

Russell (Buster) Atteberry

Chairman, Karuk Tribe

Written Testimony to the House Appropriation Interior, Environment, and Related Agencies

May 7, 2024

Overview

Chairman Simpson, Ranking Member Pingree, thank you for the opportunity to testify today. My name is Buster Atteberry, and I serve as the elected Chairman of the Karuk Tribe, located in Humboldt and Siskiyou Counties in Northern California.

With 4,000 members, the Karuk Tribe is one of California's largest Tribes by population, but our trust land base is relatively small, extremely rural, and subject to repeated natural disasters, both in the form of the decline of the Klamath River's salmon resources on which our Tribe has depended since time immemorial, and disastrous wildfires and flooding that has destroyed the homes of hundreds of our members.

We have worked hard to overcome these obstacles to our resilience and self-sufficiency, but we have much more work to do. Karuk's involvement in removing several obsolete dams on the Klamath River is a great first step toward restoring the River's fishery, but it will be many years before we see a return to its former abundance.

Forest Management & Wildfire

We are also heavily engaged in managing our lands, and those National Forest lands surrounding us, for fuel reduction and fire prevention. Karuk has sought to implement an aggressive program of wildfire prevention through traditional burning and other forestry activities in order to avoid a repeat of the 2020 Slater Fire, in which the small community of Happy Camp lost 200 homes.

We are proud of our Natural Resources Department and while we have found great success in using the 638 contracting process to conduct a variety of fuel reduction and forest management, these are limited-term projects. Congress should enable Tribes to compact for forest management activities, which would enable us to train and retain the workforce our communities need over the long term.

The Committee should also recognize the importance of the BIA's Fish, Wildlife, and Parks program funding Tribes receive. While it is not a great deal of funding per tribe, this is one of the most flexible means we have to address resource management on our land and National Forest lands. Any increase in this account will have an exponential impact on our ability to manage forest health.

I would also ask that the Committee clarify with report language that federally recognized Tribes may develop fire programs on trust lands without the need for BIA approval. Under the status quo we cannot conduct a burn for fuel reduction without BIA approval. The BIA has never explained where its authority to regulate Tribal fuel management is derived from, and our community needs to be able to act quickly when we identify a hazardous situation - not when we are finally given permission to do so.

Public Safety

Chairman, Ranking Member, as you know, California, along with Idaho and a number of other states, operate under PL-280, in which state law enforcement is given jurisdiction over Tribal lands. While we have a positive relationship with our local law enforcement, our population centers are far enough from the county seat that emergency response can take hours. Even when local law enforcement is able to patrol our area, it means just one officer is responsible for thousands of square miles.

We also face confusion and uncertainty when reporting issues to local and state law enforcement; for example, our Tribe has faced a persistent trespass issue in which BIA has actually issued a cease and desist order, but state and local law enforcement, uncertain of their role and authority, have not enforced this order. Without any public safety resources of our own, we are left with few options to address this problem.

As you develop the Fiscal Year 2025 bill, please consider providing some level of baseline law enforcement funding to Tribes in PL-280 states. Even a limited amount of funding, enough to support training for local law enforcement or an additional officer to patrol our area, would have a major impact. We know the challenges we face are not unique to our Tribe, or to our state, and hope Congress recognizes the importance of this issue.

Fee to Trust Process

While we are pleased to work with Interior on many issues, we are frustrated that the Department is using its finite resources to advance a fee to trust application that will harm Tribes in California and Oregon, exceeds the authority delegated by Congress, and which is opposed by 26 Republican and Democratic members of the House and Senate.

In advancing an application in Medford, Oregon, 170 miles from the applicant's existing trust lands, the Department would set a new national precedent without consulting Tribes, conducting a regulatory process and comment period, or seeking congressional authorization. Notably, the application was already denied by the Department once, and the sponsors of the relevant legislation have written Interior to express that it violates their legislative intent. Despite all this, and adding insult to injury, the Department is using an expedited process which fails to include consultation with Tribes already located in the area.

As I noted, this application is opposed by a large, bipartisan coalition, and I understand that members representing the region have submitted for your consideration language which would prohibit the Department from approving projects like this one. A more rigorous process which includes Tribal consultation, considers the views of local governments, and requires a governor's concurrence would remain available to the applicant tribe.

The Interior Department has a trust responsibility to all tribal governments, and should never interpret the law for the benefit of one at the expense of others. These decisions must be made fairly and transparently, for when land is taken into trust for one tribe in an area to which other Tribes have a connection, those Tribes are deprived of that land forever. I respectfully request that the Committee exercise its oversight of the Department and restrict it from advancing applications which do not comply with the law.

Biography

Russell (Buster) Attebery has served as the elected Tribal Chairman of the Karuk Tribe since 2011. He graduated from Sacramento State University with a Bachelor of Arts degree, received a lifetime Clear Teaching Credential from Humboldt State University through the Indian Teacher Education Program, and has taught in a number of schools, including the Redding School District and the Siskiyou County School District. Chairman Attebery serves on the Tribal-Interior Budget Committee, the California Tribal Chairman's Association, and various other tribal organizations.