



Written Testimony of Josh Cook, Director of Intergovernmental Affairs, Mooretown Rancheria

House Appropriations Subcommittee on Interior, Environment, and Related Agencies

On behalf of the Mooretown Rancheria, where I serve as Director of Intergovernmental Affairs, I am pleased to provide the following testimony to the Subcommittee on Interior, Environment and Related Agencies.

Located in Northern California, the Concow-Maidu of Mooretown Rancheria have made the Sierra Nevadas home since time immemorial. Today many of our members live on our reservation near the City of Oroville, and we've developed a range of enterprises to support the key services we provide to members and their families.

We are particularly proud of Mooretown Forestry Services, which was established to advance the Tribe's Forest Health strategy in response to growing concerns around catastrophic wildfire and the need for improved land stewardship. Mooretown Forestry has since conducted thousands of acres of projects with the Forest Service and National Park Service and is leading the Tribe's efforts to restore lands across the region using traditional and modern forest management strategies. As we speak, Mooretown Forestry is conducting a \$17 million, five-year fuel reduction and fire resiliency project on the Humboldt-Toiyabe National Forest in Rep. Amodei's district, which will protect a number of communities from wildfire.

The Tribe has made extensive use of the Tribal Forest Protection Act, The Indian Self-Determination Act, and the extension of the Service First authority to create interagency agreements enabling the Forest Service to work with the Tribe on a government-to-government basis. We also entered into the first tribal co-stewardship agreement with the Bureau of Land Management to conduct fire restoration, maintenance, support recreational access, and protect cultural resources on lands where our people have lived for millennia.

My testimony today will address the need for greater engagement of Tribes in forest management by the Forest Service and other federal agencies.

Office of Trust Services Must Improve Payment Processing

Our Tribe, and many others, relies upon the BIA to administer trust accounts on our behalf; specifically, Mooretown's Forest Trust Account receives funding from the US Forest Service and other federal agencies for services we provide under interagency agreements. BIA's responsibility in managing this trust account is simply to reimburse the Tribe for services rendered to federal agencies. Unfortunately, BIA frequently takes months or longer to process these expense requests, creating significant cash flow challenges and a disincentive to work with federal agencies.

Chairman, these are payments for desperately-needed fuel reduction projects we've already completed, for which the Forest Service has already transferred funds to BIA to compensate the Tribe, and yet we have been forced to wait up to a year for BIA to approve reimbursement.

To address these delays, and to prevent interruption of this important work, we request that the Subcommittee include report language directing BIA to process verified reimbursements from forest trust accounts within 30 days. Ultimately, BIA needs to improve this pathway by either increasing efficiency or filling vacancies.

USFS Should include Tribes in Addressing Abandoned Mine Lands

Mooretown's ancestral lands were ground zero for the California Gold Rush, and over 170 years later the evidence is visible across the region: vast fields of mine tailings erode into and threaten water supply infrastructure and increase sediment and mercury entering the aquatic environment, which endangers stream habitat; and, mine impacted acres are excluded from fuel treatments making them hot spots for future fire and sites of erosion.

We've worked with the Tahoe National Forest for years to develop a hydraulic mine remediation project which retains sediment, stores carbon, and reduces hazardous fuels. This project has completed NEPA documents and a Record of Decision, yet due largely to the lack of a permanent forest supervisor and the Tribe's lack of access to funds specified for mine impacted land revegetation in the BIL, the project has languished.

The Tribe was encouraged by Interior's January announcement of \$10 million available to Tribes to restore of previously mined lands; we encourage the Committee to support this modest proposal and ensure that Tribes have the resources to address damage done to their lands without their consent, and in most cases without any benefit to the Tribe.

We urge the Subcommittee to continue funding for the Abandoned Mine Lands and the recent BIA announcement, while providing direction to the Forest Service to ensure that projects with completed NEPA review are funded in a timely manner that prioritizes Tribes using Interagency Agreements.

Forest Service Joint Training and Equipment Sharing

While we work with the Forest Service frequently and consider it a capable partner, there are missed opportunities for joint training and equipment sharing which could be force multipliers but are hindered by bureaucracy. For example, a nearby National Forest recently acquired an advanced piece of equipment used to create bio-char on-site within forests. Biochar is an important tool to reduce fuels, restore fire-damaged landscapes to productivity, and generate carbon which can be used for a range of purposes, including treating mine impacted lands.

Mooretown has requested that the National Forest allow us to conduct training on the equipment under an Interagency Agreement, the same type of agreement we have used to conduct thousands of acres of fuel reduction. Training our personnel on this equipment would enable us to expand the types of work we are able to perform, and we happen to know the equipment has sat unused in a Forest Service storage yard since being acquired.

Unfortunately, despite being willing to entrust Mooretown to carry out thousands of acres of fuel reduction, the Forest Service has been confused and unresponsive to our request. We ask that the Committee direct the Forest Service to share resources with Tribes through interagency agreements as Congress intended under the Service First Initiative.

Forest Service Partner Priorities

Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of federal Lands and Waters, Joint Secretarial Order 3404 directs that in managing federal lands and waters, the Departments are

charged with the highest trust responsibility to protect tribal interests and further the nation-to-nation relationship with Tribes. Specifically, to ensure that all decisions by the Departments relating to federal stewardship of federal lands, waters, and wildlife under their jurisdiction include consideration of how to safeguard the interests of any Indian tribes such decisions may affect.

Unfortunately, in our experience we are not seeing the actions of Congress reflected by agency action, and certainly not when it comes to forest management. While we can avoid lengthy procurement processes because work can simply be added to existing Interagency Agreements using our federal Partners at the USFS and the BIA, this tool remains underutilized.

For example, our recent experience is that the hundreds of millions of dollars of Wildfire Crisis funding Congress dedicated to protect communities was largely sent, immediately and without consideration of the views of Tribes or other stakeholders, to the National Forest Foundation under its Keystone Agreement. Despite the pressing nature of the crisis and Congress' intent to address it rapidly, this funding is not being used on the ground in a timely manner or more rapidly than if the Forest Service retained it to begin with. This means our communities are just as at risk as they were before Congress acted, while these public dollars are in the hands of a bureaucratic, slow-moving NGO.

Despite the Forest Service's lip service toward including Tribes, NGOs holding Keystone Agreements were prioritized over Tribes like Mooretown, which could begin work to address the crisis immediately.

For example, Mooretown can deploy a 50 person crew and five masticators to any job site within two weeks and immediately begin treating around 3 acres per day. We can avoid lengthy procurement processes because work can simply be added to existing interagency agreements using our partners at the USFS and the BIA. This allows rapid action, supports tribal economic development, and limits overhead, as unlike other entities, BIA does not impose administrative costs on projects.

Let me be clear, if there is a Tribe with the capacity to conduct forestry work as part of an Interagency Agreement, then that Tribe should have priority access to those funds to get the work done rapidly. We can save federal dollars, work quickly, and support tribal economic development, all with existing resources.