HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands; Aniela Butler, Brandon Miller, Jason Blore, and Colen Morrow – Aniela@mail.house.gov, Brandon.Miller@mail.house.gov, Jason.Blore@mail.house.gov, and Colen.Morrow@mail.house.gov; x6-7736
Date: Tuesday, November 14, 2023
Subject: Legislative Hearing on 7 Forestry Bills

The Subcommittee on Federal Lands will hold a legislative hearing on 7 forestry bills:

- Discussion Draft of H.R.____ (Rep. Westerman), *"Biochar Innovations and Opportunities Forest Conservation, Health, and Advancements in Research (BIOCHAR) Act"*;
- H.R. 4235 (Rep. Kim), *"Wildfire Technology Demonstration, Evaluation, Modernization, and Optimization Act"*;
- H.R. 4353 (Rep. Salinas), *"Civilian Conservation Center Enhancement Act of 2023"*;
- H.R. 4717 (Rep. Lamborn), *"Locally Led Restoration Act of 2023"*;
- H.R. 5582 (Rep. Barr), *"White Oak Resilience Act"*;
- H.R. 5665 (Rep. Stansbury), *"Promoting Accessibility on Federal Lands Act of 2023"*; and
- H.R. 6070 (Rep. Amodei), To amend the Military Lands Withdrawal Act of 1999 to clarify the authority of the Department of Defense to conduct certain military activities at the Nevada test and training range, and for other purposes.

The hearing will take place on **Tuesday, November 14 at 2:00 p.m.** in room 1324 Longworth House Office Building.

Member offices are requested to notify Colen Morrow (Colen.Morrow@mail.house.gov) by 4:30 p.m. on Monday, November 13, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Republican legislation on today's hearing, including bills offered by Chairman Westerman and Rep. Lamborn, create new markets for high- and low-value materials coming from our overstocked national forests. Creating these markets is vital to address the wildfire crisis responsibly and efficiently.
- Rep. Kim and Rep. Barr's bipartisan legislation create new models for public-private partnerships that will enhance forest health by incentivizing the adoption of new technology and restoring a keystone species, respectively.

- Rep. Amodei's bipartisan legislation would enhance critical Air Force operations at the Nevada Test and Training Range, the Air Force's most important test and training asset as it prepares airmen to counter 21st Century threats posed by countries like China.

II. WITNESSES

Panel I (Members of Congress):

- ***To Be Announced***

Panel II (Administration Officials):

- **Mr. Jeff Rupert,** Director, Office of Wildland Fire, U.S. Dept. of the Interior, Washington, D.C. *[All bills]*
- **Ms. Jaelith Hall-Rivera,** Deputy Chief, State, Private, and Tribal Forestry, Forest Service, U.S. Dept. of Agriculture, Washington, D.C. *[All bills]*
- **Mr. Edwin Oshiba**, Principal Deputy Assistant Secretary of the Air Force for Energy, Installations, and Environment, Dept. of the Air Force, Washington, D.C. *[H.R. 6070]*

Panel III (Expert Witnesses):

- **The Hon. Dwayne McFall**, Commissioner –District 3, Fremont County, CO *[H.R. 4717]*
- **Mr. Pat Sherren,** Director – New Product Development and Sales, Metzler Forest Products, Reedsville, PA *[Westerman Discussion Draft]*
- **Mr. Jim Topoleski**, Division Chief for Air and Wildland Division, San Bernardino County Fire Department, Redlands, CA *[H.R. 4235]*
- **Mr. Jason Meyer,** Executive Director, White Oak Initiative, Grand Rapids, MI *[H.R. 5582]*
- **Ms. Linda Goodman**, Fmr. Regional Forester and Forest Service Job Corps National Director, National Job Corps Association, Washington, D.C. *[H.R. 4353] [Minority witness]*
- **Ms. Janessa Goldbeck**, CEO, Vet Voice Foundation, Portland, OR *[H.R. 5664] [Minority witness]*

III. BACKGROUND

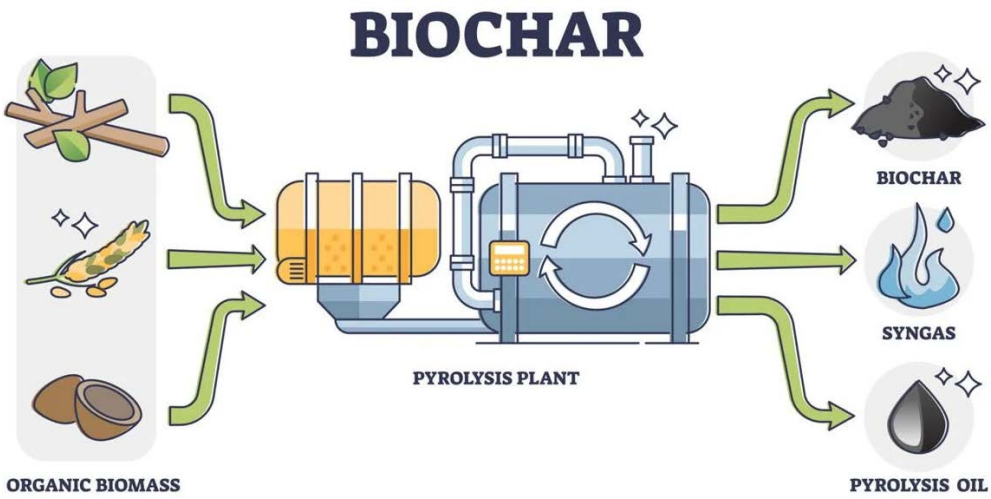
Overview

In recent years, the U.S. has suffered from troubling increases in both the size and frequency of wildfires.[1] A dangerous build-up in hazardous fuels, exacerbated by drought conditions and rising temperatures, have turned fire seasons into fire years.[2] Consequently, the immense costs of wildfire damage—as measured in lives lost, property destroyed, and acres burned—are also escalating.[3] The epicenter of this crisis are the tinderboxes of overgrown, fire-prone thickets known as our federal forests. Federal land management agencies oversee a combined 117 million acres of federal land at high or very high risk of wildfire, representing nearly one-fifth of the

[1] U.S. Department of Agriculture, "Wildfires in All Seasons?", Deb Schweizer, June 27, 2019, https://www.usda.gov/media/blog/2019/06/27/wildfires-all-seasons.
[2] *Id.*
[3] *Id.*

overall land managed by the agencies.[4] Across the country, there are now more than one billion acres at risk of wildland fire.[5] The bills on today's agenda confront this wildfire crisis by encouraging the adoption of new technologies, creating new markets for timber and low-value materials, and encouraging scientific forest ecosystem restoration.

H.R.____ (Rep. Westerman), *"BIOCHAR Act"*



Source: Vector Mine, no date.[6]

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. Biochar is an innovative solution that could allow federal land managers to utilize excess and low-value hazardous fuels, thus increasing the pace and scale of forest management. Biochar's usage dates back several centuries and can even be traced to indigenous people in South America over 2,000 years ago.[7] Biochar 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.[8] The majority of the biochar produced today comes from plant and animal biomass, such as forest material, residential plant trimmings, and food processing litter.[9] The pyrolysis process produces three products: bio-oil (liquid form), biochar (solid form), and syngas (gaseous form).[10] Bio-oil and syngas both contain fuel value and there are ongoing efforts to further refine

[4] Hoover, Katie, "Federal Wildfire Management: Ten-Year Funding Trends and Issues (FY2011-FY2020)," October 28, 2020, CRS, R46583.
[5] Testimony of Christopher French, Deputy Chief, U.S. Forest Service, before the Senate Energy and Natural Resources Committee, June 24, 2021, https://www.energy.senate.gov/services/files/AAF7DF40-2A47-4951-ADA4-4B124AD3894F.
[6] Vector Mine, November 9, 2023. https://vectormine.com/item/biochar-syngas-and-oil-production-by-pyrolysis-plant-from-organic-biomass/.
[7] USFS, "Traditional Ecological Knowledge: Biochar and the modern world," November 28, 2022, https://www.fs.usda.gov/inside-fs/delivering-mission/sustain/traditional-ecological-knowledge-biochar-and-modern-world.
[8] U.S. Department of Agriculture, "Biochar", https://www.climatehubs.usda.gov/hubs/northwest/topic/biochar.
[9] Rochester Institute of Technology, "What is biochar and how is it made?" January 20, 2021, https://www.rit.edu/sustainabilityinstitute/blog/what-biochar-and-how-it-made.
[10] U.S. Department of Agriculture, "What is Pyrolysis?", https://www.ars.usda.gov/northeast-area/wyndmoor-pa/eastern-regional-research-center/docs/biomass-pyrolysis-research-1/what-is-pyrolysis/.

both through pyrolysis.[11] Lastly, due to the lack of oxygen in pyrolysis, any emissions associated with the process can be contained.[12]

A crew loads low value excess fuels into a portable biochar machine on BLM land in Oregon. **Source:** The Register Guard, 2023.

Biochar contains numerous benefits for improving forest health, agricultural productivity, and rural economies. First, 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. Second, biochar offers enormous long-term carbon sequestration benefits. Research estimates that biochar, which retains 50 percent of the carbon of its original feedstock, can sequester that carbon in soil for hundreds or even thousands of years.[13] Third, biochar is an extremely helpful soil additive that can be used to improve agricultural lands or even remediate abandoned mine lands. Due to its porous nature, biochar holds nutrients and water in the soil to improve crop yield and reduce toxins. Lastly, the byproducts of biochar, including syngas and bio-oil, contain numerous benefits such as potential fuel sources.

Despite the promises of biochar, commercialization of this technology is still in its early stages. Therefore, Chairman Westerman will reintroduce the "Biochar Innovations and Opportunities Forest Conservation, Health, and Advancements in Research (BIOCHAR) Act," to lay the groundwork for biochar to reach its full environmental and agricultural potential. The legislation would create demonstration projects in each region of the Forest Service (FS) and Bureau of Land Management (BLM) to test biochar using different feedstocks in various facilities. The bill would require 50 percent of the feedstock for these projects to come from mechanical thinning and forest health activities carried out on federal land. The BIOCHAR Act also directs the Secretary of the Interior to conduct research on biochar uses and its carbon sequestration potential and encourages research at various academic institutions and national labs. In selecting locations for demonstration projects, the agencies must consider various factors including nearby lands that are at high risk of wildfire and areas with high demand for biochar.

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[11] *Id.*
[12] Utah State University, "What is Biochar and How is it Used?", Marion Murray, January 2021, https://extension.usu.edu/pests/research/biochar.
[13] *Id.* Reverse Carbon, "New science says biochar carbon sink has duration over 1000 years", https://www.reversecarbon.com/blog/100-years-and-what.

H.R. 4235 (Rep. Kim of California), *"Wildfire Technology DEMO Act"*

As fire suppression costs continue to rise, the utilization of new and emerging technologies such as drones, artificial intelligence (AI), and machine learning have the potential to play a crucial role in lowering costs, protecting communities, and improving firefighting efficiencies. Technology can be an effective tool for fast fire detection, monitoring, and planning while reducing the safety risk of those on the front lines.[14] For example, drones can allow firefighting teams to monitor fires when manned flights are unable to, including during nighttime operations or in areas of thick smoke and high winds, while also eliminating aviation risks.[15] AI can also help firefighters and land management agencies assess historical and current wildfire data when considering how to respond to a fire.[16] Federal spending on fire suppression averaged $2.5 billion between 2016 and 2020.[17] Investing in new technologies that catch fires early can ultimately reduce the amount of money spent annually on fire suppression.

While many state agencies and private landowners are adopting these new technologies, the federal government has historically lagged behind in testing out new wildfire suppression technologies.[18] To address this, the "Wildfire Technology Demonstration, Evaluation, Modernization, and Optimization (DEMO) Act" creates a federal testbed pilot program to identify and adopt new and innovative wildfire prevention, detection, communication, and mitigation technologies. This pilot program would allow federal agencies to test emerging technologies at scale to improve hazardous fuels reduction treatments, dispatch communications, remote sensing and tracking, safety equipment, and operational dashboards. The pilot program would prioritize public-private partnerships with entities already developing new technologies in the fields of AI, quantum sensing, augmented reality, and 5G private networks. This bipartisan bill, which is co-led by Representative Crow (D-CO), would encourage innovation, lower fire suppression costs, and lead to quicker and more effective suppression and forest health outcomes.

H.R. 4353 (Rep. Salinas), *"Civilian Conservation Center Enhancement Act of 2023"*

With jurisdiction over hundreds of millions of acres of federal forestland, the FS and Department of the Interior (DOI) are the two primary employers of forestry professionals and federal wildland firefighters.[19] As wildfire seasons turn into wildfire years, FS and DOI are facing unprecedented challenges recruiting and retaining wildland firefighters. The seasonal firefighting forces agencies typically relied upon are no longer adequate.[20] Instead, agencies must train and hire more candidates to account for lengthier work periods and to prevent fatigue.[21] Despite the

[14] Western Fire Chiefs Association, "New Technology to Fight Wildfires", March 30, 2023, https://wfca.com/articles/new-technology-wildfires/.
[15] Wildfire Today, Drones are playing an increasingly important role in fighting wildfires, October 5, 2022, https://wildfiretoday.com/2022/10/05/drones-are-playing-an-increasingly-important-role-in-fighting-wildfires/.
[16] Western Fire Chiefs Association, "New Technology to Fight Wildfires", March 30, 2023, https://wfca.com/articles/new-technology-wildfires/.
[17] *Id.*
[18] NPR, "Firefighters and researchers are turning to AI to help fight fires," July 25, 2023, https://www.npr.org/2023/07/25/1189901985/firefighters-and-researchers-are-turning-to-ai-to-help-fight-fires.
[19] *Id.*
[20] *Id.*
[21] *Id.*

pressing need for a more robust firefighting workforce, labor statistics reveal that the ranks of federal firefighters are steadily thinning, not expanding.[22] The agencies are also facing parallel difficulties hiring professional foresters who are trained and experienced in scientific forestry practices. This leads to wildland firefighters often playing dual roles of land managers and firefighters.

To partially address these challenges, FS and DOI developed programs to encourage and prepare young people to become professionally involved in natural resource management. Notable among such undertakings is the U.S. Department of Agriculture's (USDA) Job Corps program, which operates 24 Civilian Conservation Centers (CCCs) in locations across the country.[23] At CCCs, FS personnel help eligible youth, ranging from ages 16 to 24, acquire the skills and training needed to embark on careers in forestry, natural resource conservation, land management, wildland firefighting, and related trades.[24] H.R. 4353, the "Civilian Conservation Center Enhancement Act of 2023," seeks to leverage and expand upon the USDA's Job Corps existing CCCs infrastructure to help meet the growing threat of wildfires.

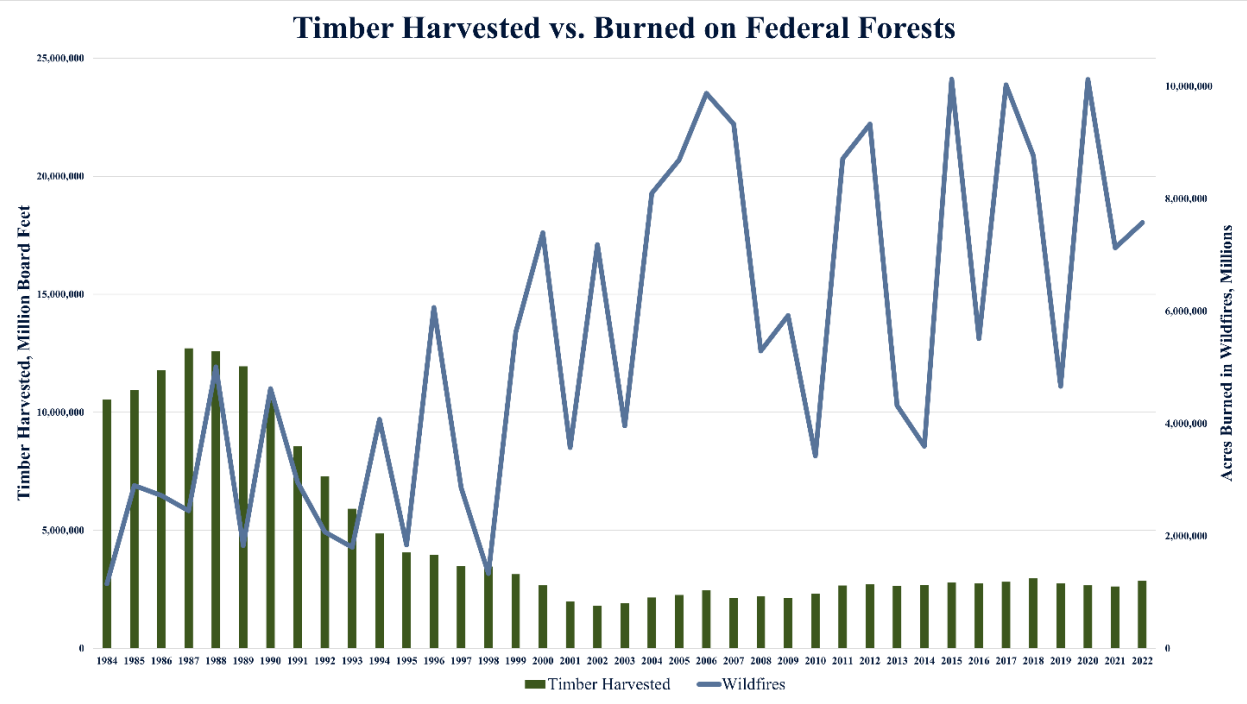
H.R. 4353 broadens the definition of CCCs to include similar training facilities administered by DOI. H.R. 4353 then directs FS and DOI to provide specialized training in wildland firefighting, forestry, and rangeland management at all CCCs. Given the present deficit of employees who are skilled in these subjects, the bill gives the new trainings priority status. FS is charged with developing pilot courses and curricula for the training initiatives, which are to be informed by an assessment of the prevailing personnel shortages at federal land management agencies. Several provisions of H.R. 4353 aim to boost the hiring of CCC alumni, assign alumni to strategic positions in the workforce, and lower their anticipated costs. Specifically, FS and DOI must each aspire to take on 300 CCC graduates per year. The new employees are to be immediately placed in wildland firefighting groups or other crucial roles. Further, FS and DOI are empowered to streamline the hiring process for CCC graduates via direct hire authority. To reduce the graduates' living costs, both agencies must utilize CCC students to build and renovate housing facilities for wildland firefighters. H.R. 4353 is co-led by Representative Edwards (R-NC-11).

H.R. 4717 (Rep. Lamborn), *"Locally Led Restoration Act of 2023"*

Federal lands are overstocked with dead, diseased, and insect-infested trees. In the State of Colorado alone, there are an estimated 834 million standing dead trees, or nearly one out of every fourteen trees in total.[25] According to Forest Service Chief Randy Moore, there are "600-plus-[trees per acre] in some of our locations across the West" in areas that historically held "somewhere between 40 and 80 trees per acre."[26] These dense, overgrown thickets fuel devastating wildfires that consume wildlife habitat, degrade air and water quality, and destroy lives and property. The lack of timber harvesting, one of the most effective and cost-efficient

[22] Labor shortage compounds federal firefighters' staffing woes, The Associated Press, Sam Metz, June 22, 2022, https://apnews.com/article/wildfires-fires-utah-land-management-7164f162247958d50ad9ab64bdd3cea6.
[23] Job Corps Civilian Conservation Centers, U.S. Department of Agriculture, https://www.fs.usda.gov/working-with-us/job-corps.
[24] *Id.*
[25] Colorado State Forest Service, "800 Million Standing Dead Trees in Colorado", February 15, 2017, https://csfs.colostate.edu/2017/02/15/800-million-standing-dead-trees-colorado/.
[26] U.S. Forest Service Chief Randy Moore, Testifying before the House Natural Resources Committee, https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=413081.

ways to address stand-density issues, is directly correlated with increases in the number and severity of wildfires, as depicted on the chart below:



Source: House Committee on Natural Resources based on data compiled from the U.S. Forest Service, Bureau of Land Management, National Interagency Fire Center, and Congressional Research Service, 2023.

Overstocked stands that experience wildfires, disease and insect infestations, floods, and other severe weather events can pose major safety hazards to the public in the form of hazard trees. Land managers often have to significantly curtail access to public lands, sometimes for several years, when they are unable to clear dead and dying hazard trees.[27] In addition to the dangers associated with weakened trees falling, much of this dried-out timber eventually serves as fuel for future wildfires.[28] The need to remove these hazard trees is evident, and with the record-breaking wildfires that occurred in recent years, the scale of the problem is significant. The practice of removing these hazard trees is known as salvage logging.[29] Salvage logging must happen quickly post-fire, as the timber quickly loses its value.[30] According to research conducted by the FS Pacific Northwest Research Station, "harvesting fire-killed trees quickly after wildfire can provide economic benefits to communities impacted by fire, reduce future surface woody fuels, hasten forest regeneration through artificial regeneration and promote long-term carbon sequestration in forest products."[31] Unfortunately, this quick action rarely occurs due to a combination of onerous regulations and frivolous litigation. On average, it takes approximately

[27] Healthy Forests Healthy Communities, "The case for removing dead and dying trees after last year's wildfires", April 9, 2021, https://healthyforests.org/2021/04/the-case-for-removing-dead-and-dying-trees-after-last-years-wildfires/.
[28] *Id.*
[29] U.S. Forest Service, "Salvage logging and its effects on developing understory", David W. Peterson, 2016, https://www.fs.usda.gov/research/pnw/news/highlights/salvage-logging-and-its-effects-developing-understory.
[30] The Hill, "Salvage opportunities can lock up carbon, restore forests more quickly", Bill Imbergamo, September 11, 2020, https://thehill.com/opinion/energy-environment/515983-salvage-opportunities-can-lock-up-carbon-restore-forests-more/.
[31] Forest Ecology and Management, "Post-fire logging produces minimal persistent impacts on understory vegetation", David W. Peterson and Erich Dodson, 2016, https://www.fs.usda.gov/research/treesearch/50792.

3.6 years to start a mechanical thinning project and the FS only treats a measly 2 million acres annually.[32]

H.R. 4717, the "Locally Led Restoration Act," is a bipartisan proposal that seeks to increase the pace of scale of responsible forest management, enhance salvage logging opportunities, and encourage greater coordination with local communities. The bill does this by amending the Healthy Forests Restoration Act of 2003 to allow third-party contractors to propose their own stewardship contracts, with the requirement that 10 percent of the timber proposed be salvage timber. This mirrors authorities in the Tribal Forest Protection Act that allows Tribes to propose their own stewardship contracts. Allowing third-party contractors to propose stewardship contracts would better inform the formal FS bidding process by signaling where stronger bids may be possible in the future. The FS would retain sole discretion to amend rejected proposals, reject insufficient proposals, and choose between competing contracts. This would help expedite active forest management and provide important economic benefits to local communities. Further, the bill also amends the National Forest Management Act to increase the dollar value of sales the FS can award directly to a timber purchaser with no further competitive bidding for small areas of timber. This would enable the FS to do direct sales for small, but meaningful, forest management projects that benefit local logging workforces and forest management outcomes. This bill is co-led by Representative Costa (D-CA).

H.R. 5582 (Rep. Barr), *"White Oak Resilience Act"*

Quercus alba (white oak) is a preeminent hardwood uniquely found across more than 104 million acres in the Eastern part of the United States with significant habitat, economic, and cultural value.[33] White oaks boast long lifespans, frequently surpassing 200 years and in some cases even reaching 500 years old.[34] White oaks are considered a keystone species that play a critical role in supporting healthy forest ecosystems.[35] They are especially important for wildlife, as a source of both food and habitat. White oaks host over 200 insect species, which is critically important for pollination and as a food source for birds and other animals.[36] Many birds nest in white oaks, and the bark and cavities are popular among a number of forest dwelling bats.[37]

White oaks are also prized commercial trees, providing important wood products for furniture, flooring, and a multitude of other wood products. White oaks are famously known for being used to create barrels for wine and spirits, especially bourbon whiskey. Bourbon is an American-made whiskey that by the Code of Federal Regulations must be aged in new charred oak barrels.[38] Unlike other oaks, white oak wood is almost entirely leakproof and allows less evaporation,

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[32] PERC, "Does Environmental Review Worsen the Wildfire Crisis", Eric Edwards, Sara Sutherland, June 14, 2022, https://perc.org/2022/06/14/does-environmental-review-worsen-the-wildfire-crisis/. *Id.*

[33] White Oak Initiative, "Restoring Sustainability for White Oak and Upland Oak Communities: An Assessment and Conservation Plan", https://static1.squarespace.com/static/5cd1e6d5f9df7d00015ca6a4/t/625eadbba49a066a88e68e9d/1650372118921/White-Oak-Initiative-Assessment-Conservation-Plan.pdf.

[34] *Id.*

[35] *Id.*

[36] Grow It Build It, White Oak Tree- A Complete Guide To What You Need To Know", https://growitbuildit.com/complete-guide-to-white-oak-trees-what-you-need-to-know/.

[37] *Id.*

[38] 27 CFR 5.22; https://www.govinfo.gov/app/details/CFR-2011-title27-vol1/CFR-2011-title27-vol1-sec5-22.

which makes it ideal for whiskey and wine barrels.[39] The unique properties of the wood are also credited with creating the distinct flavors in whiskey that make it such a sought-after spirit. White oaks provide 100 percent of bourbon's color and 70 percent of its flavor.[40]

Source: White Oak Initiative, 2021.

Concerningly, experts believe the white oak population will drastically decline in the next 10 to 15 years without drastic intervention to encourage white oak regeneration.[41] Due to a lack of necessary forest management practices and shifts in forest environments, the species' seedlings and saplings are not growing at a sustainable rate. According to sobering reports, roughly 75 percent of white oaks are classified as mature.[42] There are simply not enough young stands of white oak to continue the important ecosystem benefits into the future. In the face of this looming shortage, the White Oak Initiative (WOI) formed in November of 2017 with a focus on achieving long-term sustainability for this preeminent American hardwood. Similar to the Longleaf Pine Initiative, the WOI comprises a wide range of organizations, including conservation and land management agencies, forestry associations, industry representatives, private landowners, and academia.[43] In 2021, under the direction of the WOI steering committee, the American Forest Foundation and the University of Kentucky released a science-based reported entitled "*Restoring Sustainability for White Oak and Upland Oak Communities: An Assessment and Conservation Plan*."[44] This report offered a comprehensive look at the long-term trajectory of white oak in America, and offered strategies to help reverse the impending decline.[45]

Building on the recommendations of this report and the success of the WOI, Congressmen Barr (R-KY) and Bera (D-CA) introduced H.R. 5582, the "White Oak Resiliency Act." The bill would formalize the WOI, create pilot programs for white oak regeneration, and allow private funding to be utilized for white oak management and reforestation. The legislation also enables the FS to enter into memorandums of understanding with land-grant institutions, including Historically Black Colleges and Universities (HBCUs), to conduct research on white oak. Finally, this legislation addresses the tree nursery shortage and encourages the use of existing authorities that foster collaboration.

[39] University of Missouri Extension, "White Oak, Whiskey, and Wine", Hank Stelzer, Spring 2017, http://agebb.missouri.edu/agforest/archives/v21n2/gh1.php.
[40] *Id.*
[41] *Id.*
[42] *Id.*
[43] White Oak Initiative, "Board of Directors", https://www.whiteoakinitiative.org/board.
[44] *Id.*
[45] *Id.*

H.R. 5665 (Rep. Stansbury), *"Promoting Accessibility on Federal Lands Act of 2023"*

America's public lands are a popular attraction for U.S. residents and foreign visitors alike. Throughout the year, large crowds flock to these spaces, frequently drawn by the diverse recreational opportunities that are available. Unfortunately, however, individuals with disabilities are often prevented from fully participating in outdoor activities, due to the limited accessibility of many sites and facilities on federal lands.[46] The presence of these barriers is no trivial matter; research shows that outdoor recreation is associated with considerable wellness advantages, including improved mental health.[47] For individuals with disabilities, who disproportionately suffer from depression and mental distress, the health benefits of outdoor recreation take on a heightened significance.[48]

Recognizing the need for change, federal agencies, including the FS and DOI, expressed support for helping individuals with disabilities gain greater access to public lands.[49] Despite the fact that agencies are required by the Architectural Barriers Act of 1968 to measure outdoor recreation facilities and features, such as trails, for their accessibility, the FS and DOI are failing to meet these standards.[50] Upholding this commitment requires coordinated and ongoing efforts. Public disclosure of comprehensive accessibility information is also crucial, as individuals with disabilities commonly cite the lack of readily available data as a formidable obstacle to their enjoyment of federal lands.[51] Moreover, the scant information that is published rarely touches on the key accessibility details of a given recreational facility, such as the maximum gradient of, or any hazardous conditions currently affecting, a particular trail.[52]

H.R. 5665, the "Promoting Accessibility on Federal Lands Act of 2023," would require the FS and DOI to conduct comprehensive assessments of trails, campsites, boat docks, and outdoor recreation facilities on National Forest System lands and DOI-administered public lands, respectively. The assessments, which can include any pre-existing studies that evaluate the same facilities specified in H.R. 5665, will be used to determine the accessibility of those facilities for individuals with disabilities. To promote detailed disclosure, H.R. 5665 requires the FS and DOI to make their completed assessments publicly available on the agencies' official websites. H.R.

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[46] All In!: Accessibility in the National Park Service, 2015-2020, National Park Service, August, 29, 2014, https://www.nps.gov/aboutus/upload/All_In_Accessibility_in_the_NPS_2015-2020_FINAL.pdf.
[47] The Wellness Benefits of the Great Outdoors, U.S. Forest Service, March 24, 2021, https://www.fs.usda.gov/features/wellness-benefits-great-outdoors.
[48] Incidence, risk, and associated factors of depression in adults with physical and sensory disabilities: A nationwide population-based study, National Institute of Health, Szu-Ching Shen, *et al.*, March 31, 2017, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5376337/. The Mental Health of People with Disabilities, Centers for Disease Control and Prevention, November 30, 2020, https://www.cdc.gov/ncbddd/disabilityandhealth/features/mental-health-for-all.html.
[49] Access for all, U.S. Forest Service, https://www.fs.usda.gov/managing-land/national-forests-grasslands/access-for-all. Public Lands Accessibility, U.S. Department of the Interior, Office of Diversity, Inclusion and Civil Rights, https://www.doi.gov/pmb/eeo/public-lands-accessibility.
[50] Architectural and Transportation Barriers Compliance Board, Final Rule, "Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas," September 26, 2013, https://www.federalregister.gov/documents/2013/09/26/2013-22876/architectural-barriers-act-accessibility-guidelines-outdoor-developed-areas.
[51] Accessibility And The Great Outdoors: In Congressional Hearings, Disability Advocates Call Attention To 'Barriers' In National Parks, Forbes, Allison Norlian, May 5, 2021, https://www.forbes.com/sites/allisonnorlian/2021/05/05/accessibility-and-the-great-outdoors-in-congressional-hearings-disability-advocates-call-attention-to-barriers-in-national-parks/?sh=6c2d710651db.
[52] *Id.*

5665 is a bipartisan bill co-led by Representative Ciscomani (R-AZ). Similar provisions are included in the Military and Veterans in Parks (MVP) Act, which was recently introduced by Representative Kiggans (R-VA).

H.R. 6070 (Rep. Amodei), To amend the Military Lands Withdrawal Act of 1999 to clarify the authority of Department of Defense to conduct certain military activities at the Nevada Test and Training Range, and for other purposes.

Covering 2.9 million acres of land and 12,000 square miles of airspace in southern Nevada, the Nevada Test and Training Range (NTTR) is a key feature of America's defense infrastructure.[53] NTTR's vast dimensions make it the only location in the U.S. capable of hosting full-scale battlefield simulations, signifying NTTR's unique strategic value.[54] In NTTR's contiguous air and ground spaces, aircrew training, weapons testing, and other peacetime military operations can be conducted in the most realistic conditions available.[55] The importance of NTTR is continually affirmed by the presence of serious and ever-changing national security threats, such as those posed by China. Formerly known as the 98th Range Wing, NTTR was activated within Nellis Air Force Base in 2001, with predecessors dating back to the 1940's.[56] NTTR is currently used for training and combat testing by the Department of Defense (DOD), including the U.S. Air Force (Air Force), as well as for research and development by the Department of Energy.[57]

The Military Land Withdrawal Act of 1999 originally withdrew NTTR's lands from public use and reserved them for use by the Air Force.[58] The southeastern section of NTTR, however, overlaps with significant portions of the Desert National Wildlife Refuge (Refuge).[59] The Air Force and U.S. Fish and Wildlife Service (FWS) co-manage this

An A-10 Thunderbolt II, assigned to the 422nd Test and Evaluation Squadron, flying over NTTR during a weapons evaluation mission.
Source: William R. Lewis, 2022.

[53] Beth E. Lachman, *et al.*, The Nevada Test and Training Range (NTTR) and Proposed Wilderness Areas: Issues Affecting the NTTR's Land Withdrawal Renewal, RAND Corporation, 2016, https://www.rand.org/pubs/research_reports/RR1105.html.
[54] *Id.*
[55] Nevada Test and Training Range, Nellis Air Force Base, November 2021, https://www.nellis.af.mil/Units/NTTR/#:~:text=The%20Nevada%20Test%20and%20Training,support%20of%20U.S.%20national%20interests.
[56] *Id.*
[57] *Id.*
[58] Public Law No. 106–65, https://www.govinfo.gov/content/pkg/PLAW-106publ65/pdf/PLAW-106publ65.pdf.
[59] Beth E. Lachman, *et al.*, The Nevada Test and Training Range (NTTR) and Proposed Wilderness Areas: Issues Affecting the NTTR's Land Withdrawal Renewal, RAND Corporation, 2016, https://www.rand.org/pubs/research_reports/RR1105.html.

overlapping territory.[60] This joint administration—and the considerable uncertainty that has accompanied it—limits training, testing, and other activities the Air Force can conduct in the overlapping territory and its associated airspace.[61] Recognizing the difficulties involved in co-administering the overlapping NTTR and Refuge lands, the "William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021" required the Air Force and DOI to establish an interagency committee (IC) and an intergovernmental executive committee (IEC) to improve coordination and minimize conflict.[62]

H.R. 6070 facilitates improved management of NTTR and the Refuge by clarifying DOD's authority to conduct certain military activities within NTTR. Specifically, the legislation enumerates additional activities that the Air Force can perform within NTTR, including emergency response, the construction and use of up to 15 small pads for radar emitters, and the use and maintenance of existing roads to access those emitters.[63] Notably, these changes do not weaken the FWS's authority in the joint operating areas, as any Air Force activities conducted on lands under FWS's primary jurisdiction remain subject to the National Wildlife Refuge System Administration Act.[64] H.R. 6070 also strengthens the IC and IEC by clarifying their purposes and directing the assessments of authorized military activities within joint operating areas.[65] Together, H.R. 6070's provisions will help maintain NTTR's strategic worth as a unique and fully operational training and testing facility. This bipartisan bill is co-sponsored by Representatives Horsford (D-NV) and Lee (D-NV) and was previously adopted by the House earlier this year as an amendment to the National Defense Authorization Act.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

H.R.____ (Rep. Westerman), *"BIOCHAR Act"*

Section 2. Biochar Innovations and Opportunities for Conservation, Health, and Advancements in Research.

- Directs the Secretaries of Agriculture, the Interior, and Energy to enter into partnerships to conduct biochar demonstration projects in each region of the FS and BLM in two years.
- The Secretaries must give priority to project proposals that have the most carbon sequestration potential, create new jobs in rural areas, demonstrate the benefits of biochar, and are located in markets that have the greatest need for biochar production units due to high demand or wildfire risk.
- Allows the Secretaries to provide technical and financial assistance for demonstration projects to acquire and test various feedstocks, develop and optimize biochar production units, and build or expand biochar production facilities. Limits the Secretaries from providing more than 35 percent of the capital costs of establishing a biochar facility as part of a demonstration project.

[60] *Id.*
[61] *Id.*
[62] Public Law No. 116–283, https://www.govinfo.gov/content/pkg/PLAW-116publ283/pdf/PLAW-116publ283.pdf.
[63] Information provided by U.S. Air Force Staff to Committee Staff. Notes on file with Committee.
[64] *Id.*
[65] Information provided by U.S. Air Force Staff to Committee Staff. Notes on file with Committee.

- Requires that feedstocks used for biochar demonstration projects derive at least 50 percent of their materials from thinning activities conducted on federal lands.
- Directs the Secretaries to conduct regionally specific research, including economic analyses and life-cycle assessments, on biochar produced under the demonstration projects. Such research will evaluate biochar's effects on forest health and resiliency, carbon sequestration, agricultural productivity, and environmental remediation. The Secretaries will provide this data to other research institutions.
- Directs the Secretary of the Interior to establish or expand an existing biochar research and development grant program to land grant universities and HBCUs. The research will cover the ecosystem and economic benefits of biochar.
- Requires annual reports to Congress and sunsets after 7 years.

H.R. 4235 (Rep. Kim of California), *"Wildfire Technology DEMO Act"*

Section 2. Public-Private Wildfire Technology Testbed Partnership.

- Directs the Secretaries of the Interior and Agriculture, in consultation with other land management agencies, to develop a pilot program focused on new and innovative wildfire prevention, detection, communication and mitigation technologies.
- Directs the Secretaries to incorporate the pilot program into existing interagency coordinating groups on wildfire to identify priority areas and efforts to improve hazard fuels treatments, communication, remote sensing, safety equipment, and common operational pictures and dashboards.
- Requires the Secretaries to prioritize emerging technologies, such as AI and 5G networks, and make those priority technologies public.
- Sunsets after 4 years and requires a report to Congress on the implementation of the program.

H.R. 4353 (Rep. Salinas), *"Civilian Conservation Center Enhancement Act of 2023"*

Section 2. Civilian Conservation Centers.

- Amends the Youth Conservation Corps Act of 1970 by directing the Secretaries of Agriculture and the Interior to:
    - Offer specialized training programs for wildland fire, forestry, and rangeland management at CCCs.
    - Create experiment, research, or demonstration pilot projects at CCCs in areas such as machining, mill operations, and timber sale administration and preparation.
    - Identify workforce needs and develop recruitment and retention materials to address workforce gaps.
    - Set goals of hiring 300 CCC graduates annually at USDA and DOI. This section also allows the agencies to use hiring bonuses and direct hire authority.
    - Create a pilot program to deploy CCC students to repair or construct workforce housing to house wildland firefighters and other agency employees.
    - Submit a report on the implementation of the bill to Congress.

H.R. 4717 (Rep. Lamborn), *"Locally Led Restoration Act of 2023"*

Section 2. Third-Party Contracts for Wildfire Hazard Fuel Removal.

- Amends the Healthy Forests Restoration Act of 2003 to allow third-party contractors the ability to propose their own stewardship contracts. Requires 10 percent of the timber contained in the contract be salvage (defined to include wildfire kill, beetle kill, and dead or dying organic material).
- Mandates the Chief of FS publicly notice the opportunity to submit proposals for stewardship contracts at least once per year and sets up parameters for denying proposals or assessing competing contracts.
- Requires environmental review of a proposed stewardship contract within 120 days of submission.
- Restricts contracts from being proposed in wilderness areas, roadless areas, where the removal of vegetation is prohibited, and only in accordance with the relevant forest plan.
- Requires a report to Congress within 5 years of the bill's enactment on its implementation.

Section 3. Threshold for Advertised Sales.

- Amends the National Forest Management Act to increase the dollar value from $10,000 to $55,000 of sales that can be awarded directly to a timber purchaser with no further competitive bidding for small areas of timber.

H.R. 5582 (Rep. Barr), *"White Oak Resilience Act"*

Section 2. White Oak Restoration Initiative Coalition.

- Establishes the White Oak Restoration Initiative Coalition, which encompasses a voluntary collaborative group of public, state, private and non-governmental organizations to restore white oak.
- The Coalition shall run in accordance with the White Oak Initiative Coalition Charter signed on March 21, 2023.
- Tasks the Coalition with coordinating white oak restoration in the U.S. and making policy recommendations to inform federal and state agencies restoring white oak.
- Makes DOI and USDA personnel available to assist the Coalition.
- Waives the Federal Advisory Committee Act (FACA).
- Allows private funding to support the work of the Coalition.

Section 3. Forest Service Pilot Program.

- Directs the FS to carry out five pilot projects to restore white oak in national forests, including three forests from the public domain. The FS may use cooperative agreements to carry out restoration projects.

Section 4. Department of the Interior White Oak Review and Restoration.

- Requires DOI to complete an assessment of its lands to identify where white oak exists and where the greatest opportunity for restoration exists. DOI may use any source of information helpful (including state and university data).

- Requires DOI to publish the assessment and make it publicly available within 90 days of the bill's enactment.
- Directs DOI to carry out five pilot projects on its land to restore white oak. DOI may use cooperative agreements to carry out restoration projects.

Section 5. White Oak Restoration Fund.

- Amends the National Forest Foundation Act by adding a White Oak Restoration Fund to re-establish white oaks, improve management of existing white oaks, enhance natural regeneration, improve and expand white oak nursery stock, and adapt and improve white oak seedlings.
- Allows the National Forest Foundation to receive private donations to carry out these activities and requires a report to Congress on how funds are spent.

Section 6. Civilian Conservation Centers Reforestation Activities.

- Amends the Workforce and Innovation and Opportunity Act by allowing CCCs to reestablish and plant white oaks and other associated hardwoods on national forests.

Section 7. Tree Nursery Shortages.

- Requires FS to develop and implement a national strategy to increase the capacity of federal, state, tribal and private tree nurseries within one year of the bill's enactment.
- The study must be based on the best available science and address regional shortages, regional reforestation opportunities, opportunities to enhance seedling diversity, and barriers to current nursery infrastructure.

Section 8. White Oak Research.

- Allows the Secretary of Agriculture to enter into a memorandum of understanding with land grant colleges and HBCUs to conduct research on white oak genes, tree vigor, establish a diverse white oak seed bank, provide a sustainable supply of white oak seedlings, reforestation of white oak, and the best methods for reforesting abandoned mine lands.
- Allows the land grant universities to work with other non-profits, institutions of higher education, and other scientific bodies.

Section 9. USDA Formal Initiative.

- Directs the Secretary of Agriculture to create a formal initiative on white oak to re-establish white oak forests, improve management of existing white oak to foster natural regeneration, provide technical assistance to landowners, improve and expand white oak nursery stock, and adapt and improve white oak seedlings.

Section 10. Authorities.

- Encourages FS and DOI to use Good Neighbor Authority and stewardship contracting to carry out projects authorized under the bill.

H.R. 5665 (Rep. Stansbury), *"Promoting Accessibility on Federal Lands Act of 2023"*

Section 2. Comprehensive Assessment of Accessibility of Certain Federal Trails, Campsites, Boat Docks, and Outdoor Recreation Facilities.

- Requires the Secretaries of Agriculture and the Interior to conduct a comprehensive assessment of trails, campsites, boat docks, and outdoor recreation facilities on public lands to determine their accessibility for individuals with disabilities.
- Requires the report be made publicly available on the websites of the U.S. Department of Agriculture and DOI, respectively.
- Allows the agencies to utilize already completed assessments.

H.R. 6070 (Rep. Amodei), To amend the Military Lands Withdrawal Act of 1999 to clarify the authority of Department of Defense to conduct certain military activities at the Nevada Test and Training Range, and for other purposes.

Section 1. Clarification of Authority of Department of Defense to Conduct Certain Military Activities at Nevada Test and Training Range.

- Amends the Military Lands Withdrawal Act of 1999 (MLWA) to authorize additional military activities at NTTR, including emergency response, the establishment of up to 15 small pads for radar emitters, and the use and maintenance of existing roads.
- Clarifies one of the purposes of the IC is to discuss the authorized military activities as needed and provide input to FWS on whether the military activities listed in the MLWA may be conducted on DOI lands in the joint operating areas.
- Specifies that a headquarters-level participant from the FWS and Air Force are to be represented on the IC.
- Clarifies one of the purposes of the IEC is to discuss and make recommendations to the IC regarding any Air Force proposal to conduct authorized military activities in the portion of the Refuge that overlaps with NTTR and is under the primary jurisdiction of the FWS.

V. COST

None of the bills have received a formal cost estimate from the Congressional Budget Office (CBO).

VI. ADMINISTRATION POSITION

The administration position is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

H.R. 4353
H.R. 4717
H.R. 5582
H.R. 6070