

Testimony of Chairman Austin Lowes
Sault Ste. Marie Tribe of Chippewa Indians
Before the House Natural Resources Committee Subcommittee on Federal Lands
regarding
the Draft of H.R. ____ (Rep. Hurd), “Fostering Opportunities to Restore Ecosystems through
***Sound Tribal Stewardship Act*” or the “FORESTS Act.”**

May 20, 2025

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 TFPA 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 TFPA. 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.