

**DISCUSSION DRAFT OF H.R. _____
(REP. HURD), FOSTERING OPPORTUNITIES
TO RESTORE ECOSYSTEMS THROUGH
SOUND TRIBAL STEWARDSHIP ACT, OR
THE FORESTS ACT**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands—Aniela Butler and William Kelleher (Aniela@mail.house.gov and William.Kelleher@mail.house.gov; x6-7736)
Date: Monday, May 19, 2025
Subject: Legislative Hearing on a Discussion Draft of H.R. ____ (Rep. Hurd), the “*Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act*” or “*FORESTS Act*”.

The Subcommittee on Federal Lands will hold a legislative hearing on a Discussion Draft of H.R. ____ (Rep. Hurd), the “*Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act*” or “*FORESTS Act*” on **Tuesday, May 20, 2025, at 10:15 a.m. in Room 1324 Longworth House Office Building.**

Member offices are requested to notify Will Rodriguez (Will.Rodriguez@mail.house.gov) by 4:30 p.m. on Monday, May 19, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Tribes, along with state and local leaders, are increasingly important partners in cross-boundary efforts to improve federal forest health and increase resiliency against catastrophic wildfire.
- Rep. Hurd’s FORESTS Act bolsters Tribal and federal forest management by providing new tools to increase Tribal management of fire-prone federal forests, encouraging the utilization of low-value hazardous fuels, addressing sawmill infrastructure shortages, and requiring more transparency and responsiveness from federal land managers.
- This innovative proposal will help Tribes better protect their forests, create additional economic opportunities for Tribes and rural communities, and greatly improve the health and resiliency of all our nation’s forests.

II. WITNESSES

Panel I (Members of Congress):

- **To Be Announced**

Panel II (Federal Officials):

- **Mr. John Crockett**, Deputy Chief for State, Private, and Tribal Forestry, U.S. Forest Service, Washington, D.C.

Panel III (Outside Experts):

- **Mr. Cody Desautel**, President, Intertribal Timber Council, Nespelem, Washington
- **Ms. Sara Clark**, Co-Lead, The Stewardship Project, San Francisco, California

- **Mr. Tim Vredenburg**, Director of Forest Management, Cow Creek Band of Umpqua Tribe of Indians, Roseburg, Oregon
- **Mr. Austin Lowes**, Chairman, Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan [*Minority Witness*]

III. BACKGROUND

The “Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship (FORESTS) Act” is comprehensive legislation that empowers cross-boundary forest management to address the devastating wildfire and forest health crisis afflicting federal and Tribal forest lands. Indian Tribes have a rich history in forest management, dating back centuries in North America. However, for the past century, Tribes have been largely banned from practicing cultural burning in the West, leading to more overstocked forests.¹ As a result, Tribes are now “three times more concentrated” in areas at the highest risk of wildland fire in some areas of the country.² These lands, once properly stewarded by their ancestors, go virtually untended by federal land managers. By harnessing the knowledge of Tribes and expanding the tools available to them to assist with forest management, the FORESTS Act will help reverse the trend of catastrophic wildfires and make forests more resilient to drought, insects, and disease.

For more information about tribal forest management, please see the Subcommittee on Federal Lands’ oversight hearing entitled “Examining Opportunities to Promote and Enhance Tribal Forest Management.”

Discussion Draft of H.R. _____ (Rep. Hurd), “Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act” or “FORESTS Act”

Empowering Cross-Boundary Forest Management

Tribes consistently manage their forests better than federal agencies and do so with less funding. Throughout the United States, there are 19.3 million acres of Tribal forest lands, including 10.2 million acres of commercial forests and woodlands.³ In fiscal year (FY) 2022, active forest management on Indian forest lands yielded a harvest of over 312 million board feet of timber, which provided roughly \$79 million in revenue for Tribes.⁴ Due to more effective wildfire suppression efforts and forest management practices, the average size of a wildfire on Indian lands is three times smaller than those that occur on U.S. Forest Service (USFS) lands.⁵



The town of Happy Camp, California, after the Slater Fire, which ignited on USFS land. Happy Camp is the headquarters of the Karuk Tribe. **Source:** The Record Searchlight, 2020.

One of the biggest wildfire and forest health threats facing Tribal forests is the thousands of miles of shared boundaries with federal lands.⁶ Tragically, there are countless examples of catastrophic blazes that begin on federal lands, escape containment, move onto Tribal forests, and cause immense ecological and economic harm. Last Congress, Cody DeSautel, a witness on Panel III, testified that the “Colville Tribe has seen more than one billion board feet of our timber burn since

2015, with a current delivered log value of approximately \$500,000,000” due to mismanaged federal lands.⁷ Similarly, Bill Tripp, a member of the Karuk Tribe in California, testified that the Slater Fire in the Klamath National Forest in 2020 burned over 157,000 acres, tore through the historic land of the Karuk Tribe, and destroyed almost 200 homes.⁸ The following year, the Dixie Fire destroyed the Mountain Maidu’s Greenville Rancheria office and health facilities.⁹

To keep Indian forest lands safer and make federal forests more resilient, more must be done to empower Tribes to conduct cross-boundary forest management. The FORESTS Act includes several provisions that enhance existing tools or provide new authorities to help facilitate greater cross-boundary collaboration between Tribes and the federal government. Specifically, Section 2 amends the National Indian Forest Resources Management Act (NIFRMA) to give Tribes the opportunity to conduct forest management activities on federal forest lands where they have a principally relevant tribal interest.¹⁰ NIFRMA is the primary statute authorizing Tribal forest management activities. The amendments made by this section would allow Tribes to treat federal forests as Tribal lands for the purpose of conducting forest management activities. The section includes provisions ensuring continuity of all laws and requirements applicable to federal lands that Tribes must follow, such as allowing for public access and ensuring a fair return to the taxpayer for any timber sold. Tribes will also be able to work with federal land managers to identify the areas where this forest management authority should be applied. Empowering Tribes with this tool will help them better protect their forests from threats posed by unhealthy adjacent federal lands. This will also complement broader goals to increase forest management on a landscape scale in areas at risk for catastrophic wildfire.

Additionally, Section 9 of the discussion draft contains several improvements to enhance Good Neighbor Authority (GNA) for Tribes.¹¹ GNA is a critical tool that expands agency capacity by allowing states, Tribes, and counties to conduct cross-boundary restoration projects such as fuels reduction, habitat improvement, and road restoration.¹² Despite including Tribes in GNA in 2018, USFS only entered into 17 Good Neighbor Agreements with Tribes across the nation, compared to 490 with state partners.¹³ Section 9 builds on technical fixes signed into law as part of the EXPLORE Act to make Tribes full partners in GNA and allow for the retention of receipts from timber sales to fund additional restoration work.¹⁴ This section also requires USFS and the Bureau of Land Management (BLM) to proactively reach out to Tribes to encourage greater use of GNA and identify any barriers to participation.

Finally, the FORESTS Act includes several expansions and improvements to the Tribal Forest Protection Act (TFPA) that will make federal land managers more responsive to Tribes and facilitate greater cross-boundary management.¹⁵ Currently, the TFPA allows Tribes to submit requests to the Secretaries of Agriculture and the Interior to conduct projects on adjacent federal lands. Specifically, the TFPA directs the Secretaries of Agriculture and the Interior to give “special consideration” to Tribally proposed stewardship contracting projects on adjacent federal lands that pose a threat to Tribal lands.¹⁶ While the TFPA has been very successful, federal land managers have lagged behind on timely reviews and approvals of TFPA requests from Tribes. To expedite the approval process and ensure more management work occurs, the FORESTS Act strengthens the statutory deadlines to respond to Tribal requests. If an agency fails to respond in a timely manner, the request from a Tribe can proceed forward so vital forest management work is not delayed.

Addressing Sawmill Infrastructure Losses Limiting Forest Management Needs

Dwindling sawmill infrastructure has been a growing problem in western states. Since 2000, over 1,500 sawmills, or approximately one-third of the total number of sawmills then in operation, shut down or severely curtailed their business activities.¹⁷ A consistent driver of mill closures has been “federal timber supply constraints.”¹⁸ Without a stable supply of timber, investments in new sawmills, which often cost hundreds of millions of dollars, make little sense for private industry.¹⁹ Tribal lands hold the potential to be a key part of the solution in returning sawmill infrastructure to the west. Following the devastating Caldor Fire in 2021, the Washoe Tribe of Nevada and California partnered with a private timber company and the USFS to build a sawmill to process the salvage timber left behind by the wildfire.²⁰ This partnership improved forest health and provided an important source of revenue and jobs in that region.²¹



The Washoe Tribe of Nevada and California is working with private partners and USFS to build a sawmill to help process salvage timber and excess fuels. **Source:** Tahoe Fund, 2022.

Section 7 of the FORESTS Act builds upon this model by directing USFS and BLM to conduct Tribal demonstration projects that expedite salvage timber harvests and hazardous fuels treatments. Proximity to treatment areas remains a critically important factor when it comes to carrying out forest management projects. For this reason, Tribal demonstration projects must be within 50 miles of where salvage timber harvesting and hazardous fuels treatments in high-risk areas are being carried out. Additionally, the projects are also directed to support forest management activities in high-risk fireheds. For new sawmill infrastructure projects, USFS and BLM are directed to prioritize areas where the existing sawmill infrastructure is insufficient to meet forest management needs.



The Tule River Tribe in California have a co-stewardship agreement to work in the Sequoia National Forest **Source:** USFS, 2024

Providing reliable supplies of federal timber is vital in attracting new investments in sawmill infrastructure near fire-prone forests. Under this provision, federal land managers must provide a 20-year stewardship contract or similar agreement to ensure a reliable source of material from federal forests, allowing the project to remain operational. This will encourage investments by individual Indian Tribes and collaborative efforts, as seen with the Washoe Tribe's partnership after the

Caldor Fire. Similarly, Section 8 amends the Healthy Forests Restoration Act to add the retention of forest products infrastructure and the creation of Tribal forest products infrastructure as a land management goal under stewardship contracts.²²

Creating New and Innovative Demonstration Projects

A key barrier to increasing the scale of active forest management, particularly in the west, is a lack of markets for excess, low-value hazardous fuels that must be removed from overgrown federal forests. Biomass represents a viable end-use market for otherwise low-value forest byproducts. In recognition of this potential, during the 115th Congress, Tribal biomass demonstration projects were authorized as part of the “Indian Tribal Energy Development and Self-Determination Act Amendments of 2017.”²³ That project marked a great step forward in the effort to improve forest and watershed health on federal lands through the responsible utilization of excess timber. The FORESTS Act would reauthorize this authority, which expired in 2021, for an additional seven years, through 2032.

The FORESTS Act would create new tribal biochar demonstration projects and encourage the expanded utilization of biomass from hazardous fuels. Biochar has numerous benefits for improving forest health, agricultural productivity, and rural economies. It is produced by burning biomass or organic waste (a feedstock) at very high temperatures in the absence of oxygen through a process known as pyrolysis.²⁴ Because producers can create biochar from low-value materials, biochar can make forest management projects, such as thinning, more viable and cost-effective. This, in turn, improves forest health and reduces the risk of catastrophic fire. The FORESTS Act amends the TFFPA to establish Tribal and Alaska Native biochar demonstration projects on USFS and BLM lands. Under this section, USFS and BLM would be required to carry out with Tribes or Tribal organizations at least four biochar demonstration projects per year for seven years, through 2032. Demonstration projects would be located in areas with nearby lands at high risk of wildfire, where demand for biochar is high, or in areas with sufficient quantities of biochar feedstock.

Finally, Section 10 of the bill codifies and expands the Wood for Life (WFL) program, which connects excess biomass from forest restoration projects with Tribal communities in need of firewood.²⁵ Originally launched in northern Arizona in response to the closure of the Navajo Generating Station, WFL has become a model for simultaneously meeting restoration and energy access goals.²⁶ By leveraging stewardship agreements, free use permits, and a growing network of partners, WFL has supplied thousands of cords of wood to tribal households while reducing hazardous fuels on National Forest System lands.²⁷ Building on this success, the bill directs the expansion of this community firewood delivery model to each USFS region.

Tribal Prescribed Fire and Cultural Burns

Historically, Tribes managed forests primarily using low-intensity fire to “improve visibility, facilitate travel, and control the habitat of the forest by getting rid of unwanted plants and encouraging the growth of more desirable ones like blackberries and strawberries.”²⁸ The results of that management helped shape the American landscape and provided Tribes with many important benefits and uses.²⁹ Controlled fire, as used by Tribes for millennia, promoted vegetative health, reduced fuel loads, cultivated desired resources, and improved wildlife habitat.³⁰ However, during the 20th century, fire suppression efforts by federal land management agencies curtailed the use of controlled burning by Tribes and other land managers, disrupting forest composition.³¹ Tribes have consistently advocated for the responsible use of prescribed fire, including cultural burning as an important tool for cross-boundary forest management.³² Prescribed burns and cultural burns are both lower-intensity controlled fires, with the primary difference being that Tribes also use cultural burns to cultivate materials and food important to Tribal traditions.³³



Aja Conrad, a member of the Karuk Tribe in California, was the burn boss trainee on a prescribed burn in the Klamath National Forest, **Source:** Boise State Public Radio, 2025.

Section 5 of the FORESTS Act authorizes USFS and BLM to enter into cooperative agreements and contracts with Tribes to conduct prescribed fire or cultural burns on federal forest lands. Prescribed fires would be required to be executed within the scope of the relevant burn plan approved by USFS or BLM, which are used to identify the ideal conditions for trees and other plants on a landscape to burn safely.³⁴ In addition, Tribes using this authority must adhere to all personnel safety standards in carrying out prescribed or cultural burns. This tool would empower Tribes to help restore controlled fire in areas where it will be safe and beneficial.

Wildland Firefighters on Indian Forest Land

Finally, Section 11 of the FORESTS Act requires a report to Congress to ensure parity between Tribal and federal wildland firefighters. The Infrastructure Investment and Jobs Act provided \$500 million in increased compensation for federal wildland firefighters; during the law's implementation, concerns were raised that these provisions unintentionally created pay disparities for Tribally contracted wildland firefighters conducting fire suppression operations on federal lands.³⁵ Section 11 requires an assessment of the magnitude of any such disparities for Tribal wildland firefighters and policy recommendations to address this issue.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

Discussion Draft of H.R. ___ (Rep. Hurd), "FORESTS Act"

Section 2. Management of Indian Forest Land.

- Amends section 305 of NIFRMA to allow USFS and DOI to treat federal forest land as Indian forest land for the purpose of planning and conducting forest land management activities on lands where Tribes have a principally relevant interest.
- Requires Tribes to enter into agreements that allow for public access; maintain revenue sharing agreements with state and local governments; comply with requirements applicable to federal lands; recognize valid and existing rights; allow for competitive timber sales; and maintain cooperation with state fish and wildlife agencies.
- Clarifies that nothing in this section creates a new land use designation for any federal lands.
- Defines what lands are considered "principally relevant" to a Tribe to allow for the use of these authorities and sets up a determination process for the relevant Secretaries.

- Emphasizes that the treatment of federal forest land as Indian forest land under this bill shall solely be used for forest management activities and no other purpose.
- Allows the Secretary of the Interior to approve an amendment to an Indian Trust Asset Management Plan to include the federal forest lands treated as Indian forest lands.

Section 3. Tribal and Alaska Native Biomass Demonstration Project Extension.

- Amends the TFFPA to reauthorize Tribal biomass demonstration projects for seven years, through 2032.
- Amends the TFFPA to reauthorize Tribal biomass demonstration projects for seven years, through 2032.

Section 4. Tribal and Alaska Native Biochar Demonstration Project.

- Amends the TFFPA to establish Tribal and Alaska Native biochar demonstration projects. Under this section, the USFS must conduct at least four demonstration projects with Tribes and four with Alaska Native Corporations.
- Stipulates the application and selection process for demonstration projects, prioritizing the selection of applications that create new jobs, improve forest health, and help the commercialization of biochar.
- Requires a report to Congress on the implementation of this section.
- Allows the Secretary to carry out this section utilizing 20-year stewardship contracts.

Section 5. Tribal Prescribed Burn and Cultural Burn Demonstration Projects.

- Authorizes the Secretary to enter into cooperative agreements and contracts for prescribed fire or cultural burns with Tribes.
- Establishes the authority for Tribes to conduct prescribed burn demonstration projects on federal lands within the scope of a burn plan approved by the Secretary concerned. Such a burn plan can cover multiple prescribed burns and shall include provisions for the safe and effective use of prescribed fire on federal lands. In particular, such plans must adhere to the National Wildfire Coordinating Group standards for Prescribed Fire Planning and Implementation.

Section 6. Tribal Forest Protection Act Amendments.

- Amends the TFFPA to add timing requirements that give federal land management agencies 120 days to respond to a Tribal request to conduct forest management activities on federal lands and 2 years to complete environmental analyses required to facilitate those activities. Deemed approval is provided if the Secretary does not respond to the request within 120 days.
- Makes technical and conforming edits.

Section 7. Indian Tribe Sawmill Infrastructure Demonstration Project.

- Directs USFS and BLM to carry out Tribal sawmill infrastructure demonstration projects to expedite the removal of salvage timber, process timber from hazardous fuels reduction activities, or conduct forest management activities in a high-risk firehed.
- Allows projects to be carried out through a 20-year stewardship contract or similar agreement that may be renewed for an additional 10-years at the discretion of the Secretary concerned and consent of the relevant Indian Tribe.
- Stipulates the application and selection process for demonstration projects, prioritizing applications that propose the creation of a sawmill on Tribal land and are located within 100 miles of an area that has previously burned or is within a high-risk firehed.

- Requires BLM and USFS to submit a report within 2 years, and annually thereafter documenting the progress of the program.

Sec. 8. Land Management Goals Under Stewardship End Result Contracting Projects.

- Adds the retention and expansion of existing forest products infrastructure and the development or expansion of wood processing facilities on lands managed by an Indian Tribe as goals under stewardship contracting.

Sec. 9. Good Neighbor Agreements.

- Provides technical changes to ensure that the Tribes can fully participate in the Good Neighbor Authority program.
- Requires USFS and BLM to solicit meetings with Indian Tribes to discuss opportunities to enter into agreements under Good Neighbor Authority and the TFFPA.

Sec. 10. Wood For Life.

- Requires USFS to create or expand an existing program, known as the Wood For Life Program, to enter into partnerships to provide firewood harvested on federal lands to Tribes and reduce wildfire risk in each USFS region.
- Stipulates the application and selection process for demonstration projects, prioritizing areas at high-fire risk and with demonstrated needs for community firewood.
- Requires the program to be carried out using existing authorities and codifies existing regulations regarding free firewood use.
- Sunsets after seven years.

Sec. 11. Report on Indian Forest Land or Rangeland Wildland Fire Pay.

- Requires the Department of the Interior and the U.S. Department of Agriculture to submit a report to Congress on the rate of basic and premium pay for wildland firefighters on Indian forest land or rangeland and include policy recommendations to address any pay disparities that are found.

Sec. 12. Rule of Application.

- Specifies that nothing in the FORESTS Act interferes with, diminishes or conflicts with any State's authority to manage fish and wildlife within their State or the treaty rights of an Indian Tribe.

V. COST

A formal cost estimate from the Congressional Budget Office (CBO) is not available.

VI. ADMINISTRATION POSITION

The Trump administration's position is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

Discussion Draft of H.R. ____ (Rep. Hurd), "Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act" or "FORESTS Act"
https://naturalresources.house.gov/uploadedfiles/bill-to-law_forests_act_-_discussion_draft_text.pdf

- ¹ Wigglesworth, Alex, "This tribe was barred from cultural burning for decades — then a fire hit their community," May 7, 2023, *LA Times*, <https://www.latimes.com/california/story/2023-05-07/native-tribe-faces-displacement-after-california-wildfire>.
- ² *Id.*
- ³ Indian Forest Management Assessment Team for the Intertribal Timber Council, "Assessment of Indian Forests and Forest Management in the United States", 2023, https://www.ifmct.org/issues_projects/issues_2/forest_management/assessment.html.
- ⁴ Bodie K. Shaw, Deputy Regional Director – Trust Service, Northwest Region, Bureau of Indian Affairs, Testimony before the House Committee on Natural Resources Federal Lands Subcommittee Oversight Hearing on "Examining Opportunities to Promote and Enhance Tribal Forest Management" December 5, 2023, <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=415219>.
- ⁵ Cody Desautel, President, Intertribal Timber Council, Testimony before the House Committee on Natural Resources, Oversight Hearing on "Examining the History of Federal Lands and the Development of Tribal Co-Management" March 8, 2022, <https://docs.house.gov/meetings/11/1100/20220308/114483/HHRG-117-109-Wstate-DesautelC-20220308.pdf>.
- ⁶ Cody Desautel, President, Intertribal Timber Council, Testimony before the House Committee on Natural Resources, Legislative Hearing on "Hearing on H.R. 1450, "Treating Tribes and Counties as Good Neighbors Act" May 23, 2023, https://naturalresources.house.gov/uploads/efiles/testimony_desautel.pdf.
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- ⁹ *Id.*
- ¹⁰ 25 U.S.C. 3101-3120.
- ¹¹ 16 U.S.C. 2113a.
- ¹² Congressional Research Service, "The Good Neighbor Authority on Federal Lands, January 11, 2023, <https://crsreports.congress.gov/product/pdf/11/11658>.
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- ¹⁴ Public Law No. 118-234.
- ¹⁵ Public Law No. 108-278.
- ¹⁶ U.S. Forest Service, "Tribal Forest Protection Act in Brief," <https://www.fs.usda.gov/detail/working-together-tribal-relations/cid-stehrb/5551850>.
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- ¹⁸ Epoch Times, "Oregon Mill Closures Emblematic of US Timber Industry Decline", Scott Barnes, August 7, 2024, <https://amforest.org/wp-content/uploads/2024/09/Oregon-Mill-Closures-Emblematic-of-US-Timber-Industry-Decline--The-Epoch-Times.pdf>.
- ¹⁹ The Advocate, "More than half a billion investment in sawmills planned across Louisiana amid higher lumber prices", Kristen Mosbrucker, July 26, 2021, https://www.theadvocate.com/acadiana/news/business/more-than-half-a-billion-investment-in-sawmills-planned-across-louisiana-amid-higher-lumber-prices/article_60688ac-ec3e-11eb-8075-ch037e098e.html.
- ²⁰ Tahoe Daily Tribune, "New sawmill to start processing Caldor Fire salvage logs for Sierra-at-Tahoe", August 17, 2022, <https://www.tahoe-dailytribune.com/news/new-sawmill-to-start-processing-caldor-fire-salvage-logs-from-sierra-at-tahoe/>.
- ²¹ *See id.*
- ²² 16 U.S.C. 6591(e).
- ²³ Public Law No. 115-325.
- ²⁴ U.S. Department of Agriculture, "Biochar", <https://www.climatehubs.usda.gov/hubs/northwest/topic/biochar>.
- ²⁵ National Forest Foundation, "Wood For Life," www.nationalforests.org/assets/pdfs/WFL-FAQ-Fiver-jan-24.pdf.pdf.
- ²⁶ Ancestral Lands, "Wood For Life Program," <https://ancestralands.org/wood-for-life/>.
- ²⁷ U.S. Fish and Wildlife Service, "Wood for Life, a Collaborative Partnership," <https://www.fws.gov/project/wood-life-collaborative-partnership>.
- ²⁸ Forest History Society, "American Prehistory: 800 Years of Forest Management", <https://foresthistory.org/education/trees-talk-curriculum/american-prehistory-800-years-of-forest-management-american-prehistory-ssav/>.
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- ³¹ *Id.*

³² Indian Forest Management Assessment Team for the Intertribal Timber Council, "Assessment of Indian Forests and Forest Management in the United States", 2023, https://www.itcnet.org/issues_projects/issues_2/forest_management/assessment.html.

³³ U.S. Forest Service, "Tribal and Indigenous Fire Tradition", Andrew Avitt, November 16, 2021, <https://www.fs.usda.gov/about-agency/features/tribal-and-indigenous-fires-tradition#:~:text=Cultural%20burns%20are%20lower%20intensity,essential%20to%20centuries%20long%20traditions.>

³⁴ U.S. Forest Service, "Prescribed Fire", <https://www.fs.usda.gov/managing-land/prescribed-fire>.

³⁵ [Public Law No. 117-58](#).

**LEGISLATIVE HEARING ON DISCUSSION
DRAFT OF H.R. _____ (REP. HURD), FOSTERING
OPPORTUNITIES TO RESTORE ECOSYSTEMS
THROUGH SOUND TRIBAL STEWARDSHIP
ACT, OR THE FORESTS ACT**

**Tuesday, May 20, 2025
House of Representatives,
Subcommittee on Federal Lands,
Committee on Natural Resources,
Washington, D.C.**

The Subcommittee met, pursuant to notice, at 10:33 a.m. in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, Stauber, Bentz, Westerman; Neguse, Stansbury, Randall, and Huffman.

Also present: Representatives Hurd; and Hoyle.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to consider a discussion draft of legislation entitled, “The Fostering Opportunities to Restore Ecosystems Through Sound Tribal Stewardship Act,” or the “FORESTS Act”, sponsored by Representative Hurd.

I ask unanimous consent that the following Members be allowed to participate in today’s hearing from the dais: the gentlelady from Oregon, Ms. Hoyle; and the gentleman from Colorado, Mr. Hurd.

Without objection, so ordered.

Under Committee rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other members’ opening statements be made part of the hearing record if they are submitted in accordance with Committee rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

**STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. TIFFANY. Today the Subcommittee on Federal Lands will consider draft legislation that expands tribal participation in cross-boundary forest management. Offered by my colleague from Colorado, Representative Hurd, the FORESTS Act harnesses the profound knowledge and experience of Tribes to reduce the risk of catastrophic wildfire and make forests more resilient to drought, insects, and disease.

Much like the bipartisan Fix Our Forests Act, which overwhelmingly passed the House earlier this year, this discussion draft

continues Committee Republicans' efforts this Congress to advance innovative, collaborative solutions that increase the pace and scale of active forest management and empower non-Federal partners.

Catastrophic wildfires have burned an average of 7 million acres annually, destroyed countless homes and businesses, obliterated wildlife habitat, and, most tragically, resulted in fatalities of both civilians and wildland firefighters. Yet the Federal response to this crisis has been woefully inadequate. For decades now, Federal land managers have been preoccupied with promulgating misguided preservationist policies and fending off extreme environmentalist lawsuits. In the process, these agencies have lost sight of their most important responsibility: reducing wildfire risk through active forest management.

[Chart]

Mr. TIFFANY. Just take a look at the chart behind me. You have seen this chart before. It shows that, as Federal land management agencies stopped harvesting timber, there was a substantial increase in the acres burned in catastrophic wildfires.

We know what needs to be done. There is broad scientific consensus that active management, including mechanical thinning and prescribed burning, can restore health to our forests and reduce the intensity and destructiveness of wildfires. Yet Federal spending on suppression continues to soar while prudent management efforts remain mired in bureaucracy.

The FORESTS Act offers a different path, one rooted in tribal partnerships, innovation, and leadership. That is why I am supportive of provisions in the FORESTS Act that enhance Good Neighbor Authority, a critical tool that has dramatically increased cross-boundary management work. My home State of Wisconsin is a leader in GNA, and I was proud to support fixes to this program through the EXPLORE Act that allowed Tribes to retain receipts from timber sales for further management work.

A major barrier to forest restoration, especially in the West, is the disappearance of sawmill infrastructure. Since 2000, more than 1,500 sawmills have closed or drastically curtailed their operations. Near Federal lands the lack of a reliable supply is consistently cited as a main driver of closures. Without a market for low-value and hazardous fuels material, critical forest management stall. This creates a vicious cycle where Federal agencies struggle to manage their forests and supply enough timber to local mills. Those mills shut down, and Federal land managers have an even harder time getting management work done with no place nearby to process hazardous fuels coming off the forest.

The FORESTS Act tackles this problem head on by directing the Forest Service and the Bureau of Land Management to establish tribal sawmill demonstration projects aimed at processing salvaged timber and reducing hazardous fuels in our most fire-prone areas. The FORESTS Act accomplishes this by offering 20-year stewardship contracts and adding retention and expansion of sawmill infrastructure as a goal under stewardship contracting authorities. Modeled on a demonstration project with the Washoe Tribe in California following the Caldor Fire, this provision has the potential to create tribal jobs, revitalize rural economies, and reduce wildfire risk on Federal lands.

I want to thank all the witnesses for joining us today and sharing their expertise. I look forward to the discussion ahead as we consider this thoughtful legislation and explore how we can work together to improve forest health, support tribal and rural economies, and address the wildfire crisis.

Mr. TIFFANY. With that I now recognize the Ranking Member Neguse for his opening statement.

**STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. NEGUSE. I thank the Chairman. Thank you to our fellow Committee members for joining us today. To our witnesses, I look forward to your testimony. It is always good to be back in the Subcommittee. I am certainly looking forward to the debate regarding this particular bill that my colleague from Colorado, Mr. Hurd, has offered, the discussion draft, and I suspect that we will have a very fulsome discussion of a number of the issues that the Chairman described.

Before we proceed, however, I just do have to address what I perceive as an elephant in the room. This is the first time that we have gathered since the markup that the full Committee held a week ago. Now, that markup was extensive, and a lot of rigorous debate that ensued over the course of 13-some-odd hours. But in particular what I would like to address for the moment was the midnight land sale that two of my colleagues on the other side of the aisle successfully initiated during the course of that markup. And the reason why I bring it up today is because I believe that the Republican majority has regrettably set a new precedent for this Subcommittee to follow into future years.

Majorities come, majorities go. But I want to make very clear for the record that this new precedent is now the governing principle with respect to consideration of land transfers or land protections or land sales of this type if the Republicans proceed with including that measure as it is currently in the reconciliation bill that the full House is likely to consider later this week. There is still time for my colleagues on the other side of the aisle to pull back to remove that particular measure, which I would take as a signal of good faith that, in fact, this precedent is not one the Republicans wish to implement and force the full contingent of Committee members on both sides of the aisle to comply with into the future.

What is this precedent I am speaking of? Well, of course all of us in this Committee and the dais know this well. The two provisions in question from our colleagues from Utah and Nevada were introduced in the dead of night without having been subject to a legislative hearing before this Committee, without having been subjected to a markup by the full Committee, with no guidance or insight or recommendations or analysis from the land management agencies impacted, which, of course, is what typically happens in a legislative hearing. It is why we are all gathered today, because Mr. Hurd has introduced a bill as a discussion draft intended for us to all discuss and for us to weigh in with our views on the matter.

No one, no one, is stating or demanding that a member have the full consent of each and every member of this Committee, or each

and every member of their State delegation, you know, a member that represents the lands in question. But we are simply saying that, at least as long as I have been here, that has been a protocol that, Mr. Chairman, your predecessors with respect to Subcommittee chairmen of this Subcommittee and also the predecessors of the full Committee have followed. It matters.

And I just think it is regrettable, and I would urge a note of caution to my colleagues, with the exception of Mr. Hurd, whom I want to publicly commend for, and he can articulate his reasons for doing so, but for taking the vote that he did a week ago, and noting for the benefit of this full Committee that that is not the way that land sales, land transfers ought to be consummated.

And so I would just again implore my colleague, the Chairman, to take that into consideration before this reconciliation bill gets to the floor.

Now, the last thing I will say on this note and then, of course, we will proceed with the more fulsome discussion regarding the gentleman from Colorado's bill—is we are now learning the details of this proposed land sale and the devastating impact it will have. We didn't have time during the hearing, because it was at midnight when our colleagues introduced it.

I will read you this headline, Mr. Chairman, from the Las Vegas Review Journal: "Could a public lands deal amount to a water grab for Utah?" I do not know how my Republican colleagues from Arizona can possibly defend their vote in favor of this particular land sale that was pushed into the reconciliation bill in the dead of night that would divert water from the State of Arizona. I am baffled as to how they would defend it, and I would urge my colleagues to pull this provision out of the reconciliation bill so we can get back to the regular order of this Subcommittee.

Mr. NEGUSE. And with that I yield back.

Mr. TIFFANY. Thank you to the Ranking Member. And does the Ranking Member of the full Committee have an opening statement?

Mr. HUFFMAN. Yes.

Mr. TIFFANY. I recognize the Ranking Member for 5 minutes.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Mr. Chairman. I certainly want to associate myself with what was just said so well by our Ranking Member. And I agree that, with the exception of Mr. Hurd, every Republican on this Committee has a lot of explaining to do about how they let that monstrosity into their bill, and also what they are doing right now to make sure that it comes out.

But, Mr. Chair, I want to thank you for today's hearing and for Mr. Hurd doing the work on this discussion draft. I appreciate the witnesses being here to talk about something very important.

I have had a privilege of working with many of the witnesses in developing the Tribal Self-Determination and Co-Management in Forestry Act, which I introduced last week. So we have been thinking along the same lines, Mr. Hurd, Mr. Chairman, and my bill is co-sponsored by the Vice Ranking Member and all the ranking members on our side here in the Committee. It recognizes that

tribal nations have played a role in land management since time immemorial, and it seeks to implement tribal co-management plans under the Department of the Interior, providing the Forest Service with additional authority to ensure Tribes have a meaningful role in public land management decisions that impact their communities.

I see this issue as a bipartisan opportunity in this Committee, and something that Democrats and Republicans should be able to work on together, despite our other profound differences, and I appreciate that the majority has agreed to include my bill in an upcoming hearing we hope to get on the agenda today, but I am glad will be in an upcoming hearing to explore how expanding co-management authority for the Forest Service can empower Tribes to manage lands in ways that reflect their communities, reduce wildfire risk, support restoration, and help ensure that Tribes are true partners in the decision-making process.

My bill will also improve opportunities for tribal stewardship at Interior, by directing land management agencies to develop co-management plans, and by encouraging culturally appropriate training for Federal employees. These are broadly-supported policy goals. And given the support that my legislation has from our witnesses today and others across Indian Country, I remain hopeful that it will have the support of this Committee, the bipartisan support of this Committee.

Now, as to Mr. Hurd's bill before us, the FORESTS Act, it addresses several issues that are not new to this Committee. One section that caught my attention was the provision to establish tribal prescribed burns and cultural burn demonstration projects, and I welcome his inclusion of that. Before Western settlers criminalized burning to maximize timber production, Tribes burned landscapes to regenerate and sustain ecosystems for both ecological and cultural benefit. Today many of the Tribes in my district have been leaders in the effort to reinstate these practices to clear out vegetation, release nutrients in the soil. These are essential things for many traditional foods and basket materials.

And it is also essential to acknowledge that the public lands we have today were built on the dispossession of tribal lands. These public lands include tribal ancestral lands, sacred sites, traditional foods, cultural resources, and generations of history that remain deeply tied to them. The aim of the FORESTS Act, as I understand it, is an important step in recognizing that reality.

And as this is a discussion draft, I look forward to working with the author and this Committee to strengthen the bill to reflect our shared priorities and to support the effective stewardship of public lands. At the same time, it seems that many of my Republican colleagues seem to have a disconnect that we need to also talk about, a disconnect between their tribal forestry priorities and their broader approach to public lands.

The reconciliation bill that they have advanced will sell off public lands to extractive industries. They refused to explain their justifications, rejected amendments to ensure that Tribes were consulted first and to prevent irreparable damage to sacred cultural sites and resources. President Trump also just released his skinny budget proposal, which guts funding for BIA and the Forest

Service, including \$617 million for programs that support tribal self-governance and tribal communities under the BIA, and cutting \$303 million from State, private, and tribal forestry at the Forest Service, all while firing thousands of Federal agency employees, terminating agency field office leases, and blocking key funding.

So I am encouraged that we are talking about this issue today, that we have a discussion draft, that it parallels some of the priorities and values that I have put into my legislation that we will also soon be considering. But if we are serious about doing right by Indian Country, we have got to also address that broader disconnect. I look forward to the discussion today, Mr. Chair.

Mr. HUFFMAN. And I yield back.

Mr. TIFFANY. The gentleman yields. We will now move on to our first panel, which consists of Members who are sponsoring today's legislation.

I now recognize Representative Hurd for 5 minutes on this bill.

**STATEMENT OF THE HON. JEFF HURD, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF COLORADO**

Mr. HURD. Thank you, Chairman Tiffany. I want to thank you and Ranking Member Neguse for holding this hearing on the discussion draft of my legislation, the Fostering Opportunities to Restore Ecosystems Through Sound Tribal Stewardship Act, also known as the FORESTS Act. I would also like to thank Committee staff for their work on this vital piece of policy.

As every Western member knows, proper forestry management is a necessity, it is not an option. And as Chairman of the Subcommittee on Indian and Insular Affairs, I am proud to carry this legislation. It amends the National Indian Forest Resources Management Act to allow Tribes to conduct additional active management on adjacent fire-prone Federal lands; it extends the tribal and Alaska Natives biomass demonstration project and creates a new tribal and Alaska Native biochar demonstration project. It authorizes tribal prescribed burn and cultural burn demonstration projects on Federal land to reduce the risk of catastrophic wildfires and to improve active management. It amends the Tribal Forest Protection Act to ensure the Federal Government is responsive to Tribes.

This bill also creates a new demonstration project to establish new sawmill infrastructure on tribal lands, helping create jobs and improve infrastructure to process hazardous fuels from fire-prone Federal lands. The bill expands stewardship end-result contracting to incentivize the retention of wood processing infrastructure, including infrastructure managed by Tribes. It makes technical corrections allowing Tribes to be full partners in Good Neighbor Authority. The bill expands the Wood for Life program to create new pilot projects in each region of the Forest Service. And lastly, this legislation requires a report to ensure parity in pay between Federal and tribal firefighters.

I look forward to hearing the witnesses' testimony today, and I look forward to moving this legislation through the Committee process.

Mr. HURD. And with that, Mr. Chairman, I yield back.

Mr. TIFFANY. The gentleman yields. We will now move on to our second panel.

Let me remind the witness that, under Committee rules, you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony please press the on button on the microphone.

We use timing lights. When you begin the light will turn green. At the end of 5 minutes the light will turn red, and I will ask you to please complete your statement.

I would like to introduce Mr. John Crockett, Deputy Chief of State, Private and Tribal Forestry at the United States Forest Service.

Deputy Chief Crockett, you are recognized for 5 minutes. Welcome to the Committee.

STATEMENT OF THE JOHN CROCKETT, DEPUTY CHIEF, STATE, PRIVATE, AND TRIBAL FORESTRY, UNITED STATES FOREST SERVICE, WASHINGTON, D.C.

Mr. CROCKETT. All right, good morning, Chair Tiffany, Ranking Member, and members of the Subcommittee. Thank you for the opportunity to appear before you today to speak on the FORESTS Act. My name is John Crockett, and I serve as Deputy Chief for State, Private, and Tribal Forestry at the U.S. Forest Service.

The Forest Service manages more than 193 million acres of national forest and grassland across the country. These lands include areas of deep cultural, historical, and ecological significance to many tribal nations. The FORESTS Act would designate certain Forest Service lands as Indian lands, and would authorize new and expanded avenues for Tribes to support forest management on Federal lands, convert low-value forest biomass into wood products, and undertake tribal shared stewardship actions like prescribed and cultural burning. These provisions reflect a growing emphasis on tribal-led management and consideration of tribal ecological knowledge.

We support this bill's proposed expansion of demonstration projects that use low-value forest biomass to produce biochar, as well as establish and to expand sawmills on or near National Forest System lands. These initiatives promote forest health by reducing hazardous fuels, contribute to local tribal economies, support innovation and sustainable forest products markets. And the emphasis on job creation, wildfire resiliency, and the work of the Tribe greatly aligns with the Forest Service priorities.

The FORESTS Act would also amend the Tribal Forest Protection Act, or TFPA, to authorize Tribes to carry out prescribed and cultural burns under multi-use burn plans. We support this amendment as a means of enhancing tribal stewardship while improving the landscape's resiliency. We look forward to working with the Committee on how to expand liability protections, staffing needs, and that the tribal authority can be structured to ensure safety, clarity, and long-term success.

We also welcome a discussion on extending the Federal Tort Claims Act to tribal employees who carry out prescribed and cultural burns or other activities authorized under TFPA. Several

other provisions, including additional updates to TFPA and the expansion of stewardship contracting goals, also support critical restoration and economic development.

While we support many sections of this bill, others raise legal and operational considerations that merit further discussion. Section two, for example, would allow certain Federal lands to be treated as Indian forest lands for the purpose of forest management, and would convert Forest Service resources into tribal trust assets that are managed by approved plans through the Bureau of Indian Affairs. While we support tribal shared stewardship, we are concerned about converting Forest Service lands and resources to another legal designation and commingling tribal trust asset management within various departments.

We also have questions related to the civil and criminal jurisdictions, overlapping tribal interests on the same landscape, and potential conflicts with existing Forest Service authorities.

Finally, the Forest Service supports clarifying tribal eligibility under the Good Neighbor Authority, and would welcome a discussion on the tribal Wood for Life program that directly engaged Tribes to improve their communities' access to firewood and hazardous fuels projects. We appreciate the bill's aim to increase direct tribal participation, and hope to work with the Committee to ensure the bill's language achieves congressional intent.

In closing, we are committed to continuing to work with this Subcommittee and with Tribes to improve forest health, advance shared stewardship goals, and honor the treaty and trust responsibilities of Tribes. Provisions in the FORESTS Act present an important opportunity to deepen that commitment and support to tribal, shared stewardship of Federal lands.

That concludes my testimony. Thank you for the opportunity to share the Forest Service views, and I look forward to answering any questions.

[The prepared statement of Mr. Crockett follows:]

PREPARED STATEMENT OF JOHN CROCKETT, DEPUTY CHIEF FOR STATE, PRIVATE, AND TRIBAL FORESTRY, U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to provide testimony on the FORESTS Act, which would authorize the Secretary of Agriculture (USDA) and the Secretary of Interior to enter into agreements with Indian Tribes for the performance of certain forest management activities on Federal lands, including the performance of forest land management activities, biochar demonstration projects, and sawmill infrastructure demonstration projects.

The USDA Forest Service manages 193 million acres of national forests and grasslands, including lands in the Pacific Northwest that are in proximity to Tribal lands. The Forest Service works closely with the Tribal Nations through land stewardship, including forest management, wildfire mitigation, resource restoration, and cultural preservation efforts. The Administration maintains the trust relationship between Tribal Nations and the Federal government.

The Forest Service appreciates the opportunity to provide testimony regarding this draft legislation and respectfully offers the following comments and recommendations for the Subcommittee's consideration. We welcome the opportunity to continue working with the Subcommittee to address outstanding technical concerns.

H.R. XX, “Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act”

Sec. 2. Management of Indian forest land amends the National Indian Forest Resources Management Act to allow Indian Tribes to request that certain Federal forest lands be treated as Indian forest lands for the purposes of forest management, provided the lands have historic, cultural, or economic relevance to the Tribe. Sets conditions for access, revenue sharing, rights recognition, and timber sales, including first refusal rights for Tribes. It also requires the Secretary to issue regulations within 120 days.

While the Forest Service supports robust Tribal shared stewardship, this provision raises numerous complex and sensitive legal and operational concerns regarding federal, state, and Tribal civil and criminal jurisdiction, various Constitutional doctrines, overlapping Tribal interests over the same landscape with complicated histories, potential conflicts with the Forest Service’s existing authorities, and ramifications regarding the conflation and comingling of the Secretary of the Interior’s trustee obligations under its governing statutes. We welcome further discussion with the Committee on these matters.

Sec. 3. Tribal and Alaska Native biomass demonstration project extension and Sec.4 Tribal and Alaska Native biochar demonstration project amend the Tribal and Alaska Native biomass demonstration programs through 2032, and establish demonstration programs for Tribes and Alaska Native Corporations to support the development and commercialization of biochar from forest biomass. Biochar projects must use Federal land feedstock and be evaluated for job creation, forest health, innovation, and proximity to high-risk wildfire areas. At least four new projects per year must be implemented under this program. The establishment of biomass and biochar demonstration programs ensures continued opportunities for Tribes to utilize stewardship agreements to convert low-value forest biomass into useful products, supporting both forest health and Tribal economies.

The Forest Service supports the extension of the biomass demonstration project and related amendments to the Tribal Forest Protection Act. We would like to work with the Committee to ensure that the definitions, eligibility criteria, and funding mechanisms are aligned with the existing terms in the Tribal Forest Protection Act.

Sec. 5. Tribal prescribed burn and cultural burn demonstration projects delegates to Tribes the authority to conduct prescribed and cultural burns on Federal lands under multi-use burn plans. The provision allows delegation of planning and implementation authority to Tribes and supports the use of regional personnel to meet federal staffing requirements. It enhances Tribal cultural practices while contributing to wildfire risk reduction.

The Forest Service supports the amendment to the Tribal Forest Protection Act by establishing a Tribal prescribed burn and cultural burn demonstration project. We would like to work with the Committee to ensure that the Tribe’s authority is appropriately described and that definitions, eligibility criteria, including qualification standards, and funding mechanisms are aligned with the existing terms in the Tribal Forest Protection Act. We also welcome a discussion on the extension of the Federal Tort Claims Act to Tribal employees who are carrying out the prescribed and cultural burns and other currently authorized activities under the Tribal Forest Protection Act, as well as Tribal preference in subcontracting.

Sec. 6. Tribal Forest Protection Act amendments introduces a “deemed approved” clause if the agency does not respond within 120 days. It also mandates environmental review and contract completion within two years and provides updated statutory language and definitions to streamline implementation.

The Forest Service understands the goals of these amendments and does not oppose the automatic approval of the Tribe’s proposal. We do recommend qualifying that the proposal is deemed approved only to the extent it is consistent with applicable law. Additionally, the bill contains some definitions that would disqualify Alaska Native Corporations (ANC) and ANC-owned land. Lastly, we have legal and operational concerns about conducting an environmental review after a project is approved. We welcome further discussions with the Committee on these matters.

Sec. 7. Indian Tribe sawmill infrastructure demonstration project establishes a 20-year pilot program for Tribes to develop or expand sawmills near Federal lands affected by wildfires or classified as high-risk fireheds. Projects must demonstrate benefits such as job creation, restoration capacity, and forest health improvements. Areas lacking existing processing infrastructure are given priority.

The Forest Service supports the establishment of the Tribal sawmill infrastructure demonstration project as it is aligned with Executive Order 14225—Immediate Expansion of American Timber Production. We note that “Tribal lands” is not defined and welcome the opportunity to ensure that Alaska Native Corporation-

owned land is included, given the current definition of “Indian Tribe,” and to provide additional technical assistance to ensure Congressional intent is met.

Sec. 8. Land management goals under stewardship end result contracting Projects amends existing law to include retention and expansion of wood processing infrastructure on Tribal lands or in partnership with Tribes. This provision aims to improve contract viability and support localized forest restoration capacity.

The Forest Service supports this amendment to the Healthy Forests Restoration Act.

Sec. 9. Good neighbor agreements clarifies that Tribes are eligible partners under Good Neighbor Authority, adjusts revenue provisions accordingly, and requires the Forest Service and BLM to conduct outreach to Tribes every five years or upon request. This section also identifies and aims to reduce barriers to Tribal participation.

The Forest Service supports clarifying the eligibility of Indian Tribes to enter into Good Neighbor agreements by uncoupling it from the term “Governor.” Although the Forest Service continually engages with Tribal Nations and Alaska Native Corporations to discuss available co—stewardship authorities with the Forest Service, we do not oppose the codification of this outreach.

Sec. 10. Wood for Life directs the Forest Service to establish or expand the Wood for Life Program, partnering with Tribes and nonprofit organizations to deliver firewood from hazardous fuels projects to Tribal communities. The program prioritizes wildfire risk reduction, high firewood needs, and local job creation across all Forest Service regions.

The Forest Service welcomes additional discussion with the Subcommittee on this section to achieve the goal of providing Tribal communities with firewood from hazardous fuel reduction projects. We recommend, for example, defining “Indian Tribe” and adding “Tribal organizations” as eligible entities. We note that the Forest Service does not enter into self—governance compacts under Title IV of the Indian Self-Determination and Education Act because that authority is specific to the Department of the Interior; nor contracts under Title I of that Act, beyond activities authorized under the Tribal Forest Protection Act, because it is specific to the Indian Health Service and the Bureau of Indian Affairs.

Sec. 11. Report on Indian forest land or rangeland wildland fire pay Requires the Secretaries of Agriculture and the Interior to report to Congress on base and premium pay rates for wildland firefighters serving on Indian forest land or rangeland, including those hired under Tribal self—determination contracts. This aims to ensure parity and transparency in firefighter compensation.

The Forest Service recommends deleting the Secretary of Agriculture from this provision. The Forest Service has no jurisdiction or authority over fire pay on Indian forest land or rangeland. Although the bill references the definition of Indian forestland and rangeland from the Tribal Forest Protection Act, that definition originates from the National Indian Forest Resources Management Act, 25 USC 3101, which is administered by the Department of the Interior.

Sec. 12. Rule of application clarifies that nothing in the Act should be interpreted as altering a State’s jurisdiction to manage fish and wildlife on land and water within the State, including public lands, or altering any existing Tribal treaty rights.

The Forest Service does not object to a reservation of rights provision, particularly ensuring that nothing in the bill affects Tribal treaty rights. However, particularly with section 2 of the bill that deems certain public lands “Indian lands,” more consideration and clarification regarding civil and criminal jurisdiction is highly recommended.

We wish to thank Chairman Hurd, Ranking Member Leger Fernández, and members of the Subcommittee for the opportunity to present the USDA Forest Service’s views on this proposed legislation.

Mr. TIFFANY. Yes, thank you, Deputy Chief Crockett. I am now going to recognize members for 5 minutes, and I am going to begin questioning here.

You heard in my opening statement the comments about the closure of sawmills, especially in the western part of the country. More than a third of the sawmills in the country have shut down over the past 25 years, in large part because of the lack of certainty that they were going to be able to get wood. We have been hearing

that story, for example, from the Black Hills out in South Dakota. How has the reduction in sawmills affected the Forest Service's ability to manage its forests, and how would the FORESTS Act help?

Mr. CROCKETT. Well as you mentioned in your opening remarks, the Forest Service cannot do our work if we don't have places to take the byproducts that come off of the Forest Service land. The bill, because it expands the ability for sawmills to Tribes, that gives us another place to have our products, our restoration products, go. And knowing that they are tribally-supported mills is an added benefit.

Mr. TIFFANY. So isn't it correct that, without some long-term contract being done, future investors are going to have a hard time justifying making an investment, aren't they?

Mr. CROCKETT. Long-term viability and long-term access to a sustainable wood supply is something that we have heard from industry for a significant amount of time. A 20-year stewardship contract is a way of doing that. We also have other tools such as long-term sustained yield units that we have held in the past. And we know that when you implement a 20-year stewardship contract, the certainty can be there for industry to take that to the banks to be able to get the financial supply that they need. But there is a lot that can change over a 20-year period, and we recognize that structuring a 20-year contract in a way where you can do a re-evaluation over that 20-year period is an important component of it.

Mr. TIFFANY. So in the State of Wisconsin we have a managed forest law program that has 25 and 50-year programs, it works very effectively. Why couldn't that be done here also?

Mr. CROCKETT. So that sounds like it is similar to the long-term sustained yield unit that I mentioned just then, so no objections to it happening in that way. What I would say is the Forest Service is interested in making sure that we are partnering with the industry to provide a long-term, sustainable supply of wood.

Mr. TIFFANY. The FORESTS Act that you see before us enhances Good Neighbor Authority. The Fix Our Forests Act also included improvements to GNA, including the ability to construct new roads. It is my understanding the Senate version of the Fix Our Forests Act removed the provision to be able to construct new roads. How would allowing Tribes to construct new roads under GNA improve forest health and fire suppression?

Mr. CROCKETT. Yes, so road access is a significant component of our ability to do a restoration treatment. If we don't have a way of getting it out of the woods, it can't get out of the woods.

So to answer your question around the ability for revenue retention or roads to be built under the Good Neighbor Authority, that would be a benefit not only to Tribes, but to States and counties and others who access the Good Neighbor Authority.

Mr. TIFFANY. So the Senate is wrong in trying to remove the constructing new roads provision.

Mr. CROCKETT. I am not here to pass judgment on the Senate, but what I will say is the ability to tap into roads for Good Neighbor Authority is a plus.

Mr. TIFFANY. I was too obvious with my question, wasn't I? I will have to be much more subtle.

[Laughter.]

Mr. TIFFANY. It sounds like you have a few concerns from a legal standpoint in terms of jurisdiction with the bill before us. Is that accurate?

Mr. CROCKETT. That was one section. Section two we want to work with the Committee on the legal jurisdictions of lands being transferred to the BIA, and then commingling those responsibilities for managing it long-term.

Mr. TIFFANY. I yield back. Thank you for answering those questions. I now recognize the Ranking Member, Mr. Neguse, for 5 minutes.

I will recognize the Ranking Member, Mr. Huffman, for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman. As we are going to hear from the next panel, tribal co-management on public lands is a top priority for many tribal nations across the Nation. I hear about it from many of them, and it raises important questions about how the Federal Government can better engage with Tribes as true partners in land stewardship.

Of course, at a minimum, that starts with being fully committed to meaningful consultation and upholding Federal trust responsibilities when it comes to managing lands. And, you know, it would make no sense to enter into some contracts for a Tribe to build a mill or cut some trees but then separately greenlight a mining project that would pollute their water or desecrate their sacred sites.

And so, Mr. Deputy Chief, I just want to ask you if this Administration is truly committed to protecting sacred sites and preserving cultural resources on our public lands. And if so, how is the Forest Service working to honor that commitment?

Mr. CROCKETT. Thank you for the question. So the Forest Service honors that commitment by making sure that we provide opportunities for tribal consultation, and I would say meaningful consultation with Tribes on any of the projects that we would implement.

And at the same time, the Forest Service has a multiple use mission, and that multiple use mission includes the opportunity for extractive opportunities through mining and timber, as long as the water resources are protected.

Mr. HUFFMAN. Have you reviewed the Republican reconciliation bill that was marked up in this Committee a couple of weeks ago?

Mr. CROCKETT. I have not had the opportunity to review that bill.

Mr. HUFFMAN. Well, sir, I suggest that you do, because it stands at odds with what you just said. There are several authorities in there where tribal consultation is simply missing on critical projects that could profoundly impact Tribes. And I would think that, if you are true to that commitment of upholding your trust responsibility and having meaningful consultation, you would want to offer some very critical feedback of that legislation before it gets too far down the road.

Can you speak to the limitations that the Forest Service has in carrying out co-stewardship and co-management agreements, and whether there are some additional legal authorities or resources that you might need to do that?

Mr. CROCKETT. So I don't have a list of limitations that come to mind. I do know over the past several years we have had several opportunities to expand our tribal co-stewardship work with Tribes. We invested significant amounts of funding to be able to do that work, and generated a lot of interest from Tribes in setting up co-stewardship projects.

Mr. HUFFMAN. All right, I want to ask about the concerns that many of us have about these budget cuts and workforce actions that are severely undermining core capacities across a number of Federal agencies. But in your agency, sir, tribal relations specialists were reportedly among those terminated in mass layoffs. These specialists play a key role in spotlighting tribal priorities and ensuring that tribal perspectives are integrated across the agency's work. It seems to me that those are essential positions if we are going to be serious about tribal co-management, and self-determination, and the things that we are talking about here today.

So I want to ask if any of these positions have been reinstated or filled. And if not, how does the Forest Service intend to restore them, or will they simply be left vacant?

Mr. CROCKETT. So in our tribal organization we didn't have any terminations of tribal positions. We did have some individuals who took the voluntary opportunities and departed the agency. But we still have an Office of Tribal Relations, and we are still planning to uphold their trust responsibilities and not diminish tribal sovereignty.

Mr. HUFFMAN. OK. In the time I have left while I have you, I met with the Chief last week and he explained that, you know, we have been expressing concerns about a lot of the departures of fire support personnel as we head into fire season. And he explained that some new financial incentives have been put in place to try to temporarily bring some of those people back out of retirement to get us through this next fire season. Have you done any analysis of how much that is going to cost, what the uptake is going to be by these folks who in some cases have surely moved on and gotten other jobs? What can you tell us about whether that is going to solve the problem as we head into fire season?

Mr. CROCKETT. You know, so we did do an evaluation of employees who have left the agency. I will say we had certain exemptions, and fire was one of the category of employees who were exempted, which means that we asked them to stay on in their position. But for those employees that left, we are analyzing what the impacts of that departure will be, but we don't have the final results of that just yet.

Mr. HUFFMAN. So you don't have the price tag for luring them back, and you don't have an estimate of how many would actually take that deal and come back to get us through fire season.

Mr. CROCKETT. We don't.

Mr. HUFFMAN. Thank you, sir.
I yield back.

Mr. TIFFANY. The gentleman yields. I now recognize the gentleman from Oregon, Mr. Bentz, for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair.

And Deputy Chief Crockett, I missed your opening statement, so forgive me for perhaps asking you to cover stuff you have already talked about. But what is your thought on who would or how you would coordinate with the Tribes under this proposed bill?

In other words, I guess the relationships that are necessary, how would you ask us to call out your responsibility vis-a-vis a Tribe when a Tribe is given this management opportunity?

Mr. CROCKETT. So thank you for the question. So any time we have the opportunity to have the tribal voice at the table, it is a beneficial one. Some of the complications that I named in my opening statement around the bill, because we are having lands that transfer from the Forest Service to the BIA for the trust responsibility that is associated with it, there are some concerns that we wanted to work with the Committee on how to adjudicate those, that language.

But to your question around the tribal voice, we welcome that at the table to help us enhance our work.

Mr. BENTZ. I am sure you do. But the challenge is who is in charge? That is the challenge, isn't it, when it comes to who is managing these lands?

If you are going to turn management over to the Tribe, how would you want that memorialized? Would you want a contract? Would you want an agreement? Would you want a statute? What is it that you need in order to understand where you stand vis-a-vis the Tribe in one of these arrangements?

Mr. CROCKETT. Yes, so it is my understanding that the transfer goes to the Bureau of Indian Affairs, and then the Bureau of Indian Affairs would then manage those lands in trust for the Tribes. So as long as we had an opportunity to be able to work with the Bureau of Indian Affairs on what that transfer would look like, and then how it would be managed beyond that, I think that is where we would find some opportunities for success.

Mr. BENTZ. Let's back up for a second. I had not read the bill that closely to understand that there would be a transfer. A transfer of what, title? Or transfer of management?

It is still the Federal Government that owns it, so share with me how you see the BIA working with you, if at all, after this transfer.

Mr. CROCKETT. So I don't know all the full details of the technicalities of what happens after it is transferred. But sharing my understanding of when it is transferred to BIA, they become the landowner, if you will, and Tribes have a voice into how the management of those tribal assets would happen.

It is my understanding the Forest Service wouldn't be completely out of the picture at that point, but BIA would then have the lead on management of the lands.

Mr. BENTZ. The challenge is, of course, isn't it, that these lands are owned by all of us. And so managing them is another issue entirely. And I think all of us would agree that finding some way to do a better job of managing is a really, really, really good idea.

And before I just gloss over that, do you agree that this is an opportunity to improve the land, that this bill provides us a

foundation to perhaps get off of this, where we are now, which seems to be locked down and not being able to manage the land appropriately? Does this bill move us in the right direction is probably the——

Mr. CROCKETT. So the short answer is yes, and Tribes have an amazing history and a traditional ecological knowledge and expertise that they would bring to the table in land management.

Mr. BENTZ. But this is not a transfer of ownership as such. This is a transfer of management. That is, the land itself still remains the property of the people of the United States, and what we have is another group who has a historical interest in treating the land well now “managing it,” not owning it. That is where I am trying to go with this question.

Mr. CROCKETT. OK.

Mr. BENTZ. Do you see it as moving in the wrong direction when it comes to actual control and taking stuff off the land to the benefit of some group, the Tribe, as opposed to the people of the United States? Or do you see it as more of a management arrangement?

Mr. CROCKETT. So the management opportunity is a beneficial one, whether it is the Forest Service managing it or the tribal expertise helping to manage it. At the end of the day, as long as the landscapes are healthy, resilient to fire, and insect, and disease risk, that is the win.

Mr. BENTZ. Well, I look forward to working on this further because I think it is a great opportunity for all of us.

With that I yield back.

Mr. TIFFANY. The gentleman yields. I now recognize the Ranking Member, Mr. Neguse, for 5 minutes.

Mr. NEGUSE. Thank you, Mr. Chairman.

Thank you, Deputy Chief Crockett, for your testimony. I promise I will get to the substance of why we are here in the bill eventually here, but I wanted to ask you, since you are here, just a few questions about an issue that is deeply important to folks I represent back in Colorado.

There are, as you probably are aware, three congressionally-designated southwest ecological restoration institutes that work to understand and reduce the threat of wildfire and receive funding from the Forest Service. One of those institutes, the Colorado Forest Restoration Institute, is located in my district, based at Colorado State University in Fort Collins. These institutes have been supported on a bipartisan basis by Congress. We designated funding upwards of \$6.6 million for Fiscal Year 2024 and Fiscal Year 2025.

We have recently learned that the Forest Service has told the institutes their funding will be cut in half for Fiscal Year 2025, reducing funding to \$3 million for all 3 institutes. That would represent a 55 percent reduction in Federal funding and put critical, science-based work that takes place at each of these centers into jeopardy. Deputy Chief, are you aware of this is question number one.

And the second question is, I suppose, if you are aware, is the Forest Service intending to reallocate funds designated for these institutes?

Mr. CROCKETT. Thank you for the question.

So to answer the first question, yes, I am aware of the budget adjustments that we made, and I actually have a working session set up with the leaders of the institutes tomorrow to work through the details of looking at the existing funding that is on the books that they have had for several years, as well as the opportunities with the \$3 million that was allocated this year. Knowing that there is another institute in Utah that is set to come online next year, we are planning to have a budget working session with them tomorrow on that topic.

Mr. NEGUSE. Well, I would just suggest to you, Deputy Chief, thank you for your candor, Congress appropriated the funds, right?

Mr. CROCKETT. Yes.

Mr. NEGUSE. Right. So the U.S. Congress appropriated to your department or your parent agency this particular sum of money to be expended by these institutes. And I don't understand the Forest Service's position that it can and is proceeding to reallocate, I think the word you used was "adjustment"—make adjustments notwithstanding congressional intent, which was very clear in the appropriations that we have adopted. And you can imagine the slippery slope that that will create here in Congress, because, essentially, I don't know how much clearer we could be, the appropriators could be. And I suppose that it will compel Republican and Democratic Members of Congress to work together to provide your agency and other agencies like it with no discretion whatsoever, given the lack of clarity as to the agency's willingness to implement the appropriations as they have been designated by Congress.

So I would just encourage you, we will certainly follow up with the agency and with the Chief, but would hope that you could relay the same back to the relevant decision-makers within the agency, of course, you are one of them, because I would hope that the agency's final decision would be to abide by the congressional intent in the Fiscal Year 2025 appropriation.

With respect to the bill that we are discussing today, and I think there are a number of different components that my colleague from Colorado has included in his discussion draft that makes sense and I think are prudent, there are other areas where I have some questions, and look forward to collaborating and engaging on some of those questions, some of which were noted by the Ranking Member of the full Committee.

The only, I guess, observation I would make, and you are welcome to respond, Deputy Chief, is that while I think enacting new authorities, reforming existing authorities is certainly worth doing, I worry that we are missing the forest for the trees, pardon the pun, because this is all happening in the context of a skinny budget that the Trump administration has submitted that decimates the Forest Service, decimates the BIA. It is unclear to me, you know, how the BIA would begin to even achieve some of what we would be asking them to do under the skinny budget submitted by the President.

But in any event, if you wish to respond, you are welcome to.

Mr. CROCKETT. So I don't know if I have a full answer for you, but to say that, you know, the Administration supports the

President's budget, and we are looking forward to working through successful solutions.

Mr. NEGUSE. I yield back. Thank you, Mr. Chairman.

Mr. TIFFANY. The gentleman's time is expired. I now recognize the gentleman from Minnesota for 5 minutes.

Mr. STAUBER. Thank you, Chair Tiffany and Ranking Member Neguse.

Deputy Chief Crockett, thank you for joining us today. As I anticipate we will hear this morning, proper forest management is a collaborative effort, and it is necessary to include Tribes along with State and local governments and private individuals and entities in our forest management practices. As you note in your testimony, the Forest Service has 193 million acres of forest and grasslands under its management. Without partnerships with Tribes along with State, local, and private entities, could the Forest Service properly manage these lands?

Mr. CROCKETT. So the way I am going to answer that question is the Forest Service looks for opportunities with Tribes, as well as other entities to help partner on the management of those lands. And so, as I mentioned earlier, Tribes have a significant ecological knowledge that is beneficial for us in the management of it, and we welcome their voice at the table in helping us with future opportunities for them.

Mr. STAUBER. And Deputy Chief Crockett, this legislation gives you the opportunities fully to work with our Tribes, and I think it is a really, really good opportunity.

So while funding for the Forest Service and other land managers has increased in recent years thanks to historic investments by Congress and the Land and Water Conservation Fund, the deferred maintenance backlog for our Federal land managers continues to grow year after year. This shows that increased funding is not just the answer, it is much larger than that.

Deputy Chief Crockett, how can the Forest Service utilize Tribes and other partners better for proper forest management?

And what is holding the Service back from further utilizing these partnerships?

Mr. CROCKETT. So I don't think there is anything that is holding us back from engaging with Tribes. The work that tribal leaders do on their lands is impressive, and we look forward to bringing that perspective into the work that we do on our Federal lands.

Mr. STAUBER. So what is holding you up from working even better?

Obviously, this legislation allows the work and the cooperation to even be better. Regardless of this legislation, what was or what has been holding you up?

Mr. CROCKETT. So I don't think there is anything that is holding us up. There are opportunities through various bills that give us a better window in how to partner and collaborate with Tribes. I think this bill does just that, it provides new windows through Good Neighbor Authority, through stewardship contracting, through retention of sawmills. But I wouldn't say anything is holding us up from engaging with Tribes.

Mr. STAUBER. You had mentioned the Good Neighbor Authority. That is a crucial piece of legislation. And the sawmill investments on tribal lands, I think that is a huge opportunity.

So it is safe to say that the expanded authorities in this bill would permit the Forest Service to better collaborate and partner with Tribes, lessening the burden on your agency?

Mr. CROCKETT. Yes.

Mr. STAUBER. So I would be remiss if I didn't mention that currently, or at least at the start of last week, we had three major forest fires in northern Minnesota. It will never happen again in my lifetime.

Mr. CROCKETT. Yes.

Mr. STAUBER. And I am very proud of the U.S. Forest Service and their wildland firefighting, doing an excellent job night and day. And obviously, the first priority is life safety. And as of yet I haven't heard of any loss of life, which is huge. And I give credit to our local volunteer fire departments, local community members, and local restaurants and bars, and the U.S. Forest Service for providing that.

So with that, Mr. Chair, I yield back.

Mr. TIFFANY. The gentleman yields. I now recognize Ms. Randall for 5 minutes of questioning.

Ms. RANDALL. Thank you so much, Mr. Chair.

It goes without saying that tribal consultation should be first and foremost in any discussion about land management, and I think we have heard shades of that position from all of my colleagues here today.

In Washington's 6th district there are 12 federally recognized Tribes that have called this land home since long before it was the United States. The Tribes in my district have protected the health of our forests and kept their communities safe from the fire risks from time immemorial.

Meaningful consultation with Tribes is not only a recognition of this deep knowledge of the lands, it is our legal obligation. And tribal consultation must start early and continue to be an open conversation, not just a box that we check to move on to the next item of our agenda. In this time when tribal treaty rights are under attack we must hold up our end of the deal, which means providing the necessary resources to meet our trust and treaty obligations to ensure Tribes can effectively co-manage this land.

Mr. Crockett, I so appreciate you taking the time to be here and answer our questions. As we have discussed today, the draft bill would authorize certain Federal forest lands to be treated as Indian forest lands if they meet certain criteria. And my first question is, how would the Forest Service determine whether Federal forest lands are historically, culturally, or economically important to a Tribe seeking an agreement with the agency under section 2?

Mr. CROCKETT. So thank you for that question. I think that is probably the most complicated part of the bill.

If you take 10 acres of land and look at the history of it, the cultural, the historic, and geographical history of it, the boundaries of Tribes overlap over time. And so section 2 of the bill puts the Forest Service in the place of having to be the arbiter of that

important geographical and complex history. And so I would say that is probably the most complicated part of it, and we would look forward to working with the Committee on the details of it.

Ms. RANDALL. Yes, thank you. And I suppose sort of a follow-up, which you dipped your toe into in that answer, when there are multiple Tribes that have claims to the same geographic area, do you have any, I don't know, perspective on steps that we should be taking to proceed?

As you know, we are acting as arbiters of that situation. I know it is a difficult position that I think many Members of Congress worry about getting involved in, too. So I would love any thoughts that you have at this point, but also to continue this conversation about how we do that work.

Mr. CROCKETT. Yes, so I don't have a perfect answer on how to get to yes, or the right answer on that. I think the tribal voice, the BIA's voice, the Forest Service voice are all ways that we can work with the Committee to find some successful solutions, so I look forward to following up to do that.

Ms. RANDALL. Thank you. And in your experience, have there been any impacts of recent staff shortages or grant cancellations on tribal stewardship of Federal lands?

Mr. CROCKETT. Not to my knowledge. I don't have the full landscape of all of the grants and agreements in the agency. But I am not aware of any tribal grants, contracts, and/or agreements that have been canceled.

Ms. RANDALL. OK. Well, we certainly want to continue to keep an eye on that as we move through reconciliation and the impacts of the skinny budget that this President has proposed.

I think, you know, one of the things that we have seen in other agencies, as well, maybe there aren't cuts to a particular program, the elimination of some administrative staff have an impact on the ability for an agency to carry out their work as a sort of customer service, you know, for the folks who are receiving support from the agency, so something we will definitely continue to track.

Thank you so much for being here.

And I yield back my time.

Mr. TIFFANY. The gentlelady from Washington yields. I now recognize the gentleman from Colorado, Mr. Hurd, for 5 minutes.

Mr. HURD. Thank you, Chairman Tiffany.

Deputy Chief Crockett, thank you very much again for your testimony this morning. One of the things that you mentioned in your testimony is some concern about section 2 and the jurisdictional issues. I was looking through the statute itself, and section 2, subsection C, subsection 3 explicitly says, and this kind of gets to Congressman Bentz's question, as well, the legislation as drafted explicitly says that treating Federal land as Indian trust land, Indian forest land, I am sorry, does not designate that land for any other purpose, including jurisdiction.

Are you reading any provision of the bill as changing the jurisdictional status of the land? For example, transferring title or shifting criminal jurisdiction?

Mr. CROCKETT. So maybe I misspoke earlier when I was referencing the transfer of lands to the Bureau of Indian Affairs.

I had a hearing a couple of weeks ago, and maybe that was the one that was coming in.

But, you know, based on what you just shared, I think that is the most accurate——

Mr. HURD. OK.

Mr. CROCKETT [continuing]. Language in the bill.

Mr. HURD. OK. One other thing, thank you for that, one other thing your testimony mentions is the commingling of Interior's trustee obligations with the USDA and Forest Service authorities. Can you think of any specific legal risks that this bill might create for the Forest Service, and whether those risks or concerns might be addressed through technical clarifications?

Mr. CROCKETT. Yes, so there are legal risks. You know, I have to follow up with our Office of General Counsel on the specific legal risks. But in conversations that I have had with them, they have talked about it in general. And yes, we look forward to working with the Committee to name what those risks are and find a path forward on it.

Mr. HURD. OK. Thank you, Deputy Chief. Can you talk to me a little bit about the practical concerns about overlapping authority or coordination, especially during active forest management activities or emergencies like wildfires?

Mr. CROCKETT. OK. If you wouldn't mind, say a little bit more.

Mr. HURD. Sure, from your perspective, what concerns would you have about potential overlapping authority or jurisdiction when it comes to active forest management activities or emergencies like wildfires?

Mr. CROCKETT. So as it stands, if a fire happens on Forest Service lands, we know what our jurisdictional responsibilities are with that. If the management is transferred, I don't think the bill speaks specifically to the other statutory requirements. I think it names specifically the timber assets, that they would be in turn treated in such ways that are anchored to the tribal forest management plan. But I don't think the bill spoke specifically to other statutes such as wildfire management.

Mr. HURD. I am just trying to think of how we might address some of the concerns, which I really appreciate you bringing forward, as well. And I am wondering, just off the top of my head, if there are any concerns, that we might be able to address those through interagency agreements or planning coordination or something like that. I assume that would be possible.

Mr. CROCKETT. Yes, it would be no different than what we would do in any pre-season engagement with other land management organizations.

Mr. HURD. OK, very good. Thank you, Deputy Chief Crockett. I appreciate it.

With that, Mr. Chairman, I yield back.

Mr. TIFFANY. The gentleman yields, and I now recognize the gentlelady from New Mexico for 5 minutes.

Ms. STANSBURY. All right. Thank you, Mr. Chairman. Thank you, Ranking Member. Welcome. It is wonderful to have you here, Mr. Crockett.

I want to start by just saying thank you to Representative Hurd for bringing this legislation. In preparation for this hearing we did

send it to some of the tribal nations in New Mexico. And obviously, because we share a border and a number of forests, we also have a number of Tribes for whom these forests are their historic and current homelands. And there is certainly a lot in this bill that our Tribes are very supportive of, including forest health tools, infrastructure, hazardous fuel reduction. But we would love to work with the sponsor to try to improve some of the technical language that protects tribal sovereignty and some of the legal issues that Mr. Crockett outlined. But I do appreciate that, and also support Mr. Huffman. And I am grateful for the bipartisan effort to address this.

You know, New Mexico is home to 23 sovereign Tribes and nations. And for our Tribes, they have lived on these lands since time immemorial. And in my district, in New Mexico's 1st congressional district, which is central New Mexico, including 10 rural counties, we have a lot of different Forest Service districts and a lot of different national forests and tribal forests, including in southern New Mexico we have the Lincoln County Forest.

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Ms. STANSBURY. And this is the Sierra Blanca, which is the mountain in southern New Mexico. And it also is the homeland of the Mescalero Apache people. And not only have the Mescalero people have been managing forests and fire itself for generations, our Mescalero Tribe has also been the birthplace that raised some great foresters, including the current president, who is a forester, President Padilla, and the former Under Secretary for Natural Resources, Butch Blazer, who is also a member of the Tribe and a former president. So we are proud of the forest stewardship and the leadership nationally that comes out of our tribal communities, and excited to work on a bipartisan basis to bring more resources and more tools to our Tribes to manage their historic lands.

And so, Deputy, I would love to ask. I know this has been asked in some different forms here today, but, you know, you have been at this game for a long time. What do you see as some of the ways in which Congress can help support better co-management, working with our Tribes and Federal lands?

Mr. CROCKETT. Thank you for the question.

So I would actually start with making sure the tribal voice is brought into the conversation. So you mentioned sharing the bill with your members, and they had a perspective on it. I feel like that is where we start because their perspective helps to shape a bill that can actually be implemented. Obviously, we are going to have a Federal perspective on it anytime a bill comes forward. But I would start with what you are already doing in bringing in that tribal voice and the tribal perspective on it.

Ms. STANSBURY. And are there other things that you have seen during your time in this role that would help support Tribes more directly in terms of that partnership?

Mr. CROCKETT. I think continued engagement around co-management and co-stewardship. We have seen a significant amount of increase from Tribes and through the number of co-stewardship projects, whether it be in fire management or fuels management or salmon restoration or habitat for fisheries restoration. And all of those ideas, like I said earlier, they

generated from the things that Tribes said were important to them. And then we took those opportunities and overlapped them where we could on the Federal landscape, and then had a successful project. So that is what I would name as an example.

Ms. STANSBURY. Well, I would love to invite the Committee actually to come down to Mescalero Ruidoso and actually see forest stewardship in action. It is actually quite extraordinary. If you go to the line of where Mescalero's boundary is and the Forest Service line and see the forest stewardship that they have done, they were actually able to stop catastrophic fire and flooding in a huge forest fire that ravaged that mountain last year. And you can literally see it in the landscape through how that stewardship was implemented on the ground.

But I would be remiss if I did not use this opportunity to also point out, as I think Ranking Member Neguse did, which is you can't do your job if you don't have resources. And I think Mr. Neguse pointed this out, but I just want to put a finer point on this. President Trump delivered a budget to Congress 3 weeks ago that cuts the Forest Service budget by \$1.3 billion. Billion dollars. That is a lot of money. And that included \$303 million in this program, State and tribal stewardship. And people can't do their jobs if they don't have funding.

And, you know, I will just say I know you have been doing this work for a long time. People are struggling out there in our Forest Service. So in addition to doing the best that you can to manage in a chaotic situation, I just ask that you continue to support our Forest Service folks on the ground because they don't know what is going to happen, and we really need folks out there.

So I appreciate you and thank you for coming in today.

I yield back.

Mr. TIFFANY. The gentlelady's time has expired. I now recognize the gentlelady from Oregon, Ms. Hoyle, for 5 minutes.

Ms. HOYLE. I thought it was, OK.

Mr. TIFFANY. You are next.

Ms. HOYLE. Excellent. Thank you, Mr. Chair.

Mr. Crockett, thank you so much for being here today. I represent a lot of Forest Service land, as well as Oregon has the majority of forest land that the BLM controls. So we have a lot of Federal lands. And as you know, we have a patchwork set of management, so literally, Forest Service next to tribal-managed lands next to private-managed lands next to State lands.

So when a fire starts on or in our Federal forests and it comes into our cities, it comes into our tribal-managed land, it is an issue. So we really want to make sure that we are working together in how we manage these lands. I think tribal co-management is a means to that end, in that I have the honor of representing four of Oregon's nine federally recognized Tribes. And I can tell you that their experience in managing forests for millennia would be something that I hope that the Forest Service can take advantage of.

However, knowing that wildfire is one of your top priorities, and I agree, in that every year we lose more and more acres to forest fires, and people and homes and species are in danger. But with DOGE's haphazard cuts and the chaos across the Federal Government, we are going into a fire season without the personnel

that we need. The Forest Service recently had 217 probationary staff in Oregon fired because they didn't have "fire" in their job title. But you well know that we utilize people and bring them from other jobs into work in fighting wildfire and, again, preventing wildfire. These workers have been hired back. They show up too each day not knowing if they are going to be cut again by a reduction in force.

And at Oregon State University some forestry students may not graduate on time because their Forest Service internships have been canceled due to the DOGE hiring freeze. These are foresters that train with the Forest Service so that we can have the people that can go take care of our forests. The program was ended.

And then the President's budget calls for eliminating Job Corps. But the Job Corps Civilian Conservation Center in my district helps get youth connected to future careers in forestry by providing training and work opportunities on public lands, and it is critical for filling workforce needs, also an opportunity for struggling youth. I had a Republican State representative in my district call me yesterday to say, what are you doing to help get the funding for the Wolf Creek Job Corps program back? It is really critical, as you know. So I would love to work with you on that.

I heard from small, Oregon-based non-profits who have had their Forest Service grants clawed back. Now they are sidelined and they are not able to get out into the woods to do the work that we all agree are necessary to keep our community safe and to prevent larger wildfires.

I have heard from local scientists that DOGE's \$1 credit card limit for Federal travel means that Forest Service staff can't go check cameras out in Frontier, Oregon because it would require them to stay overnight or have a gas card. I want to know what we are going to do to fix that, because it is an issue. And if the Forest Service staff aren't allowed to do their jobs, and the hiring pipeline is cut off, and non-profit partners are sidelined, where is the capacity coming from? And what can we do to help you make sure we have the capacity so people in my district don't end up dying in a fire?

Mr. CROCKETT. So thank you for the question. Let me focus in on one part of it, and that is making sure that we have a ready workforce to be ready to respond to our wildfire season. And we have put an emphasis on that, so we actually exempted any fire employee who was at a GS-10 or below, we exempted them from being able to take one of the workforce reshaping efforts that have happened.

And so Congress appropriates the funding for us to hire 11,300 wildland firefighters, and we are taking that funding and are well on our way to making sure that we have hired that capacity to be responsive to this wildfire season.

Ms. HOYLE. So my question is Job Corps and our internships with our Oregon State students.

Mr. CROCKETT. OK. I don't have the—

Ms. HOYLE. Can I get an answer in writing?

Mr. CROCKETT. So I don't have the specifics on Job Corps, but I look forward to working with you on the follow-up actions for it.

Ms. HOYLE. Thank you.

Mr. CROCKETT. All right.

Mr. TIFFANY. The gentlelady's time has expired. And if there are no further questions, we are going to move on to our third panel.

Thank you, Mr. Crockett, we really appreciate your time here today.

While the clerk resets our witness table, I will remind the witnesses that, under Committee rules, they must limit their oral statements to 5 minutes but their entire statement will appear in the hearing record.

I would also like to remind our witnesses of the timing lights, which will turn red at the end of your 5-minute statement, and to please remember to turn on your microphone.

As with this second panel, I will allow all witnesses to testify before member questioning.

Ms. HOYLE. Thanks for the extra time.

Mr. TIFFANY. Oh, yes.

[Pause.]

Mr. TIFFANY. Well, terrific. It looks like we have our third panel empaneled, and it is good to have you all here.

And first I will recognize Representative Hoyle to do an introduction of our first witness.

Ms. HOYLE. Thank you very much, Mr. Chair. I am very glad to welcome my constituent, Tim Vredenburg, to the Committee today. Mr. Vredenburg graduated from Georgetown College with a degree in environmental science, and attended graduate school at Oregon State University, where his area of emphasis was wildlife management and silviculture. Since 2012 he has worked for the Cow Creek Band of Umpqua Tribe of Indians as their Director of Forest Management, and previous to that worked with a number of Tribes on forest management and wildlife management. He works to carry out the Tribe's effort to manage forests in their ancestral homelands and provide for the cultural and economic well-being for many generations to come.

Mr. Vredenburg has extensive knowledge in the issues we are discussing today. I look forward to hearing his testimony on the FORESTS Act, and I will say that the Cow Creek Tribe of Umpqua Indians have invited us out to visit. Cliff Bentz and I share this part of the district, and the O&C lands is the perfect place to see side by side the difference in management from Federal lands to tribal lands to private lands.

Mr. TIFFANY. Mr. Vredenburg, you have 5 minutes.

STATEMENT OF TIM VREDENBURG, DIRECTOR OF FOREST MANAGEMENT, COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

Mr. VREDENBURG. Good morning and thank you, Chairman Tiffany, Ranking Member Neguse, members of the Committee. Thank you for the chance to testify today on behalf of the Cow Creek Band of the Umpqua Tribe of Indians. I serve as the Tribe's Director of Forest Management, and we appreciate the Committee's leadership in advancing tribal priorities in forest restoration, wildfire resilience, and self-determination.

We want to specifically also thank Chairman Hurd and Ranking Member Huffman for your leadership in prioritizing tribal solutions.

The Cow Creek Band of the Umpqua Tribe of Indians is a sovereign, federally recognized Tribe in southwestern Oregon. Today the Cow Creek Umpqua manage approximately 49,000 acres of forest land interspersed with neighboring Federal lands. These lands are essential to the Tribe's culture, its economy, and our community.

The bill we are here to discuss today includes provisions that we strongly support: expanded tribal co-management authority, infrastructure demonstration projects, needed reforms to Tribal Forest Protection Act, and many others.

In my work with the Indian Forest Management Assessment Team, IFMAT IV, I visited tribal forests across the Nation. And one thing that became abundantly clear is that tribal forest management is different. Tribes must live with the consequences of their actions. Management decisions are felt immediately and locally. That kind of intimate accountability produces a very different kind of stewardship. Too often the Federal status quo policy treats much of our forests as no-touch zones. This philosophy says that if something is important or sensitive, we draw a line around it and we exclude management. But Indigenous knowledge teaches us something much different. When something is special or important, Tribes manage for it.

Indigenous management is based on the principle of reciprocity. It is not just about what can be taken from the forest, it is about what must be given back. Management and restoration are our responsibility. If we want clean water, clean air, wood products from our forests, we need to give back supportive management. Timber harvest and fire, when used with purpose and intention, they aren't scary words. They are tools for forest health.

Today we are dealing with the consequences of an exclusion-based forest policy. The result? Catastrophic wildfires, degraded water, lost wildlife habitat, and declining biodiversity.

Our forests were designed by the creator to have people tending to them. It is about people. For Tribes, revenues from forestry operations support critical government services such as elder care, education, and health care. At Cow Creek Umpqua, our leadership embraces the philosophy that high tides float all boats.

Forest health and economic health are inseparable. The Indian Trust Asset Reform Act has shown what is possible when Tribes lead. While continuing to meet or exceed all environmental standards, including the ESA, we are restoring forest health, improving wildlife habitat, and bringing fish back. And how do we know? We monitor, we look, we ask questions. At Cow Creek we have used ITARA to improve efficiency, reduce costs, increase accountability, and manage our forests more effectively. This approach should be scaled and replicated across Federal agencies.

This isn't a partisan issue. The bipartisan Wildfire Commission report made a clear recommendation that Congress should authorize USDA to enter into co-management agreements with Tribes and share, defer, or transfer decision-making authority. That is exactly what this bill does.

We are in the midst of a national forest health and wildfire crisis. Every fire season feels like a waking nightmare. Our families, our children are literally choking on this crisis. We have an opportunity to address it. We keep hearing people say that this is the new normal. We reject that. It doesn't have to be. We have an opportunity through this bill to work together to develop the tools to end the wildfire crisis and restore our Nation's forests. The Cow Creek Umpqua and tribal nations stand ready to help.

Thank you so much for the opportunity to testify today. I welcome questions.

[The prepared statement of Mr. Vredenburg follows:]

PREPARED STATEMENT OF TIM VREDENBURG, DIRECTOR OF FOREST MANAGEMENT,
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

Chairman Tiffany, Ranking Member Neguse, and Members of the Committee:

Thank you for the opportunity to testify today on behalf of the Cow Creek Band of Umpqua Tribe of Indians. I serve as the Tribe's Director of Forest Management. I appreciate the Committee's leadership in advancing Tribal priorities in forest restoration, wildfire resilience, and the exercise of true self-determination. We have had the honor to support the important work of Chairman Hurd, Ranking Member Huffman and our very own Congresswoman Hoyle and Congressman Bentz.

About the Tribe

The Cow Creek Band of Umpqua Tribe of Indians is a sovereign, federally recognized Indian Tribe located in southwestern Oregon. The Tribe has deep ancestral ties to the Umpqua and Rogue River watersheds. Today, Cow Creek actively manages approximately 49,000 acres of forestland.

These forests are essential—not only to the Tribe's cultural wellbeing, to the Tribe's economy, but also ecological resilience, and community welfare. As the Director of Forest Management, I've had the privilege to work alongside leading forest scientists, Tribal leaders, tribal elders, and dedicated natural resource staff in carrying out that responsibility.

The Cow Creek Umpqua has built a reputation as a collaborative partner—working across ownership boundaries and jurisdictions to implement landscape-scale restoration that benefits not just Tribal lands, but entire watersheds and rural communities.

Tribal Forest Management: A Distinct Approach

Across the country, Tribal Nations manage over 19 million acres of forest lands held in trust by the federal government. These lands:

- Support over 500 Tribal communities across 36 states;
- Contain some of the highest-value forests and richest biodiversity in North America;
- Are consistently managed at a higher standard of long-term sustainability than many state, private, or even federal forests;
- And remain chronically underfunded—receiving just 30 cents on the dollar compared to other federal land management agencies.

In my work with the Indian Forest Management Assessment Team (IFMAT), I visited tribal forests across the nation. One thing became abundantly clear: Tribal management is different—not only in philosophy and practice but in meaningful results and accountability.

As IFMAT Co-Chair John Gordon put it: “Tribes have to live with the consequences of their actions. If they make smoke, they breathe the smoke. If they muck up the water, they drink that mucked up water.” That kind of direct connection—where decisions are felt immediately and locally by the community—produces a very different kind of stewardship. The result is clean cold water leaving reservation lands and healthy beautiful forests.

Indigenous Stewardship Is Active, Not Passive

Too often, Western conservation models treat sensitive areas as “no-touch zones”—closing them off from any human attendance or management. But

indigenous knowledge teaches the opposite: when something is important, special, or sensitive, that is when it must be actively cared for.

Indigenous forest management is based on reciprocity. It's not just about what can be taken from the land—it's about what must be given back. Management and Restoration is a responsibility. Timber Harvest and Fire, when used with purpose and intention aren't scary words, they are tools for health and balance.

Our society is grappling with the consequences of exclusion-based forestry policies. A philosophy that says if something is important or sensitive we draw a line around it and exclude management. The result: catastrophic wildfires, degraded watersheds, loss of wildlife habitat, and declining biodiversity. Indigenous knowledge offers a better path, one grounded in presence, relationship, and attachment to place.

Forests as Economic Infrastructure

Forest management is also essential to Tribal governance. Because Tribes cannot levy taxes, revenues from forestry operations often support critical services like education, elder care, and healthcare. Forestry is a necessary engine of economic self-sufficiency and self-determination.

At Cow Creek, we've seen how investing in biomass and sawmill infrastructure—especially after Catastrophic Fire—can reduce hazardous fuels while creating jobs and economic opportunity in rural Oregon. Many parts of the country have lost their milling infrastructure and have no place to take their forest residuals.

This legislation empowers Tribes to enter into revenue sharing agreements that can help support our local county governments. At Cow Creek Umpqua our leadership embraces the philosophy that “High Tides Float All Boats.” Forest health and economic health are inseparable.

The Need for Modernization

Despite the importance of Tribal forestry, the federal tools available to Tribes are becoming outdated.

The Indian Trust Asset Reform Act (ITARA) has shown what's possible when Tribes lead. While continuing to satisfy all environmental review regulations, including endangered species act compliance, we are restoring forests, wildlife habitat and improving fish populations. How do we know this? We monitor, learn, and adapt our strategies to always improve. At Cow Creek, we've used ITARA to improve efficiency, increase accountability, and manage tribal forests more effectively. This approach should be scaled and replicated across federal agencies.

The FORESTS Act: Progress and Potential

The bill we are here to discuss today, The Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act (FORESTS Act) includes many important provisions that we strongly support:

- Expanded Tribal co-management authority over adjacent federal lands where cultural ties exist.
- Support for Tribal demonstration projects that include thinning, cultural burning, timber harvest, and native species restoration.
- Reforms to TFFPA to include response timelines and approval standards—making the policy actionable and reliable.
- Revenue authority for forest restoration byproducts. Allowing Tribes to manage and sell forest products enables reinvestment into future stewardship and workforce development.
- Investments in restoration-linked infrastructure, including biochar and sawmills.
- Access to long-overdue programs, including the Reforestation Trust Fund, workforce development grants, and the Wood for Life program.

Key Recommendations

1. Authorize expanded self-governance for co-management of culturally connected federal lands.
2. Fund Tribal forestry at parity with other federal land management programs. It's the best investment in forest health you can make right now.
3. Scale Tribal demonstration projects meaningfully and design them with flexibility.
4. Reform TFFPA with enforceable timelines and clear review processes.

5. Support Tribal forest infrastructure and economic tools that enable long-term stewardship.
6. Expand access to post-fire reforestation, training, and community resilience programs.
7. Direct agencies to use existing tools like emergency/alternate procedures.
8. Develop new contract mechanisms that allow efficient transfer of funding between federal agencies and Tribes.

Bipartisan Opportunity

This is not a partisan issue. The Bipartisan Wildfire Commission Report made the recommendation saying that if we want to meaningfully address Catastrophic wildfire, “Congress should provide the U.S. Department of Agriculture stand-alone authorities to enter into co-management agreements with Tribes that would allow the Forest Service to share, defer or transfer decision-making authority with or to a Tribe for management of Forest Service programs or activities.” That’s what this legislation does. Wildfires do not check voter registration. Wildfires in Red and Blue state are resulting in the same color of charred burn scars. Rural economies and forest ecosystems are suffering across the political spectrum. The FORESTS Act is a chance to come together around shared values: of reciprocity, sovereignty, responsibility and durable cost-effective solutions.

Conclusion

We are in the midst of a national forest health and wildfire crisis. Every fire season we are in a waking nightmare. Our children and families are literally choking on this crisis. Tribal Nations are ready and capable of implementing these solutions—but they need the authority, funding, and trust.

Indigenous knowledge offers a framework for living with fire, restoring ecosystems, and managing land in a way that supports both people and place. The FORESTS Act moves us toward that future as it puts real tools in the hands of tribal nations.

Thank you for the opportunity to testify. I would welcome your questions.

QUESTIONS SUBMITTED FOR THE RECORD TO TIM VREDENBURG, DIRECTOR OF FOREST MANAGEMENT, COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

Questions Submitted by Representative Westerman

Question 1. In your testimony, you discussed the difficulty of obtaining necessary NEPA approvals to conduct wildfire prevention activities. You previously testified before the Senate in support of the Fix Our Forests Act and the Cow Creek Tribe has proposed several ideas to improve that legislation, including ways to streamline NEPA. What are some improvements the Cow Creek Tribe supports to FOFA that would streamline NEPA?

Answer. The Fix Our Forests Act creates vital tools necessary to address wildfire risks threatening federal forest lands but does not effectively extend those tools to Indian Country. The Cow Creek Band of Umpqua Tribe of Indians supports several targeted improvements to the Fix Our Forests Act (FOFA) that would help streamline the NEPA process and better protect Tribal lands, while maintaining environmental safeguards. These include:

Tribes with Reservation forests lack a tax base to fund government operations and instead rely heavily on timber trust revenues to provide essential governmental services to their members, and to responsibly manage their lands and other resources. Therefore, allowing Tribes to retain timber trust revenue will allow for better forest and wildfire management across Tribal, State and Federal lands.

There is an extreme wildfire risk facing Indian Country forests, both from forest conditions on Tribal trustlands, and from adjacent federal and state forestlands. This wildfire risk threatens critical trust revenues needed by Tribes to serve their members.

There are millions of forested acres across Indian Country, meaning any solution to our national wildfire crisis must meaningfully include Tribes and Indian Country forests.

Summary of Proposed Amendments:

1. Elevate the reduction of wildfire risk to timber held in trust by the United States on behalf of Tribes to the same levels as the reduction of wildfire risks to communities, infrastructure, and municipal watersheds.
2. Empower Tribes to designate firesheds on their own lands, and adjacent lands where Tribes are carrying out projects under the Tribal Forest Protection Act.
3. Ensure that federal agencies will consult Tribes on a government-to-government basis when conducting fireshed assessments that include or threaten Indian forest land or rangeland.
4. Include Tribes in the authorization for use of emergency environmental consultation procedures to conduct emergency fireshed management projects in and adjacent to Indian Country.
5. Establish National Environmental Policy Act categorical exclusions for fireshed management projects in and adjacent to Indian Country that mirror categorical exclusions that exist for federal lands outside Indian Country under the Healthy Forests Restoration Act and the Infrastructure Investment and Jobs Act.
6. Receipts Retention under Good Neighbor Authority: An important and complementary provision in FOFA is the technical fix to the Good Neighbor Authority (GNA) that would allow Tribes to retain and reinvest receipts from forest restoration projects. This change would help fund ongoing and future work and support the development of sustained Tribal forestry programs.

Question 2. Could you explain how the Fix Our Forests Act is complementary to the authorities provided in the FORESTS Act?

Answer. The Fix Our Forests Act (FOFA) and the FORESTS Act offer mutually reinforcing solutions to the wildfire and forest health crisis—FOFA enhances efficiency and process reform, while the FORESTS Act strengthens Tribal leadership and access to federal tools.

- FOFA addresses procedural barriers by streamlining NEPA, ESA compliance, and other regulatory bottlenecks. It enables timelier implementation of critical restoration and fuels reduction work across priority landscapes. However, this authority needs to be expanded to Indian forest lands and treated as an equal to federal lands.
- The FORESTS Act expands Tribal access and authority, enhancing the use of the Tribal Forest Protection Act (TFPA), enabling direct use of Good Neighbor Authority (GNA), and recognizing the value of Indigenous knowledge and cultural burning in federal forest stewardship.

Together, these bills work in concert:

1. A Tribal-led project under the FORESTS Act—such as through TFPA or GNA—could proceed more efficiently with the NEPA and ESA streamlining tools in FOFA.
2. The FORESTS Act expands the nation’s capacity to address the National Wildfire Crisis that FOFA addresses. Creating the nexus for Tribes to assist the federal agencies will significantly add to the overall capacity necessary to achieve success at the appropriate scope and scale.
3. FOFA’s provision allowing Tribes to retain GNA project receipts would make these projects more sustainable and scalable over time. The FORESTS Act creates the ability for Tribes to enter into revenue sharing agreements with local governments. This provision is essential for long-term community health, forest health and wildfire management.
4. FOFA’s reforms also improve implementation of FORESTS Act goals by reducing delays that disproportionately affect smaller, under-resourced Tribal forestry programs.

In addition, Cow Creek recommends that the FIRESHED Assessment process established in the FORESTS Act explicitly prioritize Tribal co-management projects, Tribal trust lands, and federal lands adjacent to reservations or culturally significant landscapes. These areas often face high wildfire risk and have urgent restoration needs but are historically underprioritized in federal resource allocations.

In short, FOFA provides for regulatory certainty and agility, while the FORESTS Act provides governance authority—together they empower Tribes to lead in wildfire mitigation and forest restoration at the pace and scale the crisis demands.

Mr. TIFFANY. Yes, thank you, Mr. Vredenburg. I now recognize Ms. Sara Clark, Co-Lead at The Stewardship Project.
Ms. Clark, you are recognized for 5 minutes.

STATEMENT OF SARA CLARK, CO-LEAD, THE STEWARDSHIP PROJECT, SAN FRANCISCO, CALIFORNIA

Ms. CLARK. Thank you and good morning, Chairman Tiffany, Ranking Member Neguse, and all members of the Subcommittee. Thank you for the opportunity to offer my perspective on the draft for today's discussion, the FORESTS Act introduced by Representative Hurd. My name is Sara Clark, and I am a partner at a public interest law firm called Shute, Mihaly and Weinberger in San Francisco, California. I am here today as the co-lead of the Stewardship Project, which is a collaboration between scientists and Indigenous practitioners focused on Federal forest policy supported by the Climate and Wildfire Institute.

I also served as a subject matter expert for the bipartisan Wildland Fire Mitigation and Management Commission, and one of my other co-leads, Scott Stephens, served as an appointed commissioner. We started the Stewardship Project because, as Mr. Vredenburg said, our wildlands are in crisis. Both scientists and Indigenous practitioners know that these places evolved with human care. Removal of beneficial fire and other stewardship techniques have left wildlands vulnerable to catastrophic wildfire and disease and have made our communities less safe. The Stewardship Project brings these voices together to advance sound forest policy.

There are many examples of the ways that our current policy framework has led to this crisis, but I wanted to highlight one for you today. In 2020, up in Northern California, the Slater Fire burned over 150,000 acres and claimed 2 lives. Local Tribes and community members had advocated for years to return to more beneficial fire and other management techniques to the landscape, but it hadn't happened. If you visit the area today, much of it is a complete moonscape. Looking across multiple ridges, all you can see is standing dead timber with head-high brush and invasive species. Significant and active work is needed to put this landscape on the path towards recovery and to protect the tribal communities along the Klamath River.

However, it took the Forest Service almost 5 years to even begin the NEPA process to bring back beneficial fire and other stewardship to this landscape. In the intervening years, restoration work has become more difficult and recurrent wildfire risk has increased. The Karuk Tribe and others in the Western Klamath Regional Partnership have urged the Forest Service to begin work. However, it is clear that they need additional help to do so.

This is why we need common-sense legislation like the FORESTS Act. It will allow Tribes to manage their ancestral homelands based on experience and knowledge passed down since time immemorial.

And if adequately resourced, it will provide Federal land management agencies with willing and able partners at a time when their capacity is severely hampered.

The Stewardship Project is particularly excited that section 2 of the proposed legislation would allow Federal land management agencies to designate places as Indian forest lands. I want to clarify we don't believe this is a transfer of land to the BIA into trust, but instead a specific designation that would allow Tribes to apply the National Indian Forest Resources Management Act to these areas. This designation would then bring in Tribes as true partners to take on the role of planning for and implementing projects that are necessary to bring balance to their landscapes.

The Karuk Tribe, for instance, could adopt a tribal Integrated Resource Management Plan within the footprint of the Slater Fire on both tribal trust land and Forest Service land, and start to bring Indigenous knowledge to the forefront of restoring this heavily impacted landscape.

We also see significant value in the legislation's proposed changes to the Tribal Forest Protection Act, which currently offers one of the clearest paths for Tribes interested in implementing forest health projects near the reservations. While the TFPA has been used effectively across the United States, Tribes still have a hard time getting the Forest Service to respond in a timely manner.

We also want to offer a few suggestions to help build on the draft's strong foundations: first, we recommend that existing forest and land management plans are properly coordinated with any planning efforts undertaken by Tribes, with clarity to the agencies on how to do that coordination effectively; second, we want to make sure that by importing the National Indian Forest Resource Management Act onto Forest Service lands, we don't end up with a project approval process that is overly cumbersome; and third, any new authorities related to cultural burning should not infringe on tribal sovereignty, and instead ensure that agencies can accommodate this cultural practice on federally administered lands in a way that respects Indigenous knowledge, practice, and belief systems; finally, we see a huge opportunity to coordinate the FORESTS Act with Representative Huffman's Tribal Co-Management and Self-Determination in Forestry Act.

Taken together, we believe these two bills could provide significant additional flexibility and new authority, especially to the Forest Service. The capacity, resources, and needs of Tribes are very different across the United States, so it is important to make sure we don't offer a one-size-fits-all solution. Tribes and agencies need flexibility to act quickly and get the work done. These two bills would open the door to Tribes, helping significantly with the stewardship of federally administered lands.

Thank you for your time.

[The prepared statement of Ms. Clark follows:]

PREPARED STATEMENT OF SARA A. CLARK, CO-LEAD OF THE STEWARDSHIP PROJECT
& PARTNER AT SHUTE, MIHALY & WEINBERGER, LLP

Chairman Tiffany, Ranking Member Neguse, and all members of the Subcommittee, thank you for the opportunity to offer perspective on the draft for

discussion in today's hearing, the Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act ("FORESTS Act") introduced by Representative Hurd.

I am Sara Clark, a partner at Shute, Mihaly & Weinberger, a public interest law firm dedicated to representing Tribes, non-profit organizations, and public agencies, based in San Francisco, as well as the Co-Lead of The Stewardship Project.¹

The Stewardship Project is a collaboration of leading scientists and Indigenous stewardship practitioners supported by the Climate & Wildfire Institute, a nonprofit organization that connects science to public policy and decision-making. This new initiative is intended to promote greater use of active stewardship in the United States to address the wildfire crisis, and to highlight the importance of the use of beneficial fire to restore North American landscapes. I use the term beneficial fire to include prescribed fire, cultural burning, and wildfire managed for resource benefit, in line with the bipartisan Wildland Fire Mitigation and Management Commission.² While the term cultural burning is used by Tribes in varying ways, we generally describe it as the intentional application of fire to land by Tribes, Tribal organizations, and Indigenous fire practitioners using Indigenous knowledge, practice, and belief systems to achieve land stewardship and cultural goals including forest health, cultivation of food, fiber, and medicine, and ceremonial activities.

Beyond my work with The Stewardship Project, I have worked extensively with Tribes, Tribal organizations, and non-governmental organizations to help implement beneficial fire projects and advance beneficial fire policy at the state and federal level. I am a co-author of reports on the importance of Tribal stewardship and cultural fire as land management tools, including the Karuk Tribe's Good Fire Report and Good Fire II Report.³ I have also authored legal and academic articles, including on the importance of policy reform to facilitate effective stewardship of our wildlands, and empower Tribes to exercise their inherent sovereignty to engage in land stewardship both on and off reservation.⁴

In my work, I have seen first-hand the challenges of developing and implementing effective projects to address the crisis we are currently facing, including high-severity wildfires that threaten our natural resources, and the health and safety of our communities. We are all aware of planned projects that have burned in high-severity wildfires while waiting for land managers to complete their planning processes, secure necessary approvals, enter into contracts, or find the workforce necessary to complete the work. The severe reduction in the federal workforce, the loss of grant and contract funds, and the resulting impacts on state budgets will only exacerbate this situation.⁵

Enable Tribal Stewardship of Federally Administered Lands

The bill language before the Committee today, however, represents an important step toward empowering Tribes to act as stewards of federally administered lands. At its core, the FORESTS Act would provide novel tools for the federal government to work with Tribal partners to achieve outcomes on federally administered lands. We know that federal lands have long faced a severe backlog of management needs, including projects critical to reducing wildfire risk, protecting water resources, and enhancing biodiversity.⁶ Tribes and Tribal organizations are eager to do this work on lands within their ancestral territories, but federal agencies lack adequate

¹ I also serve as Chair of the Board of Directors of Save the Redwoods League.

² ON FIRE: the report of the Wildland Fire Mitigation and Management Commission (hereafter "Commission Report") (2023), p. 14.

³ Good Fire I and Good Fire II available at: <https://karuktribeclimatechange.projects.wordpress.com/good-fire/>.

⁴ See Clark, S. et al. Realignment of federal environmental policies to recognize fire's role. *Fire Ecology* 20, 74 (2024), <https://doi.org/10.1186/s42408-024-00301-y>.

⁵ See US Government Accountability Office, *Indian Affairs: Additional Actions Needed to Address Long-standing Challenges with Workforce Capacity*, November 2024; Joint Tribal Organization Letter to DOI (April 2025), available at: <https://coalitionfortribalsovereignty.org/wp-content/uploads/2025/04/2025.04.11-FINAL-Tribal-Org-Coalition-Ltr-Sec-Burgum-re-Proposed-FY26-IA-Cuts.pdf>; Joint Tribal Organization Letter to USDA (April 2025), available at: https://coalitionfortribalsovereignty.org/wp-content/uploads/2025/04/Tribal-Coalition-Letter-to-USDA_032425-FINAL.pdf

⁶ USFS FY2024 Budget Justification, p. 30a-192 (backlog of 63 million acres at high or very high risk of uncharacteristic wildfire requiring fuel reduction treatment); Congressional Research Service, *National Forest Service Management: Overview and Issues for Congress*, updated May 18, 2023, p. 22-23 (eliminating backlog would take nearly two decades at the current pace).

mechanisms to fully partner with them.⁷ The FORESTS Act's proposal to allow federal agencies to designate federally administered lands as Indian forest land for purposes of planning and conducting management activities would allow Tribes to better step into that role. The Stewardship Project is strongly supportive of this goal.

Ensure Consistent Management Plans

The bill contemplates that Tribes may be able to complete planning activities on federally administered lands using existing processes found in the National Indian Forest Resources Management Act (NIFRMA, 25 U.S.C. Ch. 33). Presumably, this would include the development of tribal integrated resource management plans (IRMPs) and forest management plans. Bringing Tribes in as planning partners would help the Forest Service address its significant backlog of outdated forest management plans.⁸ As currently drafted, however, the bill provides no mechanism to coordinate new tribal IRMPs with existing plans required by the National Forest Management Act (NFMA, P.L. 94–588) or Federal Land Policy and Management Act (FLPMA, 43 U.S.C. Ch. 35).

In order address this issue, The Stewardship Project recommends building on Section 202(b) of FLPMA to (a) trigger a federal obligation to “coordinate” plans when a Tribe adopts an IRMP or forest management plan; (b) obligate the federal agency to adopt the Tribal planning document to the maximum extent feasible, and (c) clarify the timeframe for federal agency action, with automatic use of the IRMP or forest management plan if the federal agency fails to act.

Increase Efficiency and Timeliness

In the draft bill, the Secretary of Interior, through the Bureau of Indian Affairs (BIA), would need to sign off on planning and certain forest land management activities on designated Indian forest land under NIFRMA. Currently, the BIA sign-off process on Tribal trust land is slow and cumbersome and is likely to become worse with staffing shortages.

To ensure efficient and timely approval of plans and forest land management activities, The Stewardship Project recommends allowing for Tribal approval of plans and forest land management activities, with the opportunity for the BIA to object within 60 days if enumerated standards are not met. If the BIA fails to object, this would constitute approval and the Tribe could move forward with the plan or management activity. We also encourage careful thought about overlapping Department of Interior and Department of Agriculture oversight if this new authority is used on USFS lands. We have concerns about creating an overly burdensome process.

Allow Tribes to Use Their Own Rules and Regulations

Existing federal plans, regulations, and policies—especially nationwide requirements—may conflict with Indigenous knowledge or site-specific conditions. We applaud the draft bill's inclusion of references to the Indian Trust Asset Reform Act (ITARA, Pub. L. 114–178), which could allow project-specific use of Tribal law. ITARA has been an effective mechanism for empowering Tribal stewardship of trust resources; expansion of this program to federally administered lands should result in similar benefits. We strongly support this provision.

Provide Funding and Build Capacity

For Tribes to carry out the planning and management activities contemplated in Section 2 of the draft bill, most Tribes will need additional funding and capacity, as reported in the Recommendations for Action issued by the Indian Forest Management Assessment Team (IFMAT IV⁹), a congressionally mandated independent assessment of Indian forests and forestry.

At a minimum, the FORESTS Act should clearly allow Tribes to use Indian Self-Determination and Education Assistance Act (ISDEAA, 25 U.S.C. Ch. 46) contracts and compacts to complete the planning and management activities contemplated in Section 2. Likewise, the FORESTS Act should clearly state that Indian Forest Land Accounts (created in Section 310 of NIFRMA, 25 U.S.C. § 3109) can be used to transfer and hold funding for this work, including for off-reservation lands.

⁷U.S. Department of Agriculture, Office of General Counsel, Legal review of current land, water, and wildlife treaty responsibilities and authorities that can support co-stewardship and Tribal stewardship (2022).

⁸USFS FY2024 Budget Justification, p. 30a-88 (backlog of land management plan updates includes 99 land management plans older than 15 years).

⁹IFMAT IV, available at www.bia.gov/sites/default/files/mediadocument/ifmativsummary.pdf.

But further, The Stewardship Project sees this bill as an opportunity to bring ISDEAA authorities to USFS. The bill could accomplish this by amending ISDEAA to specifically incorporate USFS into Title I (contracting) and Title IV (DOI compacting). In the alternative, the bill could replicate ISDEAA's Title I and Title IV provisions for USFS in a new title. This would allow Tribes to effectively and efficiently help USFS carry out many of its programs, functions, services and activities, including forest management, cultural heritage protection, research programs, and recreation. Contracting and compacting authority for Tribes and Tribal organizations working with USFS is a high priority for a number of Tribes.¹⁰

Accommodate Cultural Burning

The discussion draft before the Subcommittee today does not address the barriers affecting the use of cultural burning on lands administered by federal agencies. Cultural burning should be considered a reserved or retained right on ancestral lands now administered by federal agencies. Tribes and Indigenous peoples should be able to deploy this essential cultural practice as they have done since time immemorial in line with their Indigenous knowledge, practice, and belief systems, without infringements on sovereignty created by federal qualification requirements, planning regulations, and federal environmental laws.

The FORESTS Act could address this issue by initially creating a pilot program to authorize land management agencies to enter into up to ten government-to-government agreements with Tribes and Tribal organizations to accommodate cultural burning activities under Indigenous knowledge, practice, and belief systems on federal lands. This would look similar to legislation recently passed by the State of California, known as SB 310.¹¹ Following demonstration of these initial ten agreements, the process could be opened to other Tribes and Tribal organizations.

Coordinate with Representative Huffman and the Tribal Self-Determination and Co-Management in Forestry Act

The Stewardship Project urges this Subcommittee to coordinate with legislators working on related bills regarding Tribal forestry and forest management.

In particular, Representative Jared Huffman's Tribal Self-Determination and Co-Management in Forestry Act would provide further tools for Tribes to work with the federal government on co-management plants and activities. Critically, it would authorize the Forest Service to enter in co-management agreements with Tribes or Tribal organizations to carry out activities on National Forest System lands.¹² Such co-management agreements would allow Tribes to share decision-making authority with the Forest Service in a manner to improve delivery of forest and grassland planning and management activities, restoration activities, research and development activities, heritage programs, and recreational services.¹³ We view this bill and the FORESTS Act as complementary and both necessary, given the diversity of Tribes across the United States. The Tribal Self-Determination and Co-Management in Forestry Act would allow USFS to enter into flexible, targeted agreements with Tribes, including those that lack capacity to take on entire programs of work. The FORESTS Act, on the other hand, would enable Tribes with planning and forestry capacity to more fully engage in the stewardship of lands administered by the federal government.

Coordinating with Representative Huffman and including these provisions in the FORESTS Act would help ensure that legislation takes a coordinated, consistent approach to enabling the federal government and Tribes to implement effective land management.

Conclusion

We appreciate the Subcommittee considering this important topic and drafting the FORESTS Act, which will greatly benefit our forests nationwide if enacted, at a time when we sorely need leadership to address the wildfire crisis. The bill would be a positive step forward in providing Tribes the ability to work with the Departments of Agriculture and Interior to engage in stewardship activities on lands administered by federal agencies. The Stewardship Project requests that the Subcommittee consider the recommendations that we have put forward today.

¹⁰National Congress of American Indians Resolution #NC-24-003, Expanding Pub. L. 93-638 Contracting and Compacting Authority to U.S. Department of Agriculture Programs, adopted June 14, 2024.

¹¹Available at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20232024_0SB310.

¹²Commission Report, Recommendation 30, p. 77.

¹³Given the important role of the Natural Resources Conservation Service (NRCS) in delivering these programs as well, we encourage its inclusion in the draft bill as well.

Thank you for your time and attention to this critical issue.

Mr. TIFFANY. Thank you, Ms. Clark. I now recognize Mr. Austin Lowes, Tribal Chairman of the Sault Ste. Marie Tribe of Chippewa Indians.

Chairman Lowes, welcome, and you are recognized for 5 minutes.

**STATEMENT OF THE HON. AUSTIN LOWES, TRIBAL CHAIRMAN,
SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS, SAULT
STE. MARIE, MICHIGAN**

Mr. LOWES. Mr. Chairman, members of the Committee, [speaking native language]. Thank you for the opportunity to testify. My name is Austin Lowes, and I serve as the Chairman of the Sault Ste. Marie Tribe of Chippewa Indians. We are the largest federally recognized Tribe east of the Mississippi River, with more than 53,000 members. And we are also a signatory to the 1836 Treaty of Washington.

The 1836 treaty ceded more than 26 million acres of land and water to the United States in exchange for goods and services, while also reserving our right to hunt, fish, and gather on those lands and waters. Those rights remain legally binding to this day. Our people have exercised these rights for generations, continuing to harvest food, medicine, and materials essential to our life ways and our cultural identity. These rights are foundational to our sovereignty, our way of life, and the Constitution of the United States.

As a result of historical land dispossession and the unique circumstances of our Federal recognition, the Sioux Tribe holds less than 3,000 acres of forest land. This means that almost all treaty-protected harvest and stewardship occurs on lands managed by Federal and State agencies. Based on our 2012 Integrated Resource Management Planning Survey of Sioux Tribe members, we estimate that our members harvest over 1 million meals per year in the 1836 ceded territory, and more than half of our members rely on national forests for sustenance. These lands are not simply recreational. They are foundational to our food sovereignty, our economic security, and our cultural survival.

Today management of ceded lands and waters occurs collaboratively with four other 1836 treaty signatory Tribes, the United States, and the State of Michigan under the 2006 U.S. Forest Service MOU, the 2007 Inland Consent Decree, and the 2023 Great Lakes Consent Decree. The Sioux Tribe asserts that, along with the right to harvest plants and animals codified within the consent decrees, the tribal, Federal, and State governments have reciprocal responsibilities to these plants and animals, as well as the larger ecological system in which they live and interact.

To fulfill our responsibility as Ojibwe people and to effect forest stewardship on ceded lands, the Sioux Tribe has invested millions of tribal dollars in rebuilding our capacity and establishing necessary tribal Federal partnerships for managing these lands. Since 2012 we have secured over 20 grant-funded projects with U.S. Forest Service staff as collaborators. We have used these funds to build professional capacity to hire tribal scientists, to

conduct ecological research, and to co-develop fire, silviculture, and wildlife strategies within the Forest Service.

Despite these successes, establishing co-management in practice has been an uphill battle. We have encountered significant barriers due to the lack of sustained financial resources, limited human capacity within both tribal and Federal Agencies, and uncertain co-management infrastructure. There is often little institutional knowledge about how to implement co-management tools and authorities such as those under the Tribal Forest Protection Act.

In addition, the Indian Self-Determination and Education Assistance Act is frequently misunderstood or inconsistently or narrowly interpreted.

Recent drastic changes in the Federal workforce have further complicated our efforts. As experienced agency staff retire or are about to be reassigned, we have encountered growing institutional uncertainty about existing agreements and commitments. Despite securing competitive funding, we have faced delays and re-scoping of approved projects due to shifts in personnel and agency priorities. In some cases, even previously obligated funding has come under reconsideration, which undermines trust and continuity.

The FORESTS Act provides critical tools for expanding tribal leadership and forest management. It amends the Tribal Forest Protection Act to allow Tribes to propose projects on culturally significant lands beyond those directly adjacent to the reservations. It also authorizes Tribes to lead prescribed and cultural burns, establishes demonstration projects for biochar and restoration activities, allows Tribes to propose treating certain Federal lands as Indian forest lands for planning and stewardship purposes, and mandates timely agency reviews for proposals.

So I finally reached my conclusion, which is this: The Sioux Tribe has walked an uphill battle to co-management. We built programs to train staff and invest in science and culture, along with showing that tribal-led conservation is not only effective, but also award-winning. But we cannot do it alone. Congress must act to embed tribal co-stewardship in the fabric of Federal forest management. The FORESTS Act offers that opportunity. I appreciate it.

[The prepared statement of Mr. Lowes follows:]

PREPARED STATEMENT OF CHAIRMAN AUSTIN LOWES, SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS

Mr. Chairman, Members of the Committee—Miigwech. Thank you for the opportunity to testify.

My name is Austin Lowes, and I serve as Chairman of the Sault Ste. Marie Tribe of Chippewa Indians. We are the largest federally recognized Tribe east of the Mississippi River, with more than 53,000 members, and a signatory to the 1836 Treaty of Washington.

Treaty Rights and Forest Access

The 1836 Treaty ceded more than 26 million acres of land and water to the United States in exchange for annuities, goods, and services, while reserving our rights to hunt, fish, gather, and all other usual rights of occupancy on those lands and waters. These rights remain legally binding to this day. Our people have exercised these rights for generations, continuing to harvest food, medicine, and materials essential to our lifeways and cultural identity. These rights are foundational to our sovereignty, our way of life, and the Constitution of the United States.

As a result of historical land dispossession and the unique circumstances of our federal recognition, the Sault Tribe holds less than 3,000 acres of forest land. This

means that almost all treaty-protected harvest and stewardship occurs on lands managed by federal and state agencies. Based on our 2012 Integrated Resource Management Planning Survey of our members, we estimate that Sault Tribe members harvest over one million meals per year from the 1836 Treaty Ceded Territory, and more than half of our members rely on National Forests for subsistence. These lands are not simply recreational; they are foundational to our food sovereignty, economic security, and cultural survival.

Sault Tribe Investment in Co-Stewardship

Today, management of ceded lands and waters occurs collaboratively with four other 1836 Treaty signatory Tribes, the United States, and the State of Michigan under the 2006 USFS MOU, 2007 Inland Consent Decree, and the 2023 Great Lakes Consent Decree. The Sault Tribe asserts that, along with the rights to harvest plants and animals codified within the Consent Decrees, the tribal, federal, and state governments have reciprocal responsibilities to those plants and animals and the larger ecological systems in which they live and interact. As such, the Consent Decrees codify the rights of the five Tribes to engage in management, restoration, and reclamation activities within the 1836 Treaty Ceded Territory. In addition to these provisions, the 2006 USFS MOU and other federal legislation and policies bear specific provisions for Tribal co-management, co-stewardship, and elevated engagement, including incorporation of Indigenous knowledges in federal land management processes.

To fulfill our responsibilities as Anishinaabeg and to affect forest stewardship on ceded lands, the Sault Tribe has invested millions of tribal dollars in rebuilding our capacity and establishing necessary tribal-federal partnerships for managing these lands. Since 2012, we have secured over 20 grant-funded projects with USFS staff as collaborators. We've used these funds to build professional capacity, hire Tribal scientists, conduct ecological research, and co-develop fire, silviculture, and wildlife strategies with the Forest Service.

In 2023, these efforts culminated in a formal Tribal Forest Protection Act agreement with the Hiawatha National Forest, titled: "Advancing Co-Stewardship of Federal Lands and Demonstrating Relational Engagement in Remnant Boreal Forests." This agreement codified over a decade of work between our Tribe and Hiawatha National Forest staff. Together, we've developed landscape-scale habitat models, implemented prescribed fire plans, and established long-term monitoring plots. This TFPA project received the 2023 Rise to the Future Award—USFS's highest honor for aquatic and Tribal conservation leadership.

We have not stopped there. The Sault Tribe now leads the Hemiboreal Decision Support Project—a forward-looking effort to co-develop adaptive management tools for peatlands and fire-adapted northern forests in the 1836 Treaty Ceded Territory. This work engages Anishinaabe knowledge and Western science, creating shared frameworks for ecosystem stewardship that meet the needs of all partners: 1836 Treaty Tribes, the State of Michigan, and federal partners within the US Forest Service and Fish and Wildlife Service. This work is mutually beneficial, supporting cross-jurisdictional learning, landscape-level coordination, and ensuring that innovation drives the best possible stewardship of and uses for our forest resources.

Challenges to Co-Management

Despite these successes, establishing co-management in practice has been an uphill process. We have encountered significant barriers due to the lack of sustained financial resources, limited human capacity within both Tribal and federal agencies, and uncertain co-management infrastructure. There is often little institutional knowledge about how to implement co-management tools, and authorities, such as those under the Tribal Forest Protection Act and the Indian Self-Determination and Education Assistance Act, are frequently misunderstood or inconsistently or narrowly interpreted. For example, the Sault Tribe has successfully negotiated two 638 contracts with the U.S. Forest Service. Still, the process was complex, slow, and resource-intensive due to unclear procedures and a lack of agency familiarity with Tribal contracting. Further, our stewardship efforts have relied on fragmented, one-time grants, offering no assurance of continuity or staff retention.

Recent drastic changes in the federal workforce have further complicated our efforts. As experienced agency staff retire or are reassigned, we've encountered growing institutional uncertainty about existing agreements and commitments. Despite securing competitive funding, we have faced delays and re-scoping of approved projects due to shifts in personnel and agency priorities. In some cases, even previously obligated funding has come under reconsideration, undermining trust and continuity. These disruptions make it extremely difficult to plan and implement multi-year stewardship strategies, which are necessary to effectively manage

resources. If Tribal-federal co-management is to succeed, it requires not only strong legislative authority but also consistent follow-through—honoring existing commitments, maintaining staffing continuity, and ensuring that agencies treat Tribal agreements as durable partnerships, not provisional arrangements.

Legislative Solutions and Recommendations

The FORESTS Act provides critical tools for expanding Tribal leadership in federal forest management. It amends the Tribal Forest Protection Act to allow Tribes to propose projects on culturally significant lands beyond those directly adjacent to reservations. It also authorizes Tribes to lead prescribed and cultural burns, establishes demonstration projects for biochar and restoration activities, allows Tribes to propose treating certain federal lands as “Indian forest land” for planning and stewardship purposes, and mandates timely agency review of TFFPA proposals.

One provision of the Act amends the National Indian Forest Resources Management Act (NIFRMA) to create a novel authority for treating certain federal lands as “Indian forest land” for planning and stewardship purposes. While this is a promising tool for advancing Tribal stewardship, it raises important questions about how such designations will interact with federal planning frameworks, environmental compliance requirements, and other statutory authorities on federal lands. This provision likely requires additional clarification to ensure it is fully implementable and consistent with federal law.

Representative Huffman’s Tribal Self-Determination and Co-Management in Forestry Act offers important complementary authorities. It provides explicit legal frameworks for co-management agreements and plans between Tribes and the Forest Service and enables Tribes to share in land management decisions, not just implement projects. Huffman’s bill addresses some of the barriers in the FORESTS Act and promotes the formal engagement of Indigenous knowledge in federal planning, supports collaborative research and restoration, and encourages flexible, targeted agreements even for Tribes without large-scale programmatic capacity.

The FORESTS Act primarily strengthens project-level tools and authority under TFFPA. Representative Huffman’s bill complements this by providing broader legal structures for durable co-management partnerships.

To ensure these legislative tools are effective and implementable, we respectfully recommend the following improvements:

- Tribes need clear mechanisms to ensure that their forest and resource management plans are integrated with federal planning under the National Forest Management Act and Federal Land Policy and Management Act.
- The legislation should establish timelines for agency responses to Tribal proposals, with provisions for automatic approval when deadlines are not met.
- Tribes should have the authority to apply their own laws and ecological knowledge to co-management and co-stewardship activities on federally managed lands.
- Tools such as the Indian Trust Asset Reform Act (ITARA) should be expanded for use in these contexts.
- The bills should authorize ISDEAA contracts and compacts with the U.S. Forest Service and ensure that Indian Forest Land Accounts can be used to manage funds for off-reservation work.
- Cultural burning must be recognized as a sovereign practice that does not require compliance with federal certification systems that were not designed with Indigenous stewardship in mind.

Conclusion

The Sault Tribe has walked an uphill path to co-management. We’ve built programs, trained staff, invested in science and culture, and shown that Tribal-led conservation is not only effective—it’s award-winning. But we cannot do it alone.

Congress must act to embed Tribal co-stewardship in the fabric of federal forest management. The FORESTS Act and Huffman bill offer that opportunity.

QUESTIONS SUBMITTED FOR THE RECORD TO AUSTIN LOWES, CHAIRMAN,
SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

Questions Submitted by Representative Randall

Question 1. How can increased co-management strengthen food sovereignty?

Answer. Co-management and the land stewardship that Tribes can pursue through co-management authorities is deeply connected to food sovereignty. From an Ojibwe perspective, that of the Sault Ste. Marie Tribe of Chippewa Indians, food sovereignty involves tribal authority and control over tribal members' access to, and ecological and broader management of, our homelands and waters. Food sovereignty involves understanding and experiencing the cultural significance of food sources, methods of harvest, and the maintenance and adaptation of intergenerational relationships with the plants, animals, and other elder beings who have nourished us since time immemorial.

The Sault Tribe has the largest population among the federally recognized Tribes east of the Mississippi River, with over 53,000 members, yet we own less than 3,000 acres of forest land. Our membership values hunting, gathering, and fishing as means of providing for our families, ensuring physical nourishment and cultural wellness, and living *mino-bimaadiziwin*, a good Ojibwe life. The lack of tribally owned lands, however, means that our members rely on public lands, primarily National Forest lands, for subsistence hunting, fishing, and gathering. Our families depend on National Forests to gather leeks and hunt turkeys each spring, gather blueberries and other medicines each summer, and hunt grouse and deer each fall.

In 2012, we completed an Integrated Resource Management Planning (IRMP) Process, with a survey of our membership to understand member values and priorities for, and uses of, our shared natural resources (Lyu, Oh, & Vogt 2011). We employed a stratified sample design to gain insight into harvesting activities among general Sault Tribe members and Sault Tribe harvest license holders. Each year, we issue over 4,000 harvest licenses to our members to legally fish, hunt, and gather within the 1836 Treaty Ceded Territory. Among Sault Tribe harvest license holders that responded to the IRMP Survey, over three-quarters (77.3%) hunted during the previous year. Among general members (utilizing non-tribal harvesting licenses), about half (45.6%) hunted in the 1836 Treaty Ceded Territory during that same time. We also asked our members to report on meals eaten, including wild-harvested fish and game, as well as locations of harvesting. From this data, we estimate that Sault Tribe members harvest over one million meals per year from the 1836 Treaty Ceded Territory, and more than half of our members rely on National Forests for subsistence.

In addition to this survey, we collect valuable information on tribal member harvesting trends through mandatory harvest reports. We use the findings from these harvest reports to inform our co-management priorities and guide us in directing tribal resources to National Forest land stewardship. We know that over half of our citizens rely on National Forests to hunt, fish, and gather, thus we continue to prioritize collaboration with the US Forest Service in pursuit of co-management that protects and enhances culturally important food species, habitats, membership access to those species and habitat, and broader ecosystem resilience. This work supports both our health and our sovereignty.

Co-management allows Tribes to lead land and species restoration activities and to prioritize species and habitats that federal plans may overlook. Our Ishkode Project with the Hiawatha National Forest offers a great example of the role Tribes can play in addressing important species and habitat considerations in federal management decision-making. Our joint Tribal-Federal Ishkode Plan draws from Ojibwe knowledge, values, and responsibilities to acknowledge the important relationships between prescribed fire, or fire on the land, and blueberries, grouse, Labrador tea, and other quintessential foods and medicines important to our Tribe and Ojibwe ways of life. We are able to acknowledge seasonal and other cultural knowledge in this plan. Co-management would allow us to more fully engage Anishinaabe knowledge of harvest cycles and ecosystem relationships to guide prescribed and cultural fire. Incorporating Tribal burning practices can restore habitats critical to food species (e.g., blueberries, game browse areas).

Through co-management and drawing on intergenerational and local expertise, Tribes can help ensure that forestlands are managed for resilience and protected from incompatible uses. Tribes can help shape land use decisions that prevent extractive or disruptive uses in subsistence areas.

Forest planning processes are a primary means of co-management. By collaborating on updates to Forest Plans, Tribal priorities for subsistence species

may be embedded in short—and long-term management. This is how we ensure continued access to traditional foods and food sovereignty. Monitoring and enforcement are also necessary means of co-management, which may support and enhance food sovereignty. Ongoing tribal access, harvesting relationships, and related presence on National Forestlands ensure local ecological conditions are monitored in culturally meaningful ways.

Importantly, Tribal co-management enables real-time responses to food system threats (e.g., disease, invasive species) and fulsome adaptive management.

Co-management as a means of enacting food sovereignty is limited by a lack of baseline data on ecological communities, subsistence species occurrence, and ecosystem dynamics, as well as sustained tribal access to National Forestlands as co-managed areas. The Sault Tribe has been dedicated to addressing these data gaps and restoring and promoting tribal community access to our local National Forestlands. These are long-term endeavors that require active engagement among tribal and federal managers.

Co-management requires shared decision-making authority, not just tribal participation in federal systems, with real investment of resources to enable and implement the work. Infrastructure and funding for monitoring, habitat work, intergenerational transfer of harvesting knowledge, and data sovereignty are all vital in realizing tribal food sovereignty.

Food sovereignty is inextricably linked to land sovereignty. Co-management, when fully realized, strengthens both. The Sault Ste. Marie Tribe of Chippewa Indians has been, and remains, dedicated to pursuing co-management of National Forestlands within the 1836 Treaty Ceded Territory, as a means of food sovereignty, maintaining our Ojibwe ways of life, and as a responsibility to the plant, animal, and other relatives who have nourished us since time immemorial.

Question 2. Can you speak to the need for sustained, reliable funding for Tribes to continue co-management and forestry work?

Answer. The critical need for sustained reliable funding to support Tribes in continuing their co-management and forestry work cannot be overstated. Current Tribal forestry program funding structures are primarily grant-based, highly fragmented, and unpredictable. The Sault Ste. Marie Tribe, for example, since 2012 has creatively and diligently acquired over 20 separate grants to build the necessary capacity for co-stewardship initiatives, and we have invested millions of dollars on national forestlands in the 1836 Treaty Ceded Territory. Each federal dollar invested in this work is amplified by Tribal contributions—both monetary and in-kind—but this funding model remains fragile and precarious.

Without reliable and consistent funding, significant adverse impacts occur. Tribal agencies frequently face staffing shortages, as they struggle to retain experienced personnel without stable financial resources. Moreover, delays in funding—even after the execution of signed SF-424 agreements—cause substantial project stalls, undermine trust, and disrupt momentum. Because funding streams are braided together from multiple sources, the loss or delay of even a single grant creates exponential adverse effects across entire forestry programs, ultimately leading to a critical erosion of institutional knowledge and repeated setbacks in strategic planning.

Additionally, the narrow interpretation by the U.S. Bureau of Indian Affairs (BIA) of its trust responsibilities regarding forest management, limiting its support primarily to trust lands, presents another significant impediment. Tribes, such as the Sault Tribe, which possess minimal land bases, require broader BIA support to effectively manage and steward lands beyond their immediate trust holdings.

Moreover, there is a critical need for investment in both technical capacity and administrative support for Tribes. While the U.S. Forest Service (USFS) employs dedicated staff specifically for managing agreements, finances, and administrative workloads, Tribal staff often manage grants, agreements, and financial duties simultaneously with technical forest management responsibilities. This leads to overwhelming workloads and undermines the efficiency of co-management, as USFS co-management tasks become just one of many responsibilities tribal staff must juggle.

The innovative and collaborative approach of the Sault Tribe and the USFS in co-management has garnered national recognition, notably receiving the prestigious Chief's Rise to the Future Award. This honor highlights our achievements in collaborative forest stewardship and underscores the effectiveness of our forward-thinking partnership. Through this groundbreaking cooperative approach, the Tribe and USFS have advanced the stewardship of natural resources, co-developed processes for improved forest resilience and preserved ecological diversity and will provide lasting benefits to both human and natural communities.

Effective co-management requires recognition as an enduring relationship among governments, rather than a short-term, project-based initiative. Tribal-federal partnerships depend on stability and predictability to foster long-term trust, capacity building, and meaningful stewardship outcomes.

Indigenous leadership in forest management directly supports national goals by enhancing the ability of landscapes to withstand environmental pressures, reducing the risks associated with catastrophic wildfires, and fostering the sustainability of diverse natural ecosystems.

To address these issues comprehensively, several key policy changes must be considered. Foremost, establishing recurring base funding for Tribal forestry and stewardship programs will ensure foundational stability. Additionally, expanding Indian Self-Determination and Education Assistance Act (ISDEAA) authority to allow for contracts and compacts explicitly tailored to forest management will empower Tribes in meaningful governance. We need flexible funding for management of off-reservation forest lands and investing in robust workforce development initiatives that are also essential strategies for long-term sustainability.

In conclusion, true co-management and stewardship cannot sustainably operate on unstable, fragmented funding. Federal investment in Tribal forestry programs must be viewed not as charitable assistance but as a shared fiduciary responsibility rooted in treaty obligations and collective stewardship of public lands. The funding provided through the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) was a valuable initial step; however, it merely achieved parity with the substantial resources already committed by the Sault Tribe. The Sault Tribe's Tribal Forest Protection Act (TFPA) agreement provides essential early consultation authorities, yet without sustained and reliable federal funding, such authorities lose their intended effectiveness. Considering the significant scope of the Tribe's treaty-retained rights over all national forests within the 1836 Treaty Ceded Territory, which are much more extensive than the east zone of the Hiawatha National Forest, sustained and adequate federal funding is imperative to fully realize the potential and responsibilities inherent in Tribal co-management and stewardship efforts.

Mr. TIFFANY. Thank you, Chairman Lowes. I now would like to recognize Mr. Cody Desautel, President of the Intertribal Timber Council and Executive Director of the Confederated Tribes of the Colville Reservation.

Mr. Desautel, welcome back, and you are recognized for 5 minutes.

**STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL
TIMBER COUNCIL, NESPELEM, WASHINGTON**

Mr. DESAUTEL. Thank you, Chairman Tiffany and members of the Committee. I am Cody Desautel, and I serve as the President of the Intertribal Timber Council and also as the Executive Director for the Colville Tribe in north-central Washington State. On behalf of the ITC and its more than 60 member Tribes, I appreciate this opportunity to testify in support of the FORESTS Act.

I want to start by thanking this Committee for your continued focus and attention to Indian forestry. Your leadership recognizes that the unique role Tribes play in forest stewardship is critical to overcoming the growing threats to our forests and natural resources. When Congress, Tribes, State and Federal agencies work together, we create a force multiplier effect that drives lasting results across our landscapes. However, to achieve these results, funding and staffing resources must be shared equitably across all partners, as well.

Section 2 would authorize the Forest Service and BLM to enter into management agreements with the Tribes. Treating Federal

forests as Indian forest land simply means that Tribes are able to use existing Federal laws and regulations that apply to Indian forests. The National Indian Forest Resource Management Act, or NIFRMA, is one example. NIFRMA is the most modern of any Federal forest management statute, and requires compliance with all applicable Federal laws such as NEPA, ESA, and others. It also requires independent scientific review once every 10 years, with a report of those findings to Congress. The FORESTS Act replicates that tribal approach to Federal lands, with sideboards similar to current Federal laws that include maintaining public access, competitive sale of commercial timber, and revenue sharing with local jurisdictions.

The Indian Trust Asset Reform Act demonstration project is an important tool that is being successfully used by Tribes to reduce administrative costs and improve timelines of forest management projects. However, the authority expires next year and should be permanently reauthorized by either congressional action or administrative authority granted to the Secretary of the Interior. Ultimately, Congressman Hurd's legislation is a response to growing frustration from Tribes that we aren't making adequate progress on Federal lands. The ITC believes the authority proposed in the FORESTS Act would be the logical next step for tribal co-management and would benefit all Americans.

The FORESTS Act also extends authorization to tribal biomass demonstration projects. This could make projects conducted under Section 2 more economically viable by providing uses for small diameter material, which would also align well with the new Biochar Demonstration Project described in Section 4. The biomass demonstration also directs the management plans on affected Federal lands to be aligned with tribal resource management plans, similar to an existing provision within the National Forest Management Act.

Section 5 creates a tribal prescribed and cultural burn demonstration project, which would provide Tribes with the flexibility to conduct prescribed or cultural burns when conditions were appropriate and consistent with the approved burn plans. This pilot authority would increase the number of acres available during burn windows, which should increase the total accomplishments for Tribes—and Federal agencies, for that matter.

Section 6 requires Federal agencies to respond to TFFPA proposals within 120 days and provides a deemed approved mechanism if Tribes don't receive a response. This would ensure projects are approved and implemented in a timely manner, a timely manner consistent with the urgency to reduce fire risk and post-fire impacts.

Sections 7 and 8 create an Indian sawmill infrastructure demonstration project to expedite removal of dead wood or hazardous fuels in high-risk fire sheds on Federal land. Sawmill infrastructure provides multiple benefits, including jobs for local rural communities, revenue to support additional restoration work, and ensures biomass removed is processed into value-added products.

Section 9 provides a full fix to the Good Neighbor Authority to allow Tribes' full participation in that program. While this issue

may have been addressed in the EXPLORE Act, we want to ensure Congress's intent is explicit.

Section 11 requires a report to Congress from the Departments of Agriculture and Interior regarding the pay rates for tribal firefighters. While the department has gone to great lengths to ensure tribal firefighters are treated similarly, we want to ensure that parity is maintained through time.

The ITC appreciates the bipartisan support for the Tribal co-management authority of Federal forests. We also want to acknowledge and support the work done by Representative Huffman to codify tribal co-management into Federal decision-making, and would include the integration of Indigenous knowledge. We see Mr. Huffman's bill as complementary to the FORESTS Act and recommend its consideration by this Committee.

We appreciate the Committee's continued interest and support of our partnership with Federal agencies and thank you for inviting us and my colleagues to testify on the bill today. And we stand ready for questions.

[The prepared statement of Mr. Desautel follows:]

PREPARED STATEMENT OF CODY DESAUTEL, PRESIDENT,
INTERTRIBAL TIMBER COUNCIL

I am Cody Desautel, President of the Intertribal Timber Council (ITC) and Executive Director for the Confederated Tribes of the Colville Reservation in Washington State. On behalf of the ITC and its more than 60 member Tribes, I appreciate this opportunity to testify in support of the FORESTS Act.

Background

All of America's forests were once inhabited, managed and used by Indian people. Today, only a small portion of those lands remain under direct Indian management. On a total of 334 reservations in 36 states, 19.3 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians.

Tribes actively manage their forests for multiple uses, including wildlife habitat, aquatic resources, subsistence plants and medicines that support tribal cultures, and economic benefits. Those economic benefits include jobs and revenue from the sale of forest products that supports essential tribal government functions, such as law enforcement, education, and social services for our members. Catastrophic wildfire can negatively impact all of these uses for multiple generations.

The risk of wildfire to Indian lands is compounded by the thousands of miles of shared boundary with federal agencies, primarily the U.S. Forest Service and Bureau of Land Management. There are countless examples of wildfire spilling over from federal lands onto tribal forests, causing significant economic and ecological losses. These fires regularly pose a risk to human life on Indian lands and have resulted in fatalities.

Available Tools

Congress recognized the need for tribes to work closely with their federal neighbors to reduce the threat of fire across shared boundaries. The result was the Tribal Forest Protection Act ("TFPA"), which allows tribes to petition the Secretaries of Agriculture and Interior to perform stewardship activities on their lands adjacent to Indian lands.

The 2018 Farm Bill not only expanded TFPA authorities but also gave tribes and counties the authority to enter into Good Neighbor Agreements with federal agencies. However, tribes were not able to retain revenues from GNA projects for restoration services the same way states can. Few tribes have participated in the program. We are currently reviewing how the enactment of Chairman Westerman's EXPLORE Act may remedy that inequity.

The ITC has worked hard, in partnership with the Forest Service and BLM to ensure that both tribes and federal land managers are aware of these programs and implement them to improve forest health and resiliency to wildfire.

However, we continue to face major barriers to using these authorities on the ground. For example, the Colville Tribes urged the adjacent Colville National Forest

to address the forest health problems in our ancestral lands near the Reservation. Years of fire suppression followed by a lack of forest management activities created areas of overstocked stands that are infested with disease and are now vulnerable to catastrophic fire events. We worked with the National Forest on the Sanpoil Project, which resulted in a TFPA agreement.

In June 2023, the U.S. District Court for Eastern Washington sided with an environmental NGO on a lawsuit aimed to stop the Sanpoil project. Despite the technical input and partnership with the Colville Tribes, and the need to protect the reservation from wildfire, the court's decision never mentioned my tribe or the TFPA agreement.

This example simply demonstrates that even when tribes and the Forest Service agree on what's right for the land, a federal court can stop years of collaboration and analysis, simply based on technicalities.

Likewise, TFPA is limited in geographic scope and federal forest projects must be adjacent to tribal lands. This precludes tribes from using TFPA across the landscape or on ancestral forestlands that may be distant from the modern location of the tribe and its lands.

Need for New Authority

The ITC has worked with the committee on development of the FORESTS Act, sponsored by Representative Hurd. The bill aims to give tribes new tools to better participate in the stewardship of federal forests, reduce fuel loads and improve forest resilience to fire and other threats.

I want to thank this Committee for your continued focus and attention to Indian forestry. Your leadership in recognizing the unique role Tribes play in forest stewardship is critical as we face growing threats to our forest lands and natural/cultural resources. The power of partnership cannot be overstated! When Tribes, Congress, and federal agencies work together, we create a force multiplier effect that drives real, lasting results across our landscapes.

However, partnership alone is not enough. We must continue to align our efforts and share resources if we are to succeed in combating the compounding threats of wildfire, disease, and the lasting impacts of declining forests. The Intertribal Timber Council remains fully committed to working with our member tribes, Congress, and our federal agency partners to advance new tools, authorities, and opportunities that empower Tribal Nations to care for the land, protect vital resources, and build a more sustainable future for all.

I will focus my testimony on Section 2, which would authorize the Forest Service and BLM to enter into management agreements with tribes. Treating federal forest lands as "Indian forest land" simply means that tribes are able to use existing federal laws and regulations that apply to Indian forests, such as the National Indian Forest Resources Management Act ("NIFRMA").

NIFRMA is the most modern of any forest management statute guiding work on federal lands. It is the only one that requires independent scientific review every 10 years and a report to Congress. The law is fairly simple and works well on tribal lands in every region of the United States. When coupled with the Indian Trust Asset Reform Act, tribes have useful tools to efficiently manage forests according to local priorities.

As with our own land, Tribes would be required to comply with NEPA, ESA and other federal laws that apply to federal land management actions. We believe that the results achieved on tribal lands far out-perform those found on other federal lands.

The FORESTS Act replicates this tribal approach to federal lands, at the discretion of both the Forest Service and BLM. There are many sideboards to the authority, including maintenance of public access, competitive sale of commercial timber, and revenue sharing with local jurisdictions.

Since the authority is discretionary upon the land management agency, we anticipate limited use of this authority as we have seen over decades of experience with TFPA.

The use of authority under the Indian Trust Asset Reform Act ("ITARA") is an important tool that is being successfully used by tribes to reduce administrative costs and improve timeliness of forest management projects. However, the authority expires next year and should be permanently reauthorized by either congressional action or administrative authority.

Ultimately, Congressman Hurd's legislation is a response to growing frustration from tribes that we're not making enough progress on federal lands. The ITC believe the authority proposed in the FORESTS Act would be a leap forward in tribal co-management of federal lands. The results would be more resilient forests, improved air and water quality, and better wildlife habitat—for all American to enjoy.

The FORESTS Act also extends authorization of the Tribal and Alaska Native Biomass Demonstration Project. The ITC supported the original program, which provides a potential source of biomass to tribes from federal lands. This could make projects conducted under Section 2 more economically viable by providing end uses for small diameter material. The program directs that management plans on affected federal lands be harmonized with tribal resource management plans. This requirement echoes a provision in the National Forest Management Act that requires coordination with tribes and tribal land management plans when revising forest management plans.

Section 4 would create a new biochar demonstration project for tribes. This is a new area to be explored to utilize undervalued wood products. Section 5 creates a tribal prescribed/cultural burns demonstration project, which would provide tribes with the flexibility to conduct prescribed or cultural burns when conditions were appropriate, consistent with approved burn plans. This pilot authority would increase the number of acres available during burn windows, which should increase total accomplishments for tribes.

Section 6 requires prompt consideration of TFPA requests made of federal agencies. This would ensure that tribal requests are not buried in endless planning cycles of federal agencies and are appropriately prioritized. Providing a defined timeline for response will help ensure projects are approved and implemented in a timely manner, consistent with the urgency to reduce fire risk and post fire impacts.

Sections 7 and 8 creates an Indian sawmill infrastructure demonstration project, under which federal land management agencies may enter 20-year stewardship or similar contracts to expedite removal of dead wood or hazardous fuels in high-risk firehedges. This is similar to recent direction from the Forest Service for partnerships with private industry for long-term timber contracts. Sawmill infrastructure is critical to provide value to the forest products that are being removed. This provides multiple benefits, included jobs for local rural communities, revenue to support additional restoration work, and ensures biomass removed is processed into a value added product, such as boards, panels, biochar, or biomass.

Section 9 provides a full fix for Good Neighbor Authority to allow tribes full participation in that program. We have been working with this committee for several years to address this issue. While this issue may have been addressed in the EXPLORE Act, we want to ensure Congress's intent is explicit to avoid different interpretations from future solicitors about what activities GNA could apply to.

Section 10 would establish a "Wood for Life" program to provide firewood for tribal members and reduce the risk of wildfire. In many tribal communities firewood is the primary source of heat, and other alternatives are either not available or cost prohibitive in the economically depressed regions where many reservations reside.

Section 11 requires a report to Congress from the Departments of Agriculture and Interior regarding the pay rates for tribal firefighters. Recent actions by Congress and federal agencies to increase compensation for wildland firefighters have not necessarily been extended to tribal firefighters operating under contracts with the Department of the Interior. While the Department has gone to great lengths to ensure tribal firefighters are treated similarly, we want to ensure that there is a statement of policy that there should be ongoing parity between these two groups of firefighters who are both called to respond to the same federal fires.

Co-Management Authority

Reconnecting tribes to their ancestral homelands is not just a matter of righting past wrongs. The removal of indigenous people from the land and the discontinuation of seasonal lifeways over millennia have had drastic consequences on the land. Indian Tribes want to reverse those negative consequences, and I do not believe significant progress can be made without integrating indigenous concepts of balance and interconnectedness back to the land.

The ITC appreciates the showing of bipartisan support for tribal co-management authority of federal forests. We want to also acknowledge and support the work done by Representative Huffman to codify tribal co-management into federal decision-making. His legislation, introduced last week, would create permanent authority across all land management agencies and integration of Indigenous Knowledge.

We see Mr. Huffman's bill as complimentary to the FORESTS Act and recommend its consideration by this committee.

Conclusion

Indian Tribes across the country stand ready to bring our traditional knowledge and modern expertise to federal forest management. I appreciate this Committee's continued interest in and support of our partnership with federal agencies. Thank

you for inviting me and my colleagues from other tribes to share our perspective with you.

Mr. TIFFANY. Thank you, Mr. Desautel. I will now recognize members for 5 minutes for questions, and first I wanted to turn to the Chairman of the Committee, Mr. Westerman.

You get to go first.

Mr. WESTERMAN. Thank you, Chairman Tiffany, and thank you to the witnesses for being here today, a very important subject that we are having this hearing on.

And Mr. Vredenburg, I appreciated your testimony discussion about how Tribes approach forest management. I have always said that there is no such thing as no action in forest management. A decision not to manage is a management decision, and we have seen the results of those bad management decisions across the country. Can you talk a little bit further about how this isn't a mutually exclusive proposition that you either have good environmental stewardship or you have a healthy economy, but how actually having environmental conservation stewardship plays into having a better economy, and how that plays out on tribal lands?

Mr. VREDENBURG. What a relief you didn't ask me to calculate basal area.

[Laughter.]

Mr. WESTERMAN. We can talk about that if you want.

Mr. VREDENBURG. I know. Tribal management is more outcome-based. You know, yes, the management does produce revenue, and the revenue is important for essential government services for the Tribe. But the approach is very different, as I mentioned, from a traditional conservation approach.

Indigenous conservation approaches are managing for values, rather than excluding management. You know, the outcome, for example, at Cow Creek, our water quality standard is clean, cold water leaving the reservation. It doesn't matter what the protection buffer width should be if it is not getting that done. And so, in the case of Cow Creek, that outcome has to happen, and there is no compromise.

Mr. WESTERMAN. Yes.

Mr. VREDENBURG. And I see that across Indian Country when we visit other Tribes..

Mr. WESTERMAN. Yes, I know you testified on the Senate hearing on the Fix Our Forests Act, and had some suggestions on how to improve some of the provisions in the Fix Our Forests Act. Would you care to explain on those ideas and how FOFA is actually complementary to the authorities in the FORESTS Act?

Mr. VREDENBURG. Yes. The Forest Service has really talented, smart, caring people. But the bureaucracy has grown over the years to a crippling tipping point that it now takes years to accomplish a categorical exclusion, and those small categorical exclusions don't allow us to address the mountains of problems that we are facing to address the wildfire crisis.

Mr. WESTERMAN. Mr. Desautel, good to see you. Thank you for being here again. The FORESTS Act contains provisions that expands pilots for tribal biomass and tribal biochar projects. What

environmental and economic benefits would there be for Tribes for increasing the use of biomass and biochar?

Mr. DESAUTEL. Thank you, Chairman Westerman. It is great to see you again. I think there is two opportunities there.

One, from a risk management perspective, by finding and developing markets for those two products it gives an economically viable way to get that material out of the woods and reduces fuel loadings that would reduce the future impacts of fires.

In addition to that, on the economic side, by providing an economic value for that product, it gives us the ability to do more work, more restoration work on the landscape through time much of the work we do is funding-limited. So if we can generate revenue from those forest products, it allows us to accomplish those land management goals and objectives faster.

Mr. WESTERMAN. Yes. And Ms. Clark, had I been here to give my opening statement, which I apologize for, I would have talked about how, for millennia, Tribes managed the forests, and they were in great shape until European settlers came along and overcut, and stopped burning, and really messed things up, to put it in a nice way. And now we have forests that are overstocked and unhealthy and, you know, Tribes are bearing the brunt of the poor management.

But let's talk about how we can get back to better management and how the FORESTS Act can help us return safe and beneficial thinning and burning to our forest.

Ms. CLARK. Thank you for the question. I agree. And for me, the main provision in the FORESTS Act that I think would do that is Section 2, which allows for this designation of federally administered lands as Indian lands. And that would allow Tribes to step in and use their traditional ecological knowledge in the planning and management of forest activities.

And I think, as you alluded to, so much of what we see on our landscape today is because we have had the exclusion of those practices, and we are applying systems of knowledge that don't work with the ecosystems. And the FORESTS Act, I think, would really encourage Tribes to step into a leadership role.

Mr. WESTERMAN. Thank you. I have a lot more questions, but not enough time.

I yield back.

Mr. TIFFANY. The gentleman's time has expired, and I now turn to the lady from New Mexico for 5 minutes of questioning.

Ms. STANSBURY. Thank you, Mr. Chairman. Mr. Chairman, the—

[Audio malfunction.]

Ms. STANSBURY [continuing]. And I was, like, ready to fight, because he is actually from my district.

Mr. WESTERMAN. We should have named him Burnie.

[Laughter.]

Ms. STANSBURY. So, as the Chairman was talking about, fire suppression obviously has left our forests in a mess across the country, and I think many Tribes, oh, excuse me. Oh, the good people out there couldn't hear me defending the honor of Smokey Bear, so I am going to say it again. I thought the Chairman was coming for Smokey the Bear, who is from New Mexico's 1st

congressional district. But what he is referring to is fire suppression, which for the last half century has left our forests in a mess in terms of stewardship and stopping fires and catastrophic impacts from these fires.

And so I am grateful, as I said during the last panel, for this bipartisan effort to ensure that Tribes are not only co-stewards, but actually stewards of the lands that are not only within their own jurisdictional boundaries, but also on lands that are currently under Federal jurisdiction.

But I want to use this opportunity, since we have so many wonderful guests with us who have traveled from across the country, to hear from you a little bit more. And I would like to start with Chairman Lowes.

You know, one of the things that we are hearing in New Mexico from Tribes is that there actually has been funding freezes that are impacting forest stewardship. At Mescalero Apache they had a BIA forest stewardship contract that was going to be very important for replanting areas that had been significantly damaged by some of the last forest fires. And so I wonder if you could share with us what impacts, if any, you are seeing on the ground in Michigan in terms of funding freezes, staffing reductions, and chaos, and the proposed budget both for Forest Service and BIA and other programs that you guys contract for.

Mr. LOWES. Yes, I appreciate your question. So we have seen an impact. We co-manage the Hiawatha National Forest with the U.S. Forest Service. It is comprised of about 800,000 square acres. As far as the impact that we have seen you know, when there is staffing cuts, when there is forced retirements, when there is reassignments, the partners that we work with for the hemiboreal project, we are starting with new people, and it just delays things. So it is unfortunate, but we are doing our best to work through it.

Ms. STANSBURY. And I know one of the big concerns that we are also hearing about in New Mexico is that, even though this isn't USDA/Forest Service, the Department of the Interior has issued a consultation call on reorganization of BIA and to consolidate the BIA district offices in half. And I think folks need to really understand that working in a nation-to-nation capacity with our Tribes requires having boots on the ground. You have to have Federal folks actually go visit with tribal councils and leaders to cut deals, do contracts, get stuff done.

I wonder. I know you guys aren't here to testify on that specifically, but to the extent that you are able to, if we could just go down the line, if there is any additional information in the remaining time you would like to share that we should be conscious of in terms of working with the Administration to try to make the situation better in tribal consultation, we would love to hear from you. So why don't we start here on the end?

Mr. VREDENBURG. Sure. We see this moment where we are at as an opportunity for greater partnership, that there is a recognized need, but that with that comes opportunity for new relationships and new kinds of relationships. So we remain optimistic as we move forward.

Ms. STANSBURY. Ms. Clark?

Ms. CLARK. I agree with your statement that adequate consultation and adequate partnership requires people on the ground on both sides. And I would say that one of the things that is really important is making sure that folks in Federal agencies have the knowledge and training and history with the Tribes that they are working with. It is not simply having someone show up in a meeting space that is there to represent the Federal Government, but someone that knows anything about Federal Indian law, knows about the people that they are there to negotiate and discuss with. And so having that longevity in positions is really critical.

Ms. STANSBURY. I really appreciate that.

Yes?

Mr. LOWES. So the instability that we are seeing with this Administration is causing chaos, for lack of a better word. So at the beginning of the year we got notification that the IHS sanitation office in Sault Ste. Marie, along with the local BIA offices, were going to have lease cancellations. We called employees within those offices. They had no idea what was going on. And that is important because, if those offices close, it impacts us.

So fast-forward a couple of months. Those offices aren't closing, but that lack of transparency has a definite impact on our operations.

Mr. DESAUTEL. And the only thing I would add quickly is that we have got to have that administrative support for the Federal Government, as well. So if we don't have folks in BIA central office that are processing, Feds that are reviewing contracts, those same functions at the regional offices, that is the delays we have seen at Colville. It hasn't necessarily been because funding has been cut. We don't have people to process and move that money to the Tribes.

Ms. STANSBURY. Absolutely. Well, I thank you all for being here and for traveling and coming and testifying. And I look forward to working with my friends across the aisle to try to address some of these issues. Thank you.

Mr. TIFFANY. The gentlelady's time has expired. I now recognize the gentleman from Minnesota, Mr. Stauber, for five minutes.

Mr. STAUBER. Thank you very much for all of your testimony today.

Chairman Lowes, where is your home town? Where were you born?

Mr. LOWES. Sault Ste. Marie, Michigan.

Mr. STAUBER. Where is that?

Mr. LOWES. The very northern tip of the Upper Peninsula on the Canadian border.

Mr. STAUBER. Where did you go to school at?

Mr. LOWES. I earned my undergraduate degree from Lake Superior State University and my master's degree from Michigan State.

Mr. TIFFANY. If I may interject, Mr. Lowes, he is setting you up, just so you understand.

[Laughter.]

Mr. STAUBER. You gave it away.

Mr. LOWES. He gave it away?

Mr. STAUBER. What year did Lake Superior State University win its first national championship?

Mr. LOWES. Oh, God. I am not a good Laker. I am probably the only person in Sault Ste. Marie—

Mr. STAUBER. Chairman Lowes, it is on my championship ring here.

Mr. LOWES. Oh, geez.

[Laughter.]

Mr. STAUBER. In 1988.

Mr. LOWES. I was going to say the year I was born, 1988. I am dating myself.

Mr. STAUBER. Now you are making me feel old.

Mr. LOWES. It was a lucky year, sir.

Mr. STAUBER. Listen, I am glad you are here. I really appreciate your comments. Lake Superior State was a great university. I went there from 1986 to 1990, won a national championship, it was a special place. The Upper Peninsula is a special place, and you do a wonderful job. So I really appreciate you traveling to our Nation's capital. And as you move forward, I wish you luck. I knew Aaron Payment. We went to school together at Lake State. He was a runner, a cross-country runner. So I really appreciate you being here.

Mr. LOWES. Thank you.

Mr. STAUBER. With that being said, Mr. Vredenburg, in your testimony you note that "Western conservation models treat sensitive areas as no-touch zones, closing them off from any human attendance or management," and further discuss how Indigenous communities' approaches are often different and involve active management. Can you expand upon this?

How is this passive approach failing our proper forest management?

Mr. VREDENBURG. Sure, that is a great question.

When we identify areas to protect, I mean, the intention is well, but what inevitably happens is with the lack of management those areas become overgrown, overstocked, and then eventually develop severe fire risk. And in the end we often lose them to wildfire. And if not to wildfire, they are a biological desert on the floor because there is no sunlight. So we are losing, you know, those important things that, the intention was to protect them, but the very act and approach is undermining that intention.

Mr. STAUBER. You mentioned wildfires. Currently in my district in northeastern Minnesota we have got three wildfires going right now, and it is just unbelievable.

I am proud of the Forest Service. I am proud of the volunteers. I am proud of the firefighters, the community, the counties involved. It is unfortunate that we have to have a disaster like that to see that human spirit survive, but I am very proud of the way we are handling it.

You know, we face issues in our district with forest management, which includes the Boundary Waters Canoe Area Wilderness within the Superior National Forest, which is a working national forest where timber harvesting and mining are desired conditions. Every day we fight with some people that don't want us to be there. They want to completely shut off the Boundary Waters from any human

access, be it for responsible recreation or forest management. And we have serious concerns that this could lead to devastating impacts the next time a forest fire rolls through. Passive management is putting our forests at risk, as you just said.

Mr. Desautel, in your testimony you discussed the potential economic impact Representative Hurd's legislation would have on Indian Country, and you make specific mention of the Indian sawmill infrastructure demonstration project, including the 20-year stewardship agreements or contracts Tribes would be able to enter into with Federal land managers. Can you speak a bit more about the utility of these long-term contracting and stewardship authorities?

Mr. DESAUTEL. Sure. The big problem with reestablishing infrastructure once it has been lost is it is really expensive. So, I mean, if you look at the current day cost to establish a new sawmill, it is probably north of \$100 million. So to secure that type of financing from an institution, you need to have a long-term guaranteed log supply agreement so they have confidence that you can repay your debt over that time frame. So I think that is the most critical component of it. And what that infrastructure provides you from a management perspective is it gives you value for those forest products that you are removing.

And the analogy I use for Colville is logs and funding from logs isn't our most important goal. That is really those ecosystem functions. It is really a byproduct of our management. But it provides funding.

Mr. STAUBER. And that consistency and length of contract will bring investments to the community and our tribal neighbors will see that, and they will take part, and that is an economic benefit. It is a win-win. Would you agree with that?

Mr. DESAUTEL. I would. And for us, it is not just to the tribal community. The logs that our mills go to now are our local communities off the reservation, as well. So it benefits the north-east region of the State, not just the reservation.

Mr. STAUBER. You are exactly right.

Mr. Chair, before I end, Lake Superior State University. And I yield back.

Mr. TIFFANY. The gentleman's time has expired.

So why did your kid go to Michigan Tech, then?

[Laughter.]

Mr. STAUBER. He was a better player than I was.

[Laughter.]

Mr. TIFFANY. I now recognize the gentlelady from Oregon for 5 minutes.

Ms. HOYLE. Thank you so much, and I do have to say my husband went to Michigan State, as well, so it is really awkward when they play the Ducks. Other than that, it all works out.

I appreciate this panel. And thanks for the witnesses, especially you all from the West Coast, for traveling all this way.

So, you know, I have met with many of you in your tribal leadership on many occasions to discuss the importance of forest management. Now, certainly in central and southwest Oregon, but also across the West.

I think, Mr. Vredenburg, you could talk about when the Cow Creek Tribe lost 10,000 acres last year because of a fire that started on Federal lands. And again, 99 percent of BLM forest lands are in Oregon, and then we have this patchwork set of management. So even if you are managing your property, your lands, you can't stop the fire from coming over. So you know, having consistency in land management would be a blessing.

But I think specifically I will ask you and anyone else that wants to come in to discuss the challenges you are currently facing preventing you from doing the co-management work, and then maybe touch on how the timber receipts work or don't work in getting those back. I know we lost five mills in my district last year, so having some consistency in supply also, you know, preserving old growth. We can do both at the same time.

Mr. VREDENBURG. First, thank you for your kind introduction earlier.

We can have both, as, you know, as other panelists stated, often times the logs are the outcome. As we apply an approach through the Indigenous lens, we will, as we focus on the outcomes rather than how we get there, it really leads us in a different approach. And that is the rub, is I am trying to formulate, it is a tough question.

You know, we look at tribal management and it works really well. It is beautiful. It is getting the work done. And so we invite Tribes into the Federal land space to do that work, but we haven't changed any of the rules that are causing, you know, the Federal agencies to fail. And so that is a rub, is it is not only a different philosophy and approach to conservation, where, you know, Tribes are more proactive stewardship kind of style, it is the barriers that have hindered the Forest Service, you know, for decades now are still there. We haven't addressed those. So that is what this law, this bill, really addresses.

Mr. LOWES. Are you pointing at me?

Ms. HOYLE. Yes, I am pointing, I am trying to—

Mr. LOWES. OK.

Ms. HOYLE. Either one of you.

Mr. LOWES. Yes, I would be happy to.

So regarding the tribal side of the challenges with co-management, there is a couple issues. Number one is limited capacity on both sides to sustain complex agreements. You know, fragmented funding makes long-term planning quite difficult. A lack of familiarity with existing tools such as the Tribal Forest Protection Act and the Indian Self-Determination and Education Assistance Act, those are barriers. And finally, delayed and inconsistent agency engagement, particularly with staff turnover.

Mr. DESAUTEL. Not much to add to that, but to maybe give, where there is positive examples around the country, it is where there is that consistent source of funding and staffing so that those relationships get built and maintained through time. Because it seems like where there is a personal trust between both agency staff and tribal staff, we seem to be getting good work done on the ground.

Ms. HOYLE. I would agree with that, and I would like to thank Representative Huffman, Representative Hurd, and Chairman

Westerman for their work on today's bill to address these challenges.

And what I want more than anything is for us to be able to get this going in the next year so it is not just something that we are talking about at a Committee while we are contemplating what could be. We actually have to get this happening on the ground because we don't have the capacity to deal with wildfire right now, and I think this is an elegant solution.

Mr. TIFFANY. Before you yield, Ms. Clark, did you want to respond to the question that Ms. Hoyle had?

Ms. CLARKE. Thank you. I will just add one thing briefly.

You spoke about the need for cross-boundary work, and I wanted to highlight that in the FORESTS Act I think that is one of its key benefits, is that it allows for cross-boundary planning between tribal trust lands, reservation lands, and lands that are administered by Federal agencies in a way that, frankly, we don't have in any of our existing statutory authorities. And so I think that is a huge benefit, and one of the things that we really do struggle with because fire, forest health doesn't know boundaries.

Ms. HOYLE. Thank you so much.

Ms. HOYLE. I yield.

Mr. TIFFANY The gentlelady's time has expired. I now recognize another Oregonian, Mr. Bentz, for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair, and welcome all of you here.

I guess one of the biggest issues, and I noticed in reviewing Mr. Crockett's testimony that he was sensitive to the challenges that are going to go with this kind of a management arrangement. And so I spent some time going through the bill and trying to sort out what the foundation would be for determining who is in charge, and you could tell that from my earlier questions.

So I am looking at this bill and trying to figure out a simple thing to focus upon that would raise the issue. And the easy one is found on page three of the bill, where there is a discussion of access and who controls it. And so just to point out, by the way, I want to be clear I think the Tribes are the key to getting into this land and taking care of it. So what I am saying now is in the order of trying to make this thing actually work, and I can't think of anything that would destroy it more quickly than a belief by folks—hunters and others, that somehow this arrangement would prevent them from having access. This would not advance one inch if that were the case.

So drawing your attention to page three of the bill, I note that it says, as part of the agreement to treat Federal forest land as Indian forest land under paragraph one, the Secretary concerned and the Tribe making the request shall, and then it says, "to the maximum extent practicable." Then it says, and this is the language that is a bit of a problem, I think, "subject to any Indian trust asset management plan approved under section 204 of the Indian Trust Asset Management and Demonstration Act." Well, I have it right here. I looked it up, and I was trying to figure out where the public would have something to say about what the contents of that agreement might be.

This bill needs a lot of work. It is not as clearly crafted as it should be. And it is a draft, right? So the real question is if folks,

the public, don't have an opportunity to weigh in in putting together the agreement that provides the exception to access, then we have a problem.

So I will start with you, Mr. Vredenburg. What is your thought when it comes to the access by the public to land being managed by the Tribe under one of these agreements?

Mr. VREDENBURG. I completely agree, you know, that has to be addressed. ITARA does require that the public is informed and has the ability to comment. And I think what we would need to recognize is if we were to amend our ITAMP, Indian Trust Asset Management Plan, to include the Federal lands, the public changes, instead of on-reservation, where it is a tribal public, now that public needs to be interpreted more broadly to include the general public. And those lands need to be managed for the public benefit, as well, which means access, recreation, the things we all value.

Mr. BENTZ. I note in regard to how they have to be managed, if you go to page nine of the bill, in a very unartfully crafted paragraph from lines 1 down to line 9, I think it is saying that the Tribe shall be the sole authority for timber management activities on these lands. It is not written clearly enough to know whether that is what is meant, but is that your thought, that the Tribe would be the "sole authority for timber management activities" on those lands?

Mr. VREDENBURG. That is how I read it. I think we can do a better job as far as using modern techniques for marketing, ensuring competitive bids for the material that comes off of those restoration projects that will fund future work. We are positioned to be able to do that very effectively.

Mr. BENTZ. I believe you. The challenge is going to be making sure that all the neighbors, which we would hope would be large parcels of land, all of which need these management activities, are enthusiastic about the arrangement, and not opposing it. And so the bill needs considerable clarification to make sure that these access issues are addressed.

And I have been working on this, obviously, down in my part of the State of Oregon, where there are no trees when it comes to access to huge millions of acres of rangeland, and access is everything to everybody. So with that I am happy for your efforts here, and I look forward to working with you to help clear it up.

With that I yield back.

Mr. TIFFANY. The gentleman's time has expired. I am going to take my time for questioning. I want to start with you, Mr. Desautel. Thank you for coming back again. In your testimony you mentioned a 2023 project that a preservationist NGO sued that stopped years of collaboration between the Tribe and the Forest Service. From your perspective, what effect does this litigation have on the Forest Service and how it interferes with the ability to be able to collaborate and work together?

Mr. DESAUTEL. So it was the project, the TFPA proposal that we submitted, I think, back in 2014. So it took almost a decade to get to a decision which was ultimately litigated by the Kettle Ranch Conservancy, and the Forest Service lost. Unfortunately, we were not called to be amicus briefed or otherwise incorporated into the

litigation, which is unfortunate, but what we have seen from the Colville National Forest since is there seems to be a reluctance to do additional work, that that part of the State had gone almost two decades without a forest management project being litigated, and now they have slowed considerably.

So the scope of that project was subsequently reduced significantly to fall under a categorical exclusion, but we still have significant concerns that the forest and fire risks associated with that project that has, like, 20 miles of adjacent boundary with the reservation won't have the level of treatment that we think it needs to reduce that risk.

Mr. TIFFANY. So it didn't eliminate the treatment, but it severely crimped it. Would that be accurate?

Mr. DESAUTEL. And we will see if the categorical exclusion gets to the finish line, but that is how they have re-approached it. After they lost litigation they re-scoped the project to be significantly smaller, significantly less timber harvest, significantly less prescribed fire so that it would fall under a categorical exclusion. And again, we will see if that gets to implementation or not. It is yet to be determined.

Mr. TIFFANY. I took, Mr. Vredenburg, from your testimony that, perhaps these are my words, but you view a categorical exclusion at this point as a Band-Aid for what should be more comprehensive management. Am I saying that accurately?

Mr. VREDENBURG. No.

[Laughter.]

Mr. TIFFANY. Go ahead and say it in your words. Specifically in regards to a categorical exclusion.

Mr. VREDENBURG. I guess you, Chairman, you are correct. It is somewhat of a Band-Aid. The NEPA process has become really so cumbersome that we are relying more on categorical exclusions for lower-intensity, more routine maintenance projects because, you know, environmental assessments or environmental impact statements have gotten so incredibly expensive. And so yes, in a sense they are a Band-Aid.

Mr. TIFFANY. Would you say that, because this comes up regularly here in this Committee in regards to NEPA, that perhaps there needs to be some changes made to NEPA?

Mr. VREDENBURG. Yes, the focus has drifted from analyzing the real environmental impacts and doing a good job of communicating those impacts to the public. That is the intent of NEPA. They have become more like legal documents that have, you know, every document that is written, it has to stand the rigors of court, of litigation. And so it really has lost its way, I think, in that regard.

Mr. TIFFANY. Ms. Clark, would you agree with that assessment?

Ms. CLARK. I would like to highlight the difficulties that NEPA places, especially with the use of beneficial fire.

And so, as we know, beneficial fire, use of prescribed fire, in particular, is a really important management technique. And many prescribed fire projects have been caught up in NEPA analysis that have delayed and increased costs and suffered litigation risk. But we haven't done any study of fire exclusion. And so we engage in fire suppression, we engage in the exclusion of cultural burning and of active fire use on the ground. That itself has huge

environmental consequences. Much of the reasons why we see an increase in the high-severity catastrophic wildfire is because we have for so long let these low, controlled burns not happen on the ground.

And so I think NEPA is creating a disincentive to really good forest management activities, and letting some of the other consequences of fire suppression and fire exclusion go unexamined.

Mr. TIFFANY. Is the reduction of mills, as has been documented, is that a problem?

Ms. CLARK. Absolutely, when we are looking at, as Mr. Desautel said, what to do with the stuff that comes out of the forest. And so in California we have certainly seen the closure of a number of mills, and that has led to a lack of capacity to handle biomass and other treatments coming out of mechanical thinning.

I think in some of the materials the Washoe Tribe's recent mill reopening for that reason has been a huge success and a huge piece of excitement for the folks in Tribes that work in that area to have that additional capacity.

Mr. TIFFANY. Yes, I would just want to turn back to this chart I had up originally.

[Chart]

Mr. TIFFANY. I think this tells the story of forest management, in particular in the Western States, but even in my State of Wisconsin, where we have seen mills close because of the lack of long-term supply. I mean, it is very clear, what is happening with those lines. As we have went from less active management of our forests, we have seen more fire. It is as simple as that. Now, there is going to be some debate about exactly what that looks like in terms of how we go about the management. But regardless, we need management. Isn't that correct, Ms. Clark?

Ms. CLARK. Yes, absolutely. The Stewardship Project was put together specifically because we know we need to be doing more active work on the ground.

Mr. TIFFANY. Go ahead, Mr. Desautel.

Mr. DESAUTEL. If I could, Chairman Tiffany, I think your graph is a great illustration of the biggest problem I see with NEPA, that for the entirety of my career we have evaluated the no-impact alternative, the no-action alternative as having no impacts. And that is absolutely not the case. I mean, your graph is a great demonstration of that, that I think in most situations the no-action alternative probably has the highest environmental impacts, but we are not treating it that way.

Mr. TIFFANY. Mr. Lowes, last session of Congress and under the previous Administration, there was an action taken by the Administration with the Alaska Tribes, where they did not consult with some of the Tribes in regards to, I think it was in particular in regards to natural resources utilization. I think it was primarily in regards to oil exploration, where the previous Administration did not consult with a few of the Tribes in Alaska. Is that appropriate?

Mr. LOWES. It is not appropriate. We feel that consultation is vital, and not just any form of consultation, but meaningful consultation where boxes just aren't being checked by meeting with us.

Mr. TIFFANY. Thank you. So I would just close.

I think what you are talking about in terms of as I see the big picture, this really dovetails into a great opportunity for the United States of America. When you see the whole discussion of let's get regulatory right, I mean, we talked about NEPA right? And we see the tariffs issue that is out there that if we want to produce things in America once again, then we will bring mills and factories back to America.

It just seems to me like this is a golden opportunity to do some of that once again in America, where we help produce those affordable two-by-fours that go into a house that make it an affordable house that young people can live in once again. And to me, it all ties together in terms of manufacturing in America to make affordable housing and so many of the good things that can happen for America. I just think that this is a piece of it. While it is a small piece, it is an important piece of how we get there to once again have made-in-America and to have America prosper once again, including bringing down inflation and all those good things like that.

So anyhow, thank you so much for taking the time to come here today. We really appreciate it. And members of the Subcommittee may have some additional questions for you, and we will ask that you respond to those in writing.

Under Committee rule 3, members of the Subcommittee must submit those questions to the Subcommittee clerk by 5 p.m. on Friday, May 23, 2025, this Friday. The hearing record will be held open for 10 business days for those responses.

And if there is no further business, without objection, Subcommittee on Federal Lands stands adjourned.

[Whereupon, at 12:40 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF MONTE MILLS (CHARLES I. STONE PROFESSOR OF LAW AND DIRECTOR OF THE NATIVE AMERICAN LAW CENTER, THE UNIVERSITY OF WASHINGTON SCHOOL OF LAW) & MARTIN NIE (DIRECTOR, BOLLE CENTER FOR PEOPLE & FORESTS, PROFESSOR OF NATURAL RESOURCES POLICY, W.A. FRANKE COLLEGE OF FORESTRY AND CONSERVATION, UNIVERSITY OF MONTANA)

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee on Federal Lands:

We offer the following written testimony for the record of your May 20, 2025, hearing on the "Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act" or the "FORESTS Act," introduced by Representative Hurd. The FORESTS Act seeks to promote greater tribal co-management of federal public lands, more specifically public forest lands managed by the United States Forest Service (USFS). Other recently introduced legislation, such as Representative Huffman's "Tribal Self-Determination and Co-Management in Forestry Act," proposes similar objectives. This hearing and its subject legislation offer important opportunities to consider the nature of federal-tribal relations in the management of public lands. Therefore, we hope our testimony can support your understanding of the broader legal and policy context in which these opportunities arise.

We also hope our testimony can offer a unique and helpful perspective. Importantly, neither of us is a tribal member nor do we have Indigenous heritage and we do not and should not be considered to speak for or on behalf of any tribe or tribal organizations. Rather, as professionals and academics trained in law (Mills) and policy (Nie), our perspectives on tribal co-management are based on years of experience working with both tribal and federal partners in support of a greater tribal role in decision making regarding the management of federal lands, waters, resources, and wildlife. Through our work, we endeavor to support meaningful and

informed dialogue between tribes and federal land managers in hopes of enhancing the performance of the federal government's trust duties to tribal nations and promoting effective co-management arrangements; objectives consistent with those of the FORESTS Act and related legislation. We do that through extensive work with tribes, tribal organizations, and federal land agencies facilitating the development and implementation of co-stewardship agreements and, through scholarship focused on the legal and policy details of and recommendations for effective tribal co-management.¹ In addition, consistent with the directives of Joint Secretarial Order 3403, entitled "Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters," adopted by the Secretaries of Interior, Agriculture, and Commerce, we helped lead workshops for nearly 400 Senior Executive Service members across the bureaus and agencies of those Departments in the history, law, and policy of tribal co-management and co-stewardship.²

At its core, tribal co-management substantively honors the nation's treaty and trust obligations to Native Nations through the shared management of landscapes in a manner consistent with the purposes and letter of federal public lands law. This bridging of tribal perspectives and responsive federal authority builds on decades of tribal leadership and collaboration, which has sought to create a more pro-active and sovereignty-affirming model in which Indian tribes envision their own approach and plans for managing their rights and interests on federal lands.³ From the earliest cases of tribal co-management in the Pacific Northwest, Great Lakes Region and Alaska, this history demonstrates that tribes are best positioned and most capable of co-creating new models of decision-making and management. Thus, full and broad engagement with tribal leadership and the numerous tribal commissions and consortia with tribal co-management experience is essential to the next chapter of co-management's bright future.

Importantly, tribal co-management is neither a partisan issue nor should it be viewed through an ideological lens. True co-management draws on longstanding and foundational principles of federal Indian law recognizing the inherent sovereignty of Native Nations and the duty owed to them by the United States. As matters of constitutional importance that implicate structural features of our nation's governance, these principles and the practice of co-management relate to the exercise of and relationship between federal, tribal, and state authorities. In this regard, tribal co-management provides a means through which the "cooperative federalism" model of federal public lands law that reserves or extends legal authorities, and often federal revenue, to state governments expands to consider the nation's original sovereigns. In its most effective implementation, this cooperative and decentralized approach runs the gamut of interests relevant to public lands, including the preservation and conservation of lands and resources as well as their active management and resource development. In light of these foundations and diverse interests supported by its use, some of the most used tools to implement tribal co-management—such as the Tribal Forest Protection Act (TFPA), Good Neighbor Authority (GNA), 638 compacting, and others—have generated broad bi-partisan support, a theme continuing with the more recent passage of the EXPLORE Act and its tribal provisions as well as the introduction of the FORESTS Act and complimentary co-management legislation by both majority and minority members of this Subcommittee. Such broad-based support reflects the importance and poten-

¹See e.g., Monte Mills & Martin Nie, "Bridges to a New Era: A Report on the Past, Present, and Potential Future of Tribal Co-Management on Federal Public Lands," 44 *Public Land & Resources Law Review* 49 (2021); "Bridges to a New Era Part 2: A Report on the Past, Present, and Potential Future of Tribal Co-Management on Federal Lands in Alaska," 47 *Columbia Journal of Environmental Law* 176(2022); and "Planning a New Paradigm: Tribal Co-Stewardship and Federal Public Lands Planning," 36 *Colorado Environmental Law Journal* (2025).

²There is often some confusion about this terminology and the distinction between "co-management" and "co-stewardship." The Departments of Interior, Agriculture and Commerce view co-stewardship as a broad, umbrella term that captures a wide scope of collaborative relationships and models of shared decision making. Co-management, however, is viewed more narrowly referring to cooperative stewardship arrangements that are undertaken pursuant to federal authority that requires the delegation of some aspect of federal decision-making. Some agencies, such as the Bureau of Land Management, view co-stewardship broadly enough to include co-management and other forms of tribal led-stewardship. For more background see *Sovereign-to-Sovereign Cooperative Agreements Repository: Frequently Asked Questions, Co-Stewardship vs. Co-Management*, Univ. of Wash., <https://lib.law.uw.edu/cooperative/FAQs#s-lg-box-31758542> (select co-stewardship vs.co-management to expand).

³See e.g., the Stewarding Native Lands Program and Webinars hosted by the First Nations Development Institute, available at <https://www.firstnations.org/webinars/stewarding-native-lands-webinars/>

tial of tribal co-management to help guide the future of public lands for all Americans and we urge the Subcommittee to continue this approach.

Moving forward, Congress can take important actions to catalyze further progress in pursuit of tribal co-management. First, as it has many times already in other contexts, Congress can recognize and affirm the United States' trust and treaty obligations are an integral part of each Department's responsibilities when managing federal public lands, waters, and resources. In the 2016 Indian Trust Asset Reform Act (ITARA), for example, Congress made explicit findings in this regard and reaffirmed its policy in support of the federal government's trust duty. *See* 25 U.S.C. §§ 5601–02. In doing so, Congress specifically recognized that:

The fiduciary responsibilities of the United States to Indians also are founded in part on specific commitments made through written treaties and agreements securing peace, in exchange for which Indians have surrendered claims to vast tracts of land, which provided legal consideration for permanent, ongoing performance of Federal trust duties . . . 25 U.S.C. § 5601(4).

Many of the “vast tracts of land,” ceded by Native Nations are now federal public lands managed by various agencies, all of which are charged with and should be guided in their work by these same fiduciary duties. Formally recognizing that responsibility would help emphasize that message for all federal agencies carrying out this important work.

Second, though agencies already enjoy a range of legal authorities in which to engage in tribal co-management, Congress could clarify and enhance these powers through clear statutory authority to make agreements with Indian Tribes to co-manage and co-steward federal public lands and resources. There is, already, “significant latitude” afforded to federal agencies “to use agreements with outside partners to support their governmental operations without inappropriate transfers of agency authority.”⁴ But all too often agencies and bureaus are reluctant to share management and decision-making with Tribes based on their own narrow readings of their statutory authority as well as overblown concerns with the sub-delegation doctrine and what constitutes an “inherently federal function.” While those legal doctrines occasionally present legitimate considerations, federal officials regularly rely on them as an over-simplified and ill—considered excuse to avoid engaging and co-creating new models of shared management. New legislation could ensure clear authority for tribal co-management across the range of programs and resources managed by the U.S. Forest Service and all federal public land agencies.

Like the proposals currently before this Subcommittee, that legislation need not start from a blank slate. The most used co-management authorities for work on the National Forests came about, in large part, from incremental steps building on efforts focused on healthy forests, timber, fire and restoration. The expansion of co-management potential through the TFPA and GNA has been essential, and the resultant successes showcase what is possible by working together across shared landscapes. But tribal co-management and stewardship cannot and should not be unnecessarily restricted to project-based timber management, which is just one of the five prescribed uses of the NFS as codified in the Multiple Use Sustained Yield Act (MUSYA) of 1960 (“The national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.”) Any additional statutory authorities should ensure co-management opportunities can be developed across the USFS's integrated renewable resources program and, rather than only focusing on project-level work, make clear that tribes are to be engaged at the earliest stages of planning and project development.

One of the simplest but most effective ways to broaden the reach of co-management across the National Forest System would be to extend the self-governance compacting authority available to all agencies within the Department of the Interior across all programs administered by the USFS and perhaps all other agencies within the Department of Agriculture. *See* 25 U.S.C. § 5363(b)(2). That approach relies on the well-established authority and familiar practice of self-governance compacting, opens up existing federal programs, functions, services, and activities for assumption by tribal governments, and provides funding for that assumption through the negotiated compact and annual funding agreement. This

⁴DEPT. OF THE INTERIOR, OFFICE OF THE SOLICITOR., FINAL REPORT: CURRENT LAND, WATER, AND WILDLIFE AUTHORITIES THAT CAN SUPPORT TRIBAL STEWARDSHIP AND CO-STEWARDSHIP (2022), at 17. The USDA Office of General Counsel similarly states that there is “*significant latitude* . . . in the types of co-stewardship agreements or other arrangement that may appropriately support USDA operations without an inappropriate transfer of federal authority.” USDA, OFFICE OF THE GEN. COUNSEL, LEGAL REVIEW OF JOINT SECRETARIAL ORDER 3403, 6 (2022)

authority has been utilized by tribes and federal partners within the Department of the Interior to empower tribal management of a variety of federal lands, including across National Parks, Bureau of Land Management (BLM) lands, and National Wildlife Refuges managed by the United States Fish and Wildlife Service (USFWS). See Kevin Washburn, *Facilitating Tribal Co-Management of Federal Public Lands*, 2022 WISC. L. REV. 263 (2022).

But, while this approach offers significant promise, it is not a perfect or comprehensive solution for all tribal co-management interests or relationships. The discretion afforded to the Secretaries in implementing these compacting authorities has limited their full potential. Whether because they view working with Native Nations as ancillary or in conflict with their public land management duties, are generally reluctant to empower greater tribal authority, or are unsure or unaware of these authorities, agencies have entered into relatively few such agreements and, for the most part, the agreements have been limited to project-level activities. See, e.g., Washburn, *supra* at 311–25. One remedy for these challenges would be to narrow the grounds on which agencies may refuse to enter such compacts and, perhaps like the approval process for demonstration projects adopted in ITARA, see 25 U.S.C. § 5613, mandate a presumption for approval unless an agency can demonstrate that a tribal proposal fails to meet specific requirements.

While enhancing and meaningfully expanding existing self-governance compacting authorities would be an important step toward greater tribal co-management, flexibility is key to ensuring Native Nations and their federal agency partners can develop effective partnerships. Therefore, these measures should be considered alongside a range of additional options for enhancing the bases on which agencies and Native Nations can partner. When doing so, Congress and this Subcommittee should keep in mind the diversity of perspectives and positions of Native Nation across the nation, including how opportunities for co-management (or the lack thereof) may impact Alaska Natives and the Native Hawaiian Community. Failure to do so can significantly if unintentionally, limit some Native Nations. The TFPA, for example, authorized greater partnerships between tribes and the USFS but only on USFS lands adjacent to tribal lands. That requirement functionally excluded tribes in Alaska from utilizing that authority, despite its significant positive potential, especially across the Tongass National Forest in Southeast Alaska. Thus, though treaty and other reserved rights across shared boundaries are powerful legal anchor points for tribal co-management in the continental United States, many other legal foundations, from Title VIII (Subsistence) of ANILCA in Alaska to the overarching trust obligation and “government-to-sovereign” relationship with the Native Hawaiian Community, support co-management and should also be considered as legislative efforts move forward.

In addition to expanding the strength and breadth of existing authorities for partnership, Congress could also consider supporting an expanded vision of various agency activities that could support co-management. For example, planning is a core feature of the National Forest System and federal public lands and resources management, required by the various Congressional mandates applicable to management agencies. The planning process provides additional opportunities for ensuring coordination with tribal land and resource management plans as well as respect for and deference to tribal priorities and proposals.⁵ Federal land management agencies should be required to more actively engage with Native Nations in order to incorporate tribal land and resource management plans into federal land management planning efforts. Like some of the language in the FORESTS Act, this could be accomplished in several ways, including statutory mandates that would build on or tier to tribal plans prepared pursuant to the National Indian Forest Resources Management Act (25 U.S.C. § 3104) and the Indian Trust Asset Reform Act (25 U.S.C. § 5613). Both statutes provide powerful potential avenues for co-management along with important accountability mechanisms that can be integrated into the management of federal public lands.

Beyond planning, new legislation should also clarify that in some instances, federal approvals may be conditioned upon consent from Native Nations and that it is acceptable to make a decision to approve an action contingent on the concurrence of a tribal government where tribal rights and interests at stake and may be affected by federal land management activity or decision. This requirement would

⁵The coordination provision for the USFS: “In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approved tribal land resource management programs.” 43 U.S.C. § 1712(b). The USFS’s Planning Rule also requires “coordination with other planning efforts,” 36 C.F.R. § 219.4(b)(1) (2025).

reflect well-established standards of international law established in the United Nations Declaration on the Rights of Indigenous Peoples and is already found in agency step-down and legal guidance.⁶ Congressional clarification would confirm those standards and serve to limit the ways in which agencies may limit tribal co-management through their own interpretation, implementation, or narrow models of tribal engagement and consultation.

Finally, tribes need the support and capacity necessary to ensure co-management can succeed on—the-ground. The amount of federal funding and burdens associated with technical support for tribal co-management regularly leave Native Nations frustrated with bureaucratic processes, complicated agreements or cost-sharing requirements, and sometimes insurmountable indirect and contract support costs. The most surefire way to doom tribal co-management, or any effective management of public lands for that matter, is through inadequate funding. Tribes and their partner federal land agencies need to be working at full capacity to meet applicable statutory requirements and ensure that the nation’s treaty and trust obligations are fulfilled. In addition to providing such support, Congressional oversight can also be an important way to ensure that agencies prioritize their engagement with Tribes and institutionalize incentives through performance measures and metrics.

In conclusion, thank you for the opportunity to provide this testimony and for your work in considering the importance of and opportunities for expanding tribal co-management of federal public lands and resources. We are encouraged by the letter and spirit of the FORESTS Act and that the members of this Subcommittee and your Congressional colleagues are interested in and dedicated to exploring how to move this critical work forward. For far too long, the management of federal public lands and waters has been treated as separate from the interests of and federal relationships with Native Nations. Tribal co-management is one meaningful avenue for restoring those interests while ensuring the United States can meet its trust and treaty-based obligations to manage those lands and waters in partnership with Native Nations. Please do not hesitate to call on us if we can be of additional assistance as you move forward with these important efforts.



⁶The USDA Office of General Counsel similarly states that “if co-stewardship activities are not permitted under applicable law, the USDA agencies should give consideration and deference to Tribal proposals, recommendations, and knowledge that affect management decisions on USDA-managed lands.” USDA, OFFICE OF THE GENERAL COUNSEL, LEGAL REVIEW OF JOINT SECRETARIAL ORDER 3403, 5 (2022)