a hint of the debate, it is less in terms of the debate that is going to happen around energy policy, and particularly being driven by what is going on in that horrible aggression by Putin and Ukraine and the consequences to those people. And all that now creates a situation where the value is the extraction, that becomes the primary value.

Let me ask you about that. When we talk about the struggle, when we talk about cultural, sacred sites, cultural preservation, and the topic today relative to the issue of co-management and the role of defining that trust responsibility even sharper for the Federal Government, talk about value, if you don't mind. I mean, the value that we see that is going to be promoted, the resource is the extraction, is what we can get out of it, versus some of the discussions, even around Bears Ears and other struggles, have been around the issue of preservation, sacred sites, cultural resources.

If you don't mind, Lieutenant Governor, talking a little bit about value.

Mr. BOWEKATY. Chairman, thank you for that question. And I guess we are speaking to renewable energy versus extractive industries.

Speaking with our cultural leaders, we are supportive of those renewable energies, and we understand in a modern world, our foreign interest in this energy policy—my reflection of that, I am a veteran of the Iraqi wars, did three deployments to Iraq, and looking at it, what is our investment return on that situation? If we committed those resources and that time and effort into securing some of these agreements, where is that reflection now?

When I look back on that intensive effort, and seeing the impact it had to the Iraqi landscape, I come back to my own reservation and see some of those same policies affecting that. When we see drought throughout the—and right now, we don't even know if it is called a mega-drought. We have to find a new definition for what is occurring in the Southwest here.

The CHAIRMAN. Yes.

Mr. BOWEKATY. When we look at the Colorado River at historic lows, how is that going to affect the entire landscape throughout the Southwest, when many of those people envisioned that there would be snowpacks or no climate change?

So, when we look at the reflection of conservation and protection of water, those are the things that we are trying to protect.

The CHAIRMAN. Thank you very much, and I yield back.

Ranking Member Westerman, sir, you are recognized for your questions, comments.

Mr. WESTERMAN. I thank the Chairman and thank you to the witnesses.

Chairman Baker, tribes like the Southern Utes have proven to be excellent stewards of natural resources. As we think about the unprecedented spikes in energy costs due to the Russian invasion of Ukraine—and we know that there are massive reserves of untapped energy on tribal lands—do you think that we should be trying to get more oil and gas from hostile nations like Iran or Venezuela, or from tribes like your own?

Mr. BAKER. Well, I believe that if the tribes have it within their reservation homelands, it is definitely an opportunity.

We are very advanced in the oil and gas, but of course we do cater to Mother Nature, the land, all that, and we have to do things respectfully. Some of our rules and regulations surpass even the Federal Government's rules and regulations.

So, I think, working together—and we always have other Native tribes that come and visit with us for a one-on-one, and how do you do this with new technology like horizontal drilling. It really changes the footprint of you don't see lands that are totally destroyed. It is all underground, horizontal drilling, and there is a lot of new technology we continue to work.

But we do support domestic production in Indian Country. I mean, if we have the resources, we should, and I think it could really benefit some of the tribes that are not doing that.

But again, we have the expertise to even work with tribes, and that is why they come and talk with us. So, we are always willing to meet with them, or anyone that wants to come out and see what we have put together.

Mr. WESTERMAN. Thank you, Chairman.

And you know we are all concerned about being good stewards of the environment. As you mentioned, you all are good stewards of your resources. And we know that the natural gas that we produce here in the United States is 40 percent cleaner than the gas that Putin produces.

If folks are really concerned about the environment, do you think that cutting off production on Federal lands so that we can source more energy from hostile nations is the right move, or should we be using the energy that you produce?

And could you talk about some of the hurdles that you face and the environmental sideboards that go into producing energy on tribal lands?

Mr. BAKER. I definitely would not support utilizing, as you said, hostile or other countries' oil when we can do it right here in our own country, using more advanced, economical, as well as protecting the land.

Again, we are at a good point, where we are at, but we can do better. We all can do better. But a lot of times it is all about the Federal funding, what it costs to do that. And I think here in the United States, working together, sharing that technology, cleaner energy, everything that goes with it, it definitely can be done. And I support, if we could move forward in that direction, working with

anyone who wants to work with us. But as I mentioned, a lot of times it is all about the funding.

Mr. WESTERMAN. Thank you, Mr. Chairman. I know that tribes had to lobby for an exemption from the Biden administration's ban on U.S. oil and gas leasing, and fortunately, you were successful in that. How devastating would it have been for your tribe had you had oil and gas production banned?

Mr. BAKER. Honestly, I don't think we would be where we are at today. When it started in the early 1980s, and our leadership that took on those tasks, and where we are today, we are a major player in that. But again, if we did not go that route, we would not be where we are today, and continuing to be helping our membership, helping our reservation, helping others with what we can. But again, we always could use assistance doing what we need to do and helping everybody else, helping our neighbors, as well.

We have a resource development that allows us to provide education and health care for our membership. There are some things that we pay for ourselves that we can help, and that is because of what we have done. If we wouldn't have done it, we wouldn't be where we are today. And again, our forefathers built that foundation. It is up to us today to continue and do even better and still keeping clean energy in mind for the future.

Mr. WESTERMAN. Thank you, Chairman. If we are going to ban Russian energy, I would hope that we would produce more from tribal lands and from our Federal lands and do it in a clean and sustainable way.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you. Let me turn to Representative Huffman. Mr. Chairman, you are recognized.

Mr. HUFFMAN. Thank you, Mr. Chairman. And, boy, the false choices are flying from our Republican colleagues this morning.

Do we respond to Putin by cutting dirty oil deals with Iran and Venezuela, or do we develop oil and gas on tribal lands? Our gas is cleaner than Putin's gas.

I mean, our Republican colleagues just keep inviting us to pick our favorite Menendez brother or pick the prettiest horse at the glue factory. These are false choices, folks.

There is a third way. We will keep saying it, and I hope maybe it gets through, but it is called clean energy. It changes the whole paradigm. And in a decarbonized world, you don't have to pick the prettiest horse at the glue factory. You can actually have clean energy, which makes thugs like Vladimir Putin powerless and poor. And pretty soon it will make Russia look for a new leader.

But today's hearing is about an important subject, Mr. Chairman. I am glad that you are focusing us on tribal co-management with our public lands. It is a big deal in my district. Indigenous culture is very important. I have dozens of federally recognized tribes—in fact, more than any other Congressional District in the Lower 48—and Indigenous people, we know, have lived on these lands since time immemorial. They have incredible ecological knowledge and insights.

This is not just something we say, it is actually proven by the science. In May 2019, the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services released a

landmark report about the decline of nature globally and the rise of extinctions. And this report found that three-quarters of the terrestrial environment and about two-thirds of the marine environment have been significantly altered by human activities. But on average, these trends have been less severe or even avoided in areas managed by Indigenous people. So, this is data that should not be ignored.

The Biden administration has taken some good steps, recognizing this important link by creating an Interagency Working Group on Indigenous Traditional Ecological Knowledge. The Administration's America the Beautiful initiative outlines how we can achieve conservation of 30 percent of lands and waters by 2030, and that includes not just public and private lands, but also tribal lands and waters. So, I appreciate all that.

And as Chairman of the Water, Oceans, and Wildlife Subcommittee, I am especially interested in how this can help coastal communities thrive.

I want to start with Ms. DeCoteau. Thank you for your important work conserving salmon. I understand that this is not only a subsistence resource for you, but also cultural. And as you have discussed, tribal governments have very unique ecological insights. Can you speak to some of the challenges tribal governments experience under the current consultation system?

[Pause.]

Mr. HUFFMAN. Oh, I am sorry. I got ahead of myself, and I was asking the second panel. So, I am going to go to Director Sams, and I want to ask the Director about the National Park Service's efforts to dedicate a national office of Native American affairs, and how this will help with opportunities to expand co-management and collaboration.

I appreciate the reference to Redwood National Park, which, interestingly, is co-managed between Federal and state governments. What can we do to do more with our tribal partners?

Mr. SAMS. Thank you, Congressman. Yes, we re-established the tribal office within my office. Dorothy FireCloud, who is the Associate Director for that, reports directly to me, and she is building out her staff. And plus, we are ensuring that we have tribal liaisons within each of our regions, so that we will have somebody who can help in that direct tribe government-to-government relationship and consultation, to ensure that we are not dropping anything as we go along.

It is very exciting to have this re-established. Before I came to the National Park Service, I worked, of course, in conservation for nearly 30 years, and I have done a number of projects in cooperation with the National Park Service. Sometimes, there were tribal liaisons and sometimes there weren't. But when there were tribal liaisons, it really did help bridge any gaps. It was an opportunity for the Federal Government to not only meet its trust responsibilities, but to form long-term relationships that were transformational and less transactional.

So, I am very happy that we have re-established that here at NPS, and Dorothy and her team will be working very closely across the United States with a whole host of tribes and NPS staff to

ensure our government-to-government responsibilities are being met.

Mr. HUFFMAN. I appreciate it. Thanks for your good work there, and I will circle back with my other question when we get to the other panel.

Thanks, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you. The gentleman yields. Let me recognize Mr. Fulcher. Sir, you are recognized.

Mr. FULCHER. Thank you, Mr. Chairman, and thank you to my friend, Mr. Huffman, and his desire to move toward carbon free energy. I will share that with my grandkids as an explanation of why they no longer live in a free and independent America. But in the meantime, I have a question for Mr. Baker.

The tribes hold about 3 percent of the known oil and gas reserves in the United States. Mr. Baker, in your view, what is the proper role of the tribes in managing that, in regard to the harvesting of oil and gas?

Mr. BAKER. I think, first and foremost, it is self-determination. Again, this goes way back in history, from our past ancestors, of how we got there, when we had others that were doing all the drilling and everything on our reservation lands.

And in the 1980s, the former Chairman Burch had moved that into where we started taking over our own, and we were in control of our own destiny.

Mr. FULCHER. So, do you think that it is proper to exercise the harvesting of more oil and gas on those lands?

Mr. BAKER. If there is opportunity, I believe so. Because, again, we keep talking about we don't want someone else's oil when we can produce it here in our own country, that we can do cleaner energy. So, I believe, yes, it is very viable.

But, again, maintaining the clean footprint of—we have to do a better job. Things have gotten better. And it is up to each tribe how they move forward, each and every tribe.

Mr. FULCHER. OK, thank you, Mr. Baker. You had also touched on the layout of some of these lands and the checkerboard nature of that. How does that checkerboarding of Federal, state, tribal, and private ownership land, how does that impact the tribe's use of that land?

Mr. BAKER. The Southern Ute Indian Reservation was once 56 million acres, covering the western half of Colorado. But after precious metals were discovered in the mountains, our reservation was substantially diminished. The tribe now does its best to preserve and protect the close to 700,000 acres within the reservation boundaries. After the Homestead Act of 1862, our reservation was reduced once again and led the tribe's necessary work to collaboratively work with local jurisdictions in its effort to preserve and protect its resources.

So, we work pretty well hand in hand. At times we do have a few hurdles, but we always seem to work through it, whether it is the state, the Federal, the BLM, whoever, we are always at the forefront of wanting to do the right thing for our country and our reservation, first and foremost.

Mr. FULCHER. Thank you for that, Mr. Baker.

I would like to shift over, if I may, to Director Sams. First of all, congratulations to you in your role with the National Park Service, Mr. Sams.

If the National Park Service were to move forward with tribal co-management on one or more of our national parks—I know you touched on that—which ones would you propose as potential candidates?

Are there any specific units that could serve maybe as a pilot project for a co-management, or possible co-management project?

Mr. SAMS. Thank you, Congressman. There are a number of parks. Many of the lands that the National Park Service has, particularly out West, are lands that were ceded to the U.S. Government through treaty, whether that was treaties of war or peace. But many times, the tribes were able to reserve their rights to hunt, fish, and gather in those spaces. And they already do a lot of co-management, along with the states and the Federal Government on flora and fauna.

So, I think expanding some of those opportunities, there are great opportunities at Yosemite, there are great opportunities at Glacier, great opportunities at Yellowstone. And, of course, as we talked about, in Acadia, where we are doing sweetgrass.

There is a great opportunity here to be able to bring not only that traditional ecological knowledge, but the reciprocity that tribes demonstrate when they are doing restoration and co-management of these different flora and fauna because, ultimately, it is for the entire American people. Our idea is to bring these species back, not to just a survival rate, but to a thriving rate, so that all people will be able to enjoy them for future generations.

Mr. FULCHER. Great. Mr. Sams, thank you.

Mr. Chairman, I yield back.

The CHAIRMAN. Thank you. The gentleman yields. Let me turn to my esteemed colleague from Arizona.

Representative Gallego, you are recognized.

Mr. GALLEGO. Thank you, Mr. Chairman. Good morning, Lieutenant Governor, and thank you for your time today.

I have been proud to work closely with the Bears Ears Inter-Tribal Coalition over the past few years to advocate for the reinstatement of the National Monument, and I was proud to stand alongside you, as well, as we watched President Biden do that last year.

While our work to promote and protect Bears Ears Monument is not over, I am glad we are also discussing how to move forward and ensure the tribal voices continue to be centered in land management practices. To that end, I have a couple of questions for you.

No. 1, why is it important that the Zuni Tribe be allowed the opportunity to participate in the management of Bears Ears National Monument?

And then No. 2, what elements do you think need to be in place for a successful tribal and Federal co-management plan for Bears Ears?

Mr. BOWEKATY. Thank you, Representative Gallego, for that, and good to see you again.

Going back to part of the reason why we established a monument and a coalition, we discussed this during the Bears Ears Prayer Run. The Bears Ears Prayer Run was designated to allow tribal youth to reconnect to Bears Ears, the landscape, and in that process, going back to my own personal journey, Bears Ears landscape and the special ties that have allowed us to reconnect.

And what I mean, and I need for our younger generations to understand, is that their existence is bigger than the reservation. When we speak to the things that we want for them, and the continuance of traditional ecological knowledge, they are the ones that are going to continue it for us. We can want it for them as tribal leaders, but we can't force it on them. They have to want it for themselves. And if they don't want it for themselves, we see the spiritual repercussions they have.

When the U.S. Government first asked the Zuni people, "What are your thoughts on suicide," we laughed at them because that was counter to our narratives, that was counter to our prayers and our stories. Now if you ask us why do our children go down suicide, it is that sense of disconnection from their own sense of self, and it is reflected by a lot of the policies that were adopted.

What was mentioned earlier about some of the extractive industries, and right now pitting kind of the idea of tribal lands, are they open for extraction, we are not trying to say that tribes shouldn't do that for their own people. At the time tribal governments were being developed, the BIA had very limited resources, and most of them were geared toward some sort of extractive industry that would allow them some sort of economic development. We have not gone down that route, and we have found different avenues to be successful, and we are proud to say that most of our funding—we are our own bank for a lot of our funding streams. So, in that situation, we have found different ways to be successful. And it is through a reflection of those values that we continue to hold today.

So, when we speak of co-management of such places like Bears Ears landscape, it is essential, because those are some of the watersheds that continue to feed places like the little Colorado River, the Colorado River in general, and those are some of the things that we continue to push for.

We have heard acknowledgments from many representatives of San Juan County themselves say that there is no extractive resources available for this region. So, when we look at that, what is the inherent responsibility of the Federal Government and the consultation process is that it usually comes back to the 106 process. And the 106 process—what I mean by Section 106 of the NHPA process, is that it recognizes that certain consultation has to happen when certain historic places are affected. But it never reflects the spiritual, physical connection that we have to that place, because when we connect to that place, it inherently ties the ancestral past to the present, and hopefully connects it for the future children.

So, those are some of the things that we hope to ensure that happens when we look at the protecting of sacred places.

When it comes to co-management what are some of the ways that we can accomplish that, making sure that we help the

agencies understand that we are approaching it from a cultural landscape type of perspective. In the 106 process role, we are often asked to process it piecemeal, and that creates a hindrance to many tribes when this is one of their priorities. Knowledge of an area that has ancestral ties is important, and when we have that responsibility, we can't let that go.

However, the government always treats it as, well, this is a project, here's this location, how is it affected, when we know that our approach with the Bears Ears Inter-Tribal Coalition has been really the 1.9 million acres. We understand that, in the end, the proclamation states 1.36. However, we are still looking at that as an entire landscape.

So, those are some of the things that, when we are doing our land management planning process, that is what we hope will inform the Bureau of Land Management and the Forest Service on how we can accomplish that. Speaking with the Forest Service and the BLM, they are experts in their processes. However, it is always absent from the tribal point of view. Thank you.

Mr. GALLEGO. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Let me now recognize the Dean of the House, Representative Young.

Mr. YOUNG. Thank you, Mr. Chairman. Thank you for having this hearing. I was really shocked when I say my good friend got the wrong panel.

I know, Mr. Huffman, we had a tough meeting yesterday, but I am sorry it took so much out of you. I have a tongue in cheek, by the way.

But, anyway, I am very interested in this co-management working together. With all due respects, in Alaska, the Park Service does not have a good reputation with Alaska Native tribes. There is a lack of participation. There should be more.

This is for Mr. Sams. In your written testimony, you gave many examples of how the Park Service is working with tribes. I would like to make a suggestion. Just give me an example of where you are working with the Alaska Natives in park lands.

Mr. SAMS. Thank you, Mr. Young. It is so good to see you again, and it was a pleasure working with you on the Kennewick Man several years ago. I appreciate your leadership.

We are in deep discussions with a number of the Alaskan Natives. We have a new regional director in Alaska now, and we are wanting to put a lot more effort in that. As I said, we have worked with the Tlingit in the past regarding the harvesting of eggs. But we recognize there are much more opportunities to be working in Glacier Bay on interpretation. So, we are reinvigorating our consultation and government-to-government throughout Alaska.

As a matter of fact, next week I will be taking a full course on ANCSA and ANILCA. And then I look forward to getting up to Alaska to meet directly with several of the corporations and the tribal villages to talk about how we can greatly improve that government-to-government relationship we have with Native Alaskans, and—

Mr. YOUNG. I appreciate that. I am not really upset with you, I just say, overall, the Park Service has not done a good job.

I do a lot of this work, and I will give you an example now. We have a little project in Sitka, Alaska, 113 acres, very little participation. Now, with that park—it is just a totem park, and I think it should be totally managed by the local tribe. That is who it is, that is their culture, they know more about it than anybody else. Yet, they can't get any headway in the presentation in what happens there, culturally, and that's not right. So, I hope you take a good look at that and say, "Come on, guys, we could work this out."

I have the land bridge up at Noatak, that is another one, and no one wants to work together there. And I have numerous parks that—Anaktuvuk Pass, I will give you an example. The Park Service said, "Oh, we can't hire anybody, they don't have any experience." They will hire somebody from Massachusetts, but they won't hire a local person.

Don't do that, I mean, that makes everybody—parks and partners, that is what I want, parks and partners together. And you will find out your job is going to be a whole lot easier if you have partners, and the partners should be those that aboriginally lived there prior to the creation of the parks. Let them have the opportunity for jobs and the opportunity to present their point of view. You can do it with covenants.

So, that is just a suggestion, that is all.

And I will ask you, can you give us something in writing, what you think Congress can do to help you out or give you new tools to work with the aboriginal people?

Mr. SAMS. Thank you, Congressman. We are analyzing that right now. I have talked to the Solicitor's Office. I want to see how we are able to use the authorities that have already been granted to the Secretary and also to the National Park Service. But I think there are gaps, and I look forward to working with you and this Committee as we move forward with some proposals on some great potentials where you can help us fill in those gaps so that we have some better authorities to work in co-management with tribes.

I want to say, especially with Sitka and the land bridge, I have heard those concerns. I am committed to investigating those, and I will report back to you on how we can better partner with both of those parks.

Mr. YOUNG. I appreciate that, sir. And if you do that—like I say, I want allies, parks and partners. When you don't do the job I think you should be doing or they think you should be doing, you are losing a partner. And that is not good.

So, we can work together to do the same thing the Park Service wants to do to preserve the area, but let the local people who originally owned it, inhabited it, culturally used it, let them be the big conveyor and manager of it.

Thank you for your time. And Mr. Chairman, I yield back.

The CHAIRMAN. Thank you. Let me turn to Representative Leger Fernández from New Mexico. You are recognized for 5 minutes.

Ms. LEGER FERNÁNDEZ. Mr. Chair, thank you so much for holding this hearing.

With over 500 federally recognized tribes and hundreds of millions of acres of Federal land that was once aboriginal, the tribes always exercise dominion over those lands, and they knew how to nurture it to sustain their members. So, the ability of them

to bring their wisdom to bear with the Federal Government and, indeed, with the state, I think, is key. And I am so glad we are holding this hearing.

With regard to the comments at the beginning, that we are facing an energy crisis that should displace this hearing in any way, I note that oil and gas production is up. It is rising and approaching record numbers. The United States was a net exporter of petroleum and petroleum products the last 2 years. That is not the crisis.

Instead, we need to recognize that real energy security comes from transitioning away from our dependence on fossil fuels, so everything is controlled here in the United States.

I love the fact that this hearing is properly on co-management and Indigenous wisdom in managing natural cultural resources. And I think some of our tribal leaders might say this is a long-standing priority itself. This might be the crisis that we have failed to address.

When I was working with the Jicarilla Apache Nation, the state of New Mexico, a court said, "The State of New Mexico, the Nation is such a better steward of the forests and their wildlife population." This has been proved for decades over and over again.

Chairman Melvin, thank you so much for your wisdom sharing with us today how the Southern Utes are embracing the full range of energy resource development with a true respect for your lands and your self-determination.

Lieutenant Governor Bowekaty, how wonderful to see you again, how wonderful to hear your wisdom, which I was so lucky to hear when we were at Chaco. I wanted to ask a bit about the co-management at Bears Ears. You noted that it is not just Zuni Pueblo, but a group of tribes in the Southwest that are working on this as an inter-tribal coalition. I want to focus on that role that tribes can play working together and with the Federal Government.

Can you tell us how you think that strengthens the ability to protect Bears Ears and their ability to advocate for Bears Ears?

Mr. BOWEKATY. Thank you, Representative. It is good to see you again.

As far as the work between the inter-tribal coalition, again, when we looked at our proposal to then-President Obama on the creation of the Bears Ears National Monument, we did reflect on our core cultural values, and it was that discussion and guidance—and again, being backed by a traditional cultural knowledge—and within our own internal healing we recognized the importance of this place and how to interact with the different agencies.

And, again, we all had the same experience, mostly walking down a Section 106 process, and trying to advocate, in general, the cultural landscape. However, we all came across the same issues and the same consistent barriers. So, with that in mind, that discussion with other cultural leaders and, again, with our own tribal leadership, that is what was inherent behind the proposal.

Based on that, we continued to have those discussions, and they are reflective of each tribe's capacities. But each tribe has an equal vote and an equal voice at the table. Through that process it will reflect their own—and again, the coalition is reflective of each tribal governing process. Each tribal government appoints or

designates a representative to be on the Bears Ears Inter-Tribal Coalition, and now the Bear Ears Commission. And, then again, that is with that inherent voice and that sovereign idea in mind. That is the handshake agreement that we have and will continue to forge.

In that spirit, we can help the agencies interact with us better. And, hopefully, with that model, that is something that can be shared regionally across agencies and, hopefully, be adopted by the rest of the United States. Thank you.

Ms. LEGER FERNÁNDEZ. Thank you. And if I could just ask a quick followup—as the Zuni Pueblo works on this, what are the ways in which, once again, we can help you and the other tribes accomplish this goal of co-management and co-coordination?

Mr. BOWEKATY. I guess to be really supportive of some of the memorandums of understanding that have come out. I know there is a joint secretarial MOU between agencies. Those are reflective of that and really appreciate some of those efforts being made. And if those can be reflected on the ground with the field offices, that is where we can make that discussion and make sure that what is being spoken here is being reflected on the ground. That is how we can continue to reinforce that. Thank you.

Ms. LEGER FERNÁNDEZ. Thank you, Lieutenant Governor.

I yield back, Mr. Chairman.

The CHAIRMAN. The gentlelady yields.

Representative Moore, you are recognized for 5 minutes, sir.

Mr. MOORE. Thank you, Chairman. I appreciate everyone being here today. The topic, obviously, is very important to Utah, my home state, and the state I represent and the areas that I do.

Mr. Melvin Baker, my first question—I will jump right into questions—like the Southern Ute Tribe, the Ute Indian Tribe in Utah cares deeply about its natural resources and energy interests. In the Uinta Basin, the Ute Tribe produces more than 45,000 barrels of crude oil per day and 900 million cubic feet per day of natural gas. This is a major element of the tribe's economy and a crucial aspect of the Uinta Basin's larger economy.

However, on President Biden's first day in office he prohibited all new leasing on Federal lands. This action harmed the tribe and all of America. Can you describe why this action, done without consultation, was harmful?

Mr. BAKER. Well, first and foremost, consultation is very important as we move forward. We can learn from each other, we can talk about it, and we can talk about the challenges. The tribe has taken the lead in producing clean energy in Southwest Colorado, often filling the lead role in environmental protection. As we keep mentioning, we are caretakers of the land as Native people, so we have to do all we can to protect the land and Mother Earth.

In the absence of the significant presence of EPA and the state of Colorado in Southwest Colorado, improving air and water quality not only for the tribal membership, but for all citizens of our Four Corners region. So, again, we are always having to have discussions. Those discussions never stop. We hit roadblocks, we work through it. We have to work with our partners and other agencies, remove some of the Federal hurdles, and shift to self-determination on our reservation.

Mr. MOORE. Excellent. The Ute Indian Tribe was also an equity partner on the Uinta Basin Railway Project, which will promote the entire region's economy by connecting energy sources with the larger rail network. However, this broadly supported effort is being opposed by several groups that have sought to delay the process.

Why do you think it is damaging for outside groups to try to undermine self-determination?

Mr. BAKER. Well, it just seems like, no matter what we do, there is always somebody to oppose it, whatever issue it is.

Again, I don't think they have all the facts and all the information they need to make a vital assessment. But some groups just jump on the bandwagon and protect whatever without really knowing the facts of what is the positive of it.

Tribal land is still considered Federal and public land. So, again, we are going to do the right thing to move forward. Even though we have that opposition, we still have to strive each and every day to try to get forward in what we believe in.

Mr. MOORE. Yes, our office has been heavily involved with this. I have seen an enormous amount of thought and care for how this will impact land—you know, this is area that these people live and work. It is the water. No one cares more about these natural resources than those that live in the Uinta Basin, whether it be with the Ute Tribe, or whether it be in Utah, Uinta County generally, or Duchesne County, as well.

I would make just one comment, that the amount of thought that has gone into this project has been all-encompassing. It is a 360 view on everything related to how it affects the environment to how it affects the local area, the local economy. And that concept of self-determination is enormous. I think that it has been a really neat thing to be a part of and helping bring the community together. There has been quite a bit of strife over the years with that region and that particular part of my district. For them to come together on this particular railway project has been excellent.

Would you agree with that, that there has been sincere thought that has gone into this in an all-encompassing way?

And has it brought the community together to some degree?

Mr. BAKER. Yes, I agree with it. But again, on our side, we are not really too familiar with the project that is going on up there.

And as you first mentioned, you have groups that are against it. But at the end of the day, this erodes our self-determination as tribes of how we can move forward with that opposition. We have it, and tribes should have the authority to determine what is best for their tribal lands, and that is for each and every tribe.

We don't know what the resources are, but they know. Years ago, how did they survive on the land that they were at? And as years have gone by, certain tribes have been placed in certain areas, but Native people have always been able to adapt to how to survive and do the right thing.

Mr. MOORE. Excellent. Thank you very much, Chairman.

Mr. BAKER. Thank you.

The CHAIRMAN. The gentleman yields. Let me now recognize Representative McCollum. You are recognized.

Ms. MCCOLLUM. Thank you, Mr. Chair, and thank you for holding this first-of-a-kind hearing.

We are here today to understand the path forward for the Federal Government to work in a serious partnership with Tribal Nations to manage their resources and our shared resources. And I just want to clear up a few things that were said earlier, and it is taking time away from me, but I need to do it about some of the oil exploration.

The Interior Appropriations Committee worked diligently with tribes to make sure that they had access to the experts that they needed in order to do their decision-making process toward moving forward with any oil exploration or drilling for oil.

It was really hard during the boom, because the Federal Government, in and of itself, even in the regular agency for having people available to do the work that needed to be done on Federal lands, were competing with oil industries. So, we got behind on that a little bit, but it was due to just sheer lack of manpower, person power. And then we were working with the tribes on how to enhance and work that up, because the tribes had a right to participate on that.

So, it wasn't necessarily a lack of the Federal Government not wanting to be helpful in this case. But it was just a sheer number of having experts needed in order to do this right, and the tribes deserve to have any leases, any drilling, anything that happens done with all the due diligence that we give our other Federal lands.

We know Native Americans were displaced from their homelands. They lost their practices. They lost the ability to manage those lands and maintain healthy ecosystems. And that is a huge loss that we also experienced as a nation.

Tribal Nations continue to fight to retain their rights to hunt and fish and gather on much of the current Federal land. And they have a stake, they have a huge stake in making sure that, when the Federal Government moves forward on any land that we manage, that we support their tribal rights to hunt and fish, gather rice, wild rice, be able to harvest walleye. And it means that those resources should not be depleted or polluted.

So, we have a lot to do, and I am very excited about this opportunity how to expand tribal co-management. I want to thank all the witnesses today.

Director Sams, I am so excited. It took 5 years, 5 years, for the Senate to confirm a leader for the National Park Service, and I am thrilled to have you in that position as the first tribal citizen to lead that agency. Your experience in tribal local government, I could go on and on, you bring a great needed understanding.

I want to ask you about how the Park Service is going to work under your direction to better utilize some of these existing authorities, such as the 638 contracting, which includes Tribal Nations in the management of our national parks. You have been kind of queued up a little bit on some specifics, with Sitka National Park being one of them, but can you kind of tell me how you are looking at the big picture?

I know this is something that the Park Service has been trying to get right for a long time. Now is our opportunity to get it right.

Mr. SAMS. Thank you, Representative. I think, really, what it comes down to is recognizing tribes as sovereigns and recognizing

that they have that special geographical, historical, and cultural connections to park lands, and the tribes have the traditional ecological knowledge and practices regarding resource management that have been handed down through generations, as we have said before.

What is important here is, looking at that 638 contracting, I have been talking with Assistant Secretary Newland, DOI Solicitor's Office, about how we can more effectively use the annual funding agreements, the AFAs, to be able to support direct funding in those co-management and those cooperative agreements. And I think that will help build capacity with tribes, because that is the other missing link sometimes, is being able to ensure that they have the funding necessary, the capacity necessary, in order to be that partner that can bring that traditional ecological knowledge, that can bring those years of practice, and to bring their staff out onto the field to help us figure out how to better manage the flora and fauna.

Ms. MCCOLLUM. Thank you. I hear you loud and clear. So, we, as authorizers and appropriators, have a job to do to make sure that tribes have the tools in their toolbox, both in authorization and in appropriations. Thank you for that.

Mr. Chair, with your permission I will be leaving to attend the funeral of my colleague from Minnesota, Mr. Hagedorn. No disrespect to this wonderful hearing that you have put together, any of the people testifying, or any of my colleagues. I will be on as long as I can. Thank you.

The CHAIRMAN. The gentlelady yields and thank you very much. Let me recognize Representative Obernolte.

You are recognized, sir.

Mr. OBERNOLTE. Thank you very much, Mr. Chair, and thank you for the fascinating hearing.

Director Sams, let me add my voice to the congratulations on the new position, and I certainly look forward to working closely with you. As you probably know, I represent two of your institutions that we are very proud of, the Mojave National Preserve and the Joshua Tree National Park.

My first question I would like to ask is—regards to those, as I am sure you are aware, we have substantial deferred maintenance issues in those parks. The Joshua Tree National Park has over \$60 million of deferred maintenance, and Mojave almost \$120 million. And, unfortunately, in the first two rounds of funding under the Great American Outdoors Act, we haven't seen any money at all awarded to those particular institutions.

So, first, I hope I can secure your commitment to work with us in getting that backlog of deferred maintenance needs addressed at those two parks.

Mr. SAMS. Thank you, Congressman. Absolutely. My wife is actually from Palm Springs and she loves the park there, so we regularly go and visit, and I am hoping to get out to Joshua Tree in May to go and look at that deferred maintenance. I am hoping to also get down to Death Valley and several others while I am out West.

But, yes, I am committed to working with you and your staff to figure out how we can get to this backlog of deferred maintenance so that people can continue to enjoy that park in so many ways.

Mr. OBERNOLTE. Great. Well, I am very happy to hear that and I know that my constituents will be also, and certainly welcome you in May. And if you would extend an invitation when you are going to be there, I would love to join you out there, and we can show you all of the good work those parks are doing and the work that needs to be done.

Second question as regards your new role, as a tribal member I think you bring some valuable experience to the discussion with tribal co-management, and I think this has been a fascinating hearing with respect to that. I want to talk about the fact that this landscape can often be complicated. We have tribal entities that are federally recognized, we have tribal entities that are in the process of being federally recognized, and then we have entities that have not been federally recognized.

Can you talk a little bit about how you navigate that landscape and whether or not the Department has the authority to negotiate with tribes and enter into co-management with tribes that lack that Federal recognition?

Mr. SAMS. Thank you, Congressman. First and foremost, those that are constitutionally recognized through treaties, through Executive Orders, we have to make sure that we are consulting with them on a government-to-government basis.

Those tribes that are state recognized or working through recognition, we still want to work with them, and our Secretarial Order gives us some direction on being able to work with those tribes in a stakeholder role. But, of course, they also possess a lot of traditional ecological knowledge. So, we have an opportunity to work with a number of their elders and their practitioners on bringing that knowledge to the forefront.

That being said, we recognize that they have an obligation—that those tribes are going to go through their process in order to get Federal recognition. But that doesn't mean that we aren't going to have an opportunity to sit down and listen to their concerns also.

Mr. OBERNOLTE. Right. Well, it certainly seems like a reasonable approach.

Then lastly, I would like to talk a little bit about your philosophy of wildfire management in our national parks. I am sure you will hear from the park rangers when you visit Joshua Tree that sometimes the designation of wilderness areas can really interfere with our ability to do wildfire management, particularly as respects fuels reduction, just because of some of the restrictions on using even powered hand tools in those locations.

Do you think that we need kind of a third designation for some of the lands that preserves our ability to protect those lands from access, but at the same time allows us to use some more tools and maybe mechanized access for the purpose of fuels reduction?

Mr. SAMS. First and foremost, I always liked the term, "wild." That term in most of Indian Country is "home," rather than the word "wild."

But that being said, I started my career in trail building with the Forest Service and firefighting. My son currently is a wildland

firefighter during the summer months. So, when I look at that, and making sure we have those resources there, I think that the issue you are bringing up is one that we have to figure out how to tackle, how to do fuels reduction.

I am looking forward to working with the NPS staff. We are gearing up, of course, for a fire season. I come from the West, where we have seen massive fires over the last 3 years that have blackened our skies, and I look forward to working with Congress to figure out how we can have more tools in our tool chest to be able to combat this and prevent it before it happens.

Mr. OBERNOLTE. Great. We are looking forward to working with you. Congratulations on the new role, and certainly let me know when you are going to be in the district, because I would love to accompany you and meet you personally.

Thank you very much, Mr. Chair, I would yield back.

The CHAIRMAN. The gentleman yields, thank you. Let me recognize the gentlelady from New Mexico, Representative Stansbury.

Ms. STANSBURY. Thank you, Mr. Chairman. It is wonderful to be with you all this morning, and I would like to take just a moment here to welcome our New Mexicans who are here today.

Lieutenant Governor, it is wonderful to see you. Thank you for joining us. And also, we have Kevin Washburn, who is joining on the second panel. It is always a good day to see New Mexicans on our panels.

And I also want to add my congratulations to you, Director Sams. I think that it is a new day in Washington, and your appointment to this role, your amazing expertise and service, and your willingness to step up and play this role is so crucial, especially at this historical moment, as conservation is really, I think, a transition period, and we are really rethinking the way we think about public lands, we are thinking about conservation, we are thinking about co-creation of knowledge, co-management, and all of those things. So, your expertise that you bring is so crucial in that way.

And I was listening to the testimony this morning, and I was reflecting. During the Obama administration, I worked at OMB and one of the rulemakings that I had the opportunity to work on was removal of language from a national parks rule that actually made it illegal for Indigenous people to collect plants and animals for ceremonial purposes in our national parks land. That was less than a decade-and-a-half ago. If you think about in the historic trajectory of our country, I think many Americans would be shocked to know that there are still rules and regulations on our books across our Federal agencies that do not recognize that our Federal lands are Indigenous lands, and that actually prohibit activities that keep our Native communities from using lands that they have used, managed, stewarded, cared for, and prayed on since time immemorial.

So, the crucial work of decolonizing, repatriating, co-managing, and ensuring that we are creating collaborative ways to do all of this work is really particularly crucial, I think, right now, and especially in the context of our national parks. So, I salute you, Director Sams, for your work, and am grateful that you are there.

To that end, I am one of the two representatives—well, actually three, I think—that might be here today from New Mexico. And as we have heard and we know, New Mexico is home to 23 Indigenous communities, tribes, and pueblos, and our tribes and pueblos have been here since time immemorial, thousands of years, have lived on, worked the lands, cared for the lands, prayed on the lands, and those lands are Indigenous, and our landscapes tell the stories, and our Federal lands include those landscapes. They are sacred places, they are places that are still used for ceremonial purposes.

Likewise, our lands and waters are also sacred and the wildlife that traverses these different systems. So, ensuring that our tribes have not only a seat at the table, but that their knowledge, practices, and priorities are really at the center of that work is so critically important.

And we already see that across New Mexico. We have pueblos in the middle Rio Grande that are heavily involved in the management of our Rio Grande and the water systems. Many of our pueblos, like Jemez, Cochiti, and Santo Domingo, are doing important work and important co-management around restoration of our national forests, and just a tremendous amount of important work happening with the Navajo Nation and our Apache Nations, as well.

So, I would like to just ask Director Sams, as you have the 50,000-foot view of your work at the National Park Service and your collaboration with other Federal agencies, what do you see as being sort of the critical next step to fostering this kind of co-management in terms of, like I said, repatriating lands, making it possible for tribes to have a greater seat at the table, not just consultation, but actually helping to shape and inform the kind of management that is happening, and the kinds of true partnerships and collaborations that are needed to realize this vision on the ground?

Mr. SAMS. Thank you, Representative. I think it is summed up in one word: education.

As you alluded to, much of this has been missing from our history books, and that understanding that tribes are sovereign. Within the Federal system, within our republic, you have the Federal Government, the state governments, and tribal governments. And those three sovereigns all have rights and responsibilities.

So, being able to not only ensure that my workforce has that education and understanding of their trust responsibility, but working with my sister agencies, and working with our partners out there so that they ensure, when the tribes come there, they understand why they are at the table, why their voice is important, and the obligations we have as Federal agencies to ensure that their voice is heard.

Ms. STANSBURY. Thank you, Director. And I know I am out of time here, but I just want to make one comment, which is that myself and Representative Leger Fernández had the joy of joining our Madam Secretary Haaland at Chaco Canyon a few months ago, and I grew up in Farmington. Actually, I am not far from Chaco Canyon. And I was struck on that visit by the way in which the conversation has dramatically changed, and how the voices of the

pueblo leadership that were there that day, and the Diné leadership were not only a part of that celebration, but the stories of the people who lived in that landscape are now actually a part of the narrative, which for so long has been erased from our national parks and our public places.

So, I think that in addition to the co-management, making sure that Indigenous stories, voices, and the importance of those landscapes is also made known to our non-Indigenous communities is so crucial, as well. I really honor and salute your service. And, again, thank you, Lieutenant Governor, for being here today.

And thank you, Mr. Chairman, for hosting this important hearing. Thank you.

The CHAIRMAN. Thank you very much. The gentlelady yields. Let me recognize Representative Rosendale.

You are recognized, sir.

Mr. ROSENDALE. Thank you, Mr. Chair and Ranking Member Westerman, for putting this hearing together today.

Also, I would like to thank all the witnesses for joining us and for your testimony on these important issues.

Montana is home to eight recognized tribes, so we certainly understand the importance of tribal co-management. I would like to start with Mr. Baker.

Can you describe how co-management of the Federal lands benefits both your community and the Federal Government?

Mr. BAKER. Well, I think if we have both mutual interests on the land that we border, then we have to work together as partners to do the right thing.

I think today is a new day. Everything we talk about we have to do better for our country. We have to work better with each other. We have to be sponsoring each other and helping each other in a positive way more and less in a negative way. Less barriers of how we can get things done. And a lot has been said today about that.

And I think, yes, we can work together in a positive way. Regular communication and consultation with Federal partners, local and state governments, and private landowners helps provide consistency with resource management and development.

Again, the key is communication. As an example, these cooperative and collaborative arrangements, the tribe has entered into memorandum of agreements with the Federal, state, and local governments, covering a variety of subject matters, including oil and gas management, road maintenance, law enforcement, social services, wildlife management, and air quality.

So, again, there is no time to stall. We have to really move forward and work collaboratively. If we have the same mindset, we can move mountains, we can get a lot done, rather than place the barriers.

And we have shared many goals, we have a shared vision, because we all want the right thing at the end of the day.

Mr. ROSENDALE. Sir, I appreciate that. And the large landscapes that we are talking about, no, they don't recognize the boundaries between the Federal lands and the tribal lands. So, when we start having these discussions about the different resources that are located between those areas, again, they go across those lines.

When we start talking about the management, the range management of those areas, the waterways, the fires that many times cross those lines, that interaction is critically important. Let me ask you, how is your relationship with the Federal agencies at the Department of the Interior, such as the BIA and the BLM?

Mr. BAKER. I think we have a great relationship with all entities. At times, we do have shortfalls. But it seems like, at the end of the day, the big shortfalls are lack of funding. Like if we had a wildfire, we have the Forest Service, we have the BIA, we have our own tribal forestry. So, everybody collaborates in a good way.

The Southern Ute Indian Tribe prides itself on its inter-governmental relationships. The Southern Ute Indian Reservation is a perfect example of all-hands-on-deck when a wildfire ignites. Due to the checkerboard status of our reservation, we share our community response with our Federal partners, local municipalities, and private landowners. When a wildfire is reported, all local agencies respond. And as we move into the new technology in regard to, say, broadband, we are not doing it just for our reservation. We need that. We are doing it for our community, for the schools. Everybody who can take a part of that.

Some may not know—even Representatives from New Mexico—when we talk about our wildlife, we work with the pueblos. We offer traditional hunts for some of the pueblo tribes that come up and harvest off our reservation, because they don't have maybe as much of those animals. So, we work with that because, at the end of the day, like we have always said, for us, those are not our animals, they are Mother Nature's. But it is up to us to manage those animals correctly. The animals, as mentioned, they know no state lines, again, but we have to protect each other.

We work well with our sister tribes, the Jicarilla Apache Tribe, and, again, an example of wildfires.

I think that the bad part is the lack of funding for our reservation roads. And I, being a former firefighter and being out in the mountains where our old growth is, I see that, and I keep telling my leadership, if we don't fix those roads and there is a lightning strike, we are not going to get there. And sometimes, we have to take on those responsibilities on our own, with our own funding and our own resources to fix culverts and do things. And that even goes for our elders who are gathering the mountains.

The local, say our Tulare County law enforcement, if there is a shooting or a theft or something happening on our reservation lands, really, without broadband there is no communication. So, we have to do our best to work together. And we have great working relationships. We meet with the state of Colorado every 2 weeks with the Lieutenant Governor's office. We are meeting with the Archuleta County Commissioners. We meet with our La Plata County Commissioners. We meet with a lot of different local agencies that, again, we are all striving for the same thing, for better things in our area. But we have great working relationships.

Mr. ROSENDALE. Thank you so much for your input.

And Mr. Chair, I see my time has expired. I would yield back.

The CHAIRMAN. Thank you, sir. The gentleman yields. Let me recognize Representative Soto.

You are recognized, sir.

Mr. SOTO. Thank you, Chairman, for the opportunity.

We know we are in tough times throughout the world with Russian President Vladimir Putin viciously and unjustifiably attacking Ukraine. We have faced attack on our democracy abroad, and Democrats and Republicans need to stand together. We trained and armed Ukrainians, and this week I am excited to vote on a package of bills to help with military and humanitarian relief, forwarding planes through NATO allies, and a ban on Russian oil imports. That is relevant to this hearing, of course, as we are talking about all being concerned about rising gas prices as a result of the Ukrainian invasion.

And there are over 9,000 unused leases representing what the U.S. Government has put out there, and harnessing those should be one of the priorities, as well as President Biden releasing an additional 30 million barrels from the Strategic Reserves.

Our tribes are a key part of this. We heard from so many folks today about everything from helping provide for the food supply to ecology to, yes, energy. So, those relationships and that stewardship that our Native American tribes understand better than anybody, as Native Americans, is a critical part of what we are talking about here today.

Honorable Chuck Sams, III, Director, in your testimony you mention legislation empowers the Seminole Tribe in Florida and the Miccosukee Tribe of Indians of Florida with customary rights and the right to refuse visitors to the Big Cypress National Preserve. This is a key part of Florida and of our local tribes in the Sunshine State.

You also mentioned that, although the tribes have the authority to pursue co-management agreements, neither have expressed an interest in doing so yet.

But how does the National Park Service work with tribal governments to build their capacity to engage in co-management in places like the Big Cypress National Preserve?

Mr. SAMS. Thank you, Congressman. Two weeks ago, we began that discussion. It was back in my very first government-to-government consultation. I went directly and met with the tribal leadership to begin those discussions on how that is going to move forward.

But more importantly, for the staff, it is to provide them that training so that they understand those obligations to do that consultation.

Down at Big Cypress, they already have the agreement that was provided through legislation to go ahead and harvest traditional foods and medicines. But they are also looking at ways to be interpreters within the park. They already provide some fan boats for their own work there, but they are very excited about looking at how to expand that.

And I think that, in talking with my staff out in the field, they are also excited about the ideas and opportunities to really be able to engage in consultation, to make sure that consultation is meaningful, and hopefully end up, then, with those cooperative agreements, so that there is that joint working together, and also working together with those states who are involved, so that we

ensure that we are covering all of our bases in how we manage the flora and fauna.

Mr. SOTO. President Biden had just announced \$1 billion to help fund, on a Federal level, the restoration of the Everglades as part of our CERP plan. It was the biggest investment from the Federal level in the Everglades in decades.

How critical is it, as we are going forward, to help with water quality issues, with water supply, to work with our local tribes like the Seminole Tribe and the Miccosukee Tribe?

Mr. SAMS. Thank you, Congressman. I come from the West, where water is also critically important, and I see how critically important it is to Southern Florida. The project, an undertaking between the multiple partners, whether it is the tribes, the Seminole, the Miccosukee, or whether it is National Park Service or our partners at the U.S. Fish and Wildlife, in the state, I think this project is extremely critical to ensure that the flow of water returns back to its natural state, heading out and south, back out into the Keys and to the southern tip of Florida. But it also will increase the health and the vitality of the ecosystem there, and it brings back ecosystem function into the system.

The work that the staff are doing down there truly amazed me. The cooperative agreements that they have from the multiple jurisdictions, including local municipalities and counties, is extremely impressive. Everyone seems to be moving forward with that goal, with that funding in mind to ensure that water quality improves, that there is sufficient water not only for human consumption, but also for multi-species use.

Mr. SOTO. Well, we are very excited about this important investment for Florida's environment, tourism, and particularly our water supply, and we want to continue to stress working with our local tribes, among other residents in the state.

Thank you, Director Sams, I appreciate it.

And I yield back.

The CHAIRMAN. Thank you. The gentleman yields.

I believe, Representative Stauber, you are recognized.

Mr. STAUBER. Thank you Mr. Chair and Ranking Member Westerman, for holding this hearing.

I have heard a couple of my colleagues talk about leasing of wells. Leasing and actually permitting are two different things. So, when we talk about permitting, we must allow those folks that have the leases to be allowed to go through the permitting process.

And we know that energy security is national security, and it appears that the President has just banned the importing of Russian gas moments ago. That is certainly a good start. Now we need to unleash the economic energy that we have in our country. Again, energy security is national security.

Chairman Baker, thank you for joining us today. First of all, thank you for the work that you do to develop the resources you are blessed with in Utah.

I saw the Ute Tribe recently joined the Western States and Tribal Nations Natural Gas Initiative. To start, can you please share how accessing your own resources benefits economic development for your tribe?

Mr. BAKER. Yes. I think, by developing our own, again, it leads to self-determination on what we can do. It is a struggle when we have to deal with local agencies and governments as we move forward. But also for us, we have to work with our membership. Again, our tribal members are stewards of the land, and they want to protect it.

We have an issue on our eastern side of the reservation, where we know there are resources available, but it is pristine area for wildlife and stuff. So, how do we balance that? When you have, say, a fence line that separates tribal lands from fee land or private land, what we have had to learn is that, if we do not make a decision to move forward and educate our membership along the way, other private companies can come in and drill next to us, and take all the reserves out of our tribal lands, and that could be a loss of millions of dollars for our tribal community or our tribal reservation.

Again, education and health for our members—when we are developing and we are successful, that is where that self-determination comes in. We help our education, the education of our younger generation, as well as the health for our tribe. So, those are vital things that keep us going and moving us forward.

But, again, we have to balance that out to—do we give up the opportunity to get something or—again, with the horizontal drilling, that is a newer technology that we are really trying to educate our membership on, because it is a chess game all the time, right or wrong, but we always do the right thing. And we only have one reservation, so we have to protect it and do the best we can to preserve it.

Mr. STAUBER. Those dollars that come in as a result of the oil and gas economic development, can you just name some of the things you use those dollars for on your tribal reservation?

Mr. BAKER. We have our own private tribal academy for our younger students, and we try to educate the emphasis on our language. We have our own health center here, which we always have to provide. We work well, as mentioned, with the community. When COVID was a big thing, our local clinic here opened it up to even Fort Lewis College and other schools in the area that are not affiliated with the tribe. But we did many things to do that. We have a great wildlife management resource. All the wildlife we have on the reservation, we have to protect them. We have our own EPD department, environmental protection, whether it is air, water, all those things. We have our own law enforcement, our justice and regulatory.

So, those are some of the ways that the money is used. We have a scholarship program for our students that gives them the opportunity to go to a college and funds them.

Mr. STAUBER. Yes, Chairman Baker, that is really an impressive list, from education to health care to law enforcement to clean water—you are doing well with that.

One of the goals of the initiative is to help America export our energy. Right now, Russia is funding its atrocities abroad because the world is reliant on their oil. How can we help you and the initiative make it easier to develop and export our energy, so we

are no longer buying Russian energy or Saudi Arabia or Venezuelan energy, for that matter?

Mr. BAKER. Well, I think, again, the funding is a big thing. New technology, as we move forward. We are working on the Coyote Clean Energy Project, carbon capture. But now it is kind of like we are having to go backward because of the oil, or the gas, that we don't want to depend on foreign countries.

But working together, like I said, communicating, working together, having these big meetings and keeping in mind that, again, we can get things done using our expertise, we have highly paid professionals and engineers and all those that work for us that help us develop that.

And, again, we have to make sure that they are doing the right thing in the right way and removing some of the red tape that does hamper us in certain areas.

But, again, working together, talking together, we can overcome those hurdles.

Mr. STAUBER. Thank you, Chairman Baker.

Mr. Chair, my time is up, and I yield back.

The CHAIRMAN. Let me recognize Representative González-Colón. You are recognized for 5 minutes.

[Pause.]

The CHAIRMAN. If not, let me move down the list and recognize Representative Bentz for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair.

I just want to begin by commenting on something that Chair Huffman mentioned about how simple it would be for us to switch over to clean energy and ignore the need for natural gas and oil. I would just say this is creating one dependency for another because clean energy, of course, requires aluminum, graphite, copper, lead. And a quick glance at the source of those minerals reveals that China and Russia are supplying something over 60 percent of each of those necessary elements of clean energy, not to mention the fact that it is going to take years to get there.

So, in the short run, we need the oil and gas that is available, whether it is on tribal lands or on Federal lands, and we need it now. And to suggest that somehow we should all rely on clean energy, it reminds me of this young mother, a single mother, I believe, who I saw at the service station in the middle of my district, who had \$15 to buy gas. And that was about 3 weeks ago. I can just imagine what she is doing now.

So, I just want to say, let's focus our attention on the reality that faces so many people, and not make these allusions to how wonderful it would be if we suddenly had nothing but clean energy. I mean, sure, it would be great, but I don't want to trade one dependency for another.

With that, I am going to turn to Director Sams.

And Director Sams, it is great to see a fellow Oregonian. Congratulations. This is the first time I have gotten to see you in person since your appointment. I am so happy that you have this job.

But let me turn away from the congratulations and ask you the tough question, and here it is. We often hear words like "collaboration," "consultation," "coordination." They are all words

that creep toward the fact that somebody has to be in charge, and usually it is the sovereign. And I have heard much said in today's hearing about sovereign, sovereignty, and it is all very important. But at some point, somebody has to be able to make the decision. If you have two sovereigns in the room, it is kind of hard to know who is in charge.

So, my question to you is, now that you are wearing the National Park Service hat, if tribes come in and they say, hey, we are equal to you, who gets to decide?

Mr. SAMS. Thank you, Congressman, it is great to see you, and I do owe you a visit, so I will come up to see you soon.

That being said, it really does depend. Tribes have, of course, reserved rights under treaties, and sometimes reserved rights under Executive Order. With over 576 tribes, that can be an issue that we have to tackle, and we have to look at the legalities of that.

But from a Federal standpoint, we ultimately have the responsibility of representing the interests of the American people, and we take that interest very seriously.

But we also, though, still have the trust responsibility that we are mandated by those treaties that have been ratified by the Senate, to uphold those laws of the land also. So, we recognize that treaties, as ultimate law of the land, may supersede some of our decision making. We also have to go back to the Organic Act and look at how we are interpreting and enforcing the Organic Act for the Park Service, and also those Organic Acts that have actually set up specific parks, because those may negate or lessen other abilities for tribes at times to exercise their full authority.

That being said, that is why it is extremely important that we do have government-to-government consultation, and that when we do have disagreements, we do our best to work through those disagreements. But there are times where we do recognize that those disagreements end up having to go before the courts for arbitration and decision making. But we get through much of that through just mutual work and mitigating for circumstances.

Mr. BENTZ. Kind of challenging, and that is one of the reasons I am so happy you have that job, because you can see both sides of the issue.

You also hold a Masters of Legal Studies in Indigenous People's Law. Do you see, given that kind of a background and all the years you have worked in this space, a way to use the tribes' political power to get back into the woods and start removing some of this massive buildup of fuel? And I am not talking just about the forests that are owned by or controlled by tribes. I am talking about our national forests. Do you see some opportunity there for tribes to play a part in getting past all the barriers that have been built up?

Mr. SAMS. Down south in Arizona, we have a tribal youth corps. We also have other tribal youth corps we are doing cooperatively. Those tribal youth corps that are working with the National Park Service and with cooperation through tribes really could be that ground force that we need to go in there and do some fuels reduction, in cooperation with our other Federal partners and agencies. So, yes, I think the tribes have the ability to help us start up these

youth corps to be able to get in there and get some of this work done.

There are other authorities under other sections of law that are not necessarily with the National Park Service, but with the U.S. Department of Agriculture. I won't speak to those directly, but I do know, as a former tribal administrator, that there are tools that tribes have that they could be using to help do fuel reduction so that we have less large conflagrations.

Mr. BENTZ. Thank you, Director Sams.

With that, Mr. Chair, I yield back.

The CHAIRMAN. Thank you.

Let me now recognize Representative Graves. You are recognized, sir.

Mr. GRAVES. Thank you, Mr. Chairman. Mr. Chairman, I have heard a number of people say thank you for having this hearing. I disagree.

Mr. Chairman, we have a crisis going on in Ukraine and Russia. We have a crisis going on right here in the United States. This Committee has jurisdiction over our energy resources, this Committee. We have the highest gasoline prices, the highest energy prices in American history right now.

Mr. Chairman, I have offered amendments in this Committee asking that we not carry out policies that have a disproportionate impact on Native American communities, on communities of color, on communities of low economic activity. Mr. Chairman, these are the people that are harmed most by what is happening.

And what is worse about all this, all of this is preventable. We have seen the President come out today and say that, oh, I am supporting a Russian ban. Mr. Chairman, you know what is not said? It is that for the last 3 years myself, Mr. Carl, Mr. Moore, Mr. Rosendale, and others on the Committee have offered amendments to ensure America's energy security. We have done amendments to explicitly ban Russian oil from increased imports or increased reliance in the United States.

Mr. Chairman, every single member on your side of the aisle opposed the amendments. And, now, all of a sudden, everybody is on board with a Russian ban? Now we do a Russian ban, we don't have a way to backfill the energy. So, what is going to happen? You think prices are high now? Just wait. We are getting ready to further penalize Americans, further penalize the U.S. economy because energy has an impact on everything. It transcends everything.

This is the Committee that can actually design an energy solution. And we are not prioritizing our actions, not prioritizing this Committee's jurisdiction.

This is an embarrassment, Mr. Chairman. We have Americans all across the United States. Before this whole thing happened, one in every six Americans—one in every six Americans—said they couldn't afford to fully pay their energy. One in every four Americans said they had to sacrifice some other primary need in order to cover energy costs.

There is an article on the front page of my hometown paper today. A guy filled up his truck, \$105, and we have some of the cheapest gas in America at home.

Mr. Chairman, the President came out and said, don't worry, he is going to release 30 million barrels from the Strategic Petroleum Reserve. We have 38 billion barrels of reserves across the United States, of proven reserves across the United States. Why don't we look at that and figure out which of that energy we can be producing? Why don't we figure out how to address whatever concerns are out there, legitimate or not, about the Keystone pipeline? We can't just ban oil and think that all of a sudden it is going to solve problems. We don't have an energy strategy.

And Members on our side have tried and tried and tried to offer improvements, to offer amendments, to offer solutions, and all we have seen is policies that have resulted in just like we predicted. Everything that is happening right now are things that we predicted: higher prices, less energy security, and, Mr. Chairman, higher emissions, higher emissions.

This is an embarrassment. We had achieved energy security, Mr. Chairman. This Committee needs to exercise its jurisdiction, exercise its jurisdiction over America's natural resources, over the opportunities to produce American energy.

And we can make up for the mistakes of our European allies, as well. The strategy in the United States have been Schumer, Markey, and others asking that OPEC produce more energy; Jake Sullivan, the President's National Security Advisor, asking OPEC to produce more energy; reports of us going to Saudi Arabia and negotiating an awful deal with Iran right now; Administration officials going to Venezuela to ask them.

That is our solution, to ask—let's go through this again. Iran, what are they doing? They are using those dollars to challenge Israeli security in the Middle East, to disrupt the entire Middle Eastern region of this world, threatening the security of Israel. Look at what they are doing in Syria, what they are doing in Yemen, what they are doing in Iraq. And we are going to fund them more? Look at what Maduro is doing in Venezuela. We are going to give them more money?

This doesn't make any sense. My friends in California, they say, "Hey, don't worry, we are going to close our nuclear power plant," then turn around and say, "Hey, can we release more emissions?"

I mean, all of these strategies are failing. They make no sense at all.

Mr. Chairman, I just want to ask. We have to use this Committee's jurisdiction on true priorities and address this humanitarian crisis right now in the United States.

Director Sams, for the record I would like for you to submit an explanation of what the U.S.—excuse me, what the National Park Service is doing to consult on energy opportunities adjacent to Park Service boundaries. It is one of the things that the Park Service does. What are you doing to help tribes exercise their own self-determination as it relates to developing energy resources?

I yield back.

The CHAIRMAN. The gentleman yields. And there are no further Members that have questions, so I want to thank this panel. I appreciate it very much.

And I am going to deal with the debate that is occurring and needs to occur, but let me just talk about what we were trying with this meeting.

I support tribal sovereignty. The intent of these discussions is not about undercutting tribal sovereignty. In fact, Chair Baker provided expertise to the Committee in the past to ensure that any legislation considers just that. And it did. And I appreciate the feedback, and I appreciate his testimony today.

But as we go into the issue of tribal co-management on Federal lands, this full scope of Federal responsibilities are also part of that discussion, very much so.

And I also want to thank the Director. And my request is this, as you examine how we promote this very valuable and important—there is the resource issue, there is the organizational culture that needs to change, and then there is enhanced legislative authority or to clarify some issues. So, on the legislative side, it would be important also for the Committee to know your suggestions and your ideas on that, as well.

And to the witnesses, thank you so much. We will now transition to the next panel.

Members may send you and you may receive questions of Members that were not able to ask, and they will be forwarded to you, and we would appreciate your timely response.

With that, thank you again, and let's, if we can, transition to the other panel.

[Recess.]

The CHAIRMAN. We will now begin with the second panel, and, again, let me thank the witnesses for the time that they are giving to this discussion. It is very much appreciated by all of us. It is essentially the same instructions that were given to the previous panel. Your entire statements will be part of the record.

You have 5 minutes for the oral presentation. The timer will alert you when you have 1 minute left, but red always tells you it is over.

After your testimony is complete, please mute yourself so that you don't have background noise on the other witnesses' discussion.

With that, let me begin the testimony with Professor Kiel, Assistant History Professor at Northwest University.

Professor, thank you so much, and you are invited to present your testimony.

STATEMENT OF DOUG KIEL, ASSISTANT PROFESSOR, DEPARTMENT OF HISTORY, NORTHWESTERN UNIVERSITY, EVANSTON, ILLINOIS

Dr. KIEL. [Speaking Native language.] Hello, everyone. Chairman Grijalva, Ranking Member Westerman, and members of the Committee, thank you for the invitation to testify before this Committee today.

The topic of today's hearing is, most of all, about respect. And in the brief time that I have, I won't go into detail about what you know: that all of North America is Indigenous homeland and that the United States acquired those ancestral lands through means that were, at best, morally questionable and, at their worst, were genocidal in either intent or effect.

Rather than address how dispossession happened and explain how many treaties ratified by the Senate were broken, I would like to emphasize that these regrettable historical events are characterized by a disrespect for tribal governments.

Take the United States' founding documents as an example. Although the U.S. Constitution implicitly acknowledges that tribes are self-governing, the earlier Declaration of Independence labels Native Americans as "merciless Indian savages."

Every Indigenous Nation, at one time or another, has learned of this duplicity. The Oneida people, for instance, were some of the United States' only Native American allies in the Revolutionary War. Yet, even the promises of George Washington were not enough to secure our homelands in New York.

The disrespect of Indigenous peoples has extended and continues to extend to even our knowledge systems. And for this reason, the tribal co-management of Federal lands would provide a meaningful way to re-ground government-to-government relations with respect.

What we refer to as traditional ecological knowledge, TEK, is Indigenous science, and it should be respected as such. It brings a depth of place-based experience that non-Native Americans simply do not possess. It is this kind of science that led Indigenous peoples to explore the Pacific Ocean generations before Europeans, to selectively breed corn and create one of the most cultivated crops on Earth, and to engage in controlled burning of the landscape.

The United States holds Indigenous resources in trust. And adequately taking our knowledge into consideration is part of the Federal Indian trust responsibility first articulated in Cherokee Nation of Georgia in 1831.

And as outlined in *Seminole Nation v. United States* in 1942, the United States "has charged itself with moral obligations of the highest responsibility and trust" when exercising its power in regards to Indian affairs. That trust has been shattered numerous times before.

Today's dialogue belongs in a wider international context. In 2007, the United Nations adopted the Declaration on the Rights of Indigenous Peoples. The United States initially voted against it in the U.N. General Assembly but has lent its support to the Declaration since 2010. This resolution is legally non-binding, but it nonetheless outlines human rights norms in regards to Indigenous populations. The Declaration is the product of over two decades of negotiation, and it describes the Indigenous world as it should be.

I raise the U.N. Declaration to underscore that the matters before you extend beyond the United States' Federal trust responsibility to its Indigenous treaty partners, and intersects with international human rights law, as well.

By having this dialogue, we are enacting the spirit of Article 18 of the U.N. Declaration, "that Indigenous peoples have the right to participate in decision-making matters which would affect their rights."

Moreover, the proposed development of tribal co-management intersects with Articles 8, 11, and 12 of the Declaration, to name just a few, in regards to providing redress for the dispossession of

lands and the rights of Indigenous peoples to maintain and protect sites of religious, cultural, archeological, and historical significance.

The U.N. Declaration and the Federal Indian trust responsibility are linked in that they both call for the highest level of moral obligation toward Indigenous peoples.

In my opinion, the tribal co-management of Federal lands is an innovative means of sustaining productive nation-to-nation relations rooted in principles of good faith and genuine respect. Tribal consultations alone do not constitute real decision-making authority. What is being proposed today is shared governance in the interest of good governance. Thank you very much. I would be happy to answer any questions.

[The prepared statement of Dr. Kiel follows:]

PREPARED STATEMENT OF PROFESSOR DOUG KIEL, NORTHWESTERN UNIVERSITY

Introduction

Shekóli swakweku (Hello everyone!) Thank you for the invitation to testify before this Committee today. I am a citizen of the Oneida Nation, and an Assistant Professor History and the Humanities at Northwestern University. I am a faculty affiliate at Northwestern's Center for Native American and Indigenous Research (CNAIR) as well as an adjunct curator at the Field Museum in Chicago. I teach a variety of courses in Native American history, including the histories of federal Indian law and policy, and Indigenous social movements in the US and Canada.

Oneida people have engaged with members of the United States Congress from the time your predecessors in the Continental Congress first began meeting in Philadelphia. Today, I am here in my capacity as a historian to speak about the underpinnings of the current relationship between Indigenous nations and the United States.

Histories of Disrespect

The topic of today's hearing is most of all about respect. In the brief time that I have, I won't detail what you already know: that all of North America is Indigenous homeland; and that the United States acquired those ancestral lands through means that were at best morally questionable, and at their worst, were genocidal in either intent or effect. Rather than address how dispossession happened, and explain how many treaties ratified by the US Senate were subsequently broken, I would like to emphasize that these regrettable historical events are characterized by an American disrespect of tribal governments.

Take the United States' founding documents as an example. Although the US Constitution (1789) implicitly acknowledges that tribes are self-governing, the earlier Declaration of Independence (1776) labels Native Americans as "merciless Indian savages." Every Indigenous nation, at one time or another, has learned of this duplicity. The Oneida people, for instance, were some of the United States' only Native American allies in the Revolutionary War, yet even the promises of President George Washington were not enough to secure our homelands in central New York.

While such stories about the chicanery of the rapidly expanding United States are perhaps broadly familiar, the disrespect of Indigenous peoples has extended to even our knowledge systems. For this reason, the tribal co-management of federal lands would provide a meaningful way to re-ground government-to-government relations with respect. What we refer to as Traditional Ecological Knowledge (TEK) is Indigenous science and should be respected as such; it brings a depth of place-based experience that non-Native Americans simply do not possess. It is this kind of science that led Indigenous peoples to explore the Pacific Ocean generations before Europeans; to selectively breed corn and create one of the most cultivated crops on Earth; and to engage in controlled burning of the landscape.

The United States holds Indigenous resources in trust, and adequately taking our knowledge into consideration is part of the federal Indian trust responsibility. As outlined in *Seminole Nation v. United States* (1942), the US "has charged itself with moral obligations of the highest responsibility and trust" when exercising its power in regards to Indian affairs.¹ That trust has been shattered before. The disastrous

¹*Seminole Nation v. United States*, 316 U.S. 286 (1942).

policy experiment referred to as “Termination” during the 1950s, and the events necessitating the historic *Cobell v. Salazar* (2009) \$3.4 billion class-action lawsuit settlement are but two examples of federal obligations being grossly mismanaged.²

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Today’s dialogue also belongs in a wider international context. In 2007, the United Nations adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP). The United States initially voted against it in the U.N. General Assembly, but has lent its support to the Declaration since 2010. This resolution is legally non-binding, but it nonetheless outlines human rights norms in regards to Indigenous populations. The Declaration is the product of over two decades of negotiation, a process reaching back to the 1980s, and it describes the Indigenous world as it should be. I raise the U.N. Declaration to underscore that the matters before you extend beyond the United States’ federal trust responsibility to its Indigenous treaty partners, and intersect with international human rights law.

By having this dialogue today, we are enacting the spirit of Article 18: “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights.”³ Moreover, the proposed development of tribal co-management intersects with Articles 8, 11, and 12 of the Declaration—to name a few—in regards to providing redress for the dispossession of lands, and the rights of Indigenous peoples to maintain and protect sites of religious, cultural, archaeological, and historical significance. The U.N. Declaration and the federal Indian trust responsibility are linked in that they both call for the highest level of moral obligation toward Indigenous peoples.

Conclusion

In my opinion, the proposed development of tribal co-management of federal lands, as will be outlined by Dean Kevin Washburn, former Assistant Secretary of Indian Affairs, is an innovative means of sustaining productive nation-to-nation relations rooted in principles of good faith and genuine respect. Tribal consultations alone do not constitute real decision-making authority; what Dean Washburn proposes is shared governance in the interest of good governance.

Yaw-ko (Thank you very much).

The CHAIRMAN. Thank you very much. Let me now turn to our next witness, Ms. Aja DeCoteau, Executive Director of the Columbia River Inter-Tribal Fish Commission.

Ms. DeCoteau, you are recognized for 5 minutes. Thank you.

STATEMENT OF AJA DECOTEAU, EXECUTIVE DIRECTOR, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION, PORTLAND, OREGON

Ms. DECOTEAU. Good morning, Chairman Grijalva, Ranking Member Moore, and members of the Committee. Thank you for this opportunity to recognize traditional ecological knowledge as a unique asset to tribal co-management of Federal lands.

I am Aja DeCoteau. I am the Executive Director of the Columbia River Inter-Tribal Fish Commission, which is the coordinating fisheries agency of the Yakama, Umatilla, Warm Springs, and Nez Perce Tribes in the states of Washington, Oregon, and Idaho.

Tribal cultures collectively hold thousands of years of observations, adaptations, and traditional knowledge of *tamanwit*, which is our word for the original natural law that governs the balance of life on Earth. It is a spiritual philosophy rooted in a reciprocal and life-giving relationship between human beings and with the natural

²*Cobell v. Salazar*, 573 F.3d 808 (D.C. Cir. 2009).

³*United Nations Declaration on the Rights of Indigenous Peoples*, Resolution Adopted by the General Assembly on 13 September 2007 (Resolution 61/295).

world around them. Understanding tamanwit not only provides a sustainable relationship with nature, but also strengthens our bond to one another as a community.

For all that was taken or lost, especially for Native Americans, our relationship to the land and water remains, so our natural resources are our cultural and community resources. These teachings guide our land and resource management not solely based on economics, politics, and science, though they are important, but to our cultural values, spiritual practices, responsibilities, and obligations as humans who live close to the land.

For millennia, our tribes managed the rich and plentiful bounty in the Pacific Northwest for 15 to 20 million salmon who return to the Columbia River each year prior to contact. Between 6 and 11 million fish supported the ceremonial, subsistence, and economic needs of all tribes in the region, while still leaving plenty to enrich the ecosystem and replenish that abundance.

Treaties signed in 1855 reserved our right to fish for salmon. However, a variety of impacts over the following century decimated these runs. By the 1970s, salmon runs had dwindled to less than a million fish, and multiple stocks faced extinction. In 1977, our tribes united to collectively protect and restore salmon and their treaty rights to fish. They established the Columbia River Inter-Tribal Fish Commission, with fisheries management funds from the Bureau of Indian Affairs through 638 self-determination contracts. This funding was provided yearly with autonomy to use as we saw fit in creating our own modern-day salmon management presence.

Over the following 45 years, our technical capacity has reached the point where we have now developed successful programs, including Federal Columbia River Power System Mitigation Projects and Endangered Species Act recovery plans. Our holistic salmon restoration plan, called Wy-Kan-Ush-Mi Wa-Kish-Wit, combines multiple scientific fields and traditional ecological knowledge with a simple goal to put fish back in the rivers and restore the watersheds where fish live.

The tribes just don't talk about salmon restoration. We are leading the way in innovative, successful programs that benefit all people in the Northwest. For example, in 1990, only 78 wild fall chinook returned to Idaho. Twenty-five years later, more than 71,000 returned, thanks to the Nez Perce Tribe's fisheries program.

Collectively, our member tribes have a combined capacity on par with our fellow state and Federal fisheries co-managers, with tribal members representing a committed and reliable workforce motivated by culture and heritage. Our fisheries work employs over 700 people working throughout the 42.6 million acres of our reservations and ceded lands. This is over a quarter of the entire Columbia River Basin and 84 percent of the rivers and streams that are still accessible to salmon.

We perform a majority of the on-the-ground projects funded by the Bonneville Power Administration's Fish and Wildlife Program and through the Pacific Coastal Salmon Recovery's funds. We have improved more than 5,400 miles of streams, reconnected over 2,000 acres of floodplains, and improved 15,000 acres of riparian vegetation. These projects are done in partnership with landowners,

ranchers, local and state governments, and multiple Federal agencies.

Meaningful co-management entails both a seat at the table, as well as the capacity to fulfill this responsibility. The Federal funding we received facilitated our participation, and many times created the form from which many of the recovery plans in the Basin were initiated and allowed us to grow our tribal workforce.

Acknowledging this, U.S. policy toward restoring tribal self-determination can be supported by welcoming tribes as co-managers of their respective lands and resources and providing them with non-competitive and recurring funding with a broad scope. In return, the Federal Government gains the benefit of the knowledge, commitment, and cultural connection of the tribes to better fulfill its trust responsibility and obligation to wisely steward these areas.

Healthy, well-managed public lands benefit all Americans, both tribal and non-tribal alike, and the work itself brings stakeholders into a deeper community together. The tribes have a strong interest to help current landowners, whether they are private individuals or Federal or state agencies, to maintain the health and productivity of our traditional homelands. Working together as partners, the Federal Government and tribes can successfully preserve, protect, and manage our lands, rivers, and resources for the benefit of our future generations. The benefits of this partnership are shared by all of us.

Again, thank you for the opportunity to testify.

[The prepared statement of Ms. DeCoteau follows:]

PREPARED STATEMENT OF AJA DECOTEAU, COLUMBIA RIVER INTER-TRIBAL
FISH COMMISSION

Good morning, Chairman Grijalva and members of the Committee. My name is Aja DeCoteau. I am the executive director of the Columbia River Inter-Tribal Fish Commission, the fisheries technical and coordinating agency for the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe.

Recognizing that this hearing's primary focus is tribal co-management of federal lands outside of reservation boundaries, we would like to describe how the treaty tribes became an integral part and partner of Columbia Basin fisheries co-management role across the Columbia Basin and into the ocean where many of our aquatic resources migrate. Much of our experience over the last 50 years is a blueprint for creating tribal management roles with a variety of different landscapes, species, and areas of cultural significance.

Tribal Tradition of Land Management

Since time immemorial, the Columbia River tribes have developed ways of life, teachings, and cultures that are intertwined with their homeland—particularly the fish that return to their rivers and streams. All four tribes have unique cultural practices, dialects, homelands, and histories, but they share a common vision of the significance of salmon.

We have a deep and reverent cultural connection to our homelands and traditions. The knowledge of sustainable and appropriate management and care for these lands has been passed down from parents to children since time immemorial. The fact we are still here today is testament to the value of generations of observations, adaptations, and traditional knowledge of *tamanwit*, our concept of the natural law that governs the balance of life on earth.

Our cultures represent thousands of years of observation and learning, intimately connecting us to the unique ecosystems of our homelands and making us experts in these systems. This understanding guides us in our yearly rounds to hunt, fish, and gather our traditional foods, which we call our "First Foods."

In bestowing the First Foods, the Creator directed that we have an obligation to speak for and act on the behalf of them. The water, the fish, the deer, the roots and berries can't testify before you here today, but we, as the first people of this landscape are obligated and honored to speak for them.

We are taught that we don't own these resources. We understand from the earliest age that we are only caretakers of this land and its resources for our future generations. We have an obligation to our children, grandchildren, and the generations that follow to do everything we can for these resources today. Our natural resources are our cultural resources. They define who we are as a people. Destruction of these resources or denying us access to these resources is essentially a form of cultural genocide.

There is a deep connection between where the tribes live and who we are. These are themes heard frequently when tribal elders speak about watershed restoration and bringing the salmon back to the Columbia Rivers and its tributaries. To our people, salmon restoration is not just based on economics, politics, and science—it's also about cultural values, spiritual practices, and ultimately about what it means to be human.

The charge of tribal elders and leadership consistently remains the same: We must ensure that our future generations can live as Indian people on this landscape in the manner that the Creator intended us to live. That means we must not only be able to determine our own futures, but also have access to the healthy, functioning ecosystem upon which our cultures are based. This includes abundant clean, cool water; salmon to meet our ceremonial, subsistence, and economic needs; deer; roots and berries; and all the other animals, birds, fish, and plants that fill out our traditional diet.

Restoration Efforts and Management Actions Guided by Connection to the Land

For millennia, our tribes managed the natural abundance of this land, including its legendary fisheries. Pre-contact, the famed Columbia River salmon runs were estimated to number between 15 and 20 million chinook, sockeye, and coho salmon and steelhead. Tribal harvests between 6 and 11 million fish sustainably supported all our ceremonial, subsistence, and economic needs, while leaving plenty to enrich the ecosystem and replenish that abundance.

Since 1855 when our treaties with the United States were signed, the Columbia Basin has been dramatically altered. Increased human population, dam construction, unregulated harvest, and substantial habitat modifications drastically reduced salmon populations. By the 1970s, the once-bountiful salmon runs had dwindled to less than a million fish returning each year and the specter of extinction hovered over multiple runs in the basin. While the US environmental laws helped stop the wholesale development of the Columbia Basin hydropower potential, we still faced a continued decline in the habitat and survival of our salmon resource.

In 1977, the Yakama, Umatilla, Warm Springs, and Nez Perce tribes united forces, creating the Columbia River Inter-Tribal Fish Commission (CRITFC) in an effort to protect and restore salmon and their treaty rights to fish for them. CRITFC began receiving fisheries management funds from the US Bureau of Indian Affairs through PL 99-638 contracts. These funds addressed a variety of needs including our participation in the *US v Oregon* harvest management discussion, an ability to begin the technical review and understanding of the watersheds that hold our treaty trust resource, a voice at the hydrosystem management table, and the genesis of hatchery production capability.

Admittedly our early efforts were limited, and our workforce only numbered a few dozen across the four tribes and CRITFC. But this early funding was provided yearly with autonomy to use as we saw fit in creating our modern-day salmon management presence.

By 1980, the four tribes had successfully obtained amendments to the regional power act to add fish and wildlife mitigation to the Federal Columbia River Power System (FCRPS) operations, which was initially focused solely on hydropower production. The treaty tribes with their developing technical expertise, which was informed by our culture, values, and worldview, began successfully developing programs and projects which were funded as mitigation for the inundation and operational fish losses associated with the FCRSP.

By the 1990s, many salmon runs in the Columbia Basin were still on the path to extinction. The National Atmospheric and Oceans Administration listed 14 Columbia River salmon stocks under the Endangered Species Act. While the states varied in their response to these listings, NOAA began developing Endangered Species Act (ESA) required recovery plans. Based on early experience they sought out the assistance of the treaty tribes who worked in close partnership with local

city and county governments to develop technically sound and socially vetted actions to recovery ESA-listed salmonids.

In 1995, the tribes released Wy-Kan-Ush-Mi Wa-Kish-Wit, the “Spirit of the Salmon” restoration plan. This plan takes a holistic approach to salmon restoration in the Columbia Basin, with its goal to “put fish back in the rivers and restore the watersheds where fish live.” The approach is holistic in several ways: First, it emphasizes the importance of the entire watershed to well-functioning rivers and streams. Second, it combines multiple scientific fields—including fish biology, ecology, and genetics—with traditional Native American knowledge, understanding, and respect for the natural world. And third, it factors in healthy human communities as part of healthy landscapes.

The tribes implement this plan throughout the 42.6 million acres that make up our reservations and ceded lands. This area is over a quarter of the entire Columbia Basin and constitutes 84% of the salmon-accessible rivers and streams above Bonneville Dam. CRITFC and its four member tribes employ over 700 people working on fisheries management, habitat restoration, and research and monitoring activities in the Columbia Basin. We perform a majority of the “on-the-ground” projects funded by the Bonneville Power Administration’s Fish and Wildlife Program. Our efforts have resulted in many successes across the basin.

Our habitat restoration projects are designed to protect, enhance, and restore functional floodplain, channel, and watershed processes to provide sustainable and healthy habitat for anadromous fish. Over the last decade, our member tribes implemented projects that resulted in more than 5,000 miles of improved stream flow, 400 miles of improved stream complexity, reconnected over 2,000 acres of floodplain, and improved 15,000 acres of riparian vegetation. These projects have often been done in partnership with landowners and ranchers, local and state governments, and a number of federal agencies.

The work we conduct in the region is well-designed and respected. Last month, the Northwest Power and Conservation Council reviewed over 120 Anadromous Habitat and Hatchery Projects conducted in the region. Of the fourteen that were rated as “exemplary,” seven were projects conducted by scientists at CRITFC and our members tribes. Since 2010, CRITFC scientists have published 127 peer-reviewed manuscripts and given over 436 presentations at professional meetings and symposia. The tribes don’t just talk about salmon restoration, they are leading the way in innovative, successful programs that benefit all of people in the Northwest. For example, the Snake River fall chinook went from only 78 wild fish returning in 1990 to more than 60,000 due the efforts of the Nez Perce Tribe’s Fisheries program.

Working as Co-managers and Partners

Healthy, well managed lands in the Columbia Basin benefit everyone—not just salmon, but other fish and wildlife and human populations. On the principle of planning for future generations, tribal land managers seek to create sustainable economic returns within healthy watersheds. While the tribes were forced to give up ownership of the ceded lands, they retain permanent rights to hunting, fishing, and gathering in all the areas outside the reservations but within their traditional territories. They have a strong interest to help other landowners—whether they are private individuals or federal or state agencies—to maintain the health and productivity of the ceded lands. Ceding legal title to our territories didn’t cede our deep love for and obligation to protect it.

Sharing the management of public lands with tribal nations is an aspect of the Federal Government’s trust responsibility to American Indians; it is also wise stewardship to share the management of these lands and resources with those who have the greatest breadth of knowledge of and commitment to these areas. In many instances, it has been the tribes who have not only the greatest interest in the protection and restoration of these lands, but also the greatest technical understanding of the needed actions.

Historically tribes have not had the resources or capacity to fully participate in policy development and access to forums where natural resources management occurs. Reservation impoverishment meant that day-to-day survival took precedence over expending resources into the technical and policy realm of resource management, especially on off-reservation lands. Much of our success was made possible by early federal funding of tribal capacity. This created the ability for the treaty tribes to be at the table and many times created the forum from which these recovery plans sprung.

Acknowledging this, US policy toward restoring tribal self-determination can be supported with annual funding which has a broad scope of work geared toward natural resource management and that is non-competitive and recurring. Tribes,

given their own unique history, culture, and positioning on the political landscape will use these resources to establish their own particular co-management presence in those forums most significant to them. In return, the Federal Government gains the benefit of the wise stewardship from those with the knowledge, commitment, and cultural connection to these areas.

We would propose that the greatest tool available to allow Indian tribes to engage in the management of public lands and natural resources is to provide and maintain funding streams that enable them to bring their long-held ecological knowledge and contemporary science capacities to the management and policy tables for the shared benefit of tribal and non-tribal publics alike. The funding should have wide sideboards to address the diverse challenges we face and have predictable, manageable reporting requirements co-developed by the tribes. The funding should be recurring basis and without competition.

A Federal commitment to support tribes and partner in public lands co-management over their areas will help secure and safeguard our natural resources for the continuity of tribal culture, as well as provide direct and indirect benefits for all Americans. Working together as partners, the Federal Government and tribes can co-manage the lands and resources over which we both have a shared obligation and duty to protect and preserve for today as well as for future generations.

The CHAIRMAN. Thank you very much. Let me now invite and recognize Dean Kevin Washburn, Dean and Law Professor at the University of Iowa College of Law.

Dean Washburn, you are welcome and you are recognized.

STATEMENT OF KEVIN WASHBURN, DEAN AND PROFESSOR OF LAW, UNIVERSITY OF IOWA COLLEGE OF LAW, IOWA CITY, IOWA

Mr. WASHBURN. Thank you, Chairman Grijalva, and thank you, Ranking Member Moore, and members of the Committee, including old friends. My name is Kevin Washburn, and it is an honor to be back before this Committee. Thank you for this opportunity.

I am impressed by what I have heard today. I hear many Members on both sides of the aisle speaking positively about tribal co-management. I also heard the Administration witness speaking about concrete actions being taken to pursue more co-management. I offer the following ideas to encourage tribal co-management of Federal public land using existing legislative authority that might need to be tweaked a little bit.

I want to talk about one tool for co-management that has not been fully utilized by the Federal Government. Chairman Baker of the Southern Ute Tribe began his testimony by talking about the lands that Southern Ute lost during the settlement era under the Brunot Agreement. He described 56 million acres that the Southern Ute lost, and that their lands were reduced to only 700,000 acres today. A lot of our tribes can tell the same story, as our historian on the panel, Doug Kiel, explains.

But the good news is Chairman Baker ended his testimony by saying, "By working together with the public land managers, we can accomplish a lot."

Lieutenant Governor Bowekaty made a similar point. We should all be grateful, as I know the Committee is, for his leadership with the Bears Ears National Monument.

I have come to my own views on these matters by looking at the kind of history the Southern Ute faced. When one looks at a map that showcases the loss of tribal land through the 19th and 20th centuries and the development of Federal public lands over this

same time period, it is the same land. It is striking how much overlap there is in these lands. All current Federal lands are former tribal lands, and some of them were obtained fairly recently by the Federal Government, only the last 150 years.

Tribes have consistently sought the return of their lands from the Federal Government, and there is a widespread movement today called the Land Back Movement, aimed at finding ways to address these injustices that happened in the past. Congress recently returned a significant Fish and Wildlife Service refuge, the National Bison Range, to the Confederated Salish and Kootenai Tribe in Montana. And there may be more opportunities for that kind of action. As our country continues to reckon with historical injustices and seeks to develop allies in much-needed conservation efforts, more action is appropriate, and I want to talk about those opportunities today.

Indeed, return of Federal lands may be possible in some instances, but I encourage all of us to think about all of the options on the table, and not just return. One of those is tribal co-management. Tribes have had treaty hunting and fishing and other rights on some of these lands for a very long time, and they care a lot about these lands, even if they aren't technically within reservations any longer.

Let me note that tribal co-management can also protect tribal sacred sites for reasons stated in my longer paper on the subject.

Broad opportunities for tribal co-management are already authorized by Federal laws on tribal self-determination and self-governance. In 1975, Congress enacted Public Law 93-638, the Indian Self-Determination law, and that allowed tribes to contract with certain Federal agencies, primarily the BIA and the Indian Health Service, under 638 contracts so that tribes could take over Federal services on Indian reservations. And that has been exceedingly effective, very successful.

In 1994, Congress amended that law, expanded that contracting authority to allow tribal governments to contract with Interior agencies such as Fish and Wildlife, BLM, and the National Park Service. In those 1994 amendments, Congress authorized tribes to contract for virtually any Federal program, service, or function at Interior, as long as it has a special geographic, historical, or cultural significance to a tribe that is already successfully involved in these self-determination programs.

Similar authority was eventually extended to the Department of Agriculture, home to the U.S. Forest Service.

The Department of the Interior is required by law to publish each year a list to identify existing contracts and detail the list of programs that are eligible for contracting. Since 1994, though, this list hasn't grown very much. I think there is a lot of room for improvement there, and we need to see that list grow. I think it would be great in supportive of co-management, so I have four suggested reforms.

One is that Congress could expand Forest Service authority to match the authority that the Interior agencies have. It is currently more narrow than that.

Second, Congress should authorize and appropriate contract support costs for tribes entering such contracts, or at least modest planning grants for tribes to explore this work.

Third, Departments of the Interior and Agriculture should take a fresh look at this program, hold tribal consultations, perhaps on a regional basis, and begin discussions to enter new contracts.

Finally, let me note that cooperation is hard, as this discussion says, but the Departments, both Departments, should incentivize Federal land managers to engage in that kind of cooperation.

These are just some of the ideas of things that can be done. I am grateful that Chuck Sams and the National Parks is looking at more AFAs, and I thank you for bringing attention to this subject with this hearing.

Thank you for that. This concludes my remarks.

[The prepared statement of Mr. Washburn follows:]

PREPARED STATEMENT OF DEAN KEVIN K. WASHBURN, UNIVERSITY OF IOWA
COLLEGE OF LAW¹

Chairman, Ranking Member, and Members of the Committee, thank you for asking me to appear before you. I offer the following context and suggestions to encourage tribal co-management of federal public lands, using existing legislative authority.²

Introduction

One of the most significant long-standing injustices in the history of the United States is the theft of land from Indian tribes during the better part of the first two centuries of this nation's existence. The taking of native land reflects a wide gulf between our idealistic claims to be a just nation and the truth buried in our nation's history. Our nation is far from perfect. Since 1787, however, this country has been working steadily, more or less, to achieve our highest ideals and to become a "more perfect union." It is in this spirit of idealism that I appear before you today.

All of North America was once occupied by Native American tribal nations. Today, the vast majority of federal public land is located in the western United States, and tens of millions of acres of this land can be traced to specific land cessions from tribes pursuant to Senate-ratified treaties, or Presidential executive orders, that were later violated.

Tribes have consistently sought the return of their lands from the Federal Government. Tribal nations in South Dakota, for example, regularly renew their request for the return of the Black Hills. An outspoken Ojibwe scholar, David Treuer, has boldly called on the United States to return the national parks to tribes, saying "there can be no better remedy for the theft of land than land" and "no lands are as spiritually significant as the national parks." Demands by the "LandBack" movement have met with some success, as Congress recently returned a significant Fish and Wildlife Service refuge, the National Bison Range, to the Confederated Salish & Kootenai Tribe in Montana. As our country continues to reckon with historical injustices and seeks to develop allies in much-needed conservation efforts, more action is appropriate.

The Need for Tribal Management or Co-Management of Public Lands

While returning federal lands to tribes presents significant complexities, a wide range of actions can meet some of the same goals. Today, I wish to discuss tribal co-management of federal public lands as a meaningful and constructive way to acknowledge and recognize past injustices and also broaden the federal commitment to conservation and strong stewardship of public land.

¹For identification purposes only. The testimony presented here is made in an individual capacity and is not made on behalf of the University of Iowa or any other institution.

²A more comprehensive assessment of the ideas discussed herein will be published in the Wisconsin Law Review, in an article entitled *Facilitating Tribal Co-Management of Federal Public Lands* (forthcoming 2002). A draft of the article is currently available here: <http://ssrn.com/abstract=3951290>.

Tribes have a lot to offer in land conservation and management, including traditional ecological knowledge and thoughtful practices regarding resource management that have been passed down through generations. Tribal land managers perform better, in some ways, than expert federal managers. Bold federal conservation goals need broad support and tribes can be important allies to the Federal Government and our international partners in this effort.

Views on the Indian Self-Determination and Education Assistant Act

Broad opportunities for tribal co-management are already authorized by federal laws on tribal self-determination and self-governance. In 1975 Congress enacted Public Law 93-638, the Indian Self-Determination and Education Assistance Act (“ISDA”), which allowed tribes to contract with certain federal agencies to administer federal programs that provide services to Indian people because of their status as Indians. Under such contracts—commonly called “638 contracts”—tribal governments step into the shoes of the Federal Government in providing federal services. The vast majority of these contracts are between tribal governments or tribal consortia, on one side, and the Indian Health Service (“IHS”) and the Bureau of Indian Affairs (“BIA”) on the other. The self-determination laws have transformed federal services in Indian Country. The contracting scheme has simultaneously enhanced tribal sovereignty and self-determination and improved the quality of federal services to Indian people. It has also had the practical effect of building substantial tribal capacity in a field of some complexity: contracting with the Federal Government.

In 1994, Congress expanded tribal ISDA contracting authority, allowing tribal governments to contract with Interior agencies, such as the Fish & Wildlife Service (“FWS”), the Bureau of Land Management (“BLM”) and the National Park Service (“NPS”). These 1994 amendments authorized tribes to contract for virtually any federal program, service or function at the Departments of Interior or Health and Human Services as long as it has a “special geographic, historical, or cultural significance” to a tribe that is successfully involved in the ISDA self-governance program. Similar authority was eventually extended to the Department of Agriculture, home to the U.S. Forest Service (“USFS”).

To tribes, expanding the contracting regime beyond traditional tribal self-governance programs held great promise. Opportunities would seem to abound for partnerships between tribes and federal land management agencies. However, the strong potential for tribal co-management in the 1994 amendments has yet to be realized.

Indeed, in contrast to the BIA and IHS, tribes have had very little success in contracting with the federal land management services. Compared to more than 800 annual contracts with the BIA in recent years, tribes have entered fewer than a dozen contracts annually with all of the other land management agencies within Interior combined, including the BLM, FWS and NPS. Based on the numbers alone, it is fair to conclude that the Congressional initiative to encourage federal-tribal contracts related to public land management has failed.

To address this failure, I respectfully present several recommendations to incentivize contracts between tribes and federal land management agencies and to facilitate participation by tribes in meeting ambitious federal conservation objectives. Some of the suggestions are directed toward the agencies and some are directed toward Congress.

Interior Agencies Should Expand the List of Federal Programs, Services and Activities That Are Subject to Potential Contracting

The Department of the Interior is required by law to publish each year a list identify existing contracts and detailing the list of programs that are eligible for contracting. Since 1994, tribal governments have become more and more successful in running federal programs and tribal governmental capacity and expertise has expanded. However, Interior’s annual list of eligible programs, services and activities has changed very little in more than 20 years since the list was first published in the Federal Register.

To its credit, Interior has not ignored the program. Interior has occasionally held tribal consultations on the program and the list has not been entirely static. In light of the “LandBack” movement and heightened interest among tribal governments and conservation organizations in engaging tribes in land conservation, this program should be made a Departmental priority. The Department should consult with tribes with a view toward expanding the lists of functions for which tribes can contract. The following activities have been included, but some of these could be expanded:

Eligible Bureau of Land Management programs (among others):

- Minerals management and cadastral surveys
- Cultural heritage activities
- Natural resource management, such as timber management and watershed restoration
- Range management, such as revegetation, noxious weed control, and wild horse management
- Riparian management, such as erosion control
- Recreation management, such as facilities construction and maintenance
- Habitat management

Eligible National Park Service programs (among others):

- Archaeological surveys
- Comprehensive management planning
- Ethnographic studies
- Erosion control
- Fire protection
- Gathering subsistence data
- Hazardous Fuel Reduction
- Housing Construction and Rehabilitation
- Interpretation
- Janitorial Services
- Maintenance
- Natural Resource Management
- Campground Operation
- Range Assessment
- Reindeer Grazing in Alaska
- Road Repair
- Solid Waste Collection and Disposal
- Trail Rehabilitation
- Watershed Restoration and Maintenance
- Recycling Programs

Eligible Fish and Wildlife Service programs (among others):

- Subsistence programs within Alaska
- Technical assistance, restoration, and conservation
- Endangered species conservation and recovery programs
- Wetland and habitat conservation restoration
- Fish hatchery operations

Each Interior agency should be directed to go through the list of activities anew and take a fresh look, in consultation with tribes.

Interior Agencies Should Also Expand the List of Federal Facilities, Lands, and Units That Are Subject to Potential Contracting

In the same document in which Interior annually publishes notice of the list of eligible programs, services and activities for which tribes can contract, it also publishes the names of the lands or units that lie in proximity to an eligible tribal government exercising self-governance. Similar to the eligible program and services lists, these lists have also remained relatively static during the past 20 years.

To provide examples, the NPS lists 15 park units in Alaska and eight in Arizona, and even one in my current home state of Iowa—Effigy Mounds National Monument. It lists six iconic units in New Mexico, including Aztec Ruins National Monument, Bandelier National Monument, Carlsbad Caverns National Park, Chaco Culture National Historic Park, Pecos National Historic Park and White Sands National Monument.

However, some newer public land units, which would seem to be appropriate for inclusion, are omitted from the list. For example, the Bears Ears National Monument in Southeastern Utah was not included, despite significant tribal interest in assisting the BLM in managing this tribally significant landscape. The list contains no units in Wisconsin, despite press reports that suggest that the Red Cliff Band of Lake Superior Chippewa has been in talks with the NPS regarding the Apostle Islands National Lakeshore, which is adjacent to the Red Cliff and Bad River Indian Reservations.

Agencies should schedule tribal consultations, perhaps on a regional basis, on the scope of the list of public land units, and actively seek out tribal interest in engagement with particular units. I am quite confident that such a review would result in the addition of more parks, monuments, and refuges to the list. Ultimately, agencies should be encouraged to expand the list by identifying additional units and additional functions.

Congress Should Authorize Modest Funding for Tribal Planning Grants and Contract Support Costs to Assist Tribes with Successful Proposals for Land Management Contracts

Two structural impediments exist to successful tribal contracts for public land management, at least in comparison to the original program for contracts for “Indian services.” First, contracting is mandatory for the BIA or IHS when requested by a tribe, while it is only discretionary for the land management agencies. Tribes have long sought to make contracting mandatory even outside the BIA and IHS. I recommend no change here, at this time, but I do believe that Interior should embrace contracting opportunities much more seriously.

Second, when a tribe enters a contract with either the BIA or the IHS, the ISDA requires the agency to provide the contracting tribe with funds equivalent to those that the Secretary “would have otherwise provided for his direct operation of the programs.” The costs are known as “contract support costs” and they have been the subject of significant stress and litigation. The theory for them is this: in the normal operation of a federal program, an agency has other expenditures involved in running the program that may not implicate specific program funds. For example, the Federal Government may have costs associated with hiring personnel or with providing employee benefits that would ordinarily be borne by the Federal Government but may not be allocated directly from program funds. To account for such expenses, the ISDA entitles tribes to an additional percentage of program funds, which varies by tribe and location, to account for other costs that the Federal Government would have borne in providing the same services. These funds are akin to “indirect costs,” or “facility and administrative costs” allocated in university research grants, for example.

After decades of litigation, the Supreme Court ultimately held in *Salazar v. Ramah Navajo Chapter*, 567 U.S. 182 (2012), that the law requires the Federal Government to pay such costs even if Congress has not appropriated adequate funding. As a result, tribes can now count on this funding in Indian services contracts. However, these costs are significant, often reaching from ten to fifty percent or more of the principal amount of the contract. Because contracts with other DOI agencies or the USFS do not address contract support costs, contracts with other agencies are less lucrative and more burdensome on tribes than contracts with the BIA or IHS. Because contract support costs represent the ordinary and routine costs of operating program, every government must bear them. For a tribe contracting with a non-BIA or IHS federal agency, the tribe must meet those expenses in other ways. Because contracts with land management agencies are, in this way, more costly to the tribe than Indian services contracts, contracts with these agencies are less attractive and more burdensome to tribes.

Congress should consider awarding contract support costs, at least in some limited fashion in this context, just as it does in the Indian services context. From the perspective of tribes, the Federal Government saves some administrative resources when a tribe takes over functions. It makes sense to offer some, at least modest, recognition of these savings. If this proposed reform is untenable, a more modest reform that might make a difference is authorizing and appropriating

modest planning grants to allow interested tribal governments to explore options and make a sophisticated judgment about the costs of running a federal program.

**Interior Should Encourage Federal Managers to Negotiate with Tribes
by Rewarding Superintendents and Regional Directors Who Enter
Negotiations for Contracts with Tribes and Recognizing Those Who
Successfully Enter Contracts**

Aside from financial barriers tribes may face in seeking contracts with federal land management agencies, tribes face additional obstacles related to agency culture, tribal expectations, and even the political dynamics at the agency and within interest groups and Congress. For a variety of reasons, federal officials may be unwilling to engage in serious discussions about such contracts. Because tribes have significant experience managing lands and resources, however, tribes have a lot to offer.

Federal opposition to contracting may be rooted in ignorance about tribal success in running federal Indian programs. As Cherokee philosopher Will Rogers once noted, “we are all ignorant, just about different things.” A BLM state director, park superintendent, or FWS regional director may simply not understand the sophisticated programs being run by tribes in some of the same subject matter areas as the public land management agencies. Park superintendents are accustomed to giving tours of the iconic public lands they proudly manage. Perhaps these superintendents and other federal managers should also be *taking* tours of the tribal lands managed by neighboring tribes.

Starting with modest contracts may create an opportunity to build trust and develop a shared understanding of missions and goals. One example of low-hanging fruit is so called “interpretive services.” Nearly every national park unit has employees who are charged with explaining the significance of the park unit. Tribal employees may have unique value in helping members of the public understand the cultural, historical, and scientific significance of particular lands.

New partnerships are not easy. From the federal side, a partnership involves compromise and the willingness to give up some level of control. Federal officials who have the vision to begin such conversations and successfully develop new ways of approaching the management of public lands should be rewarded.

**Congress Should Align the Criteria for Tribal Contracts for USFS Land
Management Agreements with the Criteria for Interior Agreements**

For the programs in the Department of the Interior, Title 25, Section 5363(c) of the U.S. Code allows a tribe to contract for federal activities or programs that have a “*special geographic, historical or cultural significance*” to the tribe. Since virtually all public lands in the United States were once occupied by one or more tribal nations, the limitation in this language is not particularly significant. For almost every public land unit in the western United States and many in the East, it is likely that there is a tribe that qualifies. To the extent that this language is limiting, it should be understood to help the agency determine which tribe should be engaged as to which service unit.

In contrast, the authorization for tribal contracting with USFS is more limited. In 2004, Congress expanded contracting to the USFS, located within the Department of Agriculture, through the Tribal Forest Protection Act (“TFPA”). The 2004 amendment was passed largely in response to a bad fire season in which tribes were impacted by the failure of federal officials to prevent a forest fire from migrating from USFS land to a tribal forest. In 2018, Congress again expanded USFS contracting authority in the Agricultural Improvement Act (the 2018 Farm Bill), which granted USFS the authority to enter ISDA agreements with tribes to undertake TFPA-specific projects and work. In part because of this context, this law has more restrictive language than in the DOI authorization.

Under the TFPA, tribes are restricted to contracting only for projects on federal lands “bordering or adjacent to the Indian forest or rangeland.” I would respectfully suggest that this language is unduly narrow and restricts tribal nations with significant connections to the land, including some tribal nations that are located near public lands, though not formally adjacent. It would make sense to expand the TFPA authorization to match the broader language in section 5363(c). Since contracting is not mandatory for USFS, and the agency retains discretion as to whether to enter such a contract, it is hard to see a downside to broadening the authorization.

Agencies Should Lengthen Contractual Terms to Develop Longer Partnerships

Some agencies have begun to execute two-year or more agreements, and this extension is a positive development. Two-year agreements make sense because they reflect the limit of federal budget authority (for many agencies, money appropriated in one year generally can be used that year and carried over to the following fiscal year). For mature relationships between tribes and agencies, agencies should be encouraged to enter long-term arrangements, such as five-year contracts, which have automatic adjustments if fiscal conditions change.

While longer contracts would assist with certainty and continuity, such a contract need not be a straitjacket. For example, if federal appropriations for the specific facility decrease, the tribe's contract could be cut by a proportional amount. Moreover, tribes generally have the authority under the law to retrocede a function or program back to the Federal Government, and likewise, an agency has the authority to reassume a program if the tribe is failing to meet its contractual obligations.

Conclusion

Each year, Native American tribal nations enter hundreds of federal contracts worth billions of dollars to run federal Indian programs. These "self-determination contracts" have been enormously successful in improving the effective delivery of federal programs on Indian reservations, while also maintaining the government's goal of encouraging tribal participation in economic development. When tribes manage public land, they bring a long-standing and deep commitment to land stewardship. They also have strong human capital to bring to bear, including traditional ecological knowledge that has developed over centuries.

Tribal governments wish to use their resources and expertise more. At a time when all nations must work together to address the effects of climate change, federal co-management with tribal nations can bring to bear new tools, new expertise, and new players to bear on the federal conservation agenda. A modest and attainable way to begin the expansion of tribal co-management is by using the mechanisms already congressionally authorized. This can lead to a strong potential of developing more contracts and relationships, breathing new life into the tribal contracting programs on public lands.

Thank you for inviting my views.

The CHAIRMAN. Thank you very much, Dean. The Chair now wishes to recognize Mr. Cody Desautel, President of the Intertribal Timber Council.

Sir, you are recognized.

**STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL
TIMBER COUNCIL, PORTLAND, OREGON**

Mr. DESAUTEL. Thank you, Chair Grijalva and Ranking Member Moore. I am Cody Desautel, I am the President of the Intertribal Timber Council and Natural Resource Director for the Confederated Tribes of the Colville Reservation in Washington State. On behalf of the ITC and its more than 60 member tribes and organizations across the country, I appreciate the opportunity to discuss how tribes are well situated to help co-manage Federal forest lands.

A total of 334 reservations in 36 states includes 18.6 million acres of forests and woodlands held in trust by the United States and managed for the benefit of Indians. Pursuant to both tribal direction and Federal law, our forests must be sustainably managed.

Tribes operate modern, innovative, and comprehensive natural resource programs premised on connectedness to the land, resources, and people. Our approach is holistic, sustaining a triple bottom line of economic, ecological, and cultural values. We care for

the land through active management and do our utmost to aggressively treat problems proactively before they reach disastrous proportions, fueling wildfires.

Even with limited budgets, tribes have demonstrated more effective forest management than Federal agencies. ITC believes we also have a stronger balance between resource protection and producing economic outputs that support our local communities.

In addition to having more fire-resilient forests, tribes also respond to fires more effectively. The average size of fires on BIA-managed lands is three times smaller than on Forest Service. Suppression costs on a per-acre basis are five times lower on BIA-managed lands.

Indian tribes are neighbors to Federal forests and many tribes retain and exercise treaty and reserved rights. Unhealthy Federal forests impact tribes' ability to practice those reserved rights and, in some cases, those impacts overflow onto our reservations. Even with effective treatments to our own lands, severe wildfires from adjacent Federal lands inflict significant damage and economic cost to tribal forests.

In the last two decades, tribes have increased their co-management activities on Federal forest lands, utilizing tools authorized by Congress. The Tribal Forest Protection Act authorizes the Forest Service and BLM to enter into agreements with tribes for forest health projects on U.S. Forest Service and BLM lands that pose fire, forest health, or other threats to adjacent tribal trust forests.

In 2018, the Farm Bill expanded 638 self-determination contracting authority to USDA for TFPA projects. This provided a funding mechanism to allow tribal participation to ensure tribal goals and objectives are included. The ITC and Forest Service have been working collaboratively to implement this provision on the ground.

The 2018 Farm Bill also authorized tribes to enter into cross-boundary forest health projects using the Good Neighbor Authority. However, the Farm Bill language failed to give tribes the ability to retain project revenues needed to build restoration program capacity internally. Legislation has been introduced in the House to remedy this situation, which the ITC supports.

The Department of the Interior's Reserved Treaty Rights Lands program enables tribes to participate in collaborative projects with off-reservation, non-tribal landowners to enhance the health and resiliency of priority tribal natural resources at high risk to wildland fire. This addresses areas where Federal agencies may not share tribal priorities, or may agree but do not have the funds available to manage for them.

A major barrier to tribal co-management activities is capacity. Management of tribal trust forests are funded at a fraction of the equivalent Federal forests: \$.30 on the dollar, compared to the Forest Service. In addition to the funding received from the BIA, it is restricted to management of tribal trust land. It is difficult for most tribes to justify using tribal funds on co-management initiatives off reservation, when the tribal needs are so great at home. Tribes have been deprived of tools like GNA receipt retention,

which could be used to build programs as states have successfully done for many years.

The ITC recommends the following steps to increase tribal co-management opportunities on Federal forest lands: provide parity and project revenue spending authority to tribes interested in Good Neighbor Authority projects; authorize Federal hazardous fuels dollars to be used to build tribal capacity for development of cross-boundary projects; authorize the tribes to initiate Cooperative Forest Landscape Restoration projects where TFFPA and GNA may not be an appropriate tool; and statutorily require the National Forests and BLM adequately contemplate tribal interests in forest planning and processes under NEPA.

The ITC stands ready to work with the Committee and the Administration on enhancing tribal participation in the management of Federal forests. The ITC has and will continue to support legislation from both parties that increase the roles and responsibilities of Indian tribes and the management of Federal forests for the good of all.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Desautel follows:]

PREPARED STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL
TIMBER COUNCIL

I am Cody Desautel, President of the Intertribal Timber Council (ITC) and Natural Resources Director for the Confederated Tribes of the Colville Reservation in Washington State. On the behalf of the ITC and its more than 60 member Tribes and organizations across the country, I appreciate the opportunity to discuss how tribes are well situated to help co-manage federal forestlands.

Tribes are first stewards of the land, air, water, earth, and all things that walk, fly, swim, or grow roots. Tribal wisdom and practices are needed more than ever. Tribal participation in the management of public and all lands should be embraced to heal and protect the resources we share.

Tribes are the experts when it comes to local conditions, resources, and socio-economic forces. Their cultures, economies, religions, identities, foods, and medicines are grounded in a profound covenant of stewardship of the environment connecting the past, present, and future.

On a total of 334 reservations in 36 states, 18.6 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians. Pursuant to both tribal direction and federal law, our forests must be sustainably managed. Indian Tribes work in partnership with the Bureau of Indian Affairs and others to care for the land.

Tribes operate modern, innovative and comprehensive natural resource programs premised on connectedness to the land, resources, and people. Our approach is holistic—sustaining a “triple bottom line” of economic, ecological, and cultural values. We care for the land through active management and do our utmost to aggressively treat problems such as insect or disease infestations, and fuels before they can reach disastrous proportions fueling wildfires that have plagued the west.

Even with limited budgets, tribes have demonstrated more effectiveness in forest management than federal agencies. I believe we have a stronger balance between resource protection and producing economic outputs. Our forests are more resilient to fire, Tribes also respond to fires more effectively. The average size of a fire on BIA-managed lands is three times smaller than on Forest Service land. Suppression costs, on a per-acre basis, are five times lower on fires on BIA lands.

All public lands are carved from historically Indian lands. Indian tribes are neighbors to federal forests and many tribes retain and exercise treaty and reserved rights on these lands to hunt and fish, gather foods and medicines, and for other cultural purposes that define them as a people. Unhealthy forests impact Tribes’ ability to practice those activities on federal lands, and in some cases those impacts overflow onto our reservations. Even with effective treatments to our own lands, severe wildfires from adjacent federal lands inflict significant damage and economic costs to tribal forests.

In the last two decades, tribes have stepped up their co-management activities on federal forestlands utilizing the tools authorized by Congress:

- TFPA: The Tribal Forest Protection Act (P.L. 108–278 [2004]) authorizes the U.S. Forest Service and BLM to enter agreements with tribes for forest health projects on USFS and BLM lands that pose fire, health or other threats to adjacent tribal trust forests.
 - o “638 authority”: Additional authority provided in the 2018 Farm Bill allows the Forest Service to enter into 638 self-determination contracts with tribes for TFPA projects which provides a funding mechanism to allow tribal participation to ensure tribal goals and objectives are included in implementation of those projects. The ITC and the Forest Service have been working collaboratively to implement this provision on the ground.
- Good Neighbor Authority: The 2018 Farm Bill authorized tribes to enter into cross boundary forest health projects using this authority with DOI and the Forest Service, but failed to give tribes the ability to retain project revenues to build restoration programs. Legislation has been introduced in the House to remedy this situation and the ITC would recommend it be addressed in the next Farm Bill.
- Reserved Treaty Rights Lands: Many Tribes possess reserved rights in off-reservation areas under the management of other federal agencies. In some cases Tribes share co-management rights with federal agencies. Federal agencies may not share the same priorities for landscape restoration as tribes or, may agree with Tribal priorities but not have the funds to manage for Tribal priorities. The Department of the Interior’s Reserved Treaty Right Lands (RTRL) program enables Tribes to participate in collaborative projects with non-Tribal landowners to enhance the health and resiliency of priority tribal natural resources at high risk to wildland fire.

The ITC has and will continue to support legislation from both parties that increase the roles and responsibilities of Indian tribes in the management of federal forests. The value of co-management projects accrues to all Americans, not just tribal members.

A major barrier to tribal co-management activities is capacity. Management of tribal trust forests are funded at a fraction of equivalent federal forests—thirty cents on the dollar. In addition the funding received from the BIA is restricted to management of tribal trust land. It is difficult for most tribes to self-finance co-management initiatives.

Tribes have been deprived of tools like receipt retention in GNA projects that could be used to build programs as states have successfully done for many years.

The ITC recommends the following steps to increase tribal co-management opportunities on federal forestlands:

- Provide parity in project revenue spending authority to tribes interested in Good Neighbor Authority projects;
- Authorize federal hazardous fuels dollars to be used to build tribal capacity for development of cross-boundary projects;
- Authorize funding for tribes to initiate Cooperative Forest Landscape Restoration projects where TFPA/GNA may not be an appropriate tool;
- Statutorily require that National Forests and BLM units adequately contemplate tribal interests in forest planning processes under NEPA

The ITC stands ready to work with the Committee and the Administration on enhancing tribal participation in the management of federal forests.

The CHAIRMAN. Let me now recognize the Ranking Member for any questions or comments he might have.

Mr. Moore, you are recognized.

Mr. MOORE. Thank you, Chairman. I do have several questions I will direct to Mr. Desautel, but I first just want to comment on kind of what we have seen discussed today, and I get it, right? Those of us in the Minority, the Republican side of the aisle, we want to talk about energy production, and we want to talk about

energy independence for, particularly, what is going on in the world. And there is frustration from the Majority side, saying that is not what today's hearings are about.

I had a town hall last night, a telephone town hall with my constituents in Utah. We had 71 questions submitted. Sixty-five of these questions were about energy independence and the Russia-Ukraine conflict and how the two are intertwined. So, when we constantly bring up this topic, this is what our constituents are talking about. We represent them. This is the Committee of jurisdiction over one of the most important things, and we should look at that as an opportunity, in my opinion.

I serve on Armed Services and Natural Resources, particularly as the Ranking Member on Oversight and Investigation. And candidly, I am excited about that, because I feel like there is an opportunity to do something. I mean, what is more relevant right now than Armed Services and Natural Resources and what our nation can do to address this?

So, it is not an insincere sort of political ploy. I want to re-emphasize one thing that my friend from Louisiana, Garret Graves, said. We are in a bind now because we can't prepare for this. We are going to cut off oil energy, or we are going to cut off energy from Russia, and we can't backfill it. And now we have to go to other dictators. That is the most irresponsible thing that we can do as lawmakers.

I emphasize the point—85 to 90 percent of the questions that I had last night are directly related to this Committee of jurisdiction.

And, thankfully, I have been able to highlight to my constituents that I have been speaking out against the Secretarial Order, the Keystone Pipeline, since last February, 13 months ago. That is good for me politically, but I am not looking for a political win. I am sincerely looking for a win for our nation and for our allies. That is what I truly care about, and I know that is what all of us actually do care about.

So, that is where it is coming from. It is not coming from cheap politics, I promise you.

And I am going to take this opportunity, Mr. Desautel, to just highlight. Given the instability that we are witnessing in Eastern Europe, can you talk to us about the importance for us to look at domestic energy production from our tribes and even other communities? And what benefits would you see from that?

I look at it as an opportunity to avoid the Ayatollah, avoid Venezuela, and look at what we have here, and do it better and cleaner. And if we invest in ourselves, we can go find more renewable opportunities. Any thoughts there, sir?

Mr. DESAUTEL. Yes, thanks for the question. We don't have much experience with that, as an Intertribal Timber Council, but we have put significant effort into looking at renewable fuels, primarily biomass. And we know that, through a number of studies through universities across the country, that that is primarily limited by economics, that it is not financially feasible to remove those products from the forests and make a profit, so you don't see it utilized on the ground.

Now, I think we have had a lot of conversations about a cost model, recognizing what wildfires cost us on an annual basis, and

how we can do work on the landscape in the near term to remove those fuels, even if it is at a minor cost. The benefits that we see in the long term, I think, hold huge potential.

And most tribal governments exist in rural communities, so any time there is an opportunity to generate an economy, that is helpful for the local tribes.

Mr. MOORE. Let me put some numbers to it, actually. What I have here is that the United States imported over \$450 million worth of wood products from Russia. Wood products exports are a \$12 billion economy for Vladimir Putin.

So, similar to the conversations if we talk energy, do you think there is an opportunity here to source our lumber from countries, leveraging our Federal and tribal lands to produce more timber?

Mr. DESAUTEL. Absolutely. That is primarily a limitation of funding for the BIA, that if you look at what the annual level harvest is for tribes across the country, we are only utilizing about half of that on any given year. So, there is a significant amount of wood that would benefit both tribal and local economies if we had the funding to ensure that those forest products made it to market.

Mr. MOORE. Thank you. I appreciate you being here and the chance to talk about this.

I hope my comments are understood in the intent that they are, that is to be productive and to leverage this Committee to the best possible use of taxpayer resources. Thank you, Chairman.

The CHAIRMAN. Thank you very much. And in any discussion going forward on the issue of energy independence, self-reliance, both as a domestic policy and a foreign policy, yes, to that conversation. I think my colleagues on the other side of the aisle—and I appreciate your comments, Mr. Moore—have to understand that those conversations need to be factual, OK, and second of all, that those conversations are not one-sided, that Members on my side of the aisle in the Majority have ideas on that pathway to energy independence just as some Members on your side have ideas to reinstate former policies as the only means to acquire energy independence. I think that discussion is going to be important—it is important.

But I hope there is some acknowledgment that there is not just one path to this, and that—whether it is the McMorris-Westerman piece of legislation that is counterproductive to everything this Committee has been doing, if that is the template that you are using, yes, then it is worth a debate, because there are some serious questions about the effectiveness of that.

But we will get at it some other meeting. I want to concentrate on this. Let me now recognize Chair Leger Fernández from New Mexico. You are recognized.

Ms. LEGER FERNÁNDEZ. Thank you, Chair Grijalva, and thank you to the witnesses and this whole discussion that we are having about the topic in terms of the roles and the importance of tribes actually participating and managing their own lands, which are also their aboriginal lands, which are also, in many cases, their sacred lands.

I worked for many years, had the honor of working with Taos Pueblo, and we all know the history, that Taos Pueblo was one of the very first tribes that was able to have returned to it Blue Lake

over 50 years ago. And it was such a celebration for them to receive back to them that incredibly sacred piece of land, which meant something to them that none of the rest of us can understand, other than it is their sacredness, it is their stories, it is their history, and they are, therefore, the perfect people to protect it.

But what I also know is that there was supposed to be an agreement for the wilderness surrounding it and funding for the tribe to be able to exercise that protection because it does cost money, right? And protecting a wilderness area requires the investment of resources, and they have been frustrated time and time again about the fact that the allocation of resources hasn't come through.

And that brings me to your testimony, Mr. Washburn, and how nice to see you again. I love the fact that we have all of these New Mexico connections on this hearing today. But you had some good recommendations for tribal co-management, and one of them involved the issue of costs, right, and how important it is for tribes to be able to collect contract support costs and indirect costs when they execute a 638 contract.

We know that happens with the BIA or IHS. It makes it possible for tribes to actually be able to afford to run that program. But tell us a little bit more about what a better estimate of those indirect costs might be, in the context of co-management of lands, and why the failure to do that is such a barrier for tribes.

Mr. WASHBURN. Thank you for the wonderful question. The challenge here is tribes, they have limited resources. Many of them have limited resources. I will say there are some tribes that will do co-management, even without contract support costs and without additional costs.

But the fact is, when the United States contracts with others to do work—like universities, for example, for research—it often recognizes that by giving them additional sums to help them pay for IT, information technology, and human resources, and those sorts of things. And tribes can be more successful if they get the same kinds of resources.

And when they do this, it saves the Federal Government money. Indeed, in some cases—and you heard some of it here from one of our witnesses—but tribes can be even more efficient than the Federal Government in providing these services. So, that means the taxpayer may be getting more for its money if it contracts with tribes for some of these services.

In part, that is because tribes don't necessarily follow the general Federal pay scale. They don't necessarily have the same kinds of benefits that the Federal Government has and that sort of thing. So, they are a little more flexible, I think, than the Federal Government.

In sum, tribes can do this sometimes cheaper, but they do need support. They need some of those administrative costs provided.

So, thank you for the wonderful question.

Ms. LEGER FERNÁNDEZ. And it really just makes sense, right? If the Federal Government would be doing it, they are paying somebody due to the IT, they are paying somebody to answer the phones. All of those are simply the costs of doing the business, right?

And then there is this other piece that is really key, in terms of the manner in which tribes will hire their own members to do this work, and the economic impact on the tribe itself, and how they are able to grow their capacity so that—going back to Taos Pueblo, they have an amazing natural resources department that is available to do that, that is constrained by costs. But their natural resources department is working on making sure that they are able to do some of the game hunts and bring in additional resources.

So, can you maybe touch base on the fact that there is a—well, actually, I am out of time—that there is actually this multiplier effect that happens when we are basically investing in tribal infrastructure, and getting the benefits of that deep knowledge of the land that somebody coming from outside would never have, is that correct?

Mr. WASHBURN. That is correct. Thank you.

Ms. LEGER FERNÁNDEZ. Thank you.

Thank you, Mr. Chairman, I yield back.

The CHAIRMAN. Thank you. The gentlelady yields. Continuing a markedly New Mexico vibe in this meeting, the gentlelady from New Mexico, Representative Herrell, you are recognized.

Ms. HERRELL. Thank you, Mr. Chair. It is New Mexico Day in Washington. I just really appreciate this hearing.

And I have the privilege of representing the Mescalero Apache Tribe and other pueblos in the district that I represent. Last year, I actually took Ranking Member Westerman down to Ruidoso, down to visit the Mescalero Apache Tribe, so that he could really understand the difference in terms of forest management done on the tribal land versus on public land. And I kind of want to ask the same question my colleague was just asking, but kind of flip it a little bit, and I wanted to ask this to Mr. Desautel.

In your testimony, you list out several proposals that Congress should be considering to empower tribes to better manage forests on their reservations. And in our area, they do already. The tribes and pueblos do a much better job. So, to flip it, what do you think that Federal managers should be doing, and what do you think they can learn from tribal land managers when it comes to preventing catastrophic wildfires and managing public lands?

Mr. DESAUTEL. Thank you for the question. The Intertribal Timber Council has hosted a number of different workshops to try to leverage the authorities that tribes have currently that have been granted by Congress, primarily over the last couple of decades. And TFPA has been the most successful of those so far.

But, I think, when we develop those projects, tribes have tried to, one, utilize them along their border, so you see what tribal management looks like on one side of the fence versus the Forest Service side, and then create a similar condition on the other side, where you have resilience, you have those tribal priorities included in project development and implementation.

So, in addition to that, you get the economic benefits, the ecosystem function benefits of having ecosystems that have been actively managed with a resilience and a climate change perspective in mind.

And I think tribes carry that throughout the nation. That isn't something that is specific to the Southwest, but they do a great job down there.

Ms. HERRELL. They really do. I mean, you are exactly right. You can literally look at the fencing and look at one side of the fence versus the other and see a stark difference.

And just quick, because I know we are almost out of time, I am curious. Can you give the Committee any examples, or are you familiar with any of the steps that the tribal members and tribes are taking to address watershed health and water supply issues?

I mean, especially in these rural communities throughout the Southwest, where we are just riddled with drought conditions, I am just curious if there is something that you are familiar with that they might be working on, in terms of watershed stability in their forest management process.

Mr. DESAUTEL. I don't know of any specific projects, but I know in general their management approach looks at what a resilient ecosystem is and the benefits that come from that. So, we have clean water with good quantity, we have clean air, and all of the habitat and cultural resource needs that the tribes have.

So, their guiding principles in management are focused on that. Although I don't know specific examples, I think there are probably plenty of them across the West, where tribes recognize the benefit of those upper watersheds and why it is important to maintain those and not necessarily where the point of withdrawal is.

Ms. HERRELL. Yes, and I just think the limited number of trees per acre would certainly have a huge impact on watershed, downstream users, water availability. And hats off to how well, especially Mescalero Apache and others, have managed their properties and their land. It is amazing.

With that, Mr. Chairman, I turn back the New Mexico portion of your hearing to you.

The CHAIRMAN. Thank you, Representative. I happen to be fortunate, and my spouse is from northern New Mexico. She is born and bred, and we have been together quite a while. And I have learned that sometimes you just roll with the punches. There is not much you can do when it comes to New Mexico.

Anyway, Chairman Lowenthal, you are recognized for any comments or questions you may have, sir. Thank you.

[Pause.]

The CHAIRMAN. If not, let me move down to Representative García, if you are—

Dr. LOWENTHAL. No, I am here. I am here, Chairman Grijalva.

The CHAIRMAN. Excuse me, Mr. Lowenthal. You are recognized, Chairman.

Dr. LOWENTHAL. Thank you, Mr. Chair. First, I want to thank you and the Ranking Member for holding this hearing on the development of tribal co-management on Federal lands.

And I am not from New Mexico. I will state that clearly as we begin. But I have family in New Mexico, and I have held a field hearing in New Mexico. So, I am very honored to be part of this New Mexico-focused hearing.

My question, though, is for Professor Washburn.

Professor, I represent a coastal district, not in New Mexico, but I represent a coastal district in Southern California. While this hearing is focused on expanding tribal co-management on Federal lands, the focus has been on onshore Federal lands. Is there any reason, Professor, that we shouldn't also work to incorporate federally recognized tribes into the co-management of our ocean resources?

As I think you know—I will give you an example—the Santa Ynez Band of Chumash Indian is trying to do just that with the proposed Chumash Marine Sanctuary. What can this Committee do to support the tribe's effort with NOAA?

And what should we do to support co-management outside of the Department of the Interior and the U.S. Department of Agriculture-held lands?

Should Commerce and other departments issue Secretarial Orders similar to that issued by Interior and Agriculture, Professor Washburn?

Mr. WASHBURN. Thank you, Congressman Lowenthal. Those are such important efforts, that cooperation around the fisheries and in California off the coast. I absolutely believe that co-management can also work offshore. I think that is exactly right.

I am not sure that NOAA and some other Federal agencies have quite enough authority necessarily to be doing a lot of this, but there are good reasons to do so.

You heard a little bit about traditional ecological knowledge from my colleagues, and it is quite amazing what tribes bring to the table in management of fisheries. Alaska Natives can fairly accurately forecast a fish run, based on the prevalence of mosquitoes in a given season. And they live there, so they know.

So, there are those kinds of things that make sense when you think about it, but it is not the way that traditional Westerners approach management of the resources. And they bring incredible wisdom like that. So, I absolutely think it is important for tribes to be involved in offshore management, as well. Thanks for raising that important point.

Dr. LOWENTHAL. Is there anybody, any other panelists, that wants to jump into dealing with or expanding tribal co-management to offshore also, to our fisheries like the Santa Ynez Chumash Indians?

[No response.]

Dr. LOWENTHAL. Well, I also agree and concur that it is very important, and I thank Professor Washburn. I yield back.

The CHAIRMAN. The gentleman yields. Thank you, Representative Lowenthal, for expanding the base. Us landlocked people sometimes don't place the balance right, and I appreciate your comments, and they are well taken and necessary.

Let me recognize Representative Rosendale.

Sir, you are recognized for 5 minutes.

[Pause.]

Dr. LOWENTHAL. Mr. Rosendale?

[No response.]

The CHAIRMAN. If not, let me turn to Representative García. You are recognized.

Mr. GARCÍA. Mr. Chair, I just signed on. Can I pass for the next opportunity, please?

Ms. TLAIB. I am ready. This is Rashida Tlaib from Michigan.

The CHAIRMAN. Representative Tlaib, you are recognized. Thank you.

Ms. TLAIB. Thank you, Chairman. I am so eager to welcome this panel and thank you so much, again, for your leadership in holding this important hearing.

I am humbled by what we have learned from our Native Americans and traditional ecology-centered knowledge. Native Americans as a timeless connection to our lands that we inhabit today should help us, really inform us on how we can have a more sustainable, more managed preservation of our natural resources in our environment.

Here in Michigan, I am incredibly proud to stand with over 12 Native American tribes as they fight united against the Line 5 oil pipeline owned by Enbridge. This company is responsible for one of the worst inland oil spills in American history. Line 5, for many of our communities, is a ticking time bomb threatening a huge, catastrophic impact on the environment, water, fish, wildlife of the Great Lakes, and endangering tribal communities' treaty rights. I was there, serving in the Michigan Legislature, when that spill happened in Kalamazoo, and it was devastating, and we are still trying to clean it up.

It is disgusting that there is even a debate about whether dirty oil should flow through the waters that give us life in the Great Lakes region. But that is what happens when we allow corporate profits to matter more than environmental protection or our public health.

Professor Kiel, can you talk about empowering Native Americans to use a traditional ecological knowledge to help guide the stewardship of our land, air, and water and shift the priorities and values of our Federal Government? Can you talk a little bit about that?

And also, Professor, would land management more closely aligned with traditional—you know, what would that look like, when we align together those traditional ecology-centric knowledge?

Dr. KIEL. Thank you, Representative Tlaib, for a really great question.

There are a lot of potential ways to speak to that. I will draw from my own community's tradition, the Haudenosaunee people, otherwise known as the Iroquois Confederacy.

In terms of one of the ways, how else could we approach these conversations, how else could we think about them alternatively, it is important to recognize in the Haudenosaunee intellectual tradition we have a philosophy that guides our decision making, and has since the formation of what we call the Great Law of Peace, which we refer to as the Seven Generations philosophy, which is a philosophy of long-term, sustainable planning as opposed to gambling on short-term futures. And that depth of planning is central to Haudenosaunee leadership. It is just one example, but it is a philosophy that reaches other communities across North America, as well.

And all the decisions that we make in regards to our community are grounded in thinking about what is going to be in the best interests of the people for seven entire generations long. It is a really long time. It is not a brief period of time, it is approaching 200 years.

So, for that scale of thought to be—how we approach these conversations, I think that is one important way to think about what it means to incorporate Indigenous thought into these dialogues, is to think about depth of time and different perspectives. That is a lot of what we are talking about with traditional ecological knowledge. This isn't about family histories that go back a few generations, or even seven generations. This is about thousands of years of history. And to really engage the depth of human experience and to pay adequate respect to it. I think that is a lot of what these conversations are about.

And we are in a moment of crisis globally, where our reliance on fossil fuels puts us all in danger. Thank you.

Ms. TLAIB. Thank you so much, Professor. I think it is safe to say, at a minimum, we need to implement real tribal co-management. That is going to help us fight some of the threats like Line 5.

Most of the jobs, especially in my community, from corporate polluters, they are temporary, and they will be of little use if another oil spill is allowed to destroy the source of our water and source of our life.

Ms. DeCoteau, in your testimony, you give a great example of salmon restoration, and you say it is more than economics, politics, and that it is more than that. If you can, talk about the Native American, again, ecological management incorporation—incorporating the culture, values, and spiritual practices, how these values produce different resource management outcomes.

Ms. DECOTEAU. Yes, thank you so much for the question.

I think I can rely, really, on our restoration plan, which I spoke a little bit about in my testimony regarding Wy-Kan-Ush-Mi Wa-Kish-Wit. It is the only restoration plan in the entire Columbia River Basin that looks at the entire life cycle of the salmon. So, we are looking at these out-migrating fish as juveniles, but, really, where they were born as eggs, and how they go up to the ocean and come back to those same exact places where they were born to spawn, and then, of course, die and give the resources of their body and the nutrients back to the rivers and streams that they were born in.

I think that whole philosophy, in terms of how we look at restoration and management, is at a very watershed, basin-wide level, because everything is so interconnected, and we see that. And I, of course, come from a fisheries organization, but we do concentrate on all of our foods, which we call first foods. And traditionally, we have always operated on a calendar year of when those foods are available. So, we have an innate knowledge of and experience and expertise that goes back multitudes of generations looking at these areas.

So, thank you.

Ms. TLAIB. Sorry, Ms. DeCoteau, for not giving you enough time. Thank you, Chairman, for your patience.

The CHAIRMAN. No, thank you. Let me now recognize Representative Rosendale.

Sir, you are recognized for 5 minutes.

[Pause.]

The CHAIRMAN. If Mr. Rosendale isn't available, let me now recognize Representative García for 5 minutes.

Sir, you are recognized.

Mr. GARCÍA. Thank you, Mr. Chairman, and the Ranking Member, and, of course, the witnesses for joining us today.

The Federal Government has a unique relationship with the tribal governments. Our Constitution recognizes tribes as sovereign nations. Yet, to date, the Federal Government still fails to honor tribal sovereignty and treaty rights.

Today's witnesses have shared their experience on the importance of tribal co-management and what that looks like in tribal communities.

By listening to Indigenous communities on Federal land management decisions, we can protect the livelihood and well-being of Indigenous communities. I applaud the Department of the Interior and the USDA for working to promote co-management of public lands with tribes and ensuring that tribal governments are involved throughout the land management decision-making process. I look forward to seeing how the Administration will put these principles into practice.

A question for Professor Washburn: What incentives or requirements might the Department of the Interior provide to increase co-management engagements on the ground?

Mr. WASHBURN. Thank you, Congressman. One of the things we need is just better communication and cooperation, and we need it in the Administration, we need it in Congress, we need it across our whole country, honestly.

But one of the things we need to do is reward those tribal managers, those park superintendents, those fish and wildlife regional directors, those BLM state directors, reward them when they are having conversation with tribes. Let's encourage that. Let's put it in their performance evaluations. Let's reward them when they do it well. And that is just one simple thing that the Administration can do to encourage this sort of thing.

We also need more tribal consultations—the Department, these agencies should go out and consult with tribes, perhaps on a regional basis, to try to find more opportunities to do this sort of thing.

And those are two things that are not terribly difficult but can make a difference. Thanks for the wonderful question.

Mr. GARCÍA. Thank you, sir. A question for Ms. Aja DeCoteau.

Your testimony mentioned the Commission entered into a self-determination contract with the Bureau of Indian Affairs to support the co-management of the Columbia River Basin. How did this contract assist you in your work in the Columbia River Basin?

Ms. DECOTEAU. Thank you, Representative, for the question.

This contract of self-determination of 638 funds really was foundational to the creation of the Columbia River Inter-Tribal Fish Commission. It not only recognized the sovereignties of each of our member tribes acting individually, but also through our

organization as an extension of kind of a policy and technical arm on behalf of the tribes.

The contract provides the resources to develop policy, legal, scientific expertise to assist our tribal policymakers and leadership to make informed decisions that support co-management efforts and are consistent with our tribal culture, our treaty rights, and, of course, the knowledge that we have.

It also provides the resources to establish law enforcement services that are so critical on the Columbia River, and it also allows tribes to enforce their own fishing regulations as part of our tribal sovereignty. Thank you.

Mr. GARCÍA. And how long did it take you to put such a contract together? How long did you work on it?

Ms. DECOTEAU. Thank you, Mr. Chair and Representative.

CRITFC was formed in 1977, prior to me being born, so I am not really sure about the actual time it took to get that contract together. But I know that the reason we came together was because we were being denied access to the river to assert our treaty-reserved fishing rights. And we were being denied access by law enforcement.

So, by giving us this contract, creating our own police department at CRITFC has given us the ability to take back our control over the fisheries management itself, and the enforcement of fishing laws and regulations, as well as assert ourselves. And any tribal members who do get cited go back into their own respective tribal government processes. Thank you.

Mr. GARCÍA. Thank you. And I think that is an example of a win-win situation for all stakeholders, and justice and self-determination prevail. Thank you so much.

Mr. Chairman, I yield back.

The CHAIRMAN. Thank you, Representative García. I think I am going to take this opportunity to recognize myself for some questions.

Professor, speaking of the importance of Indigenous knowledge, this right following the European contact, the European colonists relied upon the Indigenous experiences, expertise, and support in navigating this new environment. Could you talk a little bit about that?

Dr. KIEL. I would be happy to. Without being too bleak, it is fair to say that Europeans would not have survived on this continent without the assistance of traditional ecological knowledge, the knowledge Native people provided in terms of how to conduct agriculture in American soils, which was unknown.

The innovations of three sisters' agriculture, for instance, which is growing of corn, beans, and squash together in ways that complement one another that are rich and sustainable for the soil are profoundly important practices. They come to shape the lives and well-being of the Americans after arrival.

Oneida people, during the Revolutionary War, bringing our corn to starving soldiers at Valley Forge, one of many moments when our traditional crops have come to save Euro-Americans, for sure.

The CHAIRMAN. Yes. The Federal Government's diminishment of the historical Indigenous land bases across this country, how has that affected—now that most of them are either Federal or state

land—how has that affected the culturally relevant management of these lands?

Once they were the land base of the tribe.

Dr. KIEL. Yes, yes. I mean, most of these lands remain outside of Indigenous control.

One way to emphasize how important it is to recognize that power imbalance, one way to put it is that, for Indigenous people, the Holy Land is here, right? Our sacred sites are here, not across an ocean somewhere. And I think that is an incredibly important framework for people to keep in mind, that we are talking about the management of other people's sacred lands, and that is part of the U.S. responsibility, is to come and understand them as part of this important work.

The CHAIRMAN. Thank you. Yes, I have never understood that double standard, but that is me.

Ms. DeCoteau, what additional resources could—well, better said, what advice would you share with the tribal government, a tribal organization, a Federal land manager seeking to establish a co-management relationship? What would be one central piece of advice?

Ms. DECOTEAU. Thank you for the question, Chair Grijalva. I would say, similar to what I explained in my testimony, is tribes have firsthand knowledge of current conditions and we have witnessed these changes over generations. And our knowledge can be used to further direct research. It could be used to flag problems and challenges. But, furthermore, it is to come together as partners to come to solutions for the benefit of all of the resources and all of the people that depend on them.

I think there are excellent examples out there, in terms of how these partnerships have come together, even though it has taken a really long time, potentially. But I think I always point to the Yakima integrated plan as a bipartisan effort for all interests alike looking for a reliable quantity of water, clean water, and in-stream and out-of-stream uses alike.

So, I would suggest that we don't need to reinvent the wheel in some cases. There are excellent examples out there. And, really, just to understand that our tribes know best about our lands, our waters, and our resources that thrive within them.

The CHAIRMAN. Thank you very much.

Dean Washburn, we heard the Professor address the history of tribes, including the issue central to this discussion, land dispossession. In your opinion, do you think tribal co-management is relevant in addressing the history the Professor discussed with us?

And do you think this tribal co-management is a viable concept for land management agencies to consider?

Mr. WASHBURN. Absolutely, Chairman. I have heard some criticism of you in this hearing for having this session right now, when we need to be focused, some would say, on energy independence.

And I see my time is up. May I briefly conclude?

The CHAIRMAN. Oh, please. I am the last one and I have a little bit of flexibility in the time right now, unless my good friend, the Ranking Member, will indulge—

Mr. MOORE. The benefits of being the Chair. Of course, you could continue.

Mr. WASHBURN. Thank you, Ranking Member and Chair.

The CHAIRMAN. Please.

Mr. WASHBURN. Let me just say that tribal co-management is important to all of this stuff. I have heard people say that you should be focusing more on energy independence. Well, let me just say that, yes, using more American natural resources is a way to get to American energy independence, and tribes can help us all get there.

Another way—and frankly, the long-term way we need to get to energy independence is to use fewer fossil resources. We need to get to that place, and I think we all agree on that, that it is better not to be reliant on all of these other countries for oil and gas. And that is a conservationist strategy, right? We need to use less, and tribes can help us get there, too.

So, whatever your goals are in American public policy, tribal co-management is helpful. It is helpful to people on the right side of the aisle, it is helpful to people on the left. I think that is the one thing that I think you all agree on, even if you don't think this hearing should be happening right now. I think you have to realize that tribes can be good partners in helping you achieve your goals, and that is sort of the point that I would like to end on. Thank you, Chairman.

The CHAIRMAN. Thank you very much. And I want to thank the witnesses for their valuable testimony.

In one of the testimonies, we were talking about the concept of time, and the value and belief that Indigenous people put in the concept, the concept being thinking beyond one's self, that this will go on, and I think that is an important point to make to close for me, that we have some work to do, some information, but I think conceptually, as we redefine and as tribes redefine for us in the Federal Government what trust responsibility means in this real world, not in that other real world, but this time now, and how tribes are redefining for themselves what their parameters about sovereignty are and should be, co-management is a tool. And we are going to be earnest in pursuing that.

And I want to thank all of you for the testimony. It was excellent. And it is a perfect time to have these discussions, because—

Mr. MOORE. Chair, we have another Member. We had a Member join. Representative Rosendale did just join.

The CHAIRMAN. Can I finish? And I want to thank you for that.

With that, let me recapture the one point I wanted to make. We are going to go forward with this, and it is not about an immediacy. We have an immediacy in front of us. It is a crisis of proportions, Ukraine and all the adjacent things that are occurring domestically and internationally on that issue. And we have to deal with it. No question about it, and we will.

This issue is something that had been left in the past, and its immediacy is for us to think beyond ourselves for a second. And that is the point of this hearing.

Mr. Rosendale, you are here, and my courtesy is to recognize you, sir. You have 5 minutes.

Mr. ROSENDALE. Thank you, Mr. Chair. I appreciate that, and I appreciate you giving me an opportunity to ask a couple of

questions. I have been running two committees, as many of us do, at the same time.

Last year's near-record-setting wildfire season demonstrated why it is so important to effectively manage our Federal lands. All of us on this Committee value our public lands. But in order to enjoy and conserve them, we need to allow common-sense forest management controlling highly flammable underbrush and vegetation. Neglecting to carry out common-sense management harms our public lands in the long run, leading to catastrophic wildfires, devastation, destruction, and cascading effects that hurts everything from our waterways and our fisheries to just weed management that ends up affecting other properties.

Our tribal communities have a long history of managing our lands effectively to promote healthy forests. Mr. Desautel, can you expand on how tribal partners can help mitigate wildfire risk and improve forest health through co-management agreements?

Mr. DESAUTELE. Yes, and thank you for the question. This is something we talk about quite a bit with Federal agencies, that there needs to first be a recognition that you can't take fire out of fire-adapted ecosystems we have in the West. And, really, the focus should be changed on how we make landscapes resilient so that those post-fire conditions are more in line with what would have happened historically.

So, when we look at co-management, it really means tribes need to have a seat at the table when the decisions are made, so that we can ensure that those tribal priorities and those tribal perspectives are included in what that project development looks like.

And, again, based on the tribal examples we have across the country, we can build that resilience into the landscape. And there is example after example of fires that have occurred on reservations that have had much lower fire severity compared to fires that happened on adjacent Federal lands. So, again, I think there is great opportunity to share that knowledge, share that wisdom and experience with Federal agencies, but the tribes have to have an active and, really, a prioritized decision-making process that they are included in.

Mr. ROSENDALE. I appreciate that, and I think it goes back to something that we established early on in this Committee in working with the tribes, and that is no decisions about us without us. It rings very true, and it is very effective.

There is a forest research lab just outside of Missoula, Montana. It is called the Lubrecht facility. And I would invite anyone on this Committee to come up. I will arrange an appointment so that we could review that, and you will see the difference in the landscape where the forest has been mechanically treated, it has had fire treatment, it has had both, it has had none, and there are stark differences.

While we are on questions, what is the impact of permitting requirements on the ability of tribal communities to engage in activities to improve forest health and mitigate wildfire risk?

Mr. DESAUTELE. Is that question for me, as well?

Mr. ROSENDALE. Yes, I am sorry. Yes, with you.

Mr. DESAUTELE. Thank you. On reservations, we have control of that permitting process and the NEPA documentation process. So,

that is not really a limitation on tribal land, but we are subject to line officers for whatever the respective Federal agency is if we are doing that work off the reservation.

So, there are challenges with process. Again, those processes are largely dictated by whatever that agency's agenda is, and those typically don't align with what the tribal priorities are. So, again, when we look at tribal co-management, we really need to have a seat at the table in the decision-making process, and ensure that we, to the extent we can, work through those regulatory policies and procedures to ensure that what we are doing aligns with the forest management plan, and that those forest management plans include the tribal priorities up front.

Mr. ROSENDALE. Very good. In Montana, the Forest Service has set a sustainable yield amount to harvest timber of about 140 million board feet a year. Unfortunately, because of litigation and delays caused by environmental groups, they are only reaching about 40 million board feet a year. I mean, just dramatically less than that.

In your opinion, how does that litigation affect forest management activities?

Mr. DESAUTEL. Well, based on what we have seen in climate change, if you are not actively managing ahead of the disturbance event, primarily wildfire, that Mother Nature will do it for you, and she likely won't do it at the scale you want, and the outcomes probably won't be consistent with what you had planned.

I think it is important that we work through the regulatory process and collaborate with other interest holders to ensure that there is support for those projects, and we get them done before that fire hits.

Mr. ROSENDALE. Great. Thank you so much.

Mr. Chair, I see my time is expired. I would yield back. Thank you again for accommodating me.

The CHAIRMAN. Thank you, Mr. Rosendale.

If there is nobody else, hearing no one seeking recognition, I want to thank the witnesses and thank the staff for putting together an excellent hearing. The meeting is adjourned. Thank you.

[Whereupon, at 1:20 p.m., the Committee was adjourned.]