



THE STEWARDSHIP PROJECT

**Testimony of Sara A. Clark
Co-Lead of The Stewardship Project
&
Partner at Shute, Mihaly & Weinberger, LLP
Before the House Subcommittee on Federal Lands, Committee on Natural Resources
Hearing on Discussion Draft of H.R. __ (Hurd), Fostering Opportunities to Restore Ecosystems
through Sound Tribal Stewardship Act (“FORESTS Act”)
May 20, 2025**

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

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://karuktribeclimatechangeprojects.wordpress.com/good-fire/>.

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 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

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://coalitionfortribalsoverignty.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://coalitionfortribalsoverignty.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).

⁷ U.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).

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

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.

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

⁹ IFMAT IV, available at www.bia.gov/sites/default/files/media_document/ifmat_iv_summary.pdf.

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.

¹⁰ National 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.

¹¹ Available at: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB310.

¹² Commission Report, Recommendation 30, p. 77.

¹³ Given 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.

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.

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