

**TESTIMONY of
JACQUELINE EMANUEL
ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYTEM
U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS**

Regarding

H.R. 1829, “To require the Secretary of Agriculture to convey the Pleasant Valley Ranger District Administrative Site to Gila County, Arizona”, and

H.R. XXXX, Military and Veterans in Parks (MVP) Act

July 20, 2023

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA), Forest Service, regarding H.R. 1829, and H.R. XXXX, the “Military and Veterans in Parks Act” (“MVP Act”).

H.R. 1829

H.R. 1829 would authorize a land conveyance between the USDA Forest Service, Tonto National Forest and Gila County, Arizona. The conveyance would be required if requested within 180 days after enactment of the bill. The bill would establish the terms for the conveyance as well as conditions for reversion of the conveyance.

The Tonto National Forest is currently using a portion of the administrative site that consists of a fire warehouse, helipads, and a fenced parking/storage area as depicted on the legislative map as “USFS Area.” The remainder of the administrative site depicted as “Gila County Area” is currently under a special use permit as a term lease and the Tonto National Forest does not have existing plans to use it in the future. Transferring the site should not impact the Forest’s administrative or firefighting capacity, and executing the transfer is unlikely to impede the Forest and the Agency’s ability to serve the public.

This bill would include several provisions related to the transfer. The action to initiate the transfer is clearly described, and the parcel for transfer is identified through a legislative map. All of the costs of conveyance are to be borne by the recipient of the transfer, and the agency is not required to provide a covenant or warranty with respect to environmental conditions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Finally, the interest of the public and government are protected through the reversion clause; should the land cease to be used for the purpose identified in the legislation, the ownership reverts back to the USDA Forest Service.

The USDA supports H.R. 1829, as a straightforward and commonsense solution to provide Gila County Arizona with a facility that they can use to provide services to veterans, but would like to work with the committee to ensure historic resources are protected as the agency complies with Section 106 of the National Historic Preservation Act and to provide the Secretary with some oversight authority should the reversionary clause be utilized and the parcel to return to federal ownership.

H.R. XXXX, Military and Veterans in Parks (MVP) Act

USDA strongly supports the goals of the draft bill titled the Military and Veterans in Parks (MVP) Act to promote and enhance outdoor recreation opportunities for members of the Armed Forces and veterans on Federal recreational lands. The concepts contained in this discussion draft would provide tangible ways to recognize the service and sacrifice that this discussion draft is designed to honor. USDA would like to work with the discussion draft sponsor and Subcommittee on the MVP Act in addressing technical concerns noted in this testimony to ensure success in implementation of this discussion draft.

We are deeply committed to connecting all Americans to the outdoors, and we welcome this opportunity to make Federal lands even more accessible. The goals of this discussion draft are consistent with the Forest Service's engagement with stakeholders this summer in an endeavor called "Reimagine Recreation," which addresses equity and accessibility issues related to recreation opportunities on Forest Service-managed lands. Our comments on this discussion draft pertain to its effect on the Forest Service, including management of National Forest System lands. USDA defers to the U.S. Department of the Interior (DOI) on the effects of this discussion draft on DOI bureaus and the federal lands under their jurisdiction.

Section 2(a) of the discussion draft would require the Secretary of Agriculture to select a location in each Forest Service region for at least one adaptive trail, defined as a continuous, land-based route with characteristics that allow access for individuals with physical disabilities. The discussion draft would place similar requirements on the Secretary of the Interior. Locations for adaptive trails would have to be identified no later than one year from the date of enactment and would have to be completed within five years of enactment, in consultation and coordination with stakeholders. Section 2(b) would require the Secretaries to identify and develop adaptive recreation opportunities, which could include improving access to existing recreational facilities such as campgrounds and target ranges or activities such as hunting, skiing, rock climbing, boating, and biking. Section 2(c) would authorize the Secretaries to enter into agreements,

contracts, or partnerships to make adaptive rental equipment available on Federal recreational lands. Section 2 would also add inventory and reporting requirements.

Pursuant to national guidelines adopted through public notice and comment, the Forest Service provides accessible opportunities on some trails that are designed for hiker/pedestrian use. Other types of trails, such as equestrian or snowmobile trails, are designed for modes of travel that involve non-human-powered locomotion. These types of trails may accommodate people with disabilities. In addition, pursuant to national guidelines adopted through public notice and comment, the Forest Service integrates the concept of universal design into developed recreation areas on NFS lands. This approach ensures that developed recreation sites like campgrounds are accessible to all people, including people with disabilities. Some outdoor recreation opportunities, like outfitting and guiding and ski areas, are provided by concessioners, not the Forest Service. For these recreation opportunities, concessioners, rather than the Forest Service, are responsible for addressing accessibility. Concessioners are required to comply with applicable accessibility requirements. The Forest Service works with holders of ski area permits to promote accessibility at ski areas. The Forest Service would like to work with the discussion draft sponsor and Subcommittee to ensure that requirements to promote rental of adaptive recreation equipment do not conflict with concession operations on National Forest System lands. We would also suggest language regarding partnerships and other opportunities for making adaptive equipment available for use at no cost, rather than for rent, to address equity issues.

Section 3 of the discussion draft would require each Secretary concerned to coordinate with the Secretary of Veterans Affairs and the Secretary of Defense to develop educational and public awareness materials to disseminate to members of the Armed Forces and veterans regarding recreation opportunities on Federal lands that are free of charge, volunteer opportunities, availability and location of trails for users of all abilities, adaptive equipment assistance, health benefits of outdoor recreation, and programs and jobs focused on continuing national service such as the Public Land Corps, AmeriCorps, and conservation corps programs.

The Federal Lands Recreation Enhancement Act (FLREA), enacted in 2004, authorizes the Forest Service, National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, and Bureau of Reclamation to collect and retain recreation fees and requires most of the recreation fee revenues to be spent at the sites where they are collected to enhance the visitor experience and directly benefit visitors that use those sites. Section 4 of the discussion draft would exempt Veterans, Gold Star Families, and Members of the Armed Forces and their dependents from any type of recreation fees, including standard amenity recreation fees, expanded amenity recreation fees, and special recreation permit fees. This provision would apply to all noncommercial recreation fees at all Forest Service-operated sites, as well as to commercial special recreation permit fees for recreation events and outfitting and guiding. Fees at concessioner-operated Federally owned recreation sites would remain unchanged by this discussion draft because FLREA does not apply to recreation use fees charged by concessioners under other authorities. Aspects of this section would further advance the Alexander Lofgren Veterans in Parks Act, which President Biden signed into law in 2021 (Pub. L. No. 117-81, Sec. 641), by giving members of the Armed Forces and veterans free passes that are honored at thousands of Federal recreation sites nation-wide.

Additionally, Section 4 of the discussion draft would require the Secretaries to issue a special recreation permit to veterans organizations in areas where there is no limited entry permit system

and capacity is available; would require the Secretaries to waive the requirement for a special recreation permit for veterans organizations based on a finding of nominal effects; and would preclude the Secretaries from requiring a permit or reservation for a picnic area if the public is not required to obtain a permit or reservation for the area. Section 4 also would provide that service days allocated to outfitters and guides would not be applied to recreation events conducted by veterans' organizations in the area.

The goals of Section 4 generally align with USDA's Equity Action Plan, which promotes access to recreation and outdoor experiences by underserved communities. However, it is important to consider a balanced approach and the impact of recreation fee waivers for all recreation opportunities on Federal land management agencies' ability to offer the high-quality recreation services the public has come to expect. On the one hand, the Agency is proud to waive standard amenity recreation fees to veterans and members of Gold Star families pursuant to current law. On the other hand, commercial special recreation permits authorize business opportunities on Federal lands and are appropriately subject to a special recreation permit fee. The Forest Service relies on recreation fee revenues derived from FLREA for basic operations, to prevent its recreation sites from becoming part of its deferred maintenance backlog, to better manage Federal lands under its jurisdiction, and to respond quickly to changes in visitation levels. There would be financial impacts from the waiver on concessioners' business operations as well that should be considered. Special use permit fee waivers could result in inability to provide appropriate staffing to respond to visitor needs, particularly at units with large active duty or veteran populations, potentially resulting in unintended outcomes. USDA would like to work with the discussion draft sponsor and Subcommittee on technical improvements and clarifications to Section 4 of the discussion draft as there could be significant financial impacts on commercial recreation service providers. It would be important to minimize any real or perceived differences in treatment from other permitted user groups, including those aimed at supporting other populations with vocational or rehabilitative needs.

Section 5 of the MVP Act would seek to promote military and veteran outdoor recreation through partnerships, including authority to provide financial and technical assistance. Section 6 of the discussion draft would require the Secretaries of Agriculture and the Interior jointly to develop a strategy within one year of enactment to increase visits to Federal recreational lands by members of the Armed Forces, veterans, and Gold Star Families.

Section 7 of the discussion draft would require representation for veteran organizations on Recreation Resource Advisory Committees (RRACs). USDA questions the need for Section 7 given that RRACs are focused on making recommendations about proposed recreation fees and Section 4 would exempt veterans from paying those fees.

Section 8 would encourage the hiring of veterans in all positions related to management of Federal lands and would require the Secretary concerned to establish a new program or expand an existing program to recruit, train, and accept members of the Armed Forces and veterans as volunteers on Federal recreational lands. USDA supports the intent of these provisions as they would provide an opportunity to create a new program, in collaboration with the Department of Defense, for targeting outreach to service members and veterans as well as forging new paths to hiring in Federal land management agencies. We would be interested in discussing changes to the Public Land Corp Act with the sponsor and Subcommittee to advance these pathways.

Conclusion

USDA strongly supports the goals of the discussion draft to benefit active-duty military personnel and their families as well as veterans. We do, however, have concerns about financial and programmatic impacts of the discussion draft. This discussion draft would not be revenue-neutral compared to existing statutory authority, and we would like to work with the bill sponsor and Subcommittee to minimize revenue impacts. Additionally, we would like to work with the discussion draft sponsor, the Subcommittee, and our partner land management agencies regarding improvements to the discussion draft that could aid the agencies in administering affected programs more efficiently and equitably. Finally, FLREA is not permanent, and if this discussion draft were enacted, elements of its implementation could be affected if FLREA expired. The Administration's FY 2024 budget proposes appropriations language to extend the authorization of FLREA through 2025.

That concludes my testimony, Mr. Chairman. I would be happy to answer any questions you or the other members have for me.