

## **Statement for the Record from Laurel Harkness**

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Submitted to the House Committee on Natural Resources

Subcommittee on Indian and Insular Affairs

Hearing on “Advancing Tribal Self-Determination: Examining Bureau of Indian Affairs’ 638 Contracting”

March 6, 2024

The Rural Voices for Conservation Coalition (RVCC) would like to thank the Committee for holding this important hearing on Tribal self-determination and 638 contracting authorities. The Tribal Forest Protection Act (TFPA) allows federally recognized tribes to propose projects to be conducted on Forest Service land to address threats to neighboring tribal lands and trust resources. Under the TFPA, Tribes and the Forest Service have engaged in cross-boundary work to improve forest and grassland conditions, protect tribal lands and communities from risks, and restore trust assets within the National Forest System.

Tribal forests provide revenues for many Tribal governments and employment opportunities for Indigenous people and rural communities. The 2018 Farm Bill created the Tribal Forest Management Demonstration Project which authorizes USDA and the Department of the Interior to enter into 638 contracts on a demonstration basis, whereby Tribal organizations may perform the administrative and management functions of programs implementing the TFPA. However, to date, only a handful of Tribal Nations have reached a formal agreement with the Forest Service on 638 agreements under the 2018 Farm Bill authority.

RVCC supports greater tribal participation in TFPA projects through the application of 638 contracting authority to carryout TFPA projects on Forest Service lands. We strongly recommend making the associated demonstration project authority permanent. Ideally this would include codification of Tribal participation in early planning efforts to integrate Tribal management priorities in Forest Service work plans.

Beyond permanently codifying these authorities, we recommend providing dedicated funding for TFPA 638 contracts. The use of 638 authority provides a funding mechanism through the Forest Service to cover the cost of Tribal staff and resources, which prior to the 2018 Farm Bill, would have been borne by the Tribes themselves. However, no funding for this purpose was authorized in the 2018 Farm Bill. Therefore, USFS is limited to available funding at the individual National Forest level. Authorizing dedicated funding for TFPA 638 contracts would provide an adequate foundation to continue this important work. Additionally, it should be made explicit that funding other than appropriated dollars (such as stewardship retained receipts and K-V funds) can be used to fund 638 contracts.

We also encourage modifications to the TFPA to make 638 contracting authorities more accessible to Alaska Native Tribes.

Finally, we support expanding the Good Neighbor Authority’s revenue retention authority to Tribal nations and counties, extending the sunset date for state revenue retention beyond 2023, and enabling

Good Neighbor Authority agreements and revenues to be used for workforce training and development that has direct benefits to restoration implementation. We believe the Treating Tribes and Counties as Good Neighbors Act achieves these goals and urge full passage.

We again thank the Committee for taking time to address this important issue. Please do not hesitate to contact RVCC if we can provide any further input.