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Introduction to Tribal Forestry

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Introduction to Tribal Forestry

The United States and *federally recognized Tribes* (“Tribes”) have a unique relationship that affects federal policies regarding forestry on tribal lands. In particular, the United States has a *federal trust responsibility*, which is a legal obligation under which the United States, through treaties, acts of Congress, and court decisions, “has charged itself with moral obligations of the highest responsibility and trust” toward Tribes and tribal citizens. This responsibility can include federal obligations to protect *tribal trust assets*, which are tribal trust lands, natural resources, trust funds, or other assets held by the federal government in trust for Tribes and tribal citizens. The Bureau of Indian Affairs (BIA) within the Department of the Interior (DOI) is the lead agency charged with managing tribal trust assets, including tribal forests.

Forested tribal lands can be described in different ways. For consistency throughout this report, CRS primarily uses the term *Indian forest land* as defined by the National Indian Forest Resources Management Act (NIFRMA). NIFRMA defines the term *Indian forest land* as including tribal trust or restricted fee lands that are commercial and noncommercial timberland and woodland, and are “considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover.” These include lands both within and outside of tribal reservation boundaries.

According to the most recent periodic assessment of tribal forests and forest management in the United States, as of 2019, there were 19.4 million acres of tribal forest. Tribal forest acres are highly concentrated within a few states, and with a few Tribes. For example, 5.4 million acres (28%) of tribal forests belong to a single Tribe, the Navajo Nation, Arizona, New Mexico & Utah. Accordingly, 8.4 million acres (43%) of tribal forests are located in Arizona and New Mexico, including Navajo forests and forests belonging to other Tribes. Overall, almost all tribal forest acreage (17.8 million acres, or 92%) is located in the western United States and Alaska.

Congress has acknowledged the federal trust responsibility toward forest management on Indian forest lands, and federal law provides the overall framework. Congress continues to debate the appropriate management of these lands, including how to manage wildfire on these lands, and whether to fund tribal forestry activities on these lands, and if so at what level. Like other federal forests, it may be challenging for Congress to balance diverse interests—including economic, social, and cultural interests—concerning the management and use of these lands. Other federal authorities govern whether, and how, Tribes may manage their forest lands and associated programs, activities, and revenues. In this context, Congress may deliberate federal oversight of forestry on tribal lands and evaluate tribal self-determination considerations. In addition, Congress may debate the appropriate federal role in supporting forest management on lands associated with other Indigenous entities in the United States, such as Native Hawaiians and Alaska Native Corporations.

Another consideration is the degree to which Tribes may engage in the management (or *co-management*) of federal forests near tribal lands. This issue particularly concerns forests to which a Tribe has a historical tie, or forests that are geographically near tribal forest and therefore may share certain management issues or needs. During the 119th Congress, Congress has considered amending existing authorities, or establishing new authorities, to facilitate more federal-tribal co-management of forested federal lands.

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Introduction

The United States and *federally recognized Tribes* (“Tribes”) have a unique relationship that affects federal policies regarding forestry on tribal lands.¹ In particular, the United States has a *federal trust responsibility*, which is a legal obligation under which the United States, through treaties, acts of Congress, and court decisions, “has charged itself with moral obligations of the highest responsibility and trust” toward Tribes and tribal citizens.² This responsibility can include federal obligations to protect *tribal trust assets*, which are tribal trust lands, natural resources, trust funds, or other assets held by the federal government in trust for Tribes and tribal citizens.³ The Bureau of Indian Affairs (BIA) within the Department of the Interior (DOI) is the lead agency charged with managing tribal trust assets, including tribal forests. This report provides an overview of tribal forestry in the United States, federal authorities for managing tribal forests, and selected issues for Congress.

Definitions

Tribal Lands

Many Tribes have associated lands (*tribal lands*), including trust, fee, and restricted fee lands, on or off (outside) tribal reservations. *Tribal reservations* are lands reserved for a Tribe (or multiple Tribes) by treaty, statute, or other agreement. *Tribal trust lands* are lands or interests in lands that are held in trust by BIA on behalf of a Tribe or tribal citizen that may not be alienated or encumbered (sold, gifted, leased) without federal approval. In addition, Tribes and tribal citizens may own land in *fee* (private property) or in restricted fee. *Restricted fee lands* are lands or interests in land owned by a Tribe or individual tribal citizen that may not be alienated or encumbered (sold, gifted, leased) without federal approval.⁴

“Indian” Forest Lands

Forested tribal lands can be described in different ways. For example, the U.S. Forest Service’s Forest Inventory and Analysis (FS FIA) program’s *tribal forest ownership* category includes forested land owned by Tribes or individuals within reservation boundaries.⁵ Since FS FIA data do not include forests owned by Tribes or tribal citizens outside of reservation boundaries, they represent an undercount of total tribal forests nationwide. For consistency throughout this report, CRS primarily uses the term *Indian forest land* as defined by the National Indian Forest Resources Management Act (NIFRMA). NIFRMA defines the term *Indian forest land* as including tribal trust or restricted fee lands that are commercial and noncommercial timberland and woodland, and are “considered chiefly valuable for the production of forest products or to

¹ A *federally recognized Tribe* (“Tribe”) is an entity formally recognized as having a government-to-government relationship with the United States, entailing special rights, immunities, and privileges as well as eligibility for certain federal programs and services (25 C.F.R. §83).

² *Seminole Nation v. United States*, 316 U.S. 286, 296-297 (1942).

³ 25 C.F.R. §115.02. See also §5.05, “Enforcement of the Federal-Indian Trust Against the Executive,” in Nell Jessup Newton, *Cohen’s Handbook of Federal Indian Law* (LexisNexis, 2023).

⁴ For more information, see generally CRS Report R48360, *Tribal Lands: Overview and Issues for Congress*, by Mariel J. Murray.

⁵ Brett Butler et al., *Family Forest Ownerships of the United States, 2018: Results from the USDA Forest Service, National Woodland Owner Survey*, Forest Service, FS-NRS-GTR-199, 2021. As reported in this paper, according to data from the FIA program, there are 17.1 million acres of FIA “tribal forests” in the United States.

maintain watershed or other land values enhanced by a forest cover.”⁶ These include lands both within and outside of tribal reservation boundaries. NIFRMA requires the Secretary of the Interior to undertake an independent national assessment of Indian forest lands and forest management every 10 years.⁷ The most recent of these assessments, a 2023 Indian Forest Management Assessment Team (IFMAT) report, uses terms such as “tribal forest” and “Indian forest land” interchangeably; CRS interprets both terms in the IFMAT report to mean the NIFRMA definition.⁸

Indian forest lands’ biophysical composition differs from definitions of overall forest in the United States. Generally, statistics on overall U.S. forests only refer to *forest*, which has greater than 10% canopy cover and is generally dominated by single-stemmed species.⁹ However, according to the 2023 IFMAT report, Indian forest lands are over half woodland (57%). *Woodland* is defined as land with greater than 10% canopy cover and composed of certain formally classified woodland tree species, which are generally multistemmed and shrublike in habit, including specified junipers (*Juniperus* spp.), pinyon pines (*Pinus* spp.), and mesquites (*Prosopis* spp.).¹⁰ The trees comprising forests are generally larger, and forests’ canopies more closed, than woodlands, which often have relatively open canopies.¹¹ When woodland is incorporated into the definition of forest, overall U.S. forest and woodland is almost entirely forest (94%).¹² Indian forest lands may comprise a higher proportion of woodland because they are concentrated in the western United States (see below), where most U.S. woodland is located.

Overview of Indian Forest Lands

According to the 2023 IFMAT report, as of 2019, there were 19.4 million acres of Indian forest lands.¹³ This includes 19.3 million acres of forest held in trust, comprising 316 “individual forests,” and a further 155,400 acres in nontrust status, from an additional 29 “forests.”¹⁴ Indian forest lands are highly concentrated within a few states, and with a few Tribes. For example, 5.4 million acres (28%) of Indian forest lands belong to a single Tribe, the Navajo Nation, Arizona, New Mexico & Utah.¹⁵ Accordingly, 8.4 million acres (43%) of Indian forest lands are located in Arizona and New Mexico, including Navajo forests and forests belonging to other Tribes.

⁶ National Indian Forest Resources Management Act (NIFRMA), 25 U.S.C. §3103.

⁷ 25 U.S.C. §3111.

⁸ The Fourth Indian Forest Management Assessment Team (IFMAT) for the Intertribal Timber Council, *Assessment of Indian Forests and Forest Management in the United States*, 2023, https://www.bia.gov/sites/default/files/media_document/ifmat_iv_report.pdf (hereinafter IFMAT, 2023 Report).

⁹ IFMAT, 2023 Report. The definition of forest also can vary within these general parameters. CRS was unable to determine the definition of forest used in the IFMAT report.

¹⁰ The definition of woodland can vary within these general parameters. CRS was unable to determine the definition of woodland used in the IFMAT report. For a comparison of definitions used by the Forest Service, complete species list, and overall discussion, see Kerry Dooley, *Woodlands*, in Sonja Oswalt et al., *Forest Resources of the United States, 2017: a Technical Document Supporting the Forest Service 2020 RPA Assessment*, 2019, Forest Service, GTR-WO-97 (hereinafter Dooley, *Woodlands*).

¹¹ Dooley, *Woodlands*.

¹² Dooley, *Woodlands*.

¹³ IFMAT, 2023 Report.

¹⁴ IFMAT, 2023 Report. The meaning of “individual forest” is unclear.

¹⁵ The official name of the Navajo Tribe is the Navajo Nation, Arizona, New Mexico & Utah. See Department of the Interior (DOI), Bureau of Indian Affairs (BIA), “Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs,” 91 *Federal Register* 4102 (January 30, 2026).

Overall, almost all Indian forest lands (17.8 million acres, or 92%) are located in the western United States and Alaska.¹⁶

The biophysical characteristics and health of individual Indian forest lands vary substantially across nearly all measures. For these reasons, it is difficult to generalize about the characteristics and health of Indian forest lands as a class. BIA reports some broad patterns in the 2023 IFMAT report; however, the 2023 IFMAT report derives the biophysical characteristics, productivity, and health of Indian forest lands based on FS FIA tribal forest ownership data, which are inherently limited to reservations (see discussion above). This may be relevant in assessing data limitations, methodology, and whether IFMAT reporting on these issues fully represents all Indian forest lands.

The 2023 IFMAT report states that Indian forest lands are broadly less productive (in terms of volume per acre growth per year) and experience higher mortality than forest lands in other ownerships, although this can vary by geography. For example, the 2023 IFMAT report notes the discrepancy is larger in Oregon and Washington, and nearly nonexistent in Arizona and New Mexico (where most Indian forest land is located). The 2023 IFMAT report theorizes that this is due to differences in the inherent productivity of site characteristics across ownerships. The 2023 IFMAT report also reports that Indian forest lands are generally in relatively older age classes.

Like forests in all ownerships, Indian forest lands are subject to disturbances, including wildfire. According to the 2023 IFMAT report, 41% of Indian forest lands are rated as having High or Very High Wildfire Hazard Potential (WHP), a proportion that is increasing over time.¹⁷ These lands are at relatively high risk of high-intensity wildfire that may be difficult to control. The 2023 IFMAT report notes a systemic backlog of *precommercial thinning* on tribal lands (targeted removal of small trees to reduce stand density and manage hazardous fuels) as a barrier to addressing wildfire risk on Indian forest lands.¹⁸ The 2023 IFMAT report also specifies that a systemic backlog of planting for forest regeneration is hindering recovery and restoration on Indian forest lands, a trend which has been exacerbated by large wildfires. The high proportion of woodland in Indian forest lands may also play a role in relative wildfire risk and the risk-management options available to Tribes. For example, woodlands may not be suitable for timber harvesting for lumber due to the multistemmed form of their tree species, which may limit the available mechanical fuels treatments, or the use of timber harvesting to fund fuels treatments.¹⁹

¹⁶ This figure represents Indian forest lands in Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

¹⁷ Wildfire Hazard Potential (WHP) is a relative ranking of an area's potential for high-intensity wildfire that may be difficult to manage, generated and maintained by the Forest Service Wildfire Modeling Institute. WHP rankings are Very Low, Low, Moderate, High, and Very High. For more information, see Greg Dillon et al., *Wildland Fire Potential: A Tool for Assessing Wildfire Risk and Fuels Management Needs*, Forest Service, 2015, in Robert Keane et al., *Proceedings of the Large Wildland Fires Conference*, Missoula, MT, May 19-23, 2014, Proc. RMRS-P-73 (U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station), pp. 60-76, and <https://research.fs.usda.gov/firelab/products/dataandtools/wildfire-hazard-potential>.

¹⁸ *Hazardous fuels* are combustible vegetation that accumulates on the landscape, presenting a latent threat of starting and spreading wildfires that resist control. For more information on hazardous fuels, see CRS Report R48779, *Hazardous Fuels and Wildfire Mitigation: Background and Congressional Considerations*.

¹⁹ *Mechanical fuels treatments* involve the manipulation, and may also include the removal, of hazardous fuels with tools and equipment, such as hand tools, chainsaws, and heavy machinery. Richard Miller et al., *The Ecology, History, Ecohydrology, and Management of Pinyon and Juniper Woodlands in the Great Basin and Northern Colorado Plateau of the Western United States*, Forest Service, RMRS-GTR-403, 2019, and Forest Service, *Pinyon-Juniper Woodlands*, <https://www.fs.usda.gov/sites/default/files/pinyon-juniper-fact-sheet.pdf>.

Indian Forest Land Management Authorities

Congress has acknowledged the federal trust responsibility toward Indian forest land management, and federal law provides the overall framework. A variety of federal authorities govern whether, and how, Tribes may manage their forest lands and associated programs, activities, and revenues. Another important consideration in federal law is the degree to which Tribes may engage in the management of federal forests near tribal lands, particularly federal forests to which the Tribe has a historical tie. The following sections discuss these authorities in depth.

National Indian Forest Resources Management Act

Various statutes historically governed the federal management of forested tribal lands.²⁰ Today, the National Indian Forest Resources Management Act (NIFRMA) governs the planning and management of *Indian forest lands*. NIFRMA directs the Secretary of the Interior to undertake forest management activities to develop, maintain, and enhance these Indian forest lands “in a perpetually productive state in accordance with the principles of sustained yield and with the standards and objectives set forth in forest management plans.”²¹ To achieve these forest management goals, NIFRMA requires the Secretary of the Interior to develop *forest management plans* with tribal consultation and participation. These plans describe the condition of the forest in question and potential actions to achieve specified forest management goals.²² Pursuant to these plans, Tribes may conduct a variety of management activities such as commercial timber harvesting, wildfire risk reduction, and others, or the forest land may principally be used for other purposes (e.g., recreational or sacred uses), as determined by the Tribe.²³ A forest management plan may stand alone, or it may be part of a broader tribal *integrated resource management plan* for the tribal reservation.²⁴

In 2025, BIA reported that it coordinates with over 300 Tribes to manage over 19 million acres in 33 states.²⁵ BIA and Tribes have also set an allowable annual harvest of over 700 million board feet for the past several years.²⁶ In FY2023, 40% of the allowable annual cut was prepared, and 37% was harvested, generating \$50 million in stumpage income.²⁷ For some Tribes, timber sales

²⁰ See 25 U.S.C. §406, 25 U.S.C. §407, and 25 U.S.C. §5109.

²¹ 25 U.S.C. §3104(b).

²² Per 25 C.F.R. §163.11, forest management plans “shall be based on the principle of sustained yield management and objectives established by the tribe and will require approval of the Secretary.”

²³ BIA, *Report on the Status of Indian Forest Lands Fiscal Year 2023*, p. 1, March 2024, https://www.bia.gov/sites/default/files/media_document/fy_2023_dof_status_report.pdf. *Timber harvesting* is the physical cutting and removal of trees or parts of trees from a given forested site (see CRS Report R45688, *Timber Harvesting on Federal Lands*, by Anne A. Riddle).

²⁴ 25 U.S.C. Ch. 39. For more information, see BIA, “Integrated Resource Management Plans,” <https://www.bia.gov/service/integrated-resource-management-plans>.

²⁵ BIA, *Budget Justifications and Performance Information: Fiscal Year 2026*, p.36, <https://www.doi.gov/sites/default/files/documents/2025-12/bia-2026-greenbook508.pdf> (hereinafter BIA, *FY2026 Budget Justifications*).

²⁶ BIA, *FY2026 Budget Justifications*. BIA policy defines the term *allowable annual cut* to mean “the maximum harvest level allowed by management goals and objectives during a planning period.” BIA Manual Part 53, “Forestry,” Ch. 2, “Forest Management Planning.” The BIA budget justification appears to use the term *allowable annual cut* and *allowable annual harvest* interchangeably.

²⁷ See also BIA, *Report on the Status of Indian Forest Lands Fiscal Year 2023*, March 2024, p. 3, https://www.bia.gov/sites/default/files/media_document/fy_2023_dof_status_report.pdf (hereinafter BIA, *2023 Report*).

are large contributors to the tribal economy.²⁸ Other Tribes prioritize stewardship and nontimber forest products.²⁹ In addition, some Tribes have entered the carbon credit market through a variety of forestry projects.³⁰ All of these nontimber interests are authorized by NIFRMA's provision allowing forest management in its natural state.³¹

Authorities for Tribal Control over Programs and Activities

NIFRMA allows forest management activities on Indian forest lands to be performed by BIA, or by specified tribal entities under the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA)³² and the Indian Trust Asset Reform Act (ITARA).³³ These authorities allow Tribes to seek control over the planning, administration, and management of forestry resources on their lands.

Indian Self-Determination and Education Assistance Act

ISDEAA enables specified tribal entities to assume control over certain federal programs using federal funds.³⁴ If approved by the federal agency, these tribal entities may enter into one of two instruments under ISDEAA: a *self-determination ("638") contract* or a *self-governance compact* (collectively, *ISDEAA agreements*).³⁵ Compared to 638 contracts, self-governance compacts provide more tribal autonomy. For example, they generally include more types of federal programs and responsibilities, minimize federal oversight, and provide tribal flexibility to redesign programs and reallocate resources without federal approval.³⁶

Although ISDEAA agreements have been used widely, they may not be used for activities that constitute *inherently federal functions*.³⁷ The term is undefined in law; however, DOI has explained that it interprets the term on a case-by-case basis by considering the activities the tribal

²⁸ For example, in 2023, the Menominee Tribe reported that lumber sales accounted for approximately 50% of its economic activity. See Testimony of Michael Skendore, President of Menominee Tribal Enterprises, in U.S. Congress, House Committee on Natural Resources, Subcommittee on Federal Lands, *Examining Opportunities to Promote and Enhance Tribal Forest Management*, hearing, p. 2, December 2023, https://naturalresources.house.gov/uploadedfiles/skenadore_testimony.pdf (this hearing is referred to hereinafter as Federal Lands Subcommittee, *Examining Opportunities*).

²⁹ For example, in 2023, the Yurok Tribe reported that it manages its forests for multiple uses, such as food and medicine, in addition to timber production. See Testimony of Dawn Blake, Director of Yurok Tribal Forestry Department, in Federal Lands Subcommittee, *Examining Opportunities*, p. 3, https://naturalresources.house.gov/uploadedfiles/testimony_blake.pdf.

³⁰ National Indian Carbon Coalition, "Carbon Projects," <https://www.indiancarbon.org/carbon-projects/>.

³¹ 25 U.S.C. §3104(b).

³² 25 U.S.C. §3104(a).

³³ Indian Self-Determination and Education Assistance Act (ISDEAA, 25 U.S.C. §§5301 et. seq.) and the Indian Trust Asset Reform Act of 2016 (ITARA, 25 U.S.C. §5611-5615).

³⁴ Tribal entities eligible to use contracts or compacts under the Indian Self-Determination and Education Assistance Act (ISDEAA) include "Indian tribes" (federally recognized Tribes), tribal organizations, and tribal consortia. Pursuant to a 2021 U.S. Supreme Court decision, ISDEAA's definition of "Indian tribe" includes Alaska Native Corporations (*Yellen v. Confederated Tribes of the Chehalis Reservation*, 594 U.S. 338, 367 (2021)).

³⁵ These contracts are popularly known as "638 contracts" after the original public law number.

³⁶ See Geoffrey D. Strommer and Stephen D. Osborne, "The History, Status, and Future of Tribal Self-Governance Under the Indian Self-Determination and Education Assistance Act," *American Indian Law Review*, vol. 39, no. 1 (2014), pp. 1-75, <https://digitalcommons.law.ou.edu/ailr/vol39/iss1/1>.

³⁷ 25 U.S.C. §56361.

entity seeks to assume, the applicable federal law governing the activities, and the amount of authority DOI would retain.³⁸

Indian Trust Asset Reform Act

Title II of ITARA provides a 10-year authority (set to expire on June 22, 2026) for the Secretary of the Interior to establish and carry out an Indian Trust Asset Management Demonstration Project. Under the authority, specified tribal entities may apply to manage trust assets without approval of the Secretary of the Interior.³⁹ If selected, a tribal entity must submit a proposed Indian Trust Asset Management Plan or Project (collectively, ITAMP) that identifies the trust assets the tribal entity will manage, as well as the functions or activities the tribal entity will carry out.⁴⁰ ITARA did not define *trust asset*, and an ITAMP can propose that a tribal entity manage residential, business, agricultural, wind, or solar resource leasing, or forest land management activities.⁴¹ As part of the ITAMP, a Tribe may propose tribal regulations governing Indian forest land management activities, or identify federal regulations that will be superseded.⁴² If the Tribe's forestry regulations are approved by the Secretary, the Tribe may assume certain BIA functions, such as approving timber sales.⁴³ DOI has stated that it evaluates proposed trust assets to be managed and regulations to be superseded on a case-by-case basis.⁴⁴

Indian Forest Land Management in Practice

In practice, this combination of authorities has resulted in a variety of configurations for the administration of Indian forest lands. Tribal entities may choose different options for the delivery of federal programs, including forest management, depending on their capacity and interests. For example, depending on a Tribe's use of ISDEAA and/or ITARA, some or all forest management activities may be conducted by BIA or the Tribe. For some Tribes, most or all activities are administered by BIA. Others prefer the administrative flexibility of ISDEAA and ITARA: as of 2023, more than 80% of Indian forest land acres were being managed in part or fully by Tribes under ISDEAA agreements.⁴⁵ According to BIA, four Tribes have been approved under ITARA, and two of them are operating their forestry programs under their tribal forestry regulations.⁴⁶ Whether BIA or a Tribe takes the lead in managing Indian forest lands affects tribal administrative flexibility, as described in **Table 1**.

³⁸ DOI, Office of the Solicitor, "Inherently Federal Functions Under the Tribal Self-Governance Act," memorandum, May 17, 1996, <https://tribalselfgov.org/wp-content/uploads/2019/07/Inherent-Federal-Functions-Leshy-1996.pdf>.

³⁹ 25 U.S.C. §5612.

⁴⁰ 25 U.S.C. §5613.

⁴¹ 25 U.S.C. §5614.

⁴² 25 U.S.C. §5614.

⁴³ IFMAT, *2023 Report*, p. 46, https://www.bia.gov/sites/default/files/media_document/ifmat_iv_report.pdf#page=59.

⁴⁴ BIA, "Response to Tribal Comments on Establishment of the Indian Trust Asset Reform Act Demonstration Project," p. 7, https://www.bia.gov/sites/default/files/dup/assets/as-ia/raca/pdf/Response-to-Consultation-Questions_FINAL_508.pdf.

⁴⁵ IFMAT, *2023 Report*, p. 46.

⁴⁶ Testimony of Bodie K. Shaw, BIA, Deputy Regional Director—Trust Services, Northwest Region, in Federal Lands Subcommittee, *Examining Opportunities*, p. 1, https://naturalresources.house.gov/uploadedfiles/testimony_shaw.pdf (hereinafter Shaw, "Testimony").

Table 1. Tribal Administrative Flexibility Under Different Indian Forest Management Regimes

	Entity Managing Indian Forest Land		
	Bureau of Indian Affairs (BIA)	Tribe Under ISDEAA	Tribe Under ITARA
National Indian Forest Resources Management Act	Applies	Applies	Applies
BIA Forestry Regulations (25 C.F.R. §163)	Apply	Apply	Do not apply ^b
Other federal regulations	Apply	Apply	May be superseded by tribal regulations ^b

Source: Congressional Research Service.

Notes: ISDEAA = Indian Self-Determination and Education Assistance Act. ITARA = Indian Trust Asset Reform Act. ITAMP = Indian Trust Asset Management Plan or Project.

- a. The ITAMP must incorporate by reference the Tribe's forestry regulations, which must be consistent with 25 C.F.R. §163 (25 U.S.C. §5614).
- b. A Tribe may identify any federal regulations that will be superseded in its ITAMP (25 U.S.C. §5614). BIA has stated that it will evaluate this aspect of ITAMPs on a case-by-case basis (BIA, "Response to Tribal Comments on Establishment of the Indian Trust Asset Reform Act Demonstration Project," p. 7, https://www.bia.gov/sites/default/files/dup/assets/as-ia/raca/pdf/Response-to-Consultation-Questions_FINAL_508.pdf).

In addition, whether BIA or a Tribe takes the lead in managing Indian forest lands affects the availability of appropriations. NIFRMA requires the Secretary of the Interior to financially support Tribes to build capacity for their own forest management programs.⁴⁷ To implement NIFRMA and related laws, Congress typically appropriates discretionary funding to the Forestry subactivity within BIA's Operation of Indian Programs account.⁴⁸ The Forestry subactivity is a recurring budget line item that BIA uses to support tribal forestry activities, or that Tribes can use to assume these functions through ISDEAA agreements.⁴⁹ Under ISDEAA agreements, tribal entities are entitled to what the federal agency would have otherwise spent operating that program plus administrative costs.⁵⁰ There is no separate, specific BIA appropriation to implement ITARA. A Tribe must use existing ISDEAA or tribal funding to implement ITARA.⁵¹

⁴⁷ 25 U.S.C. §3110.

⁴⁸ Other BIA funding that may contribute to forest management activities is excluded from this analysis. In addition, funding for DOI's Office of Wildland Fire for activities on tribal lands that reduce wildfire risk on forested tribal lands is excluded from this analysis.

⁴⁹ BIA has stated that BIA Forestry funds are primarily used to support staff that conduct forest land management activities (Shaw, "Testimony," p. 1). See also CRS Report R47723, *Bureau of Indian Affairs: Overview of Budget Issues and Options for Congress*, by Mariel J. Murray.

⁵⁰ ISDEAA requires the payment of specific administrative costs associated with ISDEAA agreements, including reasonable *contract support costs* (CSCs) and *payments for tribal ("105(l)") leases*. See generally CRS Report R48256, *Tribal Self-Determination Authorities: Overview and Issues for Congress*, coordinated by Mariel J. Murray.

⁵¹ BIA, "Response to Tribal Comments on Establishment of the Indian Trust Asset Reform Act Demonstration Project," pp. 5-6, https://www.bia.gov/sites/default/files/dup/assets/as-ia/raca/pdf/Response-to-Consultation-Questions_FINAL_508.pdf.

Tribal Input in Forest Management on Federal Lands

In addition to BIA, Congress has provided federal land management agencies with various authorities to cooperate with nonfederal entities, including Tribes.⁵² Some of these authorities allow certain agencies to cooperate with nonfederal entities to conduct cross-jurisdictional forestry activities. For example, the Good Neighbor Authority (U.S.C. §2113a) authorizes the Forest Service (FS) and Bureau of Land Management (BLM) to enter into agreements or contracts with nonfederal entities, including Tribes, to conduct forest, rangeland, and watershed restoration activities on federal lands.⁵³

In addition, Congress has provided tribal-specific partnership authorities like the Tribal Forest Protection Act (TFPA, 25 U.S.C. 3115a-b). TFPA allows specified tribal entities to propose projects on FS or BLM lands that border, or are adjacent to, Indian forest land or rangeland, to protect the Indian land from threats such as wildfire, insects, and disease. If approved, the agency and tribal entity may use various partnership authorities, including ISDEAA, to formalize the agreement. Tribes also may make use of a variety of general authorities (i.e., authorities that apply broadly, not just to Tribes) to cooperate, contract, or otherwise work with federal land management agencies.

Issues for Congress

Management of Indian Forest Lands

Congress has acknowledged the federal trust responsibility toward Indian forest lands, and continues to debate the appropriate management of these lands.⁵⁴ Issues include how to manage wildfire and whether to fund forestry activities on these lands, and if so at what level. As with other federal forests, Congress may face consideration of how to weigh economic, social, and cultural interests concerning the management and use of Indian forest lands.

Wildfire Management

Some Tribes, Members of Congress, and other stakeholders continue to debate strategies for reducing wildfire risk on Indian forest lands, especially in the estimated 41% of Indian forest lands that have “High/Very-High Wildfire Potential.”⁵⁵ Land managers use diverse strategies to manage natural resources and reduce wildfire risk, including *prescribed fire*, which is a planned fire used to meet management objectives, and *mechanical treatments*, the use of machinery to reduce vegetation that may cause fires.⁵⁶ Historically, many Tribes set fires not only to reduce

⁵² See generally U.S. Forest Service, “Start a Partnership with the USDA Forest Service or Obtain Federal Financial Assistance: A Guide for Tribal Governments,” July 2014, <https://www.fs.usda.gov/spf/tribalrelations/documents/tools/StartPartnershipTribalGuide.pdf>.

⁵³ See generally CRS In Focus IF11658, *The Good Neighbor Authority on Federal Lands*, by Anne A. Riddle.

⁵⁴ 25 U.S.C. §3101.

⁵⁵ Testimony of Michael Skenadore in Federal Lands Subcommittee, *Examining Opportunities*, p. 3, https://naturalresources.house.gov/uploadedfiles/skenadore_testimony.pdf. See also IFMAT, *2023 Report*, p. 88, and Wildland Fire Mitigation and Management Commission, *On Fire: The Report of the Wildland Fire Mitigation and Management Commission*, pp. 54-55, <https://www.usda.gov/sites/default/files/documents/wfmmc-final-report-09-2023.pdf> (hereinafter Wildland Fire Commission, *On Fire*).

⁵⁶ See CRS Report R48779, *Hazardous Fuels and Wildfire Mitigation: Background and Congressional Considerations*, for more information.

wildfire risk, but also for cultural purposes such as supporting the vegetation and wildlife that provided food, clothing, and other items. This practice is sometimes called *cultural burning*.⁵⁷

Recent Congresses have considered options to facilitate increased use of these techniques on Indian forest lands. For example, during the 119th Congress, a discussion draft *Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship (FORESTS) Act* would propose authorizing FS and BLM to enter into agreements with Tribes to conduct prescribed fire or cultural burns on federal forest lands “to help restore controlled fire in areas where it will be safe and beneficial.”⁵⁸ Others may view Tribes’ existing authorities as sufficient to use these techniques on these lands.

Funding

Whether to fund Indian forest land management activities, and if so at what level, is a perennial issue. To implement NIFRMA and related laws, Congress typically appropriates discretionary funding to the Forestry subactivity within BIA’s Operation of Indian Programs account.⁵⁹ The Forestry subactivity is a recurring budget line item that BIA uses to support tribal forestry activities, or that Tribes can use to assume these functions through ISDEAA agreements.⁶⁰

Partially in response to tribal requests, Congress increased funding for the BIA Forestry subactivity over 14 from FY2020 to FY2024, from about \$55 million to \$63 million in nominal dollars.⁶¹

Nevertheless, the 2023 IFMAT report claimed that tribal forestry departments are underfunded and understaffed.⁶² In particular, of the 41 tribal organizations that IFMAT interviewed for the report, less than 50% were receiving the funding to staff their forestry programs as mandated by NIFRMA.⁶³ Some Tribes have also asked for increased funding specifically for prescribed burns, due to “their important role in preservation and preventing wildfires.”⁶⁴

Congress may consider BIA forestry’s funding in relation to funding for other federal forestry programs. In NIFRMA, Congress found that federal funding for forest management on tribal lands is “significantly below the level of investment in United States Forest Service, Bureau of Land Management, or private forest land management.”⁶⁵ The 2023 IFMAT report stated that over \$200 million would be needed to bring BIA Forestry in line with funding for comparable FS

⁵⁷ See “Indigenous Fire Stewardship: Federal/Tribal Partnerships for Wildland Fire Research and Management,” *Fire Management Today*, vol. 79, no. 1 (January 2021).

⁵⁸ U.S. Congress, House Committee on Natural Resources, Subcommittee on Federal Lands, *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,”* May 20, 2025, p. 8, https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_sub_on_fl_leg_hrg_on_forests_act__05.20.25.pdf (hereinafter Federal Lands Subcommittee, *FORESTS Act hearing*).

⁵⁹ Other BIA funding that may contribute to forest management activities is excluded from this analysis. In addition, funding for DOI’s Office of Wildland Fire for activities on tribal lands that reduce wildfire risk on forested tribal lands is excluded from this analysis.

⁶⁰ See generally CRS Report R47723, *Bureau of Indian Affairs: Overview of Budget Issues and Options for Congress*, by Mariel J. Murray.

⁶¹ See *Congressional Record*, vol. 168, no. 42, Book IV (March 9, 2022), p. H2486, <https://www.congress.gov/117/crec/2022/03/09/168/42/CREC-2022-03-09-bk4.pdf>.

⁶² IFMAT, *2023 Report*, p. 2.

⁶³ 25 U.S.C. §3110.

⁶⁴ Testimony of Michael Skenadore in Federal Lands Subcommittee, *Examining Opportunities* p. 3, https://naturalresources.house.gov/uploadedfiles/skenadore_testimony.pdf.

⁶⁵ 25 U.S.C. §3101.

and BLM lands at a timber production level of 400 million board feet per year.⁶⁶ In addition to regular appropriations, Congress has, at times, provided supplemental funding for tribal forestry-related activities at the FS and BLM. For example, although there is no specific budget line item in regular discretionary appropriations for the Forest Service to implement TFPA, it received up to \$8 million for each of FY2022-FY2026 in the Infrastructure Investment and Jobs Act (P.L. 117-58) for this purpose.

Congress also may consider other potential sources of funding for tribal forest management. For example, in 2025, Congress authorized Tribes to retain revenue from timber harvested pursuant to the Good Neighbor Authority and to use that revenue to carry out specified activities under good neighbor agreements (GNAs). Prior to 2025, only states had this authority.⁶⁷ These activities may occur on federal land, tribal land, or other nonfederal land covered by the GNA. It is unclear to what degree this authority may provide greater funding for Tribes to conduct forest management. However, prior to the expansion to Tribes, the authority resulted in significant revenues to states, with the Western Council of State Foresters reporting a net value of \$89 million in timber sales under GNAs within their member states over an unspecified timeframe.⁶⁸

Federal Versus Tribal Control

Another consideration is how federal oversight of forestry on tribal lands may be weighed against tribal self-determination. Although all of the tribal forestry authorities discussed in this report require federal oversight, Congress has increasingly provided for tribal self-determination, and many Tribes have made use of these authorities: approximately 80% of Indian forest lands are managed wholly or partially under ISDEAA rather than direct service from BIA.⁶⁹ Some have also criticized federal agencies for not adequately supporting Tribes in asserting control over their forestry resources. For example, the 2023 IFMAT report found that BIA has not “kept up with the need to adequately service, financially and technically, self-governance tribes.”⁷⁰ In the 119th Congress, the House Committee on Natural Resources held an oversight hearing on BIA’s implementation of ITARA.⁷¹

Management of Forested Lands Associated with Other Indigenous Entities

In addition to Tribes, other Indigenous entities in the United States include Native Hawaiians and Alaska Native Corporations. Congress has recognized a special trust responsibility toward Native Hawaiians; however, there are no Tribes or tribal lands in Hawaii.⁷² Alaska Native Corporations (ANCs) own and manage fee lands in Alaska distributed under the Alaska Native Claims Settlement Act (ANCSA).⁷³ Tribes are often located within ANC boundaries. One Tribe, the

⁶⁶ IFMAT, *2023 Report*, p. 70.

⁶⁷ 16 U.S.C. §2113a. This provision was added by P.L. 118-234, §351.

⁶⁸ Council of Western State Foresters, *Western State Forestry Agencies Good Neighbor Authority Activities and Accomplishments*, October 2025, https://www.westernforesters.org/sites/default/files/2025GNASynthesis_Final.pdf.

⁶⁹ IFMAT, *2023 Report*, p. 46.

⁷⁰ IFMAT, *Recommendations for Action*, 2023, https://www.bia.gov/sites/default/files/media_document/ifmat_iv_summary.pdf.

⁷¹ U.S. Congress, House Committee on Natural Resources, Subcommittee on Indian and Insular Affairs, *Federal Indian Trust Asset Management: Progress Made But Improvement Needed*, hearing, 119th Cong., 1st sess., February 25, 2025.

⁷² See, for example, 42 U.S.C. §11701.

⁷³ 43 U.S.C. §§1601 et seq.

Metlakatla Indian Community of the Annette Island Reserve, was excluded from ANCSA, making the Annette Island Reserve the only reservation (with tribal trust lands) in Alaska.⁷⁴ For more discussion of forestry in Alaska, see the text box below.

Forestry in Alaska

For various reasons, forestry in Alaska is unique. Under the Alaska Native Claims Settlement Act, Alaska Natives received approximately 45 million acres, the majority of which were to be divided among Alaska Native village corporations and regional corporations (collectively, Alaska Native Corporations or ANCs). In Southeast Alaska, ANCs selected extensive timberlands, the majority of which were conveyed in the late 1970s. As a result, ANCs own about 25% of forested lands in Alaska. Several ANCs, such as Sealaska, began harvesting their lands in the early 1980s. Commercial logging made up a large source of income for some ANCs until the decline of the timber industry in the 1990s.

Due to their unique legal status, ANCs have been limited from using certain authorities. For example, the Tribal Forest Protection Act (TFPA) allows Tribes with lands bordering or adjacent to federal lands to conduct work on those federal lands to reduce certain risks. ANCs are not Tribes, and also lack trust lands, and are therefore ineligible to propose TFPA projects. S. 2719 in the 119th Congress would amend the TFPA to enable ANCs to propose TFPA projects by removing the requirement that Indian forest or rangelands border or be adjacent to FS or BLM lands and instead requiring that the federal land have special geographic, historical, or cultural significance to the proposing Tribe or ANC.

Source: Resource Development Council, “Alaska’s Forest Industry,” <https://www.akrdc.org/forestry>. See also Alaska Forest Association, “Alaska Timber History, Southeast Alaska,” https://www.akleg.gov/basis/get_documents.asp?session=28&docid=5932.

Federal-Tribal “Co-Management” of Forested Federal Lands

Some Members of Congress, Tribes, and others have advocated for more forest management across jurisdictions by Tribes.⁷⁵ In recent decades, tribal interest in managing federal lands (sometimes called federal-tribal *co-management*) has grown due to Tribes’ deep cultural, spiritual, and subsistence ties to the landscape.⁷⁶ Some Tribes used to live on lands now owned by the federal government, or have treaty rights to access federal lands for specific purposes, such as hunting, fishing, or gathering.⁷⁷ Some Members of Congress have asserted that many Indian forest lands are managed better than forested federal lands, and that federal-tribal co-management of federal lands can provide an opportunity to share best practices, including integrating unique tribal knowledge with contemporary resource management policies.⁷⁸ At the same time, Congress

⁷⁴ See generally CRS Report R46997, *Alaska Native Lands and the Alaska Native Claims Settlement Act (ANCSA): Overview and Selected Issues for Congress*, by Mariel J. Murray.

⁷⁵ Statement of Rep. Bruce Westerman in U.S. Congress, House Committee on Natural Resources, Oversight, *Examining the History of Federal Lands and the Development of Tribal Co-Management*, March 8, 2022 (arguing that “if we would work more closely with tribes ... then we would see not only better management on tribal lands, but we could learn from that on how we manage our federal lands”) (hereinafter House Committee on Natural Resources, Oversight, *Co-Management hearing*). See also Wildland Fire Commission, *On Fire*, p. 76.

⁷⁶ *Co-management* is not a defined term in law, and has been interpreted in different ways (see CRS Report R47563, *Tribal Co-management of Federal Lands: Overview and Selected Issues for Congress*, by Mariel J. Murray).

⁷⁷ See Testimony of Monte Mills, Charles I. Stone Professor of Law and Director of the Native American Law Center, the University of Washington School of Law, and Martin Nie, Director, Bolle Center for People & Forests, Professor of Natural Resources Policy, W.A. Franke College of Forestry and Conservation, University of Montana, in Federal Lands Subcommittee, *FORESTS Act hearing*, p. 2, <https://www.congress.gov/119/meeting/house/118223/documents/HHRG-119-II10-20250520-SD003.pdf>. See also Testimony of Phil Rigdon, Superintendent, Department of Natural Resources, Yakama Nation, in Federal Lands Subcommittee, *Examining Opportunities*, p. 2, https://naturalresources.house.gov/uploadedfiles/testimony_rigdon.pdf.

⁷⁸ Statement of Rep. Tom Tiffany in Federal Lands Subcommittee, *Examining Opportunities* (stating that tribal lands are “consistently healthier and more resilient to wildfires, drought, insects, and disease” than federal lands). See also (continued...)

and agencies can find it challenging to balance various tribal interests with other statutory mandates and interests. For example, some Tribes may want to co-manage a forested federal land area to limit development or limit access to nontribal members, whereas other stakeholders may want to access and/or develop the area.⁷⁹

The 119th Congress has considered amending existing authorities to facilitate more federal-tribal co-management of forested federal lands. For example, S. 719 would reauthorize the TFPA, authorizing the appropriation of \$15 million for each fiscal year from FY2026 to FY2031. It also would allow TFPA projects to occur on Indian forest lands and rangelands in addition to federal lands. S. 719 would also amend the TFPA to enable Alaska Native Corporations to propose TFPA projects. Among other things, the draft FORESTS Act would establish deadlines for the FS to respond to tribal TFPA proposals. S. 1462 would permanently authorize the usage of ISDEEA contracts to implement TFPA projects at the FS.

The 119th Congress has also debated establishing new federal-tribal forestry co-management authorities. Some such authorities would be general, allowing for Tribes to conduct a range of activities. For example, H.R. 3444 would establish a new federal-tribal co-management authority for Tribes to conduct forestry activities on FS lands to which they are “historically, culturally, or geographically related.” It would authorize a total of \$50 million for the period FY2026-FY2030 to implement the new authority. As another example, the draft FORESTS Act would amend NIFRMA to allow Tribes to treat federal land as “Indian forest land,” which would enable Tribes to conduct forest management activities on federal forest lands that are “principally relevant” to them.⁸⁰ Other proposed authorities concern specific uses or activities on federal land. For example, the National Prescribed Fire Act of 2025 would authorize Tribes to conduct prescribed burns on federal land through a variety of mechanisms, some including planning, training, and coordination.⁸¹

These federal-tribal co-management bills may raise multiple issues. One issue is whether new co-management authorities are needed in light of existing authorities such as TFPA and GNA.⁸² In addition, if new authorities were established, it may be unclear how they would relate to the existing authorities governing the planning, administration, and management of the underlying federal land. Another issue is the scope of activities that Tribes might assume under co-management agreements, including whether agencies may delegate activities such as federal forest planning to Tribes. In addition, the Forest Service has raised concerns that it might have difficulty deciding which Tribes are eligible to participate under some of the proposed new authorities, and might encounter situations where multiple Tribes have claims to the same area.⁸³

Statement of Rep. Raúl Grijalva in House Committee on Natural Resources, Oversight, *Co-Management hearing* (asserting that the introduced bills would ensure “the unique knowledge and expertise of indigenous communities is respected and incorporated in the management of federal lands”).

⁷⁹ For an overview of Indigenous sacred sites on federal lands, see CRS Report R48452, *Indigenous Sacred Sites: Overview and Issues for Congress*, coordinated by Mark K. DeSantis.

⁸⁰ H.R. ____, the Fostering Opportunities to Restore Ecosystems through Sound Tribal Stewardship Act, or the FORESTS Act, introduced by U.S. Rep. Jeff Hurd (R-Colo.), https://docs.house.gov/meetings/II/II10/20250520/118223/BILLS-119____ih.pdf.

⁸¹ H.R. 3889, S. 2015. The provisions of the National Prescribed Fire Act have been incorporated in the Fix Our Forests Act: S. 1462, Title I, Subtitle D—Prescribed Fire.

⁸² The Wildland Fire Mitigation and Management Commission asserted that the Forest Service needs a stand-alone authority because “the current lack of baseline co-management authority has led to limitations in the ability of the Forest Service to work in partnership with Tribes.” (Wildland Fire Commission, *On Fire*, p. 77).

⁸³ Statement of John Crockett, Deputy Chief of State, Private, and Tribal Forestry, Forest Service, in Federal Lands (continued...)

Subcommittee, *FORESTS Act hearing*, <https://www.congress.gov/119/meeting/house/118223/witnesses/HHRG-119-II10-Wstate-CrockettJ-20250520.pdf>.

Also, it is unclear what administrative and financial benefits and challenges may arise for agencies and Tribes in executing these agreements. Whether to fund co-management activities, and if so at what level, is an ongoing issue for Congress.⁸⁴

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⁸⁴ For more discussion of these issues, see CRS Report R47563, *Tribal Co-management of Federal Lands: Overview and Selected Issues for Congress*, by Mariel J. Murray.