

## **SB 5838, would add tribal members to the State Board of Natural Resources, decoupling accountability from stewardship of state lands**

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### **Key Findings**

- 1. Legislators and the Board of Natural Resources should continue to welcome input from tribes and others who are not represented on the board but should not add new members.**
- 2. Senate Bill 5838 would add two tribal members, comprising one-quarter of the members of the State Board of Natural Resources, which oversees management of state trust lands.**
- 3. Giving tribes a vote on how state forests are managed would give tribes more control over state forests than the state has over tribal forests.**
- 4. Adding two tribal members would create positions completely unaccountable to the people of the State of Washington or to beneficiaries of management of trust land.**
- 5. Adding two members would give them more input than actual trust beneficiaries – counties whose income is dependent on the revenue and public schools.**
- 6. Given tribal goals and priorities may be at odds with the interests of state trust lands, tribal representatives would inevitably face conflicts of interest. For example, a reduction in state timber harvests could increase prices for timber from tribal lands.**
- 7. Stewardship of forests and land is best when those with unique, local knowledge and accountability for results are in charge. Tribal members would have neither unique knowledge nor accountability for outcomes.**
- 8. Without direct accountability, every decision would face accusations of ulterior motives, making the BNR more divisive, more political and less scientific.**

### **Introduction**

For decades, the U.S. Bureau of Indian Affairs (BIA) was responsible for managing forests on the Quinault Indian Reservation, harvesting trees to generate revenue that would benefit reservation residents. The results were what one would expect when the management was being determined by bureaucrats who were not accountable to the results on the ground. Over the past half-century, responsibility for those forests was gradually transferred to the tribe.

Detachment from the destructive results of their decisions was a big reason stewardship of those forests was turned over to the Quinault Tribe, [who now manage those forests](#) “like private industry where we are doing very active forestry.” Tribal foresters also have a better understanding of the cedar forests, the land and the balance of benefits desired by those living on the reservation. The combination of local knowledge and accountability for results explains why tribal forests in Washington state are well managed and healthier than neighboring federal lands. We have argued repeatedly that state and federal governments should look to tribal forests as a model of active forestry.

The proposal to add two tribal members to the Washington State Board of Natural Resources, however, violates the very principles of local knowledge and accountability that make tribal forestry and management of state trust forests so successful.

Giving tribes a vote on how state forests are managed makes no sense and would, ironically, give tribes more control over state forests than the state has over tribal forests. It would inject more politics into state forestry and would make the board less accountable for decisions affecting state forests. The legislature should reject this counterproductive legislation.

## Overseeing stewardship of state forests

The [Washington State Board of Natural Resources](#) (BNR) oversees management of state trust lands, including timber harvests, transfers and other activities that generate revenue for state schools, universities and counties. The [six members](#) of the board include beneficiaries of state trust revenue, elected officials, and those with expertise in land management. The Superintendent of Public Instruction and the representative of a county with forest trust land both serve to represent those who benefit from revenue earned from the management of state lands. The deans of the University of Washington school of forest resources and Washington State University's college of Agricultural, Human, and Natural Resource Sciences both provide expertise as well as representing institutions that benefit from state trust land revenue.

All six members of the existing BNR can be held accountable for their decisions in one way or another. The governor, Commissioner of Public Lands, Superintendent of Public Instruction and the county commissioner all face the voters. If voters feel lands are being mismanaged either to the benefit of revenue generation or conservation, they can hold them accountable.

Similarly, both representatives of universities must face the college president as well as boards of regents who may have questions about the policies they support that impact their funding.

By way of contrast, adding two tribal members would create positions that are completely unaccountable to the people of the State of Washington or to beneficiaries of management of trust land. If mismanagement results in less revenue, unhealthy forests, or fewer jobs, the tribal members don't face accountability for those outcomes. They can't be voted out of office or removed by trust beneficiaries. Detaching accountability from results is a poor approach to stewardship of forests and natural resources.

Even if tribal representatives are sincere in their efforts to manage state forests well, they still face the same conflicts as BIA managers did when managing tribal forests. They would answer to tribal leaders and tribal members, whose goals and priorities may be at odds with the interests of state trust lands. For example,

a reduction in state timber harvests could increase prices for timber from tribal lands. Reducing timber harvests on state land could increase habitat in a landscape that would allow tribes to increase harvesting without fear of serious environmental impact. Without direct accountability, every decision would face accusations of ulterior motives, making the BNR more divisive, more political and less scientific.

Some may argue that tribes have useful experience and knowledge they can offer. That is certainly true. It is also true of private forest landowners. It is true of mill owners and contract loggers. It is true of timber companies. The BNR already welcomes input from all those groups, as well as tribes. They should continue to do so, but the responsibility for how state forests are managed should remain with current BNR members.

Others may say how state forests are managed impacts tribal forests and lands. This is also true. How those forests are managed also impacts private landowners, the federal government, cities, counties, and many others. It would be obviously absurd to say that all those groups should also be given voting rights on the BNR.

There is also an argument that having tribal members on the BNR would help ensure protection of treaty rights. But treaty rights are adjudicated by courts not political boards. If the BNR decided tribes felt conflicted with treaty rights, they would not defer to the board's decision. They would go to court. Adding tribal members to the BNR adds nothing to the protection of treaty rights that consultation does not already accomplish.

We have celebrated transfer of authority for forest stewardship from the U.S. government to tribes precisely because making decisions about tribal forests is respectful of their sovereignty, not to mention conducive of better stewardship. The same should be said of the state forests. Neither the federal government nor tribal governments should make decisions about state forests.

## Conclusion

Making sound decisions about the stewardship of Washington's trust lands requires high-quality information, consultation with interested organizations and, perhaps most

of all, accountability for the results. A lack of accountability is a key reason the state's environmental programs are failing. Direct accountability is a key reason tribal and state trust forests are managed far better than federal lands.

Adding two tribal members to the board adds nothing to the information available to board members but makes decisions about state lands less accountable to trust beneficiaries. Legislators should reject this legislation.

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