

STATEMENT OF
JOHN CROCKETT
DEPUTY CHIEF, STATE, PRIVATE AND TRIBAL FORESTRY
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE
BEFORE THE SUBCOMMITTEE ON FEDERAL LANDS
COMMITTEE ON NATURAL RESOURCES

June 10, 2025

REGARDING
H.R. 1045 – “UTAH WILDFIRE RESEARCH INSTITUTE ACT OF 2025”
H.R. 1655 – “WILDFIRE COMMUNICATIONS RESILIENCY ACT”
H.R. 3187 – “TO REQUIRE THE SECRETARY OF AGRICULTURE TO CONVEY A PARCEL OF PROPERTY
OF THE FOREST SERVICE TO PERRY COUNTY, ARKANSAS, AND FOR OTHER PURPOSES”
H.R. 3444 – “TRIBAL SELF-DETERMINATION AND CO-MANAGEMENT IN FORESTRY ACT OF 2025”

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for inviting the U.S. Department of Agriculture (USDA) Forest Service to provide testimony on four bills: H.R. 1045 – “Utah Wildfire Research Institute Act of 2025”, H.R. 1655 – “Wildfire Communications Resiliency Act”, H.R. 3187 – “To require the Secretary of Agriculture to convey a parcel of property of the Forest Service to Perry County, Arkansas, and for other purposes”, and H.R. 3444 – “Tribal Self-Determination and Co-Management in Forestry Act of 2025.”

H.R. 1045, Utah Wildfire Research Institute Act of 2025

H.R. 1045, the “Utah Wildfire Research Institute Act of 2025,” would amend the Southwest Forest Health and Wildfire Prevention Act of 2004 to require the establishment of an additional research institute in the state of Utah. This would be in addition to three existing institutes in Colorado, Arizona, and New Mexico that are collectively known as the Southwest Ecological Restoration Institutes (SWERIs).

The Forest Service understands the Committee’s interest in pursuing additional research in the Great Basin and Interior West, including on the spread of invasive plants and associated fire danger, with the goal of increasing knowledge and dissemination of challenges and successes in regional forest and rangeland management.

While the Forest Service supports the goal of working closely with state universities to address challenges facing the Great Basin and Interior West, the FY 2026 Budget does not include resources to provide financial assistance to the SWERIs.

H.R. 1655, Wildfire Communications Resiliency Act

H.R. 1655, the “Wildfire Communications Resiliency Act,” would provide that construction, rebuilding, or hardening of communications facilities following a major disaster or wildfire-related emergency are not subject to certain reviews under the National Environmental Policy Act and National Historic Preservation Act.

The Forest Service recognizes the serious impacts that utility interruptions have on the health and welfare of communities and individuals and prioritizes post-disaster restoration of communications and other critical services on National Forest System lands. The agency supports an expedited approval process for rebuilding communications facilities that have been damaged or destroyed by a major disaster or emergency event and supports the opportunity presented in H.R. 1655 to efficiently address facility repairs. Specifically, the Forest Service strongly supports the exclusion of communications facilities damaged by a wildfire disaster or emergency from being considered a “major Federal action,” and therefore not subject to requirements to prepare certain environmental reviews or be considered an undertaking under 54 U.S.C. 300320. We welcome further discussion with the Committee on some small technical concerns to ensure that the proposed legislation can accelerate agency efforts.

H.R. 3187, To require the Secretary of Agriculture to convey a parcel of property of the Forest Service to Perry County, Arkansas, and for other purposes

H.R. 3187 requires the Secretary of Agriculture to convey a parcel of Forest Service land on the Ouachita National Forest to Perry County, Arkansas.

The Forest Service recognizes the potential local benefits this conveyance could provide and supports the conveyance of the Perryville office building and 0.81-acre parcel to Perry County. The Forest Service has engaged Perry County in direct sale conversations since 2022 and would like to work with the Committee to ensure the prompt conveyance of this parcel.

H.R. 3444, Tribal Self-Determination and Co-Management in Forestry Act of 2025

H.R. 3444, the “Tribal Self-Determination and Co-Management in Forestry Act of 2025,” would direct the Secretary of the Interior to develop a Tribal Co-Management Plan for Bureaus within the Department and would require related training for staff. It would also authorize the Secretary of Agriculture to enter into agreements and contracts with Indian Tribes and Tribal organizations to perform certain activities, services, or functions, including management decisions, on National Forest System lands that are consistent with applicable land management plans and carried out on land that is historically, culturally, or geographically related to the relevant Tribe. Activities could include forest and grassland planning and management, restoration, recreational services, Forest Service Heritage Program activities, and research and development activities.

The Forest Service supports robust shared stewardship with Tribal Nations where overlapping interests exist. We work closely with Tribal Nations on forest management, wildfire mitigation, resource restoration, risk reduction, and cultural preservation efforts. We actively engage in shared stewardship through a dozen existing authorities, including the Tribal Forest Protection Act and Good Neighbor Authority.

We defer to the Department of the Interior on Sections 2 and 3 of the bill, which direct the development of a Tribal Co-Management Plan and related staff training for the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Bureau of Indian Affairs.

Section 4 authorizes the Forest Service to enter into agreements or Indian Self-Determination and Education Assistance Act Title I contracts with Tribes and Tribal organizations to carry out activities, services, or functions – including permissive activities and management decisions – on Forest Service lands that are identified as historically, culturally, or geographically related to relevant Indian Tribes. The bill requires the Secretary to publish in the Federal Register, every three years, a non-exhaustive list of activities eligible for inclusion in those agreements, in consultation with Tribes. The bill sets forth time frames and factors that the Forest Service must consider before entering into the agreements, such as valid existing rights of other parties, and identifies special factors for consideration, such as Tribal citizen access and indigenous knowledge. The bill allows a Tribe to amend its agreement to undertake additional activities in response to a natural disaster. The bill also extends the Federal Tort Claims Act coverage to Tribes carrying out the agreements or contracts.

The Forest Service supports the inclusion of formal consultation, the incorporation of Indigenous Knowledge, and the extension of the Federal Tort Claims Act to Tribal employees carrying out activities under the agreements.

The Forest Service welcomes a discussion with the sponsors to address certain legal and implementation matters related to Section 4 to ensure that Congressional intent is effectuated. More clarity on which management decisions are eligible for contracting would be beneficial, particularly since the agreements must be consistent with federal law and non-delegation principles.

As the sponsors may know, Title I of the Indian Self-Determination and Education Assistance Act is not a funding vehicle, but rather a statutory mechanism that transfers Bureau of Indian Affairs and Indian Health Service programs operated for Tribes over to Tribal control. We welcome a discussion on the applicability of that statute's terms for the Forest Service context and its interplay with the annual funding provisions from the Self-Governance Act in the bill. We also welcome a discussion concerning the Forest Service's authority to protect Tribal data sovereignty in order to carry out the goals contained in the bill.

Lastly, Section 4 of the bill requires that activities carried out on Forest Service land be historically, culturally, or geographically related to the Tribe without requiring a temporal nexus to the landscape. When there are overlapping Tribal interests with complicated histories over the same landscape this provision places the Forest Service in a position as arbiter of those interests. We welcome a discussion with the sponsors on this issue. We defer to the Department of the Interior if any portions of Section 4 that may affect its bureaus and agencies.

Conclusion

That concludes the Forest Service's testimony. Thank you again Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee for the opportunity to present USDA's views on this proposed legislation.