

**H.R. 674, H.R. 4297, H.R. 5443,
H.R. 6994, AND H.R. 7072**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

Wednesday, January 31, 2024

Serial No. 118-94

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

54-710 PDF

WASHINGTON : 2024

COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*
DOUG LAMBORN, CO, *Vice Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Gregorio Kilili Camacho Sablan, CNMI
Tom McClintock, CA	Jared Huffman, CA
Paul Gosar, AZ	Ruben Gallego, AZ
Garret Graves, LA	Joe Neguse, CO
Aumua Amata C. Radewagen, AS	Mike Levin, CA
Doug LaMalfa, CA	Katie Porter, CA
Daniel Webster, FL	Teresa Leger Fernández, NM
Jennifer González-Colón, PR	Melanie A. Stansbury, NM
Russ Fulcher, ID	Mary Sattler Peltola, AK
Pete Stauber, MN	Alexandria Ocasio-Cortez, NY
John R. Curtis, UT	Kevin Mullin, CA
Tom Tiffany, WI	Val T. Hoyle, OR
Jerry Carl, AL	Sydney Kamlager-Dove, CA
Matt Rosendale, MT	Seth Magaziner, RI
Lauren Boebert, CO	Nydia M. Velázquez, NY
Cliff Bentz, OR	Ed Case, HI
Jen Kiggans, VA	Debbie Dingell, MI
Jim Moylan, GU	Susie Lee, NV
Wesley P. Hunt, TX	
Mike Collins, GA	
Anna Paulina Luna, FL	
John Duarte, CA	
Harriet M. Hageman, WY	

Vivian Moeglein, *Staff Director*
Tom Connally, *Chief Counsel*
Lora Snyder, *Democratic Staff Director*
<http://naturalresources.house.gov>

SUBCOMMITTEE ON FEDERAL LANDS

TOM TIFFANY, WI, *Chairman*
JOHN R. CURTIS, UT, *Vice Chair*
JOE NEGUSE, CO, *Ranking Member*

Doug Lamborn, CO	Katie Porter, CA
Tom McClintock, CA	Sydney Kamlager-Dove, CA
Russ Fulcher, ID	Gregorio Kilili Camacho Sablan, CNMI
Pete Stauber, MN	Mike Levin, CA
John R. Curtis, UT	Teresa Leger Fernández, NM
Cliff Bentz, OR	Mary Sattler Peltola, AK
Jen Kiggans, VA	Raúl M. Grijalva, AZ, <i>ex officio</i>
Jim Moylan, GU	
Bruce Westerman, AR, <i>ex officio</i>	

CONTENTS

	Page
Hearing held on Wednesday, January 31, 2024	1
Statement of Members:	
Tiffany, Hon. Tom, a Representative in Congress from the State of Wisconsin	2
Panel I:	
Newhouse, Hon. Dan, a Representative in Congress from the State of Washington	5
Neguse, Hon. Joe, a Representative in Congress from the State of Colorado	6
Lee, Hon. Susie, a Representative in Congress from the State of Nevada ..	7
Kim, Hon. Young, a Representative in Congress from the State of California	9
Statement of Witnesses:	
Panel II:	
Smith, Greg, Associate Deputy Chief, National Forest System, U.S. Forest Service, Washington, DC	11
Prepared statement of	12
Questions submitted for the record	16
Panel III:	
Tallier, Hon. Tom, Supervisor, Forest County Board of Supervisors, District 8, Wabeno, Wisconsin	24
Prepared statement of	25
Munsey, Dan, Fire Chief, San Bernardino County Fire Department, San Bernardino, California	27
Prepared statement of	28
Adomatis, Sandy, President, The Appraisal Institute, Chicago, Illinois	30
Prepared statement of	31
Roman, Siri, General Manager, Eagle River Water and Sanitation District, Vail, Colorado	33
Prepared statement of	34
Downey, Hannah, Policy Director, Property and Environment Research Center, Bozeman, Montana	38
Prepared statement of	39
Additional Materials Submitted for the Record:	
Submissions for the Record by Representative Tiffany	
Wabeno Chamber of Commerce, the Forest County Economic Development Partnership, and the Town of Wabeno, Letters of support	3
Submissions for the Record by Representative Kim	
Motorcycle Industry Council, Specialty Vehicle Institute of America, and Recreational Off-Highway Vehicle Association, Letter to Rep. Kim	10

LEGISLATIVE HEARING ON H.R. 674, TO CODIFY THE AUTHORITY OF THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF THE INTERIOR TO CONDUCT CERTAIN LANDSCAPE-SCALE FOREST RESTORATION PROJECTS, AND FOR OTHER PURPOSES, "ROOT AND STEM PROJECT AUTHORIZATION ACT OF 2023"; H.R. 4297, TO AMEND THE JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT, AND RECREATION ACT TO ALLOW FOR ADDITIONAL ENTITIES TO BE ELIGIBLE TO COMPLETE THE MAINTENANCE WORK ON BOLTS DITCH AND THE BOLTS DITCH HEADGATE WITHIN THE HOLY CROSS WILDERNESS, COLORADO, "BOLTS DITCH ACT"; H.R. 5443, TO ESTABLISH A POLICY REGARDING APPRAISAL AND VALUATION SERVICES FOR REAL PROPERTY FOR A TRANSACTION OVER WHICH THE SECRETARY OF THE INTERIOR HAS JURISDICTION, AND FOR OTHER PURPOSES, "ACCELERATING APPRAISALS AND CONSERVATION EFFORTS ACT" OR "AAACE ACT"; H.R. 6994, TO REQUIRE THE REOPENING OF COVERED RECREATION SITES CLOSED DUE TO A NATURAL DISASTER, AND FOR OTHER PURPOSES, "RESTORING OUR UNOPENED TRAILS FOR ENJOYMENT AND SAFETY ACT" OR "ROUTES ACT"; AND H.R. 7072, TO REQUIRE THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN NATIONAL FOREST SYSTEM LAND IN THE CHEQUAMEGON-NICOLET NATIONAL FOREST TO TONY'S WABENO REDI-MIX, LLC, AND FOR OTHER PURPOSES, "WABENO ECONOMIC DEVELOPMENT ACT OF 2024"

**Wednesday, January 31, 2024
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10 a.m. in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, Fulcher, Stauber, Bentz; Neguse, and Peltola.

Also present: Representatives Kim, Newhouse; and Lee.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

I hope it is not me why there aren't people around the dais here. I suspect they will be coming in as we move along here from the witching hour.

The Subcommittee is meeting today to consider five bills: H.R. 674, the Root and Stem Authorization Act of 2023 from Representative Newhouse; H.R. 4297, the Bolts Ditch Act from Ranking Member Neguse; H.R. 5443 by Representative Lee of Nevada, the

Accelerating Appraisals Act; H.R. 6994, Representative Kim of California, the ROUTES Act; and my legislation, the Wabeno Economic Development Act of 2024, H.R. 7072.

I ask unanimous consent that the following Members be allowed to participate in today's hearing from the dais: the gentlewoman from Nevada, Ms. Lee; the gentleman from Washington, Mr. Newhouse; and the gentlewoman from California, Mrs. Kim.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made a part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

Thank you very much, Mr. Fulcher, for coming in and joining us. I was feeling lonely.

**STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. TIFFANY. Today's hearing focuses on several pieces of legislation that aim to enhance rural economies and improve Federal land management. From outdoor recreation to mining and timber harvesting, our Federal lands offer significant potential for economic development.

However, for decades, this potential has been hampered by poor Federal land management that limits multiple use and leaves rural communities struggling to survive. This is particularly true in counties and states where the Federal Government is the primary landowner. I represent many of these counties in northern Wisconsin, including Forest County, a historic logging community. Roughly 50 percent of the land in Forest County is federally owned, and only about 10 percent of the land is fully taxable.

Located in Forest County, Tony's Wabeno Ready Mix is a small ready mix company that has supplied the surrounding community with concrete for more than 22 years. The company's concrete has been used to build homes, fire and rescue buildings, shops and offices, and even barns for local farmers. This small business in my district has been pursuing a land exchange with the Forest Service for the past 7 years to acquire a mere 14 acres of Forest Service land. Without this parcel, Tony's will run out of necessary aggregate and needs to produce concrete in the next 2 to 3 years.

Wabeno is a small town, with a population of just over 1,100. This company employs 17 hard-working people who could lose their jobs if this bill does not pass. That may not seem like much for somebody coming from a big city, but I can assure you the jobs and economic benefit provided by this small business are critically important to this rural community. That is why I introduced the Wabeno Economic Development Act of 2024, which would expedite this conveyance and ensure that Tony's stays in business for years to come.

This is an important conveyance that will provide much-needed economic growth and jobs for the people in Wabeno. It has strong local support, and I would like to ask unanimous consent to enter

into the record letters of support from the Wabeno Chamber of Commerce, the Forest County Economic Development Partnership, and the Town of Wabeno.

Without objection, so ordered.

[The information follows:]

**WABENO AREA
Chamber of Commerce**

September 8, 2023

To Whom it May Concern:

This letter from the Wabeno Area Chamber of Commerce is written in support of the sale or trade of land between Tony Smith, owner of Tony's Wabeno Redi-Mix LLC and the U.S. Forest Service. It was brought to our attention that his purchase or trade is needed to provide the materials needed to continue production in the future.

Tony's Redi-Mix has been in our community for over 20 years and is currently providing employment for approximately 25 employees, which enables them to provide for their families. Tony and his employees are active community members and essential to the economic growth of Wabeno. We support all efforts that will help him to sustain his business.

Sincerely,

DAWN JAKUBIEC,
Treasurer

FOREST COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP

Re: Tony's Wabeno Redi-Mix

Greetings,

The Forest County Economic Development Partnership is pleased to support the request of Tony Smith, OBA Tony's Wabeno Redi-Mix, with the purchase or trade of U.S. Forest Service to ensure the sustainability of his business and employment opportunities in Forest County, Wisconsin.

The need for expansion was highlighted in 2022, revealing only a few years of sustainable sand and gravel to continue production and employment for his business. He has been in contact with Forest County in discussions on land purchases or trades to sustain the demand of sand and gravel for business purposes. Currently his site will only sustain his business until late 2025 or early 2026.

With the success of land purchase or trade between Tony's Wabeno Redi-Mix and the U.S. Forest Service he will be able to provide Forest County with steady employment and growth of his company. The company currently employees around 25 individuals from around the area, and works on many jobs that increase the growth of the county. Sustaining this business for Forest County and its economic development is critical to the success and growth of the County as a solid unit.

Sincerely,

CHRIS SHAFER,
Executive Director

TOWN OF WABENO

The Town of Wabeno is in support of the request to purchase or trade of the U.S. Forest Service land to Tony's Wabeno Redi-Mix LLC Tony Smith owner.

The need was brought to our attention last year, revealing only a few years of sand and gravel to continue production and the employment of approximately 25 employees and their families.

Tony has been actively searching for property and so far has not found any other options.

With this purchase or trade between Tony's Wabeno Redi-Mix and the U.S. Forest Service he will be able to provide steady employment and growth for his company and our community. Tony's Redi-Mix LLC is one of the largest employers in the community and we would to support him any way we can.

Jim Smith,
Chair

Randy Johnson,
Supervisor

Benjamin Hermus,
Supervisor

Mr. TIFFANY. Unfortunately, this is not the first time this Subcommittee has heard the story of a local community struggling to develop because the Federal Government is dragging its feet conveying land. In many instances, this process can take years before local communities have to resort to passing an entire Act of Congress to get their simple land exchanges done. This is unacceptable, and we need to find ways to streamline and enhance this process. That is why I am glad to see bipartisan legislation being considered today from Representatives Lee and Joyce that would reduce red tape that is holding up the appraisal process for land conveyances.

We will also be examining two bills today that streamline processes for improving forest management while boosting rural economies. The Root and Stem Act, which is being led by Congressman Newhouse, promotes an innovative new model to finance forest restoration that reduces fire risk while encouraging more timber harvesting.

This is truly a win-win for rural communities with fire-prone, overgrown forests, as well as for local sawmills that struggle to get a steady supply of timber from our Federal lands.

We will also consider the ROUTES Act from Representative Kim that would expedite forest restoration work after wildfires in order to reopen popular recreation sites. The outdoor recreation economy grew to \$1.1 trillion this year, and the backbone of that economy is made up of the small businesses that rely on access to Federal lands. When these lands are closed indefinitely due to wildfires, those businesses suffer greatly as visitors stop coming and spending money in nearby gateway communities.

Representative Kim introduced this legislation in response to an overwhelming amount of feedback she received in her district about closed trails in the Cleveland National Forest. Her leadership on this issue will not only help improve recreation access in her district, but in districts across America.

Both the Root and Stem Act and ROUTES Act remind us of an important fact: There is no amount of funding that will solve our need for greater forest management achievements. Rather, we must address the regulatory impediments and litigation hurdles preventing that work if we ever want to make meaningful progress.

I would like to thank all the Members on both sides of our dais for their leadership on the bills before us today. I also want to thank all the witnesses for being here and traveling long distances to provide your expert testimony. I look forward to hearing from each of you.

When Representative Neguse arrives, we will get his opening statement.

For now, we will now move on to our first panel, which consists of Members who are sponsoring today's bills. I will now recognize Representative Newhouse for 5 minutes on H.R. 674.

STATEMENT OF THE HON. DAN NEWHOUSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. NEWHOUSE. Thank you, and good morning, Chairman Tiffany. And when Ranking Member Neguse comes, also I would bid him good morning. I appreciate the opportunity to testify in support of my bill, H.R. 674, which is called the Root and Stem Project Authorization Act.

In short, it would allow the Forest Service and the Bureau of Land Management to efficiently treat forests through a collaborative process.

I want to start off with a little background to the bill. In 2013, the Forest Service announced a forest restoration project of about 54,000 acres in the Colville National Forest in my home state of Washington. In most projects of this nature, Federal lands are sold only after the Forest Service has conducted a necessary environmental analysis, as required by NEPA, or the National Environmental Policy Act. The Forest Service decided for this project, however, to contract out its NEPA responsibilities. They awarded the contract for a 10-year ecosystem restoration project to a local lumber company. Under this contract, the lumber company selected and paid a third-party contractor to prepare the environmental assessment required of them. The Forest Service approved the sub-contractor and the subcontractors environmental assessment.

This concept became known as the A to Z Project, because the entire restoration process became the responsibility of the timber contractor. This arrangement was challenged, but ultimately was upheld in Federal District Court in 2018.

My bill, the Root and Stem Project Authorization Act, works to provide clear statutory authority for the Forest Service and the Bureau of Land Management to continue this type of collaborative forest management. By authorizing these agencies to propose and enter into collaborative stewardship contracts and agreements, this legislation will allow them to accomplish more hazardous fuels reduction, and empower the agencies to engage with state, local, and tribal partners to ensure forest management projects complement ongoing conservation efforts, benefit communities, and protect local ecosystems.

These collaborative projects have extraordinary benefits to both local economies and the environment. The Root and Stem Act will be helpful in accelerating these forest management projects to restore Federal forests that have suffered from years of poor or even, in some cases, non-existent management.

Wildfires are absolutely getting worse and more frequent across the United States, and we need to do all that we can to improve our forest management and add tools to our toolbox, and this bill is just one way of doing that.

I appreciate your time today again, Mr. Chairman. I also thank Mr. Neguse, now that he has arrived. Thank you for your consideration of my legislation.

Mr. TIFFANY. I appreciate your testimony, Mr. Newhouse. Now, I would like to turn to the Ranking Member, Mr. Neguse, for his opening statement.

**STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. NEGUSE. Thank you, Chairman Tiffany, and I am glad to be here, and certainly glad to see once again a slate of several bipartisan bills on the agenda for today's legislative hearing.

And welcome to the members of the Committee who have joined us.

I certainly appreciate the opportunity to talk, in particular, to the Forest Service and our panel of witnesses about a variety of different pieces of legislation related to public land management. Of course, in particular, I want to welcome a witness from my home district, Ms. Siri Roman, the General Manager of Eagle River Water and Sanitation District, who will be speaking on legislation that I have introduced, H.R. 4297.

I am delighted to partner with my Colorado and Natural Resources Committee colleague, Representative Lamborn, on the bill. It is the Bolts and Ditch Act, which just by way of background, Bolts Ditch is located in the White River National Forest, which is part of the 2nd Congressional District that I have the privilege of representing. The ditch was mistakenly included in the boundaries of the Holy Cross Wilderness when it was originally designated, which prevented the maintenance and the use of this particular ditch.

In 2019, we passed, as some of you will recall, the John D. Dingell, Jr. Conservation Act. It included a variety of different pieces of legislation, including legislation that I had authored to authorize non-motorized access to the town of Minturn to use, maintain, and repair the Bolts Ditch structure. This bill is a much-needed amendment to that legislation, authorizing the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority to also access that headgate for maintenance and repairs.

I know that the sanitation district has been working in partnership with the town of Minturn, which both support the legislation, so I am glad to see it on today's agenda, and I am hoping we can move it swiftly out of this Committee.

And I want to thank Ms. Roman and the representatives from the town of Minturn for making the long journey here to testify and be here with us today.

There are several other bills that we are considering today which I strongly support, and am grateful that we are considering. They relate to the authority of the Federal land management agencies to undertake various projects in their jurisdictions.

I am certainly encouraged by the recent Forest Service report that summarizes and celebrates the historic investments made across the National Forest System in 2023. I serve as one of the co-Chairs of the Bipartisan Wildfire Caucus, and I know I speak for many when I say we were proud to support investments that were made last Congress to increase forest resilience, respond to the increasing threat of longer and more intense wildfire seasons in Colorado, in Utah, in Nevada, in Idaho, Rocky Mountain West. As Members of Congress, it is our No. 1 responsibility to continue supporting their efforts, in my view, and to provide further resources to our Federal land management agencies as they prepare for the wildfires to come, and plan for long-term forest resilience.

I also think it is an important moment to recognize the work done by the Wildland Fire Mitigation and Management Commission which was established through the Bipartisan Infrastructure Investment and Jobs Act. The Commission recently released a report. Many of you attended a briefing that we conducted just a few weeks ago to review the 148 consensus recommendations that they made, so I am certainly excited at the potential of this Committee taking some of those recommendations up.

Finally, I just want to thank one of my colleagues in particular for her strong leadership, and that is Representative Lee of the great state of Nevada, for her bill, H.R. 5443, the Accelerating Appraisals and Conservation Efforts Act. It is just a great example of common-sense legislating that cuts through the partisan divide.

The bill would allow private appraisers to contract outside of their credentialed state to perform appraisals and valuation services on the Department of the Interior's behalf. I think it is just a great example of proactive legislation, non-partisan legislation that cuts through red tape. So, I credit Representative Lee for her initiative in that regard, and I am excited to consider that bill, as well as the others.

With that, I will yield back to you, Mr. Chairman.

Mr. TIFFANY. Thank you, Ranking Member Neguse, and now I recognize representative Lee from Nevada for 5 minutes on her bill, H.R. 5443.

**STATEMENT OF THE HON. SUSIE LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEVADA**

Ms. LEE. Thank you, Mr. Chairman. Thank you, Ranking Member. It is a privilege to join you today as you consider my bipartisan bill to cut through government red tape for the benefit of public lands stakeholders nationwide, as well as the Department of the Interior itself.

The Accelerating Appraisals and Conservation Efforts Act, or the AACE Act, is legislation that I was pleased to write, together with my good friend from Ohio, Representative David Joyce. It is a bill that we believe would better position America's principal land management agency to complete land transactions of all kinds more effectively and more efficiently.

Members of this Subcommittee know well that DOI oversees hundreds of millions of acres of public lands nationwide. The Bureau of Land Management alone stewards roughly 70 percent of the lands in my home state of Nevada. But before DOI is able to buy, sell, lease, trade, or conduct any type of land-related transaction, it must first make sure that these activities are done at a fair market value to protect the public trust.

However, while full-time appraisers are able to work quickly and easily across state lines, the private appraisers on whom DOI must rely to satisfy the growing demands on the agency can only work in the specific states or territories in which they are individually credentialed. This is slowing progress throughout the United States on a range of conservation, economic, and infrastructure goals all dependent upon DOI's ability to complete land transactions promptly.

The AACE Act would help alleviate and prevent appraisal bottlenecks by building upon a decades-old precedent of limited license reciprocity for appraisers that was established under the Bush-Quayle administration. It would enable DOI to contract with private appraisers who are appropriately credentialed in one state to perform an appraisal and valuation services on DOI's behalf in any state.

Importantly, it would require DOI to continue to prioritize working with local appraisers, unlocking the enhanced flexibility provided by this bill only when no assignment qualified or cost competitive local appraisers are available.

In short, this legislation would maximize DOI's efficiency without spending a single additional dollar of taxpayers' money, benefiting everyone from conservationists to developers, who all now find themselves waiting at the back of the same Federal appraisals line. That is why the bill has the support of the DOI and organizations ranging from the Conservation Lands Foundation to Trout Unlimited to the Nevada Housing Coalition and the U.S. Chamber of Commerce.

It is also why I am pleased to be able to join the Chairman and the Ranking Member in welcoming Sandy Adomatis of the Appraisal Institute here today, as she provides her unique expertise and perspective in detailing the Institute's own support of this bill.

Thank you, Ms. Adomatis, for being here, and thanks again to all of my colleagues for your consideration of the AACE Act, and I yield.

Mr. TIFFANY. Thank you much, Representative Lee. Now, we will move on to Representative Kim for 5 minutes in regards to H.R. 6994.

Welcome to the Committee.

**STATEMENT OF THE HON. YOUNG KIM, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Mrs. KIM. Thank you, Chairman Tiffany and Ranking Member Neguse for holding this hearing, and I want to thank Chairman Westerman and your staff for your leadership on the issues before us today.

I represent California's 40th District that covers parts of Orange, San Bernardino, and Riverside Counties in Southern California, and my district includes unincorporated areas spanning several canyon communities in Cleveland National Forest, Trabuco District. I am proud to see that H.R. 6994, the Restoring Our Unopened Trails for Enjoyment and Safety Act—in short, the ROUTES Act—is being considered in today's hearing.

The ROUTES Act requires Federal land management agencies to reopen trails, roads, campgrounds, and recreation sites that are damaged and closed by natural disasters like wildfires within 2 years of the disaster. To do so, my bill streamlines the resources needed to restore Federal trails and roads, and expedite certain activities like hazard tree removal, soil erosion mitigation, and drainage pattern and site restoration. It also codifies existing emergency hazard tree removal authorities that can be used prior to a full NEPA review. Region 5 of the U.S. Forest Service had previously used these authorities across multiple national forests, allowing recreation sites to reopen years sooner.

In my district, the 2018 Holy Fire burned through more than 23,000 acres of the Cleveland National Forest, severely damaging trails, campsites, and recreational areas. More than 5 years later, several of the most popular trails remain closed. Prolonged closures of our Federal recreation sites and roads can negatively impact the local economy, impede firefighters' access to wildland fires, and trigger post-fire hazards. Less trail-based recreational means fewer visitors to small businesses in the area, and damaged roads may limit fire truck access to put out a fire or bulldozer access to clear debris and heavy rocks blocking a path.

Routine trail maintenance is also essential for post-fire and non-fire related risk mitigation efforts. Burn areas are subject to soil erosion, flooding, and destructive debris flows that endanger nearby homes and civilian lives. For example, the 2020 Bond fire which burned through parts of Silverado Canyon in my district weakened the soil and, years later, left the nearby residential area vulnerable to mudslides and debris flows during the unprecedented storms and heavy rains that we saw last year.

Restoring and reopening our Federal roads and trails in a safe and timely manner are essential to community and forest health. Federal land management agencies have been appropriated significant amounts of funding in these past few years, and we need to ensure they prioritize funds for areas that need it the most, and use their existing authorities to complete their duties safely and expeditiously.

I want to thank the Committee for considering my bill, H.R. 6994, and I also want to thank Representative LaMalfa for co-leading this bill with me to ensure our Federal land management partners have all the tools they need to take care of our forests in Southern California and across the nation.

I also ask for unanimous consent to insert into the record a support letter from the Motorcycle Industry Council, Specialty Vehicle Institute of America, and Recreational Off-Highway Vehicle Association.

Thank you, and I yield back.

Mr. TIFFANY. In regards to the unanimous consent, so ordered.
[The information follows:]

**MOTORCYCLE INDUSTRY COUNCIL
SPECIALTY VEHICLE INSTITUTE OF AMERICA
RECREATIONAL OFF-HIGHWAY VEHICLE ASSOCIATION**

January 29, 2024

Hon. Young Kim,
U.S. House of Representatives
1306 Longworth House Office Building
Washington, DC 20515

Dear Representative Kim:

On behalf of the Motorcycle Industry Council¹ (MIC), Specialty Vehicle Institute of America² (SVIA), and Recreational Off-Highway Vehicle Association³ (ROHVA)—together referenced as the Associations, I write in support of H.R. 6994, the Restoring Our Unopened Trails for Enjoyment and Safety Act (ROUTES Act).

The powersports industry (motorcycles, all-terrain vehicles (ATVs), and recreational off-highway vehicles (ROVs)) are a \$47.7 billion/year industry in the United States with a significant majority of the vehicles being utilized off-road. This includes dual sport and adventure touring motorcycles which are the quickest growing segment of motorcycle sales. As a result, the Associations strongly support ensuring sustainable off-highway vehicle (OHV) recreation opportunities continue to be available on our public lands.

We support the ROUTES Act provisions requiring the Forest Service to restore and reopen trails, roads, campgrounds, and recreation sites that have been closed from the impacts of natural disasters no later than two years after the end of the disaster. This includes renovating trails and removing hazard trees to be performed under a Categorical Exclusion, instead of requiring a complex Environmental Assessment under the National Environmental Policy Act (NEPA).

The OHV community has faced closures of recreational opportunities due to natural disasters in the past that unnecessarily took years to reopen and yet others remain closed to this day. That is not prudent use of federal lands that we as taxpayers support. The ROUTES Act would fix that by ensuring the Forest Service acts in a timely manner after a natural disaster and provides the tools to ensure that necessary on-the-ground efforts needn't become mired in lengthy environmental reviews. It is important to remember that trails, campgrounds, and recreation sites closed by natural disasters were subject to NEPA analysis prior to being designated, and simply restoring the opportunity shouldn't require a duplicative analysis.

The Associations would also like to call attention to recreationists who serve as volunteers that can help in any number of ways with restoring opportunities after a natural disaster. As examples, we highlight RestoreTrails.org and the Post Wildfire OHV Recovery Alliance (PWORA). RestoreTrails.org is a non-profit organization that focuses on protecting and restoring sustainable multi-use trail recreation

¹The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

²The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

³The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs—sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at <https://rohva.org/ansi-standard/>.

from the damaging impacts of intense wildfires and other natural disasters. PWORA, RestoreTrails.org's official partner, develops alliances with local user groups that streamlines the creation of volunteer events with our federal agency partners. These events typically remove downed trees, replace damaged signage, and trail barriers, and repairs other recreational infrastructure such as staging areas and campgrounds. Recovery efforts often include re-establishing watershed protections, monitoring environmental conditions, conducting general trail maintenance along with minor reforestation if necessary. In short, the OHV and broader recreation communities stand ready to help ensure the timely reopening of recreational opportunities.

Thank you for introducing this important legislation and please feel to reach out if there is anything we can do to help ensure its ultimate passage.

Sincerely,

DUANE TAYLOR,
Director of Safe and Responsible Use Programs

Mr. TIFFANY. And thank you for your testimony, Representative Kim.

Next, we are going to move on to our second panel, and I think the gentleman that is before us knows the drill quite well.

You will have 5 minutes, Mr. Smith, to give your testimony.

Mr. Greg Smith is with us. He is the Associate Deputy Chief of the National Forest System.

Associate Deputy Chief Smith, you are recognized for 5 minutes.

**STATEMENT OF GREG SMITH, ASSOCIATE DEPUTY CHIEF,
NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE,
WASHINGTON, DC**

Mr. SMITH. Good morning, Chairman Tiffany and Ranking Member Neguse and members of the Subcommittee. Thank you for the opportunity to share the USDA Forest Service's perspective on the four public land bills that are under consideration for today.

Again, my name is Greg Smith. I have been with the Forest Service for approximately 30 years, and currently serve as the Associate Deputy Chief of the National Forest System.

The Forest Service, as you know, manages 193 million acres of national forest and grasslands across the country for many purposes, including clean drinking water, timber, recreational opportunities for the American public. This wide-ranging nature of the bills we are discussing today demonstrates the breadth of the agency's work, which is both local and community-centered, as well as national in scope and impact.

The first piece of legislation, H.R. 674, the Root Stem Project Authorization Act, would authorize the Forest Service to enter into agreements with external parties to advance collaboratively designed Federal land projects. The Act would enable outside entities to provide funding to enlist contractors to conduct environmental analysis and implementation of the work, and allow the Forest Service to repay those cooperators with receipts revenues from the projects.

We support the goals of H.R. 674, but we would like to work with the Committee to better understand how the project would work, and to offer technical assistance to ensure authorities do not already exist to achieve the bill's intent.

The second piece of legislation, the Restoring Our Unopened Trails for Enjoyment and Safety Act, this would require the Forest Service to reopen such sites as campgrounds, day use facilities, roads on the National Forest System lands that have been closed due to natural disasters within 2 years. The bill would establish a categorical exclusion under the National Policy Environmental Act for addressing repair and restoration of covered recreation sites.

The Forest Service currently has the legal authority it needs, including categorical exclusions, to reopen recreation infrastructure closed by natural disasters. Because the ROUTES Act would mandate reopening closed sites within 2 years without exception, and regardless of whether critical safety mitigation is completed, the agency has significant concerns about the risk of exposure for the recreating public and the liability for the U.S. Government. We do not support the bill as currently drafted, but would welcome an opportunity to continue working with the Committee to address the goals of quickly reopening recreation sites following natural disasters.

The third bill, H.R. 4297, the Bolts Ditch, seeks to resolve issues associated with the use and maintenance of Bolts Ditch, a headgate and a ditch near Minturn, Colorado. Bolts Ditch is located within the Holy Cross Wilderness Area of the White River National Forest, and on a creek that has been identified by the Forest Service as an eligible Wild and Scenic River. The bill, if passed, would amend the Dingell Act requiring the Secretary to issue special use permits for non-motorized access to local water providers in order to maintain, repair, and operate these facilities.

We do not oppose H.R. 4297, but we do anticipate minor impacts to wilderness resources and the potential impact to Wild and Scenic River suitability if the bill is passed.

The final bill, H.R. 7072, the Wabeno Economic Development Act, would require the Forest Service to convey a 14-acre parcel located on the Chequamegon-Nicolet Forest to a local company for market value.

We look forward to working with the Chairman and the Committee as these bills move forward.

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, this concludes my testimony. I look forward to answering any questions that you may have.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF GREG SMITH, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. DEPARTMENT OF AGRICULTURE—FOREST SERVICE

ON H.R. 674, H.R. 4297, H.R. 6994, AND H.R. 7072

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 various Federal land management bills.

H.R. 674, “Root and Stem Project Authorization Act of 2023”

H.R. 674 authorizes the Forest Service and BLM to enter into an agreement with a person for a project on federal land that was developed through a collaborative process and that meets local and rural community needs. The person entering into the agreement would initially provide all or a portion of funding necessary to complete any necessary environmental analysis. The Secretary would use this funding to select and pay a contractor on a set list to conduct the analysis, and if

choosing to move forward with the project the Secretary would solicit bids and then enter into a Stewardship contract or agreement (16 U.S.C. 6591c) to carry out the project. Any receipts generated by the project that would normally go to the Treasury would be used to repay the person providing initial funding for the environmental analysis.

The Administration is supportive of increasing capacity and working collaboratively with partners to facilitate efficient and science-based forest management but would like to work with the committee to better understand how a root to stem project would work and to offer additional technical assistance to ensure authorities do not already exist to achieve the intent of the proposed legislation and that we are able to implement it effectively.

For example, requiring the agencies to use a list of contractors provided to Congress would provide less flexibility to the agencies in fulfilling their environmental analysis obligations. We would like to better understand the intent of creating such a list and discuss possible issues including setting fair and transparent criteria and vetting of contractors to be on the list, ensuring a contract with a person on the list is the best value for the government in terms of price reasonableness, quality control, and liability for unfinished or poorly done environmental analysis. We would also like to better understand if this authority is intended to supplant the new Section 107(f) in NEPA that allows project sponsors to prepare NEPA documents under the supervision of the agency.

Additionally, we would like to better understand the committee's intent concerning repayment of initial funding for the environmental analysis, and work with the committee to understand the benefits and challenges for federal land managers associated with full versus partial upfront payment. For most projects using contracts or agreements under the stewardship authority, either revenue is not generated or any revenue that is generated becomes retained receipts for use on additional stewardship contracting projects, rather than being deposited into the Treasury.

The Stewardship authority requires that stewardship contracting projects achieve land management goals for the national forests, and that they meet local and rural community needs. Because H.R. 674 requires that any project that moves forward will use a Stewardship contract or agreement to carry out the project, we recommend clarifying in the bill language that when a person submits a proposal for a root and stem project, it should not only meet local and rural community needs but also help achieve tribal interests and the land management goals for the national forests. We believe this will lead to more projects being carried out under this potential future authority.

Finally, we would like to work with the sponsor to clarify the role that participants in the collaborative process have in settlement negotiations. A participant in the collaborative process may not be a necessary party to litigation and therefore not a necessary party to a settlement. Guaranteeing participation in settlement negotiations may therefore result in unnecessary complication and delay. We also want to ensure the conflict-of-interest requirements appropriately safeguard against self-dealing on the part of the person submitting the proposal. We also believe that defining the term "person" could avoid future confusion about the ability of an organization or business entity to submit a proposal.

The Administration also recommends that the Committee seek Department of Interior (DOI) input on provisions that apply to DOI.

H.R. 4297, "Bolts Ditch Act"

H.R. 4297, the "Bolts Ditch Act," seeks to resolve issues associated with the use and maintenance of Bolts Ditch near the Town of Minturn, Colorado. The headgate and approximately 450 lineal feet of the ditch are located within the Holy Cross Wilderness Area on the White River National Forest. These features were included within the Holy Cross Wilderness Area when Congress passed the Colorado Wilderness Act designating this Wilderness Area in 1980. The structure and ditch were constructed in 1882 and previously delivered water to Bolts Lake via Bolts Ditch. Section 1101(a) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (the "Dingell Act," Public Law 116-9) was enacted in 2019, requiring the Secretary of Agriculture to issue a special use authorization to the Town of Minturn for nonmotorized access and use for the purposes of the diversion of water and use, maintenance, and repair of Bolts Ditch and Bolts Ditch headgate. Presently, the Town of Minturn has no right to water from Bolt's Ditch. In 2021, the Town of Minturn filed an Application for Water Rights and Approval of Plan for Augmentation and Exchange in Case No. 21CW3030. This application includes the Bolts Ditch. No decree concerning water rights has been issued for this case as of January 2024.

H.R. 4297, the “Bolts Ditch Act,” would amend Section 1101(a) of the Dingell Act to additionally require the Secretary of Agriculture to issue special use authorizations to the Upper Eagle River Regional Water Authority and Eagle River Water and Sanitation District for the same use and access as currently mandated for the Town of Minturn, i.e. nonmotorized access and use of the Bolts Ditch Headgate and the Bolts Ditch, for the purposes of the diversion of water and use, maintenance, and repair of the ditch and headgate.

Given the location of these features within the Holy Cross Wilderness, maintenance, repair, and operation of these permanent facilities may have minor impacts on the Wilderness character of the area. Additionally, Bolt’s Ditch is located on Cross Creek, which was identified as an eligible Wild and Scenic River by the White River National Forest Plan in 2002. The plan directs that each eligible stream identified will be managed to maintain eligibility until a suitability study can be completed. Individual suitability studies can be initiated when a project is proposed that may alter the free-flowing character or would affect the resources that made the stream eligible. The action of diverting water to Bolt’s Ditch may impact the suitability of Cross Creek, but no study has yet been undertaken to confirm that potential outcome.

USDA does not oppose H.R. 4297 but anticipates minor impacts to Wilderness resources and a potential impact to Wild and Scenic River suitability if the bill is enacted.

H.R. 6994, “Restoring Our Unopened Trails for Enjoyment and Safety (ROUTES) Act”

H.R. 6994, the Restoring Our Unopened Trails for Enjoyment and Safety Act or “ROUTES Act,” requires the reopening of covered recreation sites closed due to natural disasters. The Administration does not support the bill as currently drafted, but we would like to continue working with the bill sponsor and the Subcommittee to address the goal of expediting the restoration of recreation opportunities for public use and enjoyment following natural disasters.

The ROUTES Act would apply to “covered recreation sites,” which the bill defines as a trail, campground, developed day-use recreation site, or road that is located on “Interior recreational lands” or National Forest System (NFS) lands and operated by the Secretary concerned. As defined, the scope of this bill would affect all roads (not just those providing primary recreation access) and all trails under Federal jurisdiction in all types of areas, including wilderness areas and campgrounds and developed day-use recreation sites. If a covered recreation site were fully or partially closed to public use due to a natural disaster, the bill would mandate the reopening of the site within two years after the date on which the natural disaster ends. The bill would establish a categorical exclusion (CE) from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act (NEPA) for repair and restoration of covered recreation sites and hazard tree removal at or along covered recreation sites. The bill would specify that the CE would still be subject to the extraordinary circumstances provisions of 40 CFR 1501.4 that would limit the ability to rely on the CE and would authorize use of emergency response provisions in 36 CFR 220.4(b) for hazard tree removal at or along covered recreation sites for up to two years following a natural disaster. Additionally, the bill would require the Secretary to report to Congress not later than two years after its enactment on the number of covered recreation sites that are closed due to natural disasters and the number of covered recreation sites reopened utilizing authorities in the bill.

The Forest Service manages 193 million acres of national forests and grasslands across 43 States and territories. These lands include more than 370,000 miles of NFS roads, 13,400 bridges, 163,000 miles of NFS trails, and 30,000 recreation sites (10,700 of which are developed recreation sites). Forest Service units prioritize keeping recreation sites, NFS trails, and NFS roads open to the best of their ability with the resources available to them. The primary challenges NFS units face in providing safe, accessible recreation opportunities following a natural disaster are financial resources and staff capacity, rather than a lack of legal authorities.

As with lands managed by other Federal agencies, not all roads, trails, and recreation sites are located in sustainable locations. Natural disasters can lead to dramatic changes to local environments, and as drafted the bill lacks flexibility to address circumstances where repairs may be complex, such as altering design or site location for rebuilding, or where a recreational site may be totally destroyed or eliminated, or where conservation of fish, wildlife and their habitats are impacted. For example, if roads, trails, campgrounds or other facilities are completely washed away, rebuilding could result in campgrounds existing in a flood plain, or reconstituted trails that would now border a newly created cliff face. Additionally,

recreational lands as described in the bill may be managed by third parties, including concessioners or lessees. And on certain federal lands, habitat restoration and other conservation priorities may have to be initially addressed prior to any repair work. In all these cases, it may not be feasible or even desirable to reopen and may not be possible within the time frame provided in the bill. Likewise, there may be safety issues that necessitate longer term closures.

The Forest Service currently has the legal authorities it needs, including CEs, to reopen NFS trails, NFS roads, and federally owned campgrounds and day-use developed recreation sites closed by wildfire and other natural disasters. These existing authorities include CEs for repair and maintenance of trails (36 CFR 220.6(d)(4)); repair and maintenance of recreation sites and facilities (36 CFR 220.6(d)(5)); post-fire rehabilitation activities on roads, trails, and facilities (36 CFR 220.6(e)(11)); and removal of debris after other disturbances (36 CFR 220.6(e)(19)). Hazard tree removal is covered by existing CEs at 36 CFR 220.6(d)(4) (roads and trails) and (d)(5) (recreation sites and facilities). The emergency response provision requires further clarification of its scope, intent, and avoidance of conflicts with existing law and other provisions of this bill to achieve its intended effect.

Because the ROUTES Act would mandate reopening of closed recreation sites by an arbitrary two-year deadline, without exception and regardless of whether all needed safety mitigation work has been completed, the Administration has significant concerns about risk exposure for the recreating public and liability exposure for the United States. This bill would remove agency discretion to consider other management options or approaches to fit the local circumstances. The arbitrary deadline would also create additional risk to Federal employees and contractors by constraining risk management decisions regarding whether to remove hazards, including hazard trees.

While the Administration does not support the bill as currently drafted, we would be pleased to work with the bill sponsor and the Subcommittee to address the goals of the bill and the underlying challenge of adequate agency resources and capacity to manage and expedite the provision of recreation opportunities to the public following natural disasters. The Administration also recommends that the Committee seek Department of Interior (DOI) input on provisions that apply to DOI.

H.R. 7072, “Wabeno Economic Development Act”

H.R. 7072, the Wabeno Economic Development Act, would require the Secretary of Agriculture, acting through the Chief of the Forest Service, to convey a parcel of approximately 14 acres of National Forest System (NFS) land located in the Chequamegon-Nicolet National Forest to Tony’s Wabeno Redi-Mix, LLC. The parcel, located on the Lakewood-Laona Ranger District, is adjacent to and southwest of the Town of Wabeno and can be accessed off of Smith Rd. The parcel is surrounded on three sides by private land and adjacent to other Forest Service land on the fourth side to the south. It contains upland northern hardwood with a year of origin of 1927.

Subject to provisions in this Act, if the Tony’s Wabeno Redi-Mix, LLC offers to acquire the NFS property for market value, the Secretary shall, not later than 180 days after receiving the offer, convey to Tony’s Wabeno Redi-Mix, LLC all right, title, and interest of the United States in and to the property as described in the Act. As a condition of the conveyance, Tony’s Wabeno Redi-Mix, LLC would be required to pay an amount equal to the market value of the land to be conveyed and all costs associated with the conveyance including for surveys, appraisals, and any environmental analysis required by Federal law.

The Act would also require the Department of Interior (DOI), in consultation with other federal agencies, industry stakeholders, and states to review federal permitting processes related to stone, sand, and gravel development on federal land, and to submit a report on this topic to the committee within 180 days of enactment. This report would overview current federal permitting processes and associated economic impacts, identify inefficiencies, and recommend legislative or administrative actions to streamline processes.

We look forward to working with the Chairman and committee as H.R. 7072 moves forward and recommend the Committee seek DOI input on provisions under their jurisdiction.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. GREG SMITH, ASSOCIATE DEPUTY CHIEF—NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, WASHINGTON DC

Mr. Smith did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. I have heard from various interested stakeholders that there has been a notable delay in processing the National Environmental Policy Act review for the Mount Magazine State Park campground expansion in the Ozark National Forest. This project will expand the state park campground onto U.S. Forest Service land in the Ozark National Forest.

Mount Magazine is Arkansas's highest point at 2,753 feet. Mount Magazine State Park is located within the Ozark National Forest and is a destination for outdoor sports, extreme adventures, rock climbing, horseback riding, and more.

A categorical exclusion (CE) was applied for in January 2023, and there has been little progress made since that time frame. I am concerned with how long the review process is taking.

1a) Will you please provide an update on where the process currently stands?

1b) Will you commit to providing the necessary USFS personnel and resources to meet timelines to review this permitting application?

1c) Please provide a list of any other special project requests that are currently undergoing a NEPA review within the Ozark National Forest, and the current status of each of those projects.

Mr. TIFFANY. Thank you, Associate Deputy Chief Smith. We appreciate you being here today and your testimony. Next, we are going to recognize Members for questions, and I would turn to Representative Fulcher first for 5 minutes of questioning.

Mr. FULCHER. Thank you, Mr. Chairman.

Mr. Smith, thank you for being here, and we have communicated before.

In my home state of Idaho, unlike most other states—not all, but most—we have a very significant presence of Federal land, and a lot of that is under the auspice of the Forest Service Department of Ag. So, these types of pieces of legislation are very impactful for us. Unlike states where most of it is privately controlled, everything we do seemingly runs through Federal channels because basically two-thirds of our land mass falls under that category.

So, I appreciate Mr. Newhouse's legislation. I think this is going to be helpful to us. But it seems like, especially on this Subcommittee, we always come back to trying to nibble around the edges to figure out legislative workarounds to just simply make things more manageable.

You did mention briefly H.R. 674, but I would like to have you go just a little bit further on that. How do you anticipate that being a benefit for states and locals to help work through some of these NEPA problems that we all have right now?

Mr. SMITH. Certainly, we always are going to consider collaboration, so you look at the locals. They are best knowing what is happening in the local area, in the sawmills and the towns. So, it is imperative that we work and have a collaborative relationship with them so that we can work out those issues so that it is not falling back on environmental analysis, which people tend to blame that is the case. But we want to work collaboratively with those

individuals because they have the experience, they have been there, so that is the whole purpose of doing that.

As you know, we have talked about the A to Z, so we have looked at opportunities where we said, OK, we will let the cooperators take care of the environmental analysis and pay for the cost, and then we can see how we could reimburse at a later date, which this bill is talking about. So, we have already been doing it for a while. We think that is very important because we always want to be collaborative to work those situations out.

Mr. FULCHER. OK. My follow-up to that, which came to mind just as a function of your response, is let's say that we have a successful collaboration, and the project or whatever is being jointly worked on goes through. How often do you then run into some kind of a litigation-related problem, that next step, how often is the frequency of a litigation problem after a collaboration takes place?

Mr. SMITH. I don't have an exact percentage of how that is.

Mr. FULCHER. If you could just generalize, I mean, are we talking, is it rare? Is it frequent?

Mr. SMITH. I think somewhere in between, I would say. I don't think it is always we get litigated, but it depends on——

Mr. FULCHER. It is certainly fair to say it is not uncommon.

Mr. SMITH. Yes, I would agree with that.

Mr. FULCHER. OK. Mr. Chairman and members of the Committee, the legislation we have before us, I think, is going to be helpful. I really do.

As we, as a Subcommittee, continue to work with the challenges of interacting with Federal lands, we are going to have to continue to take steps to empower, I think, our locals more when it comes to areas and regions around the country where it is dominated by Federal lands, because that control is being choked off either through the process or through litigation after the process.

And it is a much bigger problem we are trying to address today, but the legislation we have before us is a helpful step, so I want to thank the sponsors for that.

And with that, I yield back.

Mr. TIFFANY. The gentleman yields. I would turn next to the Ranking Member, Mr. Neguse, for 5 minutes of questions.

Mr. NEGUSE. Thank you, Mr. Chairman.

Thank you, Mr. Smith, for both your written testimony and your oral testimony. I, like my former Ranking Member, Mr. Fulcher, represent a state that has significant Federal public lands, as you know, the state of Colorado. Roughly half of my congressional district, which is larger than nine states, is Federal land.

And we have a good relationship with our Forest Service supervisors, with the BLM, a variety of the different land management agencies that, of course, play a pivotal role in the management of those lands in our district. And I will just say I am grateful to you and to the work that the Forest Service is doing and has done over the course of the last several years in terms of implementing the laws that we have passed and the resources that we and the Congress provided to do critical wildfire resiliency work and trail restoration efforts, and so much more.

That doesn't mean that there aren't significant challenges, and I am going to talk about one that I would like to have an exchange

with you about. But nonetheless, I think it is important to preface my remarks with a note of gratitude to the folks at the Forest Service, to the Chief on down.

I also, of course, with respect to the bills that we are considering today, appreciate the Forest Service's position on the Bolts Ditch Act, and I think it is a common-sense bill, and my hope would be that we can move that quickly through the Committee.

Mr. Smith, I know you are not here to testify about wildland firefighter pay issues, and I suspect that that may be out of your province or your jurisdiction. But nonetheless, as a representative for the Forest Service, I do want to ask you a particular question about housing.

We have received some pretty disturbing reports from a variety of different public sources, and also individuals, that housing costs in terms of housing that is being managed by the Forest Service for wildland firefighters have gone up dramatically—a series of announcements made in just the last, I think, several weeks to months about, in particular, housing rents that have in some cases doubled, in other cases gone up 100 percent.

I wonder if you might be able to, I suspect you are aware of this, and if you could provide maybe the Committee some clarity on that front.

Mr. SMITH. Housing is certainly a priority. And we have been engaged in several opportunities to try to correct that, whether we are allowing some pay for some of our firefighter employees or some of our lower grade employees. So, that is ongoing. I don't have the specifics, but I know that it is a high priority, and I do know the agency is responding to that.

Mr. NEGUSE. OK. Well, I would just simply say I am going to read something here that we found online, and again, perhaps you can confirm the veracity of this. We are working on a letter that we intend to send to your agency, and we hope that you will provide us an answer forthwith.

But this particular example, it is a new rental market survey and change in a rural Forest Service district where the previous net daily tenant rent was \$23.73, the new net daily tenant rent \$52.76, which means an \$871 monthly increase in rent for wildland firefighters that can barely afford to live and survive in these communities that they are serving.

Again, I am hoping that you all can provide some further clarity as to the veracity of this, and I am hoping it is not true. In the event that it is true, I think the Forest Service is going to have to take some significant, immediate actions to ensure that these Federal wildland firefighters are not negatively impacted.

And we can talk with you. And I suspect that there would be interest on a bipartisan basis, and perhaps we can engage some of our appropriators about how to best mitigate this kind of increase. But as I am sure you could imagine, it would be untenable for a wildland firefighter in Colorado or any other western state to all of a sudden face a \$900 or \$800 monthly rent increase. Pay isn't going up, as you know, I am sure.

We have been fighting here in Congress, myself and several others, to try to get wildland firefighters paid a decent wage, the wage that they deserve. We have a bill, Tim's Act, I know you are

familiar with, that we have been pushing every day for the last several years. And you will pardon my frustrations here, but on behalf of these Federal wildland firefighters, as we prepare for what is likely to be another tough year, we have to get this right.

So, I would just ask for your commitment to work with us on that, and we will follow up via letter.

Mr. SMITH. Ranking Member Neguse, I assure you that is one of the highest priorities in the agency, and we will be happy to work with the Committee to do so.

Mr. NEGUSE. Thank you.

Mr. TIFFANY. The gentleman yields. Next, Representative Newhouse, you have 5 minutes for questioning of our witness.

Mr. NEWHOUSE. Thank you, Mr. Chairman, I appreciate the opportunity.

And thank you, Mr. Smith, for your comments on the Root and Stem Act. I appreciate your positive comments, but also look forward to working with you to make sure it accomplishes what we want it to, which is basically to codify the ability of the Forest Service to use this authority on forest restoration projects.

We have seen a lot of successful collaboration efforts, absolutely, but we have also seen challenges. So, I think Mr. Fulcher's point was well taken that this would be a good opportunity for us to ensure that the Department continues to have a successful program moving forward.

So, maybe a question along the lines of, in your estimation, and maybe this will point to some of the potential solutions that we could come up with, why do you think that these projects are not used more often?

What are some of the challenges that we should be overcoming? And maybe we could do that through this Act.

Mr. SMITH. I generally think that what we can do—we have a lot of tools and opportunities to do that. We have lots of CEs that we can work, as you already know, and our major priority, the wildfire crisis strategy, is to make sure that we get into areas and treat areas, thin areas, do burning, and all that. So, I think that we have the tools and the opportunities.

The length and the difficulty sometimes is depending on the environmental analysis that we are doing, whether you are talking about a categorical exclusion or EA, whatever we think the appropriate analysis is, and that can take some time.

There is also cost on both sides. You are talking about cost for environmental analysis, and you are talking about project costs. So, those things can run a course, and sometimes you can get obstacles in those.

Mr. NEWHOUSE. Well, again, I appreciate your support of the concept, and look forward to working with you to make this something that will be a benefit for the agency and for our national forests. So, thank you very much.

Mr. SMITH. Thank you.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Mr. TIFFANY. The gentleman yields. Next, Mr. Bentz, you have 5 minutes if you choose.

Mr. BENTZ. Thank you, Mr. Chair.

Thanks for being here today, and this gives me an opportunity to talk about some events of just last week when I was down in southern Oregon, in my district, and we were talking about the challenges that the Medford and Grants Pass communities in that area face every summer now because of smoke.

And the challenges are extraordinarily difficult for many of the businesses that either have vineyards or have any type of recreational activity. For example, the Shakespeare Festival in Ashland, which has national notoriety for being an excellent, incredible production facility, has been hugely damaged, as have all outdoor activities by virtue of the smoke that now comes into those valleys during the summer. You can almost set your clock by knowing when this is going to happen. And it has been so damaging.

The question, of course, is what can we do about it? And they are surrounded by, the Klamath forest, of course, is to the south, and the Rogue-Siskiyou is adjacent. We have these bills before us today that try to help, but these bills address thousands of acres when the problem is in the millions. So, my question to you, Mr. Smith, is, in your opinion, after your years of service, what is the solution that actually is working on the ground right now?

Mr. SMITH. I think the 10-year wildfire crisis strategy that we are doing will address a lot of that. We are looking at the most vulnerable areas, and trying to treat those in the priority landscapes. So, I think that is the best effort that we have going. It has been very successful. We were able to cut more timber, thin more areas under that particular strategy.

So, I think the current strategy that we have in place, which our No. 1 priority in the agency is the wildfire crisis strategy, is trying to address that, and we will address that.

Mr. BENTZ. And I am happy to hear that. But I guess my question to you would be what would you recommend we do to accelerate your excellent efforts in that regard?

I have heard good things about that program, but the numbers, the time—it is almost as though, as good of work as you are doing, we are all falling behind. So, what do you need?

Mr. SMITH. I don't have an answer right now, but we would certainly be willing to work with you and the Committee to come up with some ideas if there are some things that we should be doing that we are not currently addressing.

Mr. BENTZ. Let me make it easier. To whom should I address the question? Awkward for you to answer it in this environment, I understand that, but tell me who would you point us toward?

And by the way, I work with every group you can imagine. All you have to do is suggest which ones you think are the most effective in trying to actually do something, because I want to emphasize this. The people I met with last week, this is an existential issue for them. This is destroying the opportunity for economic advancement. But worse, it is harming people who have to breathe that air, the little kids and everybody else. This is real. So, who would you point us toward?

Mr. SMITH. I know that our Secretary Vilsack is very supportive of the efforts that we are doing. So, if you wanted to start some-

where, I would start with the Secretary of Agriculture, Tom Vilsack.

Mr. BENTZ. Let me shift to another issue. Thank you for that. We will follow up.

One of the things that is not often spoken about in following these terrific and horrific hundreds of thousands-of-acre fires that are happening out in Oregon and California, Washington, Idaho, Montana areas is what happens after the fire is over and that timber does not get removed. And in a couple of years, no one can go into the space for fear of some of this rotting timber falling on them and crushing them.

At the Forest Service, do you have a record, a map that shows areas that now are off limits by virtue of the sheer danger of going into that space with all of this standing and rotting timber?

Mr. SMITH. I am not aware of that. I certainly will get back to you to answer to that question. I am sure some of our experts in state and private forestry probably have a better handle on that. But I could certainly get you that information.

Mr. BENTZ. It would seem to me that you would have it readily available because it is so hazardous not to have it. And you guys are in charge of that space. And even a new lawyer, and I am definitely not a new lawyer, an older lawyer, knows that if someone came in and asked if it was foreseeable that a tree would fall down in that forest, the answer is yes. It is extraordinarily foreseeable, they are going to fall down.

So, I look forward to you getting back to me on that, and we will reach out to the Secretary.

Thank you, Mr. Chair, I yield back.

Mr. TIFFANY. The gentleman yields. I would like to take a couple of minutes for questioning here. I have a couple of specific questions, Mr. Smith, and then I want to get into some more general stuff.

We heard the testimony from Representative Kim in regards to the Cleveland National Forest being closed. And if I heard you correctly, you said 2 years is not going to be enough to do the repairs to make sure that it is safe for people to be able to go in there. Did I hear that accurately?

Mr. SMITH. Yes. We think that the 2-year limit may be limiting, because the first priority is to make sure that it is safe for the recreation public, and also liability for the Forest Service and U.S. Government in general.

Mr. TIFFANY. Why does it take so long?

Mr. SMITH. It really depends on the situation, a case by case. And based on what the analysis is, we try to prepare to do what we need to do based on analysis that we got.

So, if you are talking about environmental analysis, that takes a while. You are talking about cost. Those costs are not necessarily readily available, so we have to plan for those costs to do those type of treatments. That is part of it.

Mr. TIFFANY. So, when you say "analysis," are you referencing to NEPA?

Mr. SMITH. Yes.

Mr. TIFFANY. OK. So, NEPA is an impediment here for being able to expeditiously go in and be able to get this cleaned up and make it safe?

Mr. SMITH. I don't think it is an impediment. We have lots of CEs and we have emergency authorities to get in and take care of stuff after disasters and fires.

Mr. TIFFANY. OK, so NEPA is not a problem. You have a categorical exclusion, right? Why not exercise it?

Mr. SMITH. We do. We very often do. And I know we have been utilizing it particularly under this new wildfire crisis strategy we have. We are using all the tools that we have, including emergency authorities, including the CEs that we already have.

Mr. TIFFANY. It was said that this Bolts Ditch headgate was mistakenly put in a wilderness area. Is that right?

Mr. SMITH. I think it was located there before the wilderness area.

Mr. TIFFANY. But it was mistakenly put in the wilderness area.

Mr. SMITH. Yes.

Mr. TIFFANY. Isn't that an indictment of wilderness areas, which are the most restrictive designation that is out there, and that we must be really careful before we put properties with the wilderness designation?

Mr. SMITH. Before we do a wilderness designation, there is a lot of public involvement, so you have lots of comments and opportunities before we make such decisions. So, we try to take that into account before we designate those areas. That is why you have a study and suitability for those areas.

Mr. TIFFANY. So, you do the consultation and stuff like that with the local communities. You say you hear from them, all the rest. Do you coordinate with the local municipalities that are affected by something like this?

Do you go in and do an official coordination as stipulated under Federal law, and review with the municipalities not just the consultation, not just hearing from people, but where you sit down and really figure out what the concerns are, and then help alleviate those concerns before executing something like placing land into a wilderness?

Mr. SMITH. Well, that is certainly supposed to be the outcome of that collaboration. That should be the outcome, that you have considered all that, that you have had those conversations with the locals, how would it affect them, what it is going to affect. So, I would assume that is what we would be doing.

Mr. TIFFANY. Do you believe coordination and collaboration are two different things under the Federal law?

Mr. SMITH. Yes.

Mr. TIFFANY. So, they are two different things, right?

Mr. SMITH. Yes.

Mr. TIFFANY. Yes, OK. I appreciate it very much. We really appreciate the work you have done with us, my office and our staff here in regards to the Forest County Wabeno project. Do you have any concerns, I didn't hear them in the testimony, are there any immediate concerns you have with this?

Mr. SMITH. The land transfer?

Mr. TIFFANY. With the land, yes, thank you.

Mr. SMITH. No, not at this time.

Mr. TIFFANY. So, should we expect that to be able to advance here, provided we choose to do that, I understand you can't control that, but what I am seeing and hearing here is that there really aren't any concerns with the conveyance happening. Is that accurate, from the Forest Service's perspective?

Mr. SMITH. Yes. I mean, there are always technicalities that we need to work out, but we try to be as judicious and expeditious as we can.

Mr. TIFFANY. Well, I appreciate that very much, because we will hear from the local testimony that we will get how important this is, and you certainly heard the comments that I shared.

I want to follow up on Mr. Bentz's question. I am going to take the liberty of taking a few more seconds here. Are there specific impediments that are preventing the Forest Service from completing more of these land conveyances administratively that require congressional action?

I mean, do we need to be more active in this area as Congress?

Mr. SMITH. I don't think so. I think we have the authority to do it. Again, when you are talking about doing these type of activities, you first must make sure that it is suitable within the current forest plan, you need to consider whether there are any enhancement activities under the CERCLA, you need to consider any Wild and Scenic Rivers, you need to consider any endangered species. So, there are a lot of factors that we look at.

I think we have the authority that we need already, it is just when you do the analysis sometimes it takes time.

Mr. TIFFANY. Yes, my time has expired. Thank you very much for appearing today, Mr. Smith, and we look forward to continuing to work with you on all of these bills. And we appreciate you and your staff joining us today.

Mr. SMITH. Thank you.

Mr. TIFFANY. OK. With no further questions, I don't see anyone else around the dais, we will now move on to our third panel. Thank you, Associate Deputy Chief Smith.

And while the Clerk resets our witness table, I will remind the witnesses, under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record.

I would also like to remind our witnesses of the timing lights, which will turn red at the end of your 5-minute statement, and to please remember to turn on your microphone.

As with the second panel, I will allow all witnesses to testify before we have Member questioning.

It is good to have you all here today. Thank you very much for joining us, and with the Chairman's prerogative, of course, I am going to call the gentleman from Wisconsin first, as you can only imagine.

And I would now like to introduce the honorable Tom Tallier. He is the District 8 Supervisor at the Forest County Board of Supervisors.

Supervisor Tallier, you have 5 minutes to share your testimony, and it is good to have you visiting us here in the nation's capital.

**STATEMENT OF THE HON. TOM TALLIER, SUPERVISOR,
FOREST COUNTY BOARD OF SUPERVISORS, DISTRICT 8,
WABENO, WISCONSIN**

Mr. TALLIER. Thank you and good morning, Congressman Tiffany. And good morning also to all the members of the Natural Resources Committee.

First of all, I want to really thank everyone for the invite and the opportunity to come to Washington, DC, our nation's capital, and present my testimony on H.R. 7072.

But I would kind of like to tell you a few facts about Forest County and the town of Wabeno, first of all. Of course, I think you all know it is located in northern Wisconsin, and Forest County, it got its name because of all the trees. It has been reported that Forest County has more trees in it than stars in the sky. And I think that is factual, to be truthful.

And on the subject of numbers, Forest County only has about 9,000 people in the entire county. So, we don't have a lot of numbers up there, but I just want to say our representation is very good. Congressman Tiffany was at a Forest County Supervisors Committee meeting about 3 weeks ago or so. We have had both Senators from Wisconsin come and talk to us up there in northern Wisconsin. So, I think our representation does a good job for us.

The other thing about Forest County, I think, that is really interesting, we have two federally recognized tribes in Forest County, and I believe we are the only county in the Lower 48 states that can say two federally recognized tribes call Forest County their home. I think it is rather interesting.

One of the main concerns, really, about Forest County is a lack of private land. And we have heard this a number of times in this statement today. The Forest Service controls pretty much 50 percent of our county, 50 percent of the land. That is roughly 340,000 acres that they control. We are talking about 14 acres in this bill. Just think about that. But we will go from there.

The other important fact about Forest County with the non-taxable land between the Federal, the tribes, the state, a lot of the agricultural lands, and whatever, we are down to 10 percent taxable land. And we have to try to provide services, law enforcement, health, social services, all of this on this amount of land. It is very, very difficult. It is very trying.

So, here we are. We are coming to Tony's Ready Mix. And I want to talk just a little bit about this because we have to look at every business in Forest County, small businesses or whatever. He employs roughly 18 full-time people. Think about this, 18 full-time people, but our community is only about 1,000 people. I mean, you start taking 18 full-time jobs out of 1,000 people, where are we going to go?

I mean, right now Tony is very reputable. He is not a fly-by-night operator by any means. He has a home and a family, his kids go to school there. I think that we really need to keep this business in Forest County and in Wabeno to keep things moving forward.

I can see I am getting close on my time, so I just want to add one point here. I am the Supervisor of Forest County. This land is in my district. I really think we need this bill to pass. Without it, I am really afraid. And as I think Congressman Tiffany had

mentioned, we have some letters from the Chamber of Commerce, and the Forest County Economic Development Partnership, and the town board.

Again, I see my time is just about done, so I had better say thank you.

[The prepared statement of Mr. Tallier follows:]

PREPARED STATEMENT OF TOM TALLIER, FOREST COUNTY BOARD OF SUPERVISORS
DISTRICT 8
ON H.R. 7072

Honorable Congressman Tom Tiffany and members of the Natural Resource Committee:

First I would like to thank everyone for the invite and the opportunity to come to Washington, D.C. our Nation's capital to present my Testimony on H.R. Bill #7072.

I also would like to tell you some facts about Forest County and the Town of Wabeno, which is located in northern Wisconsin. Forest County got its name because of all its trees. It has been reported that Forest County has more trees than stars in the sky. On the subject of numbers, approximately 9,000 people call Forest County their home. Forest County is also home of two federally recognized tribes (Potawatomi and Sokaogon Chippewa) and is the only county in the lower 48 states that have two tribes within their boundaries.

A main concern in Forest County is the lack of private land. The major landowner is the United States Forest Service which controls approximately 50% of the land. When you put together all non paying taxable lands it comes to approximately 90%, which means only 10% of the land in Forest County is fully taxable.

Here lies the problem. To help solve the problem I offer the following. Tony's Ready-Mix is a sand gravel ready-mix company, a small business by some big city standards. But here in Forest County we need every business to survive. Tony's Ready-Mix has been in business for 20+ years and hires 16-18 full time employees and has a yearly outlay of capital of approximately 1 million dollars. Forest County and the Town of Wabeno need this business to keep moving forward. We need this 14 acres of land so local residents can keep working, living and sending their kids to school here in Forest County.

I would be happy to answer any questions on this matter. Attached are letters of support from the Wabeno Chamber of Commerce, Town of Wabeno, and the Forest County Economic Development Partnership.

ATTACHMENTS

WABENO AREA Chamber of Commerce

September 8, 2023

To Whom it May Concern:

This letter from the Wabeno Area Chamber of Commerce is written in support of the sale or trade of land between Tony Smith, owner of Tony's Wabeno Redi-Mix LLC and the U.S. Forest Service. It was brought to our attention that his purchase or trade is needed to provide the materials needed to continue production in the future.

Tony's Redi-Mix has been in our community for over 20 years and is currently providing employment for approximately 25 employees, which enables them to provide for their families. Tony and his employees are active community members and essential to the economic growth of Wabeno. We support all efforts that will help him to sustain his business.

Sincerely,

DAWN JAKUBIEC,
Treasurer

TOWN OF WABENO

The Town of Wabeno is in support of the request to purchase or trade of the U.S. Forest Service land to Tony's Wabeno Redi-Mix LLC Tony Smith owner.

The need was brought to our attention last year, revealing only a few years of sand and gravel to continue production and the employment of approximately 25 employees and their families.

Tony has been actively searching for property and so far has not found any other options.

With this purchase or trade between Tony's Wabeno Redi-Mix and the U.S. Forest Service he will be able to provide steady employment and growth for his company and our community. Tony's Redi-Mix LLC is one of the largest employers in the community and we would to support him any way we can.

Jim Smith,
Chair

Randy Johnson,
Supervisor

Benjamin Hermus,
Supervisor

FOREST COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP

Re: Tony's Wabeno Redi-Mix

Greetings,

The Forest County Economic Development Partnership is pleased to support the request of Tony Smith, OBA Tony's Wabeno Redi-Mix, with the purchase or trade of U.S. Forest Service to ensure the sustainability of his business and employment opportunities in Forest County, Wisconsin.

The need for expansion was highlighted in 2022, revealing only a few years of sustainable sand and gravel to continue production and employment for his business. He has been in contact with Forest County in discussions on land purchases or trades to sustain the demand of sand and gravel for business purposes. Currently his site will only sustain his business until late 2025 or early 2026.

With the success of land purchase or trade between Tony's Wabeno Redi-Mix and the U.S. Forest Service he will be able to provide Forest County with steady employment and growth of his company. The company currently employees around 25 individuals from around the area, and works on many jobs that increase the growth of the county. Sustaining this business for Forest County and its economic development is critical to the success and growth of the County as a solid unit.

Sincerely,

CHRIS SHAFER,
Executive Director

Mr. TIFFANY. Thank you for your testimony, Supervisor Tallier. Next, I would like to recognize Representative Kim for an introduction of one of our witnesses.

Representative Kim.

Mrs. KIM. Thank you, Chairman. I am pleased to introduce the next witness, San Bernardino County Fire Chief Dan Munsey, to testify on our ROUTES Act.

Chief Munsey has nearly 30 years of experience in the fire service, and his fire district serves the largest county in the United States. And he is also the Vice President of California Metro Chiefs Association and the Fire School Board of Directors which works to advance the fire service in California. Our local firefighting

agencies in Southern California work tirelessly on the ground to keep our communities safe, and they are at the forefront of wildfire technology innovation, and they know first-hand the importance of active forest management and wildfire mitigation on Federal lands.

So, I want to thank Chief Munsey for joining us today to testify in support of the ROUTES Act.

STATEMENT OF DAN MUNSEY, FIRE CHIEF, SAN BERNARDINO COUNTY FIRE DEPARTMENT, SAN BERNARDINO, CALIFORNIA

Mr. MUNSEY. Thank you. Of 12,800,000,000 Federal acres within San Bernardino County, we serve 20,000 square miles. Eighty percent of our land mass is Federal. We respond with seven different Federal agencies.

Mr. Neguse, I appreciate your comments on the firefighter pay. One correction is there are no firefighters in the Federal Government. There are forestry technicians. This has become very apparent to us as we responded to 8,133 calls on an annual basis into Federal land. This is \$13 million of local funds that are spent on this expenditure. We are your all-hazard fire department. Your U.S. Forest Service and other fire departments by charter, unless there is a FEMA declaration, can only respond to wildfire. We found that out during our February storms that buried our communities in 10 feet of snow as we asked for their assistance.

I want to thank Congresswoman Young Kim, along with Congressman LaMalfa, for introducing this Act.

I mentioned we are fairly large. We responded to 196,000 all-hazard calls. Our men and women are amongst the hardest working in the nation. They are often rated in the top 10 busiest companies but, see, 196,000 calls are also 196,000 failures. Because my job, my primary job, isn't to respond to calls; my primary job is to prevent those calls.

This Act is important to recreation, certainly, but it is more important to your local fire service who is responding after hours, who is responding off season into Federal lands. If we cannot access fires, fires will continue to grow. If we can't get in there and mitigate certain things like flood control channels, then secondary emergencies will occur.

We are known in San Bernardino County for having large, destructive wildfires. Last year, we had the largest fire in California with the York Fire. The Old and Grand Prix Fires destroyed 993 homes and caused 6 civilian deaths. And then, in 2020, the El Dorado Fire resulted in a Federal firefighter fatality. In each one of these fires, like fires throughout our nation, the fire has damaged roads, trails, campgrounds, and other infrastructure.

And I appreciate Mr. Smith's comments on ensuring the public safety is maintained in 2 years may be difficult, but I will ask. How long is long enough?

When I was on the Ranch 2 Fire in the Angeles National Forest, I spent 4 days trying to open a road so I can access the firefighters edge. This year, when we had our snowstorm, because the road was not maintained that was critical to 911 calls, we were forced to send in helicopters with fuel to fuel back-up generators. We need the ability to get in there and fix these roads. If the Federal

Government is not able to do that, we will certainly undertake that task to prevent emergencies.

Debris flows are common examples of the secondary emergencies that we try to prevent. A great example occurred in Forest Falls, California, within our communities after the El Dorado Fire. Our wildland crews removed 60 tons of debris from natural flood channels to prevent blockage. However, there still were several incidents that occurred that resulted in flooding in September 2022. The flooding, unfortunately, buried a house and a civilian.

In August 2023, a similar incident occurred in the nearby Seven Oaks community, and an elderly resident was swept away. It has been frustrating to watch fires get bigger, and it has been frustrating to not allow local resources to respond to assist the Federal Government in preventing these emergencies.

In closing, San Bernardino County in our jurisdiction we represent 66 communities, 80 percent of our land mass is Federal land. These communities are surrounded by your land areas. It is very important to us that we have access to these Federal lands in order to effectively respond and prevent emergencies.

Thank you for your time.

[The prepared statement of Mr. Munsey follows:]

PREPARED STATEMENT OF DAN MUNSEY, FIRE CHIEF AND FIRE WARDEN, SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

ON H.R. 6994

I am the Dan Munsey, the Fire Chief and Fire Warden for San Bernardino County Fire Protection District. I am here today in response to the Committee's invitation to testify in support of H.R. 6994. I have 28 years of experience in the fire service, and for the last four years I have served as the fire chief of the largest fire district in our nation. I have served with Federal Incident Management Teams for over two decades facing some of the most complex emergency incidents in history. Incidents that have killed firefighters, civilians, and caused massive losses to public infrastructure. I serve as a director on FIRESCOPE, a board that provides recommendations and technical assistance to the fire service including the FIRESCOPE Incident Command System (ICS) and the Multi-Agency Coordination System. I am also the vice-president of the California Metro Chief Association, an association that is inclusive of the largest fire departments in the nation.

I want to thank our Congresswoman, Young Kim, along with Congressman Doug LaMalfa for introducing this act. This bill would benefit us by allowing improved maintenance on roads and trail networks used by our firefighters and by restoring public land in ways to prevent secondary emergencies.

San Bernardino is the largest county in the continental United States, with a land mass of almost 20,000 square miles, larger than New Jersey, Connecticut, Delaware, and Rhode Island put together. The County is a diverse geographical region with large coastal valleys, mountainous terrain, and expansive desert areas. San Bernardino County is home to two of the most populated and recreated national forests, the Angeles National Forest, and the San Bernardino National Forest. Almost 80% of the county's land mass is made up of federal lands. The 2.2 million citizens we serve in sixty-six communities are often largely isolated and surrounded by federal land, both mountain and desert areas. This means that San Bernardino County Fire is often impacted by all-hazard emergencies, such as wildfires, originating on federal lands.

San Bernardino County has a history of large-scale destructive wildfires and natural disasters that pose significant challenges for our responders. This includes the largest fire in California last year, the York Fire, 2003's Old Fire/Grand Prix Fire that destroyed 993 homes and caused six civilian deaths; and the 2020 El Dorado Fire which resulted in a federal firefighter fatality.

Each of these fires, like so many others throughout our nation, have resulted in damaged roads, trails, campgrounds, and other infrastructure. The ROUTES Act would require these areas to be restored and reopened. This infrastructure's restoration is important to the local community, not only for recreation, but for firefighting.

Many of the fires fought in our federal lands burn in areas that had previously burned where infrastructure has been damaged and not restored or reopened.

A lot of the same roads used for recreation are used for firefighting. In my 10 years commanding geographical areas of wildfires as a division supervisor or operations, I spent many days “opening” roads, which means repairing previously damaged roads, to the point that they could be used to transport firefighters, fire engines, and heavy equipment like bulldozers. In areas where vegetation has been burned, roads are often blocked by debris flow, such as rocks, boulders, and large dead trees caused by water running off slopes following the first few rain storms after the fire; this has resulted in delays to being able to effectively respond and mitigate fires.

Debris flows are common examples of “secondary incidents”, or an incident that is related to the initial incident. It is imperative that restorative efforts be undertaken to minimize or prevent secondary incidents from occurring. A good example occurred in the Forest Falls, California community after the El Dorado Fire (2020). Our wildland crews worked to remove over sixty tons of debris from natural flood channels to prevent blockage; blockage often prevents the natural flow of water causing additional damage to roads and our communities. Despite this, debris and flooding in this community has occurred numerous times. In September 2022, several houses were destroyed and an elderly resident perished as debris overtook her home. In August 2023, a similar incident occurred in the nearby community of Seven-Oaks causing an elderly resident to be swept away in flood waters and die. The County and private citizens work hard to reopen roads ways in our communities. But this is not always the case on federal land.

It has been frustrating to watch fires get larger as we often worked for days to open federal roads to allow firefighters and firefighting equipment access to the perimeter of fire. These roads are often left unrepaired or abandoned for many years resulting in massive amount of heavy equipment work to make them usable. Campgrounds are important too as they are often used as incident bases and areas of refuge. Without campgrounds, crews are forced to drive further to areas that can be used for sleeping, feeding, and other logistical needs. Likewise, existing trail networks are used for crews to make access to and from remote areas. Without these trails, crews must take time to scout and create new trails. Fires often leave behind hazardous trees. Hazardous trees are those trees that are dead or dying and can fall at any moment to block roads, trails, strike humans, vehicles, and other objects. They must be removed to allow public and infrastructure safety.

Failure to maintain, reopen, and restore these areas affects our local communities. Your local fire departments are often the first arriving firefighters on federal incidents. This has always occurred “after hours” when federal forestry technicians are not in their fire stations or during the “off season” when many of these employees have been laid-off for the season. In today’s federal forestry worker shortage, this is occurring more and more often. When our local firefighters are delayed due to poor road conditions, fires grow larger, causing large threats to our communities. Even after the fire, unmaintained roadways can cause difficulties. During a large February 2023 snowstorm, several cell phone towers used by the public to access services including 911 services lost electrical power. San Bernardino County Sheriff and County Fire District crews had to use helicopters to fly fuel into these critical cell phone sites due to federal roads that were impassable due to lack of regular maintenance and repair. We could not even use tracked snow vehicles (snow cats) to maneuver the roads.

In closing, San Bernardino County Fire protects sixty-six communities often threatened by emergency incidents occurred on federal lands. These communities, and many others across the United States, face threats originating on federal land, including fires and flooding. Our firefighters respond through mutual and automatic aid to suppress wildfires and respond to other emergencies on federal land, but we must be able to access the areas where these emergencies are located. It is important to ensure that secondary emergencies are a minimized or prevented, this includes removing hazardous trees and taking other mitigation efforts to prevent or minimize additional disasters such as flooding. This Act is important to allow that our public lands are restored and reopened which is critical to the safety of our communities.

I encourage the Committee to act favorably on H.R. 6994. Thank you for your time and consideration.

I am available to answer any questions you may have.

Mr. TIFFANY. Thank you for your testimony, Mr. Munsey. Next, I would now like to introduce Ms. Sandy Adomatis.

Did I say that correctly, Sandy?

Ms. ADOMATIS. You did.

Mr. TIFFANY. President of the Appraisal Institute.

Ms. Adomatis, you have 5 minutes.

**STATEMENT OF SANDY ADOMATIS, PRESIDENT, THE
APPRAISAL INSTITUTE, CHICAGO, ILLINOIS**

Ms. ADOMATIS. Thank you. Good morning, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. Thank you for inviting me to testify on H.R. 5443, the Accelerating Appraisals and Conservation Efforts, or the AACE Act. My name is Sandra Adomatis. I am the 2024 President of the Appraisal Institute, the largest professional association of real estate appraisers.

The Appraisal Institute thanks Representatives Lee and Joyce for their leadership in introducing the AACE Act, legislation that aims to increase the pool of available appraisers to the U.S. Department of the Interior.

This legislation will allow appraisers who carry a certified general credential in one state to perform appraisals in other states for the Department of the Interior. Similar allowances are enjoyed by Federal staff appraisers, and an extension of this benefit to the private sector will help expand the pool of appraisal service providers to the Interior.

Access to appraisers has been a point of emphasis for Interior for several years. Since 2021, the Department has seen a 16 percent increase in the number of contract appraisers, and a 38 percent decrease in the number of appraiser position vacancies.

Congressionally-approved pay raises has been a big contributor to the turnaround. The flexibility provided by the AACE Act should also assist in increasing the number of appraisers available to the Department.

But there is still work to be done. We are pleased the AACE Act calls for the Department to look within the state where the appraisals or evaluation are to be performed first before they go outside the state. Having local appraisal expertise is of utmost importance, protecting taxpayer interests. This ensures that very best and most competent appraisers would be preparing appraisals in land exchanges, conservation easements, and other Federal acquisitions.

Many designated appraisers of the Appraisal Institute perform appraisals for the Department. Maintaining state credentials can be an onerous, time consuming, and expensive task, especially for those who offer services in more than one state like many DOI contract appraisers. Streamlining or removing the regulatory hurdles helps to increase efficiencies and reduces the cost.

Real estate appraisers face a complex regulatory structure that involves a patchwork of state licensing laws. In addition to the AACE Act, we have supported bipartisan legislation in Congress, the Portal for Appraisal Licensing Act, that would establish a nationwide system for appraiser licensing. Specifically, under the proposed PAL Act, appraisers would have one-stop shopping when

applying for state licenses. The PAL Act would help users and stakeholders engage a broader pool of qualified appraisers throughout the country, including for Federal lands programs.

We are engaged in several initiatives aimed at attracting the next generation of appraisers. Since 2019, the Appraisal Institute has helped lead the Appraiser Diversity Initiative, ADI, the industry collaboration with Fannie Mae, Freddie Mac, and the National Urban League that promotes appraisal profession to diverse communities. ADI hosts workshops to educate participants about professional opportunities in the real estate appraisal, inviting interested participants to apply for education scholarships. As of today, over 600 scholarships have been awarded.

We were also the first to bring to market an innovative program that enables aspiring appraisers to complete their requisite field experience in a virtual environment. The Practical Application of Real Estate Appraisal, PAREA, provides an alternative to the traditional supervisor training model for gaining real estate appraisal experience. PAREA uses a simulated environment leveraging technology and the vast body of knowledge of the Appraisal Institute to present valuation scenarios to aspiring appraisers. A team of experienced appraiser mentors monitors these scenarios. It is akin to the pilots who gather experience in flight simulators or surgeons that expand their skills virtually. Launched last year, the AI PAREA program currently has 125 appraisers, including veterans, minorities, women, and those in underserved rural areas.

These initiatives and other efforts, such as the AACE Act and PAL Act, will help reduce regulatory burdens on appraisers and expand the pool of appraiser service providers. We urge their favorable consideration by Congress, and look forward to working with you on this enactment.

Thank you for the opportunity to be here today, and I look forward to your questions.

[The prepared statement of Ms. Adomatis follows:]

PREPARED STATEMENT OF SANDRA ADOMATIS, SRA 2024 PRESIDENT OF THE
APPRAISAL INSTITUTE
ON H.R. 5433

Good morning, Chairman Tiffany, Ranking Member Neguse and Members of the Subcommittee: thank you for inviting me to testify on H.R. 5433, the Accelerating Appraisals and Conservation Efforts or ACE Act. My name is Sandra Adomatis, and I am the 2024 President of the Appraisal Institute, the largest professional association of real estate appraisers.

The Appraisal Institute thanks Representatives Lee and Joyce for their leadership in introducing the ACE Act, legislation that aims to increase the pool of available appraisers to the U.S. Department of Interior. Specifically, this legislation will allow appraisers who carry a certified general credential in one state to perform appraisals or other valuation services in any other State if the services fall under the authority of the Department of Interior. Similar allowances are enjoyed by federal staff appraisers, and we believe extension of this benefit will help expand the pool of appraisal service providers to Interior.

Access to appraisers and appraisals services by the Appraisal and Valuation Services Office (AVSO) of the Department of Interior has been a point of emphasis for several years. Since 2021, AVSO has seen a 16% increase in the number of contract appraisers and a 38% decrease in the number of appraiser position vacancies. Congressionally approved pay raise for AVSO appraisers has been a big contributor to the turnaround. The flexibility provided here by the ACE Act should also assist

in increasing the number of appraisers available to the AVSO, but there is still work to be done.

We are pleased the ACE Act calls for the Department to look within the state where the appraisals or valuation are to be performed first before they look at appraisers from other States. Having local appraisal expertise is of utmost importance to protecting taxpayer interests. This ensures the very best and most competent appraisers would be preparing appraisals in land exchanges, conservation easements, and other federal acquisitions. Many Designated members of the Appraisal Institute regularly perform appraisals for the Department of Interior. Maintaining state credentials can be an onerous, time-consuming, and expensive task. Helping streamline or remove these regulatory hurdles helps to increase efficiency and reduces costs.

Professional real estate appraisers face a complex regulatory structure that involves a patchwork of state licensing laws. It is an expensive and cumbersome process for all appraisers, but particularly those who offer services in more than one state, like many DOI contract appraisers. The Appraisal Institute has supported legislation in Congress—the Portal for Appraisal Licensing Act (H.R. 2771, S. 2692)—that would establish a nationwide system for appraiser licensing. Specifically, under the proposed PAL Act, appraisers would have the ability to undertake “one stop shopping” when applying for state licenses. We believe the PAL Act would help users and stakeholders engage a broader pool of qualified appraisers throughout the country. Passage of the PAL Act would be another important tool to improve appraiser accessibility throughout federal lands programs and in the entire real estate sector.

The availability of appraisers cannot just be about keeping appraisers in the business. Many practicing appraisers are nearing retirement, so we are engaged in several initiatives aimed at attracting the next generation of appraisers. Since 2019, the Appraisal Institute has helped lead the Appraiser Diversity Initiative (ADI), an industry collaboration with Fannie Mae, Freddie Mac and the National Urban League that promotes the appraisal profession to diverse communities. ADI helps raise awareness by hosting workshops, both in person and virtual, throughout the United States. These workshops educate participants about professional opportunities in real estate appraisal, inviting interested participants to apply for education scholarships.

Beyond the ADI, providing alternate pathways into the profession has been a major area of focus for our organization in recent years. We are the first to bring to market an innovative program that enables aspiring appraisers to complete their requisite field experience in a virtual environment. The Practical Applications of Real Estate Appraisals or “PAREA” program provides an alternative to the traditional supervisory appraiser-trainee model for gaining experience in real estate appraisal. Through PAREA, experience is cultivated in a simulated environment leveraging technology and the vast body of knowledge of the AI to present valuation scenarios to aspiring appraisers. A team of experienced real estate appraiser mentors monitors these scenarios. It is akin to pilots who gather experience in flight simulators or surgeons that expand their skills virtually. Launched last year, the Appraisal Institute’s PAREA program is being utilized by 125 aspiring appraisers, including veterans, minorities, women, and those in underserved and rural areas.

These initiatives and other efforts such as the ACE Act and PAL Act will help reduce regulatory burdens on appraisers and expand the pool of appraiser service providers. We urge their favorable consideration by this committee and look forward to working with you on their enactment.

Thank you again for the opportunity to be before you today, and I look forward to answering any questions you may have.

Mr. TIFFANY. Thank you for your testimony, Ms. Adomatis. Next, I would like to recognize Ms. Siri Roman. She is the General Manager of the Eagle River Water and Sanitation District.

Ms. Roman, you have 5 minutes.

STATEMENT OF SIRI ROMAN, GENERAL MANAGER, EAGLE RIVER WATER AND SANITATION DISTRICT, VAIL, COLORADO

Ms. ROMAN. Thank you, Mr. Chairman. My name is Siri Roman, and I am here to testify in support of H.R. 4297 in my role as General Manager of the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority. Together, we are the second largest water provider in western Colorado.

The district and authority are municipal water and wastewater providers that serve more than 50,000 people in the Colorado Mountain resort communities of Vail, Beaver Creek, and the surrounding areas.

This legislation is needed because a minor mapping error occurred in 1980, when the Holy Cross Wilderness was originally designated. The Bolts Ditch, which was used to fill a water storage reservoir that was originally constructed in the early 1900s, was mistakenly included in the wilderness boundary. While the Bolts Ditch diversion structure is only 450 feet within the Holy Cross boundary, the wilderness designation prevents its continued use, maintenance, and repair.

In 2019, the Town of Minturn sought a narrow wilderness exemption in order to rehabilitate Bolts Ditch as part of its municipal water system. The John D. Dingell, Jr. Conservation, Management, and Recreation Act directed the Secretary of Agriculture to permit non-motorized access exclusively to the Town of Minturn to use, maintain, and repair Bolts Ditch and its diversion structure.

The Bolts Ditch Act is simple. It is a simple amendment to the Dingell Act, granting the district and authority the same access as the Town of Minturn. For the betterment of our watershed and community, the district authority and the Town of Minturn are working together to rehabilitate the Bolts Lake diversion structure and ditch.

The Town of Minturn supports this legislation, and with me in the room today is Michelle Mietteer, their town manager.

The district and authority's service area is located in the headwaters of the Colorado River Basin in Eagle County. Like many areas of the mountain west, approximately 80 percent of our region's precipitation falls in the form of snow in our high mountain peaks. The vast majority of the annual water supply reaches our local stream systems within a very short period of time during spring snowmelt. A reservoir to capture the spring runoff is essential to provide water on a year-round basis for our residents and our visitors.

In 2021, the district and authority acquired ownership of Bolts Ditch and the Bolts Lake property to construct a new, 1,200-acre-foot reservoir at the previous Bolts Lake site. It will be an off-channel reservoir, meaning it will not dam any free-flowing streams.

Bolts Ditch is an essential filling source for the new Bolts Lake Reservoir, and will help to provide sufficient municipal water supplies for our region, including the Town of Minturn. Bolts Lake will boost environmental flows during times of low flow, and will provide additional recreational opportunities to support Western Colorado's recreation-based economy.

The purpose of this legislation is to grant the district and authority access to maintain Bolts Ditch and make the redevelopment of Bolts Lake possible.

Thank you for your time today, and we would be grateful for your support of this legislation. I would be happy to respond to any questions.

[The prepared statement of Ms. Roman follows:]

PREPARED STATEMENT OF SIRI ROMAN, GENERAL MANAGER, EAGLE RIVER WATER & SANITATION DISTRICT AND UPPER EAGLE REGIONAL WATER AUTHORITY

ON H.R. 4297

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee: My name is Siri Roman, and I am testifying in support of H.R. 4297 in my role as General Manager of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority. The District and Authority are municipal water and wastewater providers that serve more than 50,000 people in the Colorado mountain resort communities of Vail, Beaver Creek, and the surrounding areas. Together, we are the second largest water provider in Western Colorado.

This legislation is needed because a minor mapping error occurred in 1980 when the Holy Cross Wilderness was originally designated. The Bolts Ditch, which was used to fill a water storage reservoir that was originally constructed in the early 1900s, was mistakenly included in the wilderness boundary. While the Bolts Ditch diversion structure is only 450 feet within the Holy Cross boundary, the wilderness designation prevented the continued use, maintenance, and repair of Bolts Ditch and its diversion structure.

In 2019, the Town of Minturn sought a narrow wilderness exemption in order to rehabilitate Bolts Ditch as part of its municipal water system. The John D. Dingell, Jr. Conservation, Management, and Recreation Act directed the Secretary of Agriculture to permit non-motorized access exclusively to the town of Minturn to use, maintain, and repair the Bolts Ditch diversion structure and 450 lineal feet of Bolts Ditch.

The Bolts Ditch Act is a simple amendment to the Dingell Act, explicitly granting the District and Authority the same access as the Town of Minturn.

For the betterment of our watershed and community, the District, Authority, and the Town of Minturn, are working together to rehabilitate the Bolts Lake diversion structure and ditch. The Town of Minturn supports this legislation, and their Town Manager, Michelle Metteer, is joining me at this hearing.

The District and Authority's service area is located in the headwaters of the Colorado River basin in Eagle County. Like many areas of the mountain west, approximately 80% of our region's precipitation falls in the form of snow in our high mountain peaks. The vast majority of the annual water supply reaches our local stream systems within a very short period of time during spring snowmelt. A reservoir to capture the spring runoff is essential to provide water on a year-round basis for our residents and visitors.

In 2021, the District and Authority acquired ownership of Bolts Ditch and the Bolts Lake property to construct a new 1,200 acre foot reservoir at the previous Bolts Lake site. It will be an off-channel reservoir, meaning it will not dam any free-flowing streams.

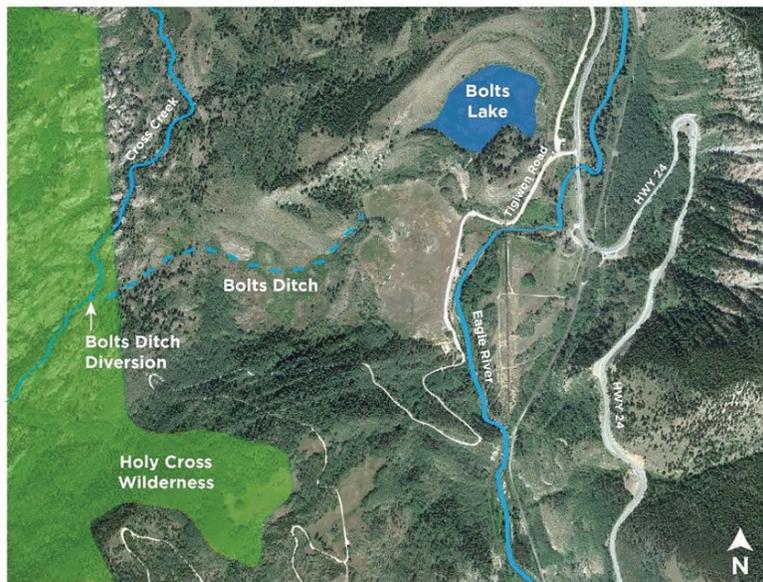
Bolts Ditch is an essential filling source for the new Bolts Lake Reservoir and will help to provide sufficient municipal water supplies for our region, including the Town of Minturn. Bolts Lake will boost environmental flows during times of low flow and will provide additional recreation opportunities to support Western Colorado's recreation-based economy.

The purpose of this legislation is to grant the District and Authority explicit access to use, maintain, and repair the Bolts Ditch diversion, and it will make the redevelopment of Bolts Lake, and all its benefits, possible.

We would be grateful for your support of this legislation.

Attachment A: Overview of Bolts Ditch and Bolts Lake Reservoir

Eagle River Water & Sanitation District (ERWSD) and Upper Eagle Regional Water Authority (UERWA) are planning to redevelop Bolts Lake in Minturn with a 1,200 acre-foot reservoir. The reservoir was originally developed as a recreational reservoir by Ben Bolt in 1890, when he diverted water from Cross Creek into a natural basin. The reservoir has been inactive since 1996, when the dam was breached by order of Colorado's State Engineer. ERWSD and UERWA serve 50,000 customers and are collectively the second largest municipal water supplier in Western Colorado. This reservoir will provide necessary additional in-basin storage supplies to service their customers while maintaining healthy river flows. Bolts Ditch is an essential filling source for the new Bolts Lake Reservoir and will help to provide sufficient municipal water supplies for our region, including the town of Minturn.

Attachment B: Map of Bolts Ditch area, south of Minturn, CO

Attachment C: Photograph of Bolts Ditch intake and diversion structure



Attachment D: Photograph of Bolts Ditch diversion structure



Mr. TIFFANY. Thank you for the testimony, Ms. Roman. I appreciate it.

I will now recognize Ms. Hannah Downey with the Property and Environment Research Center, where she serves as Policy Director.

Ms. Downey, good to have you here.

STATEMENT OF HANNAH DOWNEY, POLICY DIRECTOR, PROPERTY AND ENVIRONMENT RESEARCH CENTER, BOZEMAN, MONTANA

Ms. DOWNEY. Thank you. Chairman Tiffany, Ranking Member Neguse, members of the Subcommittee, thank you for the opportunity to participate in today's hearing on forest conservation and how H.R. 674, the Root and Stem Project Authorization Act, can bring additional resources to improve the pace and scale of forest restoration work. My name is Hannah Downey, and I am the Policy Director at the Property and Environment Research Center.

PERC is the national leader in market solutions for conservation, with over 40 years of research and a network of respected scholars and practitioners. Enhancing forest health is a primary focus of our work, especially the obstacles to collaborative forest restoration and the expanded use of prescribed burns. We are non-profit, non-partisan, and proudly based in Bozeman, Montana.

But my connection to today's topic is also deeply personal. I will never forget the fear of seeing flames racing up a canyon towards my family while we were on a backpacking trip in the Absaroka-Beartooth Wilderness when I was just 14. I know what it feels like to desperately pray for my husband and his wildland fire crew as they battle blazes around the United States. I have had this sobering realization that our water supply in Bozeman will be gone in just 3 days if a fire rips through our watershed. The Root and Stem Project Authorization Act is a tool to help tackle this huge wildfire problem.

The reality is that large and destructive wildfires are becoming more common. Although several factors contribute to this trend, the declining health of our nation's forest is a primary cause. Our national forests face an 80 million-acre backlog in needed restoration, a backlog that leaves our forests more vulnerable to wildfire, less resistant to climate change and drought, and more vulnerable to insects and disease.

The good news, though, is that we know that fuels reduction treatments, including mechanical thinning and prescribed burns, are effective at restoring forest health and reducing fire risk. During Oregon's Bootleg Fire, for example, firefighters reported that in areas where both treatments had been applied, the fire intensity was reduced, the crowns of trees were left intact, and the blaze became a more manageable ground fire.

To tackle this wildfire crisis, PERC supports the Biden administration's ambitious strategy to significantly increase the forest restoration work over the next decade, including the goal of treating an additional 20 million acres. Yet, the Forest Service has struggled to treat more than just a few million of those acres each year.

If the good news is that we know what we need to do to fix our forests, the bad news is that actually doing that restoration work is a long, complex process. Before any chainsaws or drip torches can touch our Federal forests, a restoration project must navigate significant bureaucratic obstacles, including the NEPA review. Though well-intentioned, it takes years for a project to get off the ground. According to PERC researchers, once the Forest Service initiates this environmental review process, it takes over 5 years

to actually begin a mechanical treatment on the ground, and over 7 years to begin a prescribed burn if an Environmental Impact Statement is required.

The Forest Service has also historically required these administrative process barriers as a factor holding up their goals. As a 2002 Forest Service report described it, even non-controversial projects often proceed at a snail's pace. Twenty years later, the agency reached the same conclusion, that the environmental review processes must be streamlined to expand the use of prescribed fire to protect forests and wildlife habitat.

We need to get more beneficial projects through the pipeline before it is too late. The Root and Stem Project Authorization Act builds on a successful pilot project, and is a common-sense, bipartisan proposal that does three key things to help achieve this goal.

First, it increases the capacity for forest restoration by bringing in private resources. With this authority, a project supporter can provide the upfront funding for a contractor to do the NEPA analysis for that project. That upfront investment is later repaid through receipts generated by the project, which makes it possible for more forest collaboratives, conservation groups, and even private companies to provide that initial funding.

Second, it frees up Federal resources to do more restoration work. Dollars and staff time that agencies would have spent conducting that environmental review can now be spent on additional projects and on-the-ground efforts.

Finally, it ensures accountability by requiring Federal oversight and approval of the contractors and the NEPA analysis. We desperately need to get more forest work done.

The Root and Stem Project Authorization Act is a popular proposal that will help us fix America's forests. Thank you for the opportunity to testify, and I welcome any questions.

[The prepared statement of Ms. Downey follows:]

PREPARED STATEMENT OF HANNAH DOWNEY, POLICY DIRECTOR, PROPERTY AND ENVIRONMENT RESEARCH CENTER (PERC)

ON H.R. 674

Main Points:

- Conserving forest ecosystems and solving the wildfire crisis requires tackling the Forest Service's 80-million-acre forest restoration backlog.
- The environmental review process is a major obstacle to increasing the pace and scale of forest restoration work.
- The Root and Stem Project Authorization Act (H.R. 674) would enhance forest restoration by allowing third parties to fund environmental reviews for restoration projects while still maintaining federal oversight and authority.

Introduction

Chairman Tiffany, Ranking Member Neguse, and members of the committee, thank you for the opportunity to participate in this important discussion on forest conservation and how the Root and Stem Project Authorization Act (H.R. 674) can bring in additional resources to improve the pace and scale of forest restoration work.

My name is Hannah Downey, and I am the policy director at the Property and Environment Research Center. PERC is the national leader in market solutions for conservation, with over 40 years of research and a network of respected scholars and practitioners. Through research, law and policy, and innovative applied

conservation projects, PERC explores how aligning incentives for environmental stewardship produces sustainable outcomes for land, water, and wildlife. Enhancing forest health has been a primary focus of PERC's research and policy efforts, with recent major reports on obstacles to collaborative forest restoration and expanded use of prescribed fire.¹ Founded in 1980, PERC is nonprofit, nonpartisan, and proudly based in Bozeman, Montana.

Beyond my professional work, my connection to today's topic is deeply personal. As a young girl, I'll never forget the fear of being forced to evacuate a family backpacking trip in Montana's Absaroka-Beartooth Wilderness as an out-of-control wildfire raced toward us. Since then, I married a wildland firefighter and have prayed for my husband and his fire crew as they battled blazes around the United States. I have seen members of my community lose their homes to a devastating wildfire several years ago. And as a resident of Bozeman, Montana—which, like many western cities, draws its water from national forest lands with high risk of catastrophic fire—I live with the sobering realization each summer that our community's water supply would likely be cut off in the event of a fire in the nearby watershed.

The reality is that large and destructive wildfires are becoming more common across the West. Although several factors contribute to this trend, the declining health of our nation's forests is a primary cause.² Our national forests face an 80-million-acre backlog in needed restoration—a backlog that leaves our forests with excess fuels, more vulnerable to insects and disease outbreaks, and less resilient to climate change and drought.³ Yet the Forest Service has struggled to treat more than a few million of those acres per year.⁴

PERC supports the Biden administration's ambitious strategy to significantly increase its forest restoration work over the next decade, including the goal of treating an additional 20 million acres of national forest above the business-as-usual rate.⁵ Meeting that critical target will require greater efficiency in the years-long process of developing, approving, and implementing forest restoration projects.⁶ The Root and Stem Project Authorization Act (H.R. 674) from Representative Dan Newhouse is a common-sense, bipartisan proposal that would help to get more collaborative forest restoration projects through the environmental review process by allowing third parties to contribute resources to complete environmental reviews while still maintaining federal oversight and authority. The Senate passed companion language from Senator Steve Daines and the late Senator Diane Feinstein in the 117th Congress and advanced the proposal again out of the Senate Energy and Natural Resources Committee in the 118th Congress without opposition. With such broad support, and at a time of great need, the Root and Stem Project Authorization Act will bring additional private resources to help fix America's forests.

Getting to the Root of the Wildfire Crisis

According to the Forest Service, about 40 percent of the acres in the national forest system are in need of restoration.⁷ When the Department of the Interior's 54-million-acre restoration backlog is added in,⁸ the total area of federal land that

¹See Holly Fretwell & Jonathan Wood, *Fix America's Forests: Reforms to Restore National Forests and Tackle the Wildfire Crisis*, PERC Public Lands Report (2021); Jonathan Wood & Morgan Varner, *Burn Back Better: How Western States Can Encourage Prescribed Fire on Private Lands*, PERC Policy Report (2023).

²Among the four factors driving fire severity in the western United States, live fuel accounted for an estimated 53.1 percent of average relative influence, fire weather accounted for 22.9 percent, climate accounted for 13.7 percent, and topography accounted for 10.3 percent. See Sean A. Parks et al., *High-Severity Fire: Evaluating Its Key Drivers and Mapping Its Probability Across Western US Forests*, Environmental Research Letters (2018).

³See Forest Service, *Forest Products Modernization* (last visited Mar. 17, 2023). See also *Fix America's Forests*, *supra* n. 1 at 4-16.

⁴See Forest Service, *USDA Forest Service Celebrates Historic Investments in 2022* (Feb. 6, 2023) (reporting that the Service treated 3.2 million acres in 2022); *Fix America's Forests*, *supra* n. 1 at 4.

⁵See Forest Service, *Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America's Forests* (2022).

⁶See Eric Edwards & Sara Sutherland, *Does Environmental Review Worsen the Wildfire Crisis?*, PERC Policy Brief (2022). See also *Confronting the Wildfire Crisis*, *supra* n. 5 at 30 (predicting that existing "shovel ready" projects could be completed in years 1 and 2 of the plan); Forest Service, *National Prescribed Fire Program Review* App. A 21 (2022) (identifying the need to "streamline required environmental analysis and consultations").

⁷See *Fix America's Forests*, *supra* n. 1 at 4. The Forest Service manages 193 million acres of land, 80 million of which are in need of restoration, according to the agency.

⁸GAO, *Wildland Fire: Federal Agencies' Efforts to Reduce Wildland Fuels and Lower Risk to Communities and Ecosystems* (2019).

needs urgent help is larger than the state of California. The wildfire crisis is the most visible symptom of this problem, but it is not the only one. Due to the backlog, many western forests are stocked full of overly dense, unhealthy, and dying stands that provide lower-quality habitat, are more vulnerable to insects and disease, and are less resilient to climate change and drought (*See appendix figure 1*).⁹

As with any complex phenomenon, no single factor fully explains declining forest health or the wildfire crisis. A changing climate has increased the risk of drought and extended the West's "wildfire season."¹⁰ A massive jump in the number of people living near or recreating in forests has increased opportunities for human-caused ignitions.¹¹ But the largest factor, according to a study by Forest Service scientists, is excessive forest density and the buildup of fuels due to a lack of forest management and decades of fire suppression.¹²

Fire is nothing new to western forests, which were traditionally adapted to flames due to climate, terrain, and Indigenous tribes' use of controlled fire for millennia.¹³ However, recent catastrophic wildfires are far more destructive than historical fire regimes. They are more likely to threaten old-growth trees, wipe out habitat for wildlife, and cause erosion that degrades watersheds and fish habitat.¹⁴ Even mighty giant sequoias, one of the most fire-adapted tree species, are at risk. The National Park Service estimates that 10–20 percent of the world's remaining members of this species have been killed by wildfires since 2020.¹⁵ Wildfire emissions are also a major climate concern. California's record wildfire year in 2020, for example, released twice the amount of carbon emissions than the state had cut between 2003 and 2019.¹⁶

In 2015, for the first time, the United States eclipsed 10 million acres burned by wildfires in a year—an unfathomable total just a few decades ago—with the vast majority of that acreage concentrated in the West. Since then, we have passed that milestone twice more.¹⁷

And due to growing populations near forests, modern fires threaten communities and property in ways not seen before.¹⁸ Nearly 100,000 structures have burned in wildfires since 2005, with two-thirds of that destruction occurring since 2017.¹⁹ California's Camp Fire in 2018, for example, was the deadliest and most destructive in that state's history, killing 85 people and destroying most of the town of Paradise in less than 24 hours.²⁰ In my home of Bozeman, our whole city's water source would be depleted in just three days if our neighboring forests went up in flames. Yet, despite this risk, the collaboratively designed Bozeman Municipal Watershed Project was tangled in red tape and litigation for 15 years before restoration activities could begin.

Forest restoration efforts, including mechanical thinning and prescribed fire, are urgently needed to reduce wildfire damage and promote forest resilience. The effectiveness of these tools was demonstrated in 2021 during Oregon's Bootleg Fire, which ultimately burned more than 400,000 acres (*see appendix figure 2*).²¹ Firefighters reported that where both treatments had been applied, fire intensity was reduced, the crowns of trees were left intact, and the blaze became a more manageable ground fire. Reports also indicated that an area where scheduled prescribed burns had been delayed suffered more damage than areas where treatments had been completed.²²

The Forest Service has simply not been able to keep up with forest restoration needs. In 2023, the agency completed more hazardous fuels work than any prior

⁹ See *Fix America's Forests*, *supra* n. 1 at 8-13.

¹⁰ See *Burn Back Better*, *supra* n. 1 at 4.

¹¹ See *id.*

¹² See *High-Severity Fire: Evaluating Its Key Drivers and Mapping Its Probability Across Western US Forests*, *supra* n. 2.

¹³ See *Burn Back Better*, *supra* n. 1 at 4.

¹⁴ See *Fix America's Forests*, *supra* n. 1 at 8-10.

¹⁵ See Dr. Kristen Shive, et al., *2021 Fire Season Impacts to Giant Sequoias* (last visited Mar. 19, 2023).

¹⁶ Michael Jerrett, Amir S. Jina, Miriam E. Marlier, *Up in smoke: California's greenhouse gas reductions could be wiped out by 2020 wildfires*, 300 *Env'tl Pollution* 119888 (2022).

¹⁷ National Interagency Fire Center, "Total Wildland Fires and Acres (1983–2022)."

¹⁸ See *Burn Back Better*, *supra* n. 1 at 4.

¹⁹ Headwaters Economics, *Wildfires Destroy Thousands of Structures Each Year* (2022).

²⁰ National Institute of Standards & Technology, *New Timeline of Deadliest California Wildfire Could Guide Lifesaving Research and Action* (Feb. 8, 2021).

²¹ See *Burn Back Better*, *supra* n. 1 at 5.

²² See Sara Sutherland & Eric Edwards, *How Environmental Red Tape Inflames Wildfire Risk*, PERC Reports (2022).

year in its history, treating more than 4.3 million acres.²³ The Forest Service is doing the right thing in working to increase treatments, but with tens of millions of additional acres of forests in need of restoration, we need to dramatically increase the pace and scale of this work. The Forest Service's method of tracking and reporting these acres has historically overstated the agency's progress at addressing the restoration backlog, which makes it even more challenging to evaluate how to allocate resources and the effectiveness of treatments.²⁴

Overcoming Red Tape

While the good news is we know how to reduce wildfire risk through forest restoration activities, the bad news is it is exceptionally difficult to get that work done on the ground and at the scale needed. Before any chainsaws or drip torches can touch a federal forest, a restoration project must navigate complex bureaucratic procedures, including review under the National Environmental Policy Act (NEPA). Depending on the extent of anticipated impacts, NEPA may require the Forest Service to analyze a project through, in order of increasing complexity and expense, a categorical exclusion, environmental assessment, or environmental impact statement. The agency may also need to develop a range of alternatives to the project and analyze their impacts as well.

While well-intentioned, extensive NEPA reviews can significantly increase project costs and inject substantial delays. In PERC's recent policy report *Does Environmental Review Worsen the Wildfire Crisis?*, researchers compiled and analyzed a novel NEPA dataset and found that the average time to conduct an environmental impact statement is over 2.5 years.²⁵ Even a categorical exclusion, which is designed to exempt a project from stringent environmental review, takes an average of nine months to complete.²⁶

NEPA delays contribute substantially to an overall approval and implementation process that holds up projects for many years. According to PERC researchers, once the Forest Service initiates the environmental review process, it takes an average of 3.6 years to actually begin a mechanical treatment on the ground and 4.7 years to begin a prescribed burn—and those numbers increase to 5.3 years and 7.2 years, respectively, if an environmental impact statement is required (*see appendix figure 3*).²⁷ Given the time it takes to conduct environmental reviews and implement fuel treatments, it is unlikely that the Forest Service will be able to achieve its goal of treating an additional 20 million acres over the next 10 years.

Evaluating the costs associated with NEPA compliance is challenging largely because, similar to many other federal agencies, the Forest Service does not routinely track or report the associated costs and personnel time.²⁸ The Forest Service has, however, historically identified administrative process barriers as a major factor holding up forest restoration goals. As a 2002 Forest Service report on *The Process Predicament* described it, “Even noncontroversial projects often proceed at a snail's pace.”²⁹ In 2022, the Forest Service likewise concluded that environmental review processes must be streamlined to give the agency more tools to use prescribed fire to protect forests and wildlife habitat.³⁰

The Root and Stem Project Authorization Act

The Root and Stem Project Authorization Act (H.R. 674) is a bipartisan proposal to add more resources to advance forest restoration projects through the often-cumbersome environmental review process. For projects on Forest Service or Bureau of Land Management land that have been collaboratively developed and meet local and rural community needs, a sponsor can front the funding for an approved outside

²³ U.S. Forest Service, *USDA Forest Service celebrates historic investments in 2023*, (January 23, 2024).

²⁴ See Accurately Counting Risk Elimination Solutions (ACRES) Act, H.R. 1567. See also Adiel Kaplan & Monica Hersher, “The Forest Service is Overstating its Wildfire Prevention Progress to Congress Despite Decades of Warnings Not To,” NBC News (August 9, 2022); GAO, *Wildland Fire Management: Additional Actions Required to Better Identify and Prioritize Lands Needing Fuels Reduction* (2003).

²⁵ Eric Edwards and Sara Sutherland, *Does Environmental Review Worsen the Wildfire Crisis? How Environmental Analysis Delays Fuel Treatment Projects*, PERC Policy Brief (June 2022).

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Katie Hoover & Anne Riddle, *National Forest System Management: Overview and Issues for Congress*, Congressional Research Service (May 18, 2023).

²⁹ U.S. Forest Service, *The Process Predicament: How Statutory, Regulatory, and Administrative Factors Affect National Forest Management* (2002).

³⁰ U.S. Forest Service, *Nat'l Prescribed Fire Program Review* (2022).

contractor to complete the NEPA analysis for the project and be repaid through any receipts generated by the project that would otherwise go to the federal treasury.

The “A to Z” Project

The Root and Stem Project Authorization Act builds on the “A to Z” pilot project in the Colville National Forest in Washington.³¹ This innovative project was highlighted in PERC’s 2021 *Fix America’s Forests* report as a way to leverage the value of timber to reduce bureaucratic burdens.

Several years ago, the Northeast Washington Forest Coalition, a collaborative group of public and private partners, was looking to advance a forest project, but the Colville National Forest did not have the financial or staff resources to complete environmental reviews for the project. The coalition proposed allowing timber contractors who would perform the harvesting and restoration work to also bear the costs of doing the NEPA analysis. This “A to Z” project—so named because the winning bidder would be responsible for the entire process from initiating the project, to environmental review, to implementation—presented the opportunity to use the commercial value of harvested timber to advance the project and fund forest restoration.

A local sawmill, Vaagen Brothers Lumber, won the 10-year Forest Service stewardship contract in 2013 to test the privately funded, publicly managed NEPA process. It subcontracted with a third party to plan and perform the environmental analysis. To avoid any conflict of interest, the subcontractor’s performance was overseen by agency personnel rather than Vaagen Brothers. The NEPA analysis was completed in 2016, and the Vaagen Brothers began commercial thinning operations on more than 4,500 acres of national forest lands that contain excess wildfire fuels.

With a mill that can process small-diameter trees and nearby processing facilities that can turn that timber into laminated building products, the contract provides Vaagen Brothers with a supply of merchantable wood products. In exchange, the terms of the stewardship contract also require that the private company rehabilitate streams, replace culverts, restore roads, and control noxious weeds, leaving the forest ecosystem more resilient to insects and disease, enhanced wildlife habitat, and a substantially reduced risk for severe wildfire.

How It Works

The Root and Stem Project Authorization Act establishes a formal process for a project sponsor to provide the Forest Service and Bureau of Land Management upfront funding to hire an approved contractor to conduct the NEPA analysis for a collaboratively designed restoration project. It also adds the requirement that receipts generated by the project can be used to repay the sponsor instead of being deposited into the general fund of the treasury. Building on the success of the “A to Z” project, this approach could substantially speed up needed activities while freeing up agency resources and personnel for other projects.

The Forest Service and Bureau of Land Management can currently contract with non-federal parties for environmental analysis and accept outside funds to pay for that review, as demonstrated by the “A to Z” project.³² The significant reform that the Root and Stem Project Authorization Act would make is to allow a project’s timber revenues to reimburse the party who funds the environmental review. This improvement would create more opportunity and motivation for forest collaboratives, conservation organizations, timber companies, and other entities who would benefit from the restoration project to provide the initial funding.

Under this proposal, the Forest Service and the Bureau of Land Management would maintain an approved list of non-federal, third-party contractors in each state that the agency can hire to complete NEPA analyses and any consultations required under the Endangered Species Act. For forest restoration projects that have been collaboratively developed on federal lands, a project sponsor could propose a stewardship contract and provide the federal land management agency with the funding to hire one of the approved contractors to conduct the necessary project analysis. Once the project was approved, the federal land manager would have to solicit bids to carry out the project and use any available receipts generated by the project to repay the sponsor.

Though outside parties would be providing upfront funding and completing the environmental review documents, the federal land management agency would still retain authority over the environmental review and the project. Additionally, the relevant secretary would still be required to determine the sufficiency of any documents and authorize the project to proceed.

³¹ See *Fix America’s Forests*, *supra* n. 1.

³² 40 CFR § 1507.2.

Improving Forest Restoration

At a time of great need for more forest restoration activities, the Root and Stem Project Authorization Act would bring more resources to the table to get important work done. Bringing in outside funding will not only benefit the collaborative projects reviewed under the Root and Stem authority but will also allow limited Forest Service and Bureau of Land Management resources to be spent on other priorities. Ultimately, more needed forest restoration projects—both ones that do and do not generate revenues—will make it through the environmental review process so that work can begin on the ground to reduce fuel-loading and protect our forest ecosystems from catastrophic wildfires.

This tool is a voluntary approach that can certainly help advance collaborative projects in areas of need. Beyond adding additional financial and human capacity to the environmental review process, this opportunity also recognizes and rewards collaboration on forest projects and maintains federal oversight. Congress should explicitly grant the Forest Service and the Bureau of Land Management the ability to have outside parties pay for contractors to conduct the environmental review analysis and documentation for forest projects so more restoration work can begin in the forests.

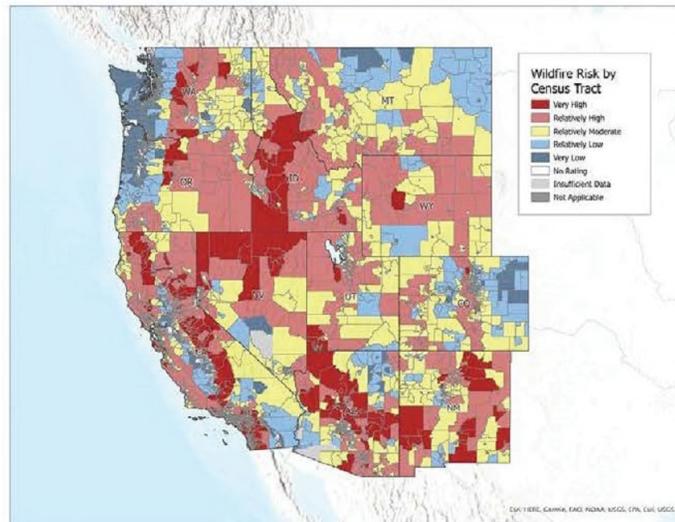
Conclusion

Solving the wildfire crisis requires more forest restoration work. Environmental reviews are a major hindrance to achieving that goal. The Root and Stem Project Authorization Act is a bipartisan and bicameral proposal that would help bring in additional funding and capacity to the environmental review process, freeing up other federal resources to conduct even more needed projects. Congress should act now to authorize this tool to help fix America's forests.

Appendix

Figure 1

Map of Wildfire Risk In Western States



The Federal Emergency Management Agency wildfire risk index rates a community's relative risk for wildfire. The map above displays FEMA wildfire risk by census tract for the 11 western states.

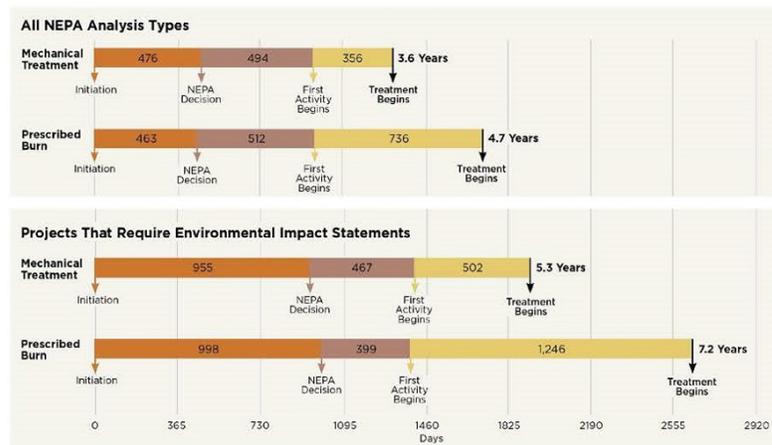
Figure 2



As the Bootleg Fire ripped through the Fremont-Winema National Forest in southern Oregon in 2021, firefighters reported that in places where prescribed fires and forest thinning had been carried out, flames returned to the ground, where they moved slower, did less damage, and were easier to fight. © S. Rondeau/Klamath Tribes' Natural Resource Department

Figure 3

Average Time to Begin U.S. Forest Service Fuel Treatments



The timeline for a U.S. Forest Service fuel treatment project includes the following steps: initiation of the NEPA environmental review process, NEPA decision, first on-the-ground activity (often an inventory of fuels or similar preparation step) begins and, finally, treatment begins. Once the Forest Service initiates the environmental review process, it takes an average of 3.6 years (1,325 days) to begin a mechanical treatment. Prescribed burns average 4.7 years (1,711 days) from initiation to beginning of treatment. For both types of treatment, projects that require rigorous review in the form of an environmental impact statement take significantly longer to begin on average: 5.3 years (1,924 days) in the case of mechanical treatments and 7.2 years (2,643 days) in the case of prescribed burns.

Mr. TIFFANY. Ms. Downey, thank you very much for your testimony. Now, I turn to Mr. Bentz for questioning for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair, and I wish I had more time, because I have questions for all of you, but I don't have enough time for that.

Mr. Munsey, the roads you are speaking about, the bridges, all of that, you must be incredibly challenged to try to keep up with the sheer demand for what needs to be done. I am just curious what it would really take to get back to a point of actually being able to protect people by having the roads, the bridges, all those systems actually in place.

Mr. MUNSEY. Yes, sir. First I want to thank our San Bernardino National Forest, the road that I discussed, while they don't have funds to repair it, we have been able to work with them. And actually, I don't think it is the fund, I think it is the people that they need. But they have been able to get us supplies, the culvert, the metal that we need to repair those roads.

These roads are on Federal jurisdiction. So, the question is probably better to Mr. Smith of what it would take. Again, I think that he is right, that 2 years is very ambitious. However, I think I am right, too. Some of these roads that I have experienced as a firefighter have been closed for 5 years, 10 years, 15 years, 20 years. These aren't roads that are closed due to lack of will to do maintenance; these roads are closed because they are being abandoned for one reason or another, and they are hampering our firefighting efforts.

Mr. BENTZ. Right. And there is a suggestion in the county I live in. The county itself is 9 million acres in size, and there is a suggestion that a couple of million of it be made into a wilderness area, or a monument with no access. It happens that most of that area is rangeland, not trees, but the issue is the same: you can't get there from here unless you have appropriate roads that have been appropriately maintained. Otherwise, you are kind of out of luck. So, that issue is huge.

I am going to shift to Ms. Downey, and you heard me asking questions of the Forest Service. And I am just curious if, same question, if you had your way, how would you fix the forest tomorrow?

Ms. DOWNEY. There is definitely a lot of work to be done, Congressman.

As I stated, we have an 80 million-acre backlog of needed forest restoration work that is contributing to this wildfire crisis. There are a lot of factors that go into it.

One, which the Root and Stem Project Authorization Act does help to address, is the capacity. We need more resources going to this problem, and external partners are going to be essential to getting that done.

The second is also what we have alluded to on the NEPA problem, and getting more projects approved. It is a huge lift to get these projects through the approval process. And then add on litigation, and we are looking at about an additional 2 years of delay. When all of those pieces combine, it is taking up an excessive amount of time that we simply don't have when we need to tackle this wildfire crisis.

Mr. BENTZ. Speaker Gingrich, who I met with a number of times now, suggests that the only way to get anything done is to change public opinion. So, in your opinion, how would you go about sharing with the nation the challenge that we are all dealing with?

And to that end, I will just say in the largest part of my district, which is the Medford area in southern Oregon, there are about 300,000 people. And I guarantee you right now those folks, all of them, know they have a problem because they can't breathe during August and September. It is bad. And for a while, we had smoke from Oregon going over this building right here 3 years ago, and that gave us an opportunity to say, hey, this is a wreck.

What is your organization doing to try to bring this incredible challenge to the attention of the nation?

Ms. DOWNEY. Congressman, you are absolutely correct that public opinion is essential on this problem.

One of the things that we are working really actively to do is to try to help educate and inform the public on what actually is a healthy forest. For so long, we have gotten to this place where all fires have been suppressed, we haven't been conducting the mechanical thinning and prescribed burn work that is needed to restore the health of these forests. So, people go into the forest and they see them chock full of trees and dead fall and overgrowth, and we just kind of think that is what it is, when in reality we need to be actively clearing out some of those fuels.

So, part of our mission at PERC is to try to better shape that narrative of what actually is a healthy forest. It is good for people to be in there and engaging and doing some of this needed work.

And then, to your exact point, that is what then helps prevent those negative impacts around the country. When our forests burn in Montana, it is not just Montana that suffers, it is the smoke that travels across the country and harms all of us.

Mr. BENTZ. It certainly does. Let me, with the few seconds I have left, we have been trying to coordinate a messaging system. My personal goal is 10 million people. So, if you have interest, or any of you have interest, in joining us in that effort so we can get these kind of messages out, please let us know.

With that, I yield back.

Mr. TIFFANY. The gentleman yields. I would turn to the Ranking Member, Mr. Neguse, for 5 minutes.

Mr. NEGUSE. I thank the Chairman. Again, thank you to all the witnesses for being here today and for your written testimony and your oral testimony.

Ms. Roman, thank you so much for making the journey and joining us here today. As I mentioned in my opening statement, we granted the Town of Minturn—we, the United States Congress—granted non-motorized access for the Bolts Ditch in 2019 through the Dingell Act. You touched on this during your testimony, but I am wondering if you can just expound a bit on why this particular legislation is necessary to expand access to the Eagle River Water and Sanitation District.

And I guess more broadly, what benefits do you think would flow from this particular change to Eagle County writ large?

Ms. ROMAN. I think that is a good choice of word, the word "flow."

What we are requesting is just very simple, that Minturn already has the access to do the maintenance needed on this historic Bolts Ditch and the diversion structure. And since we recently bought the property and the rights to redevelop Bolts Lake, all it is adding our name onto that. So, it is very simple.

But the benefits at large of this project are very far reaching. As we know, the water picture is very variable in the West. It ties to the forest fires. And what this will do is help us store that snowmelt so that we can release it because it is drier, warmer. We are having longer summers. And then we can release those flows and augment our rivers in the fall. And really, the whole Colorado system will benefit from this project.

Mr. NEGUSE. Well, I couldn't agree more. And given my statements that this is a simple bill, I will hesitate to ask any further questions on this subject and complicate it, and will simply say that I think the bill makes a lot of sense, and I am hoping that we can get it done in short order.

And I thank you for being here. And, of course, to all the witnesses, again, for their respective testimonies.

And I will yield back the balance of my time.

Mr. TIFFANY. The gentleman yields. The Chairman is going to use his prerogative. Mr. Bentz said he had more than 5 minutes for questioning.

And we will give you another few minutes.

Mr. BENTZ. You are very kind, Mr. Chair. Thank you so much.

Mr. Tallier, on the issue of gravel, I had in my law practice back in Oregon lots of occasion to try to help people expand their gravel pit operations. And in Oregon it is extraordinarily difficult. Their neighbors don't like those kinds of activities and, for whatever reason, people have forgotten the absolute necessity of aggregate. I don't know what they think roads are made out of, but the gravel is a pretty essential element.

I am just curious. In this 10 acres that you are asking for, as I understand it, you are asking for 10 acres or 14, whatever the number is. That is adjacent to an existing gravel pit, is that correct?

Mr. TALLIER. Correct. It is really right next to it. It is 14 acres and it is right there, so it is just amazing how close it would be, and we could keep on working, you know what I am saying?

And when I look at the 340,000 other acres that the Forest Service has, and we have to look at that big picture. And 14 acres, I just think that we could just do it and get it over with.

Mr. BENTZ. Right. And I am with you completely on that, because if you can keep that activity in one place, you don't have to go through the disruption that happens to a community when you move to some other place to continue the effort to find gravel. I am very happy to support the bill.

I want to shift to appraisers for a moment. Again, I have dealt with appraisers a lot. There has been a dramatic change after the debacle back in 2008. And I am just curious. When you are talking about a shortage of appraisers, but now that seems to be overcome, was that just as to a government agency or was that nationwide? I am just curious.

Ms. ADOMATIS. Well, the shortage of appraisers is nationwide. We have an aging group of appraisers currently that are certified to appraise. And that is why the Appraisal Institute has taken a proactive approach to bring the next generation of appraisers forward.

Mr. BENTZ. Yes, an absolutely essential function. And I am happy you are here to share with us your thinking on the bill.

With that, Mr. Chair, I yield back.

Mr. TIFFANY. The gentleman yields. I would like to recognize the gentleman from Minnesota, Mr. Stauber, for 5 minutes.

Mr. STAUBER. Thank you, Mr. Chair. I want to thank you for convening this hearing, and I want to thank the bills' sponsors for introducing these pieces of common-sense legislation that will enable communities across the nation to better manage our public lands.

The district that I represent in northern Minnesota is home to great timberland, including on Federal lands like the Chippewa and Superior National Forests. Like many rural districts across the country, we face serious risks from wildfires if our forests are not properly managed.

The Chippewa and Superior National Forests are not currently meeting their timber harvesting goals. While there are several reasons why this is the case, it is abundantly clear we need to be working more collaboratively together, involving Federal, state, local, tribal, and private entities. That is why I am a large proponent of expanding tools like Good Neighbor Authority or promoting root and stem projects, which Representative Newhouse's legislation would authorize.

Our broken and lengthy NEPA permitting regime should not be an excuse as to why we are not taking part in proper forest management. It is clear our Federal land managers, just like so many in private industries across this nation, are being overburdened by the NEPA process. Representative Newhouse's legislation would take a small step to help alleviate that burden on our land managers by enabling qualified private contractors to lead the NEPA process while still ensuring we are achieving the highest possible environmental standards.

Ms. Downey, in your written testimony you share the successes of the A to Z pilot project on the Colville National Forest in Washington State, which was led by a local sawmill. Can you expand upon this, specifically how having a private entity like the local sawmill was able to increase collaboration and result in a more fit-for-purpose project that reduced wildfire risk while serving the needs of the local communities?

Ms. DOWNEY. Congressman Stauber, you are absolutely correct that, in the A to Z Project, the pilot project that spawned this Root and Stem Project Authorization Act, the private company there was absolutely essential in getting that project off the ground. They were able to provide the initial funding, help get that third-party contractor to get the NEPA analysis done, and then go in and actually do a lot of the work on the ground.

So much of this comes back to the point you were making that we have this massive restoration backlog on our Federal lands, and we are going to need external resources and partners to be able to

get that done. With the Root and Stem Project Authorization Act, it reinforces that mechanism through which those private companies can help provide the resources to get that done, and then also be a true partner in actually going on to the landscape and getting that mechanical treatment done to reduce that excessive fuels load.

Mr. STAUBER. Do you think this project would have been completed if it were not for the private company coming in and leading the project, or would the work have ended up on the Forest Service's project backlog?

Ms. DOWNEY. Congressman, in the A to Z situation, the Vaagen Brothers Timber Company, their involvement in this really came about because the Colville National Forest did not have the resources to get this project done quickly. It was a collaboratively-designed project. The timber company was a part of it, the Forest Service and other local groups identifying this as a huge priority need for their community. So, the timber company stepping up and saying, "We would like to help provide the resources and get the work done," that was essential in getting that across the finish line.

Mr. STAUBER. Once again, the private sector doing well. Thank you.

Timber harvesting is one of the largest and most important industries in northern Minnesota. I think that the communities I represent would be greatly serviced by having root and stem projects. It would be another opportunity for the timber stock to drive a vitally important part of our local economy, while advancing forest health and conducting important forest management. This bill is a great tool for our communities and national forests, and I am proud to support it.

Mr. Chair, I yield back. Thank you.

Mr. TIFFANY. The gentleman yields, and I am going to take a few minutes to ask questions here. First, I want to start with Mr. Tallier, the Supervisor from Forest County.

You are a former U.S. Forest Service employee, is that correct?

Mr. TALLIER. Yes it is. I put in 20-plus years, plus my wife put in 25. So, yes, we have been involved with the Forest Service a long time.

Mr. TIFFANY. So, you see this project, this 14 acres that is contiguous with the existing aggregate pit that is there, you see it within the context of Forest County, being a County Supervisor as well as being a former Forest Service employee, you see it through all of those perspectives. Is that accurate?

Mr. TALLIER. Accurate, and I thank you for that because this whole thing is really common sense. It is a hill, it is right there by the existing pit. And 14 acres—and I am not sure what the Forest Service plan would be for it, I mean to do with just that 14 acres.

So, it just seems to me that it is common sense to get rid of it and let economic development continue in Forest County.

Mr. TIFFANY. So, having this 14 acres go to be able to produce aggregate, it doesn't jeopardize any of the operations or any of the goals that the Forest Service has with their hundreds of thousands of acres, is that accurate?

Mr. TALLIER. To me, nothing.

Mr. TIFFANY. And if this goes away, let say this ready mix operation went away. What would be the impact to the local community, including for public projects?

So, you have the U.S. Forest Service. They conduct projects occasionally, right?

Mr. TALLIER. Right.

Mr. TIFFANY. You have the Forest County Potawatomi that are right there with operations right in that immediate area in Wabeno. What happens to the cost of construction if this is not approved?

Mr. TALLIER. Well, the thing is, about this ready mix plant, if this closes down, then the next one is probably 50 miles to the south, 40 miles to the southwest, and then there is another one 25 miles north. So, I mean, you are talking a major impact.

Mr. TIFFANY. If I recall accurately, they would be getting their aggregate or their concrete at that point from either Eagle River, Rhinelander, Antigo, places that are a long ways away.

Mr. TALLIER. A long ways. Yes, exactly. So, it is really important that we keep this company going where it is at, everything is in place.

And I don't know these exact numbers, but when you deal with this many employees and this many trucks coming in and out, different small businesses, it could be over \$1 million a year as far as the investment, everybody around the area, you know what I am saying? So, it is really important that we keep this business going.

Mr. TIFFANY. Yes, I would emphasize—I mean, we certainly have the private sector. I just think of these public-sector projects that they want to complete. It will cost more to complete them if we do not have a source of concrete, a source of aggregate like that.

Ms. Downey, I want to ask a very specific question, and I know you guys work with sportsmen's organizations, and that is really a big part of America, is the opportunity for sportsmen.

And when it comes to corner crossings, it is my understanding that you guys have done a lot of work where you have this checkerboard of public and private lands. Could you please explain this issue with corner crossings, and how legislation that streamlines parts of the land conveyance process, such as Representative Lee's bill, could assist in opening up access?

Ms. DOWNEY. Chairman Tiffany, in the West we have a unique situation, as you have described, called the checkerboarded land situation, wherein, similar to a checkerboard, you have public parcels of land, largely Federal land, where they touch at a corner but not along the edge. So, imagine a checkerboard. Part of it is public, part of it is private.

The question begins as sportsmen, recreationists, conservationists want to be able to expand their access to those public lands, how do you get from one piece of public across the corner to another piece of public?

One side of the argument sees it as public access, the other side sees it as crossing that line, trespassing on private property. So, it is a really complicated land jurisdictional issue. So, pieces like improving the appraisal process so that we can try to negotiate exchanges or to facilitate access agreements so that we are

respecting property rights while still promoting access are going to be really important and help solve a big Western access issue.

Mr. TIFFANY. I appreciate that.

Ms. Adomatis, do you have anything you would like to add to that?

Ms. ADOMATIS. No, but I will say that this AACE Act will help speed up the ability for them to get appraisals in these instances where they need appraisals on access.

Mr. TIFFANY. It goes back to the fundamental issue of the bill that is before us. Is that right?

Ms. ADOMATIS. Yes.

Mr. TIFFANY. Yes, for sure.

Ms. Roman, in the district that you chair, what is your official title again, once again?

Ms. ROMAN. General Manager.

Mr. TIFFANY. General Manager—that you operate, is there water used in that area for the ski resorts and things?

What is the water all used that you manage, what is it used for?

Ms. ROMAN. The water that we manage is mostly used for domestic and outdoor irrigation, but of course you can imagine the Town of Vail, when it was developed, it was largely developed by the ski resorts. It was all around the same time. But our water is largely used for outdoor irrigation and for drinking.

And then we also treat the water and return clean water back to the streams.

Mr. TIFFANY. OK. And it does help you provide to your constituents to have more water storage. Is that accurate?

Ms. ROMAN. Yes.

Mr. TIFFANY. Yes, because it sounds like it is a somewhat complex issue that is before us in regards to the Bolts Ditch.

Ms. ROMAN. I think what is before you is probably very simple, but water in the West is very complex.

Mr. TIFFANY. Always. Us Midwesterners, when we come to Congress and we deal with natural resources, we find that out real fast.

Finally, Mr. Munsey, based on your testimony, it sounds like these issues before us that we are talking about today, they are life and death issues. Is that right?

Mr. MUNSEY. Yes, sir. I also want to point out again that not only life and death with wildfire or secondary emergencies, but as your all-hazard fire department responding to Federal land, these are often things like all-terrain vehicles, people riding horses, lost hikers, people going into mine shafts. And being able to access these individuals quickly can very likely lead to life or death.

Mr. TIFFANY. Do you folks try to prevent fires or try to stop fires before they spread?

Mr. MUNSEY. Yes, sir. As I mentioned, we responded to 196,000 calls for service last year. Again, those are considered failures. While we are really good at responding, our primary job is to prevent.

In our local jurisdiction, I have my Division Chief of Wildland behind me. His wildland crews spend hours in and around our communities with community chipper days, cutting fire breaks, doing inspections on private homes. But there is a great deal of effort

that is expended on the local government to keep our communities safe.

Mr. TIFFANY. So, per what we are talking about here today, what is stopping you from preventing some of those fires?

Mr. MUNSEY. Well, as we mentioned, it is not just fires. It is the all-hazard nature that is going to occur on Federal land. But I would say here is where we have improved in the last couple of years. CAL FIRE, the U.S. Forest Service, the Bureau of Indian Affairs, BLM have all been working a lot closer with County Fire to ensure that the efforts that we are putting in are congruent.

A few years ago, we would see a patchwork quilt, where maybe the Forest Service would take a project that was in the middle of the forest, and then our county fire would take a project that is in the county areas. We weren't working together, and I think that has continued to move that forward.

The second is to continue to fund these projects.

The third, and I want to emphasize this, and I know it is not in this Committee's purview, you need to pay your Federal fire-fighters. There has been a massive loss of experience from individuals that are going to work anywhere but the U.S. Forest Service. CAL FIRE is hiring many of them. In Congresswoman Kim's area in the Cleveland National Forest, 25 percent of the stations 25 percent of the time are staffed. If you don't have that workforce in place, then it is really hard for the Federal Government to do its part in maintaining these fuel breaks and working with local agencies to prevent these fires.

Mr. TIFFANY. So, the burden ends up falling on you and departments like yours. Is that accurate?

Mr. MUNSEY. Yes, sir. As I mentioned, about \$13 million is spent from local taxpayers to respond. There is much more money that is spent from us to protect our communities, which is our responsibility.

We also use our hand crews to augment the Federal hand crews on their projects for free, because we know that if we can minimize the impact of fire in the natural resources, that we can keep that from going into our communities.

Mr. TIFFANY. We have had organizations in this country, well known organizations, that have fought tooth and nail to prevent access. And as a result, maybe they didn't do it intentionally, but the ultimate result was that we have had these massive fires as a result of not taking the proper approach to it. Is that turning in the West?

Mr. MUNSEY. Not from my perspective, sir. I think everybody's intentions are correct, and they want to be environmentally friendly and they want to protect our natural resources, and I can certainly align with those viewpoints. However, we need to make sure that we are doing our half to make sure that our first responders can access these emergencies quickly.

I would also take note that these individuals that complain about maintaining room through the forest, the moment their cell phone is not working they are going to be calling your office and every elected official's office complaining about it. Literally, as I recounted a story in our snowstorm where we could not access the repeaters, the utilities went out and 40,000 people were without

utilities. We had to fuel those generators, but we couldn't make access on the road.

So, those things need to stop in order to protect the public and make sure that they are able to access needed service.

Mr. TIFFANY. I am taking you back one more time. What prevented access to that road in the situation that you just highlighted?

Mr. MUNSEY. Maintenance. That road had not been maintained for years.

Again, the U.S. Forest Service is now working with San Bernardino County Fire. We are putting our heavy equipment and our crews working with our department that maintains a repeater on top of one of the mountains in order to be able to repair that road. The U.S. Forest Service has been great at getting us the supplies we need to maintain it, and getting the CEs to do it. But for years leading up to that, that road had not been maintained. We could not even drive it in a tracked vehicle, a snowcat, to get up there because of the maintenance and the slide, the rockslides that occurred on that particular roadway.

Mr. TIFFANY. Well, I would like to thank all the witnesses for your testimony today. It is greatly appreciated.

Members of the Subcommittee may have some additional questions for you, and we will ask that you respond to those in writing. Under Committee Rule 3, members of the Subcommittee must submit questions to the Subcommittee Clerk by 5 p.m. on Monday, February 5, 2024. Somebody has 2023 here yet. I will have to tease him.

The hearing record will be held open for 10 business days for those responses.

I made that same mistake writing checks. Of course, these young people don't write checks anymore, do they?

If there is no further business, without objection, the Subcommittee on Federal Lands stands adjourned.

[Whereupon, at 11:45 a.m., the Subcommittee was adjourned.]

