

**TESTIMONY OF CHAIRMAN ROBERT GARCIA FOR THE CONFEDERATED TRIBES  
OF THE COOS, LOWER UMPQUA, AND SIUSLAW INDIANS  
BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING  
S. 1414 (113TH CONGRESS)**

Good afternoon. I am Chairman of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. I speak for our Members and for our Tribal Council. On behalf of the Tribe, I thank you for the opportunity to offer our testimony.

S. 1414 is a straightforward bill that will yield jobs -- and justice. We are grateful for the support of Senators Wyden and Merkley. We respectfully ask that you join Senators Wyden and Merkley in supporting S. 1414.

The bill transfers from the Bureau of Land Management (BLM) to the Bureau of Indian Affairs (BIA) responsibility for managing approximately 14,408 acres of land in three watersheds draining to the Pacific Ocean in Oregon. These watersheds are the homes of the Ancestors of the three tribes that make up our Confederated Tribes. All of the land lies within the ancestral territory of the Coos, Lower Umpqua, and Siuslaw Indians. If the bill becomes law, the United States will continue to hold title to the land, and, through the BIA, will hold the land in trust for the Tribe as part of our Reservation.

In March, 2013, Senators Wyden and Merkley publicly released a discussion draft of what eventually became S. 1414. Immediately after release of the discussion draft, the Tribe intensified its broad-based consultations about the proposal. These efforts included consultations with the local communities of which the Tribe is a part; with groups representing individuals sharing with the Tribe economic, recreational, and environmental protection interests; with neighboring federally-recognized Indian tribes; with neighboring private property owners; with the State of Oregon and its political subdivisions; and with both the BIA and the BLM. Details of some of these consultations are set out in the supplemental materials submitted to the Subcommittee.

The proposal enjoys the bipartisan support of members of the Oregon State Legislature from the region in which the lands are located or with an official role in government-to-government relations between the Tribe and the State of Oregon. Secretary of State Kate Brown, a member of the board that sets policy for state-owned timberlands, supports the proposal. Governor Kitzhaber's representatives have affirmed the Governor's willingness to include the substance of the discussion draft of S. 1414 in legislation also addressing management of other public lands.

Senator Wyden himself conferred with representatives of the Association of O & C Counties in a successful effort to identify adjustments to the discussion draft that protect those counties from any perceived reduction in timber revenue harvest payments. These adjustments appear as Section 7. We had no objection to the addition of Section 7 to S. 1414.

On the initiative of Representative Peter DeFazio, the essence of the discussion draft of S. 1414 subsequently has been incorporated (Title III, Subtitle D, Part 2) into a much larger public forest lands bill (H.R. 1526). That bill recently passed the House with bi-partisan support from Representatives DeFazio, Greg Walden, and Kurt Schrader.

Under S. 1414, the National Indian Forest Resource Management Act (NIFRMA) will require the BIA, working with our Tribe, to create and adopt a management plan for the newly-designated trust forest lands. The National Environmental Policy Act (NEPA), one of the federal

laws whose applicability is ensured by Section 6 of S. 1414, requires an Environmental Assessment or Environmental Impact Statement prior to major action by a federal agency. The BIA's adoption of the NIFRMA management plan will be a major federal action. As a result, S. 1414 will require the BIA, working with the Tribes, to complete an Environmental Assessment or Environmental Impact Statement prior to the approval of the NIFRMA management plan.

The NIFRMA/NEPA planning process will require the BIA, working with the Tribe, to assess, and as necessary, avoid or mitigate potential impacts to the environment as identified by government agencies and the general public. The Endangered Species Act will require the BIA, working with the Tribes, to consult with the US Fish and Wildlife Service and the National Marine Fisheries Service to further the conservation of threatened and endangered species. The National Historic Preservation Act will require the BIA, working with the Tribe, to assess any undertaking which could adversely affect a historic property and to take steps to avoid or mitigate any adverse effects to that property.

While these and other federal laws will require the BIA and the Tribes to be good stewards of the land, we will be good stewards of the land not simply because the law requires it, but because that is who we are.

Most of the land has been logged in the past by clear-cut logging or regeneration harvesting. Most of the land is now forested with second-growth plantation stands, with some small, scattered remnant stands of older forest. We excluded many tracts from the proposal to avoid older stands, late-successional reserves, and critical habitat for threatened or endangered species. Although it would have been impossible to completely avoid such areas, we tried to minimize the inclusion of older stands, late-successional reserves, and critical habitat. The supplemental materials submitted in conjunction with this testimony include detailed breakdowns of the characteristics of each tract.

In making every decision, we consider how our Ancestors would view our work and how our decisions will affect the seventh generation of our descendants. We expect the outcome of the NIFRMA/NEPA planning process to be a plan reflecting our culture and our seven-generation perspective on land and resource management. Our management philosophy, which is deeply embedded in our traditions, our culture, and our Tribal constitution, will shape a plan that neither bars all commercial use nor manages the forest as an industrial tree farm. NIFRMA prohibits the timber harvest from exceeding the sustained yield of the forest while also allowing "the retention of Indian forest land in its natural state when an Indian tribe determines that the recreational, cultural, aesthetic, or traditional values of the Indian forest land represents the highest and best use of the land." We expect to construct a forest management plan for holistically managing these lands, integrating a combination of intensive but sustained-yield forestry and conservative restoration forestry, yet avoiding the extremes of either approach. The combination of the Tribe's management philosophy with the continued applicability of federal laws as required by S. 1414 will permit modestly increased commercial use of the forestlands at the same time we begin to restore them to a condition our Ancestors would recognize and the seventh-generation of our descendants will appreciate.

My Tribe long-ago established a Natural Resources Department. The head of that Department, Howard Crombie, is here today and is prepared to assist should a question arise about the anticipated management of these lands.

Jobs -- for the broader community as well as for Tribal members -- will be one yield from the shift in management of public lands from one agency within the Department of the Interior to

another agency within the same Department. Timber from the trust forestlands will be harvested by local loggers and moved to mills by local log truck drivers. The stand will then be replanted by local tree-planters. Roads will be maintained by local equipment operators. Fish and wildlife habitat will be actively improved by local restoration specialists. Some of the local jobs sustained by S. 1414 will be filled by local tribal members and some by non-tribal local workers. In every case, their wages will sustain families and circulate in the local economy.

The Tribe does not own, and has no intention to build, a lumber mill. S. 1414 prohibits the export of raw logs. The logs will stay stateside, helping to sustain domestic mills and the employees dependent on a sustainable flow of logs to those mills.

Justice is the second predictable result of S. 1414. We were the original trustees of these lands. The United States failed to ratify a treaty (which we signed in good faith) that would have provided due process for the forced dispossession of 1.6 million acres of our ancestral territory. As of today, only 153 acres are held in trust by the United States for the Tribe. We remain the only western Oregon tribe that did not, as a result of the tribes' respective restoration Acts, regain control of a significant acreage of our ancestral lands nor receive a financial payment.

My people watched as the new managers of our lands lurched from unsustainable harvest levels to litigation-driven gridlock. Like our non-Tribal neighbors, members of our Tribe send our children to public schools, use public libraries, and rely on the local public infrastructure sustained, in part, by federal timber management policy. Our members have the same investment in our local communities -- including the duty to pay property taxes on the homes that we own -- as our non-Tribal neighbors.

The Tribe's connection to these lands has an added and unique dimension. For generation upon generation during our stewardship of these lands, we avoided the extremes of the past 150 years. The land sustained us spiritually as well as materially. We used the forest, and the forest was not harmed.

S. 1414 restores our Tribe to a central role in managing less than one percent of our ancestral lands. It is not a settlement of the Tribe's claims. Nor is it a remedy for the taking of our lands without due process of law. And yet even the modest step proposed in S. 1414 is a step in the direction of justice as well as in the direction of jobs.

Mr. Chairman, members of the subcommittee, we sincerely thank you again for the opportunity to have been heard on this proposal. Despite its simplicity, S. 1414 has the potential to yield both jobs and justice. We would be pleased to answer your questions.

**INDEX TO SUPPLEMENTAL WRITTEN MATERIALS**  
**Submitted with Chairman Garcia's Written Testimony**

**CONFEDERATED TRIBES OF THE COOS, LOWER UMPQUA, AND SIUSLAW INDIANS**  
**BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES,**  
**SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING**  
**NOVEMBER 20, 2013, HEARING ON S. 1414 (113TH CONGRESS)**

- A-1** Tract-by-tract analysis of public lands affected by S. 1414 / Title III, Subtitle D, Part 2 of H.R. 1526 (113th Congress) (Separately Bound)
  
- B-1** Frequently asked questions about S. 1414 / Title III, Subtitle D, Part 2 of H.R. 1526
  
- C-1** Summary of consultation since public release of the Wyden/Merkley discussion draft in March, 2013.
  - Ex. C-1-1** Community Forums
  - Ex. C-2-1** Government-to-Government consultations with neighboring tribes
  - Ex. C-3-1** Government-to-Government consultations with State of Oregon
  - Ex. C-4-1** Association of O&C Counties
  - Ex. C-5-1** BIA and BLM
  
- D-1** Representative statements about S. 1414 / Title III, Subtitle D, Part 2 of H.R. 1526
  - Ex. D-1-1** Governor Kitzhaber
  - Ex. D-2-1** Secretary of State Brown
  - Ex. D-3-1** State Legislators
  - Ex. D-4-1** *The World* (Coos Bay Region) Editorial
  - Ex. D-5-1** Timber Industry
  - Ex. D-6-1** National Congress of American Indians
  
- E-1** Tribe's Petition to the President of the United States
  
- F-1** Text of S. 1414 (113<sup>th</sup> Congress, First Session)
  
- G-1** Redacted Text of Title III (Oregon and California Railroad Grant Lands Trust, Conservation, and Jobs), Subtitle D (Tribal Trust Lands), Part 2 (Oregon Coastal Land Conveyance) of H.R. 1526 (113<sup>th</sup> Congress, First Session)