



To: House Committee on Natural Resources Republican Members
From: Subcommittee on National Parks, Forests, and Public Lands Republican Staff; Aniela Butler (Aniela@mail.house.gov), Brandon Miller (Brandon.Miler@mail.house.gov), & Terry Camp (Terry.Camp@mail.house.gov)
Date: July 12, 2021
Subject: Legislative Hearing on Four Bills

The Subcommittee on National Parks, Forests, and Public Lands will hold a legislative hearing on five bills: H.R. 4300 (Rep. Miller-Meeks), the Veterans in Parks (VIP) Act; H.R. 3132 (Rep. Amodei), the Lake Tahoe Restoration Reauthorization Act; H.R. 2049 (Rep. Panetta), the Repairing Existing Land by Adding Necessary Trees (REPLANT) Act; H.R. 2816 (Rep. Schrier), the Legacy Roads and Trails Act; and H.R. 3211 (Rep. Neguse), the Joint Chiefs Landscape Restoration Partnership Act; on **Tuesday, July 13th, 2021, at 1:00 p.m. EDT** via Cisco WebEx.

Member offices are requested to notify Brandon Miller **no later than Monday, July 12th, at 4:30 p.m. EDT** if their Member intends to participate in person in the hearing room or remotely from his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee's electronic repository at HNRCDOcs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (EverettWinnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- The VIP Act is a commonsense bill with 138 bipartisan cosponsors that honors America's veterans, Gold Star Families, and active-duty military with free access to national parks and public lands. This is the type of bipartisan legislation our committee should continue to focus on and reflects the type of lasting good that is achievable when we work together.
- Regrettably, not all of the bills included in this hearing live up to that standard. The REPLANT Act in particular is a well-intentioned bill that only offers a partial solution to the very real reforestation challenges facing our nation. The bill's shortcomings include:
 - *Management:* This bill quite literally adds fuel to the fire by including reforestation provisions with no long-term management strategy to ensure these



new trees are not lost to catastrophic wildfire in the future. Last year, over 10 million acres were burned in wildfires, a trend that this bill will only exacerbate.

- *Utilization:* The REPLANT Act aims to plant hundreds of thousands of acres of new trees without creating markets for high- and low-value wood materials. At best, this will cause a glut in the market at a time when lumber prices are predicted to be extremely volatile for the next several years. At worst, it will exacerbate the economic challenges impeding active forest management projects.
- *Reforestation:* The bill simply throws more money at the reforestation problem without addressing barriers to reforestation like labor, seedling shortages, and technology gaps. Throwing money towards reforestation alone, without addressing these larger issues at play, offers little more than a shortsighted band-aid.
- In contrast, earlier in the spring, the House Natural Resources GOP, led by Ranking Member Westerman, introduced H.R. 2639, the [Trillion Trees Act](#), which offered a comprehensive, pragmatic approach to making our forests healthier and tackling our climate and environmental challenges.

II. WITNESSES

Panel I:

- **Representative Mark Amodei**, Nevada, 2nd District
- **Representative Mariannette Miller-Meeks**, Iowa, 2nd District
- **Representative Joe Neguse**, Colorado, 2nd District
- **Representative Jimmy Panetta**, California, 20th District
- **Representative Kim Schrier**, Washington, 8th District

Panel II:

- **Mr. Bernie Gyant**, Associate Deputy Chief, National Forest System, U.S. Department of Agriculture, Forest Service

Panel III:

- **Captain John Paluska**, U.S. Army (Ret.) [*Republican Witness*]
- **Dr. Elaine Oneil**, Director of Science and Sustainability, Consortium for Research on Renewable Industrial Materials CORRIM [*Republican Witness*]
- **Gretchen Reuning**, Forest Program Director, Fort Collins Conservation District
- **Chris Wood**, President & CEO, Trout Unlimited
- **Jad Daley**, President & CEO, American Forests

III. BACKGROUND

[H.R. 4300 \(Miller-Meeks\)](#)

We can never fully repay the debt owed to our military servicemembers, veterans, and Gold Star Families. As a small acknowledgement of their service to this nation, the Veterans in Parks (VIP) Act provides free access to military members, veterans, and Gold Star Families so they can enjoy free of charge the lands they (or their fallen family members) fought to defend. Along with ensuring that our military servicemembers and veterans will have free access to recreational opportunities on public lands for life, this bill is also important as many veterans turn to the outdoors to help return to civilian life or overcome post-traumatic stress disorders.¹

Currently, the Federal Lands Recreation Enhancement Act (16 U.S.C. §§6801-6814, FLREA) authorizes the Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, U.S. Forest Service (USFS), and National Park Service to charge and collect recreation fees on federal recreational lands and waters. FLREA authorizes the agencies to issue the “America the Beautiful—the National Parks and Federal Recreational Lands Pass,” which covers entrance fees and standard amenity fees at more than 2,000 federal recreation areas. In recognition of the importance of ensuring free access for our military servicemembers and veterans, the Trump Administration expanded an administrative military pass to include annual access for veterans and Gold Star Families last year. This free annual pass for Gold Star Families was later codified under FLREA by Congress through the National Defense Authorization Act. As the passes for U.S. active military members and veterans have never been established by Congress, they could easily be undone by a future administration.

The Veterans in Parks (VIP) Act codifies and makes permanent these benefits by creating a lifetime veterans pass, lifetime Gold Star Families pass, and codified annual military pass free of charge under FLREA. The bill currently has 138 bipartisan cosponsors and the endorsement of nearly 60 organizations representing veterans’, recreation, and sportsmen’s interests. *Staff contact: Terry Camp (x67736)*

[H.R. 3132 \(Amodei\)](#)

Lake Tahoe has long been a driver of recreation and economic growth for both Nevada and California, attracting over 6.4 million visitors per year.² For the past several decades, the Lake Tahoe Basin has faced a confluence of threats including insects, disease, drought, and invasive species. To address these challenges, the federal government, States of Nevada and California, local governments, and private interests have collectively invested nearly \$2 billion since 1997 to increase the health and resiliency of the Tahoe Basin.³ In 2000,

¹ U.S. Veterans Magazine, “Veterans Are Finding Lasting Peace After Taking These Free Journeys Into Nature For Months At A Time,” <https://usveteransmagazine.com/2021/06/moving-make-sure-personal-property-insured/>.

² National Forest Foundation, Lake Tahoe West Restoration Partnership, <https://www.nationalforests.org/regional-programs/california-program/laketahowest>.

³ <https://www.congress.gov/114/plaws/publ322/PLAW-114publ322.pdf>.

Congress passed the Lake Tahoe Restoration Act (Public Law 106-506), which authorized \$300 million for the restoration of the lake and surrounding basin. Congress reauthorized the bill in 2016 in the Water Infrastructure Improvements for the Nation (Public Law 114-322, WIIN) Act and increased the authorization level to \$415 million, which expires in 2024.

The Lake Tahoe Restoration Reauthorization Act simply reauthorizes the authorization of appropriations for the Lake Tahoe Restoration Act for another 10 years, until 2034. The bill also extends the authorization for cooperative authorities to enter into contracts and cooperative agreements with States and local governments to provide for fuel reduction, erosion control, reforestation, stream environment zone restoration, and other activities. Proponents of the legislation argue reauthorizing these authorities will prevent an interruption in conservation and restoration planning. Senator Catherine Cortez Masto (D-NV) introduced the Senate companion of the bill. **Staff contact: Brandon Miller (x57611)**

H.R. 2049 (Panetta)

Due to decades of mismanagement and catastrophic wildfire, the USFS currently has a reforestation backlog of approximately 1.3 million acres. Alarming, this figure is a conservative estimate and does not account for the impacts of the 2020 wildfire season, which will likely add hundreds of thousands of acres in need of treatment to the existing backlog. Due to a variety of barriers, including limited resources through the Reforestation Trust Fund, labor shortages, seedling shortages, and gaps in critical technology, the agency is currently treating less than 5 percent of its reforestation needs annually.⁴

H.R. 2049, the REPLANT Act, seeks to address a small part of our reforestation challenges by removing the cap on the Reforestation Trust Fund, which Congress created in 1980 to plant trees on national forests in the aftermath of natural disturbances such as wildfires. The fund is financed by tariffs collected on wood products and is capped at \$30 million annually.⁵ From fiscal year (FY) 2014 through FY 2018, the average estimated duties collected for the specified products were \$127.4 million annually.⁶ Currently, any receipts in excess of the \$30 million cap are deposited into the General Fund of the Treasury and allocated towards other spending programs throughout the government. In addition to removing the Reforestation Trust Fund cap, the REPLANT Act also creates a ranked priority list of reforestation areas to artificially and naturally regenerate after disturbances such as catastrophic wildfire.

While well-intentioned, the bill falls far short of its stated reforestation goals. The challenges facing reforestation are numerous and require a multi-faceted approach, not simply additional money. For example, even if this bill became law immediately, the USFS would still not be able to meet all of their reforestation needs because there aren't enough

⁴ https://republicans-naturalresources.house.gov/UploadedFiles/Reforestation-FactSheet_final.pdf

⁵ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3794956.pdf

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<https://www.crs.gov/Reports/R45994?source=search&guid=29326a9aaf894422a1fbafd96fdc8d90&index=1#ifn107>

seedlings in the United States.⁷ The [Trillion Trees Act](#), which increases resources towards the Reforestation Trust Fund while also creating a long-term seedling strategy, investing in new technology, and prioritizing labor concerns, represents a better alternative to truly ensuring that our forests stay forests for generations to come. In particular, the bill includes the SOS for Seedlings Act⁸, which was separately introduced by Rep. Cliff Bentz (R-OR) and provides \$1 billion in loans for State, Tribal, and private seedling nurseries and directs the Forest Service to develop a national seedling strategy to address long-term barriers to reforestation.

Additionally, unlike the Trillion Trees Act, which focuses on reforestation, management of existing forests, and utilization of harvested wood products, the REPLANT Act only focuses on short-term reforestation efforts. The lack of management provisions in the bill means that these trees will be replanted on federal lands only to burn in another catastrophic wildfire down the road. Last year, 10.3 million acres of land burned, adding hundreds of thousands of acres to the reforestation backlog. The agency will never fully be able to address its reforestation backlog until it better manages the forests it currently has intact.

Further, by not incentivizing new markets for wood products, the bill risks creating a glut in the market or exacerbating existing issues where thinning projects are delayed or cancelled because there are no markets for low-value material coming off of the national forests. The Trillion Trees Act, in contrast, creates tax incentives for the use of wood products in building materials like mass timber and markets for low-value material like biochar. *Staff contact: Brandon Miller (x57611)*

[H.R. 3211 \(Neguse\)](#)

In 2014, the U.S. Department of Agriculture launched the Joint Chiefs' Landscape Restoration Partnership (JCLRP), a joint initiative between the Chiefs of the USFS and Natural Resources Conservation Service (NRCS). The goal of the program is to “[restore] landscapes, [reduce] wildfire threats to communities and landowners, [protect] water quality and [enhance] wildlife habitat” through three-year projects.⁹ Since 2014, the JCLRP has supported 93 forest and rangeland restoration projects in 40 states and Puerto Rico, which have treated roughly 300,000 acres of hazardous fuels, restored 29,000 acres in priority watersheds, and enhanced 200,000 acres of wildlife habitat.¹⁰ The 2021 program provides roughly \$46 million for 37 projects across the country ranging from hazardous fuels reduction in Idaho to Longleaf Pine restoration in Alabama and Florida.¹¹

⁷ Fargione, Joseph, et al. “Challenges to the Reforestation Pipeline in the United States”, *Frontiers*, <https://www.frontiersin.org/articles/10.3389/ffgc.2021.629198/full>.

⁸ <https://www.congress.gov/bill/117th-congress/house-bill/2562?q=%7B%22search%22%3A%5B%22H.R.+2562%22%5D%7D&s=2&r=1>

⁹ NRCS, Joint Chiefs' Landscape Restoration Partnership, <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/newsroom/features/?cid=stelprdb1244394>.

¹⁰ *Id.*

¹¹ FY 2021 Joint Chiefs' Landscape Restoration Project Funding, <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/initiatives/?cid=nrcseprd1723050>.

H.R. 3211 formally authorizes the JCLRP and increases annual funding to \$90 million, divided between USFS (40 percent), NRCS (40 percent), and technical assistance and capacity building (20 percent). The funding will go towards eligible activities that reduce the risk of wildfire, protect water quality and supply, or improve wildlife habitat for at-risk species on USFS land as well as State, Tribal, and private land. The bill also includes provisions to assist landowners and producers with implementing these activities on their lands. The bill is cosponsored by Reps. Kelly Armstrong (R-ND-AL) and Abigail Spanberger (D-VA-07) and is being led in the Senate by Senators Michael Bennet (D-CO) and John Hoeven (R-ND). *Staff contact: Brandon Miller (x57611)*

[H.R. 2816 \(Schrier\)](#)

The National Forest Road System, which contains more than 380,000 miles of roads and 158,000 miles of trails, has a roughly \$5.2 billion maintenance backlog.¹² Originally authorized by Congress in 2008, the Forest Service Legacy Roads and Trail Remediation Program provided funding for road decommissioning, road and trail repair and maintenance, and the removal of fish passage barriers.¹² This is one of many avenues of funding for infrastructure on federal lands, including the National Parks and Public Lands Legacy Restoration Fund, the Federal Lands Transportation Program, and regular appropriations.

The Legacy Roads and Trails Act authorizes \$100 million for the Legacy Roads and Trails Remediation Program through 2030 and directs the Secretary of Agriculture to carry out storm damage risk reduction projects; restore waterways and natural migration for fish by removing, repairing, or replacing infrastructure on waterways; and decommission National Forest System roads. The bill also directs the Secretary to identify the minimum road system and unneeded roads within 4 years and then decommission those roads. The bill contains no provisions ensuring consultation with local communities before those roads are decommissioned. *Staff contact: Brandon Miller (x57611)*

IV. MAJOR PROVISIONS & ANALYSIS

[H.R. 4300 \(Miller-Meeks\)](#)

Section 2. Recreation Passes

- Amends FLREA to:
 - Create a codified lifetime pass for veterans;
 - Codify the active military free annual pass; and
 - Make the current free annual pass for Gold Star Families a free lifetime pass.

¹² https://www.fs.fed.us/eng/road_mgt/qanda.shtml; <https://www.fs.usda.gov/managing-land/trails>; and <https://www.crs.gov/Reports/R43997?source=search&guid=72d1bb6f0ee345a3a0d19f0846dfa287&index=2>

¹² https://www.fs.fed.us/restoration/Legacy_Roads_and_Trails/overview.shtml

[H.R. 3132 \(Amodei\)](#)

Section 2. Reauthorization of the Lake Tahoe Restoration Act

- Extends the authorization of appropriations for the Lake Tahoe Restoration Act through 2034.
- Extends the authorization for cooperative authorities to enter into contracts and cooperative agreements with States and local governments to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and other activities.

[H.R. 2049 \(Panetta\)](#)

Section 2. Reforestation following wildfires and other unplanned events

- Amends Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require the Secretary of Agriculture to create a ranked priority list, based on the recommendations of Regional Foresters, to reforest priority lands after catastrophic events like wildfire or insect and disease infestations.
- Requires USFS to develop a 10-year plan and cost estimate to address the backlog of replanting needs on National Forest System land by 2030.
- Removes the \$30 million annual cap on the Reforestation Trust Fund.

Section 3. Report

- Requires the Secretary of Agriculture to submit an annual report detailing the number of acres covered by reforestation projects under the bill, the total number of acres reforested annually, and the number of acres in need of reforestation.

[H.R. 3211 \(Neguse\)](#)

Section 2. Joint Chiefs Landscape Restoration Partnership Program

- Establishes the Joint Chiefs Restoration Partnership program to improve health and resilience of forest landscape across National Forest System land and State, Tribal and private land.
- Provides criteria for evaluating projects to consider and requires specific public outreach.
- Authorizes \$90 million for each of the fiscal years 2021 through 2030 and allocates 40 percent to USFS, 40 percent to NRCS, and 20 percent for technical assistance.

[H.R. 2816 \(Schrier\)](#)

Section 2. Forest Service Legacy Roads and Trails Remediation Program

- Amends the Forest Roads and Trails Act by creating a Forest Service Legacy Roads and Trails Remediation Program.
- Directs the Chief of the USFS to carry out storm damage risk reduction; restore waterways and natural migration for fish by removing, repairing or replacing infrastructure on waterways; and decommission National Forest System roads.
- Gives priority to projects that restore watershed quality, protect watersheds that supply public drinking water systems, protect habitats of sensitive fish species, and watersheds subject to a watershed protection and restoration action plan.

- Requires the Secretary to identify the minimum road system necessary within 4 years after the enactment of the Act.
- Requires the Secretary to decommission or convert unneeded roads to a system trail.
- Authorizes the program at \$100 million for FY 2021 – FY 2030.

V. COST

None of the bills on this hearing have received a Congressional Budget Office cost analysis.

VI. ADMINISTRATION POSITION

The Administration's position on each of these bills is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

- [H.R. 4300 \(Miller-Meeks\)](#)
- [H.R. 3132 \(Amodei\)](#)
- [H.R. 2049 \(Panetta\)](#)
- [H.R. 2816 \(Schrier\)](#)