



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Subcommittee on Federal Lands Republican Members  
**From:** Subcommittee on Federal Lands; Aniela Butler, Brandon Miller, and Colen Morrow – [Aniela@mail.house.gov](mailto:Aniela@mail.house.gov), [Brandon.Miller@mail.house.gov](mailto:Brandon.Miller@mail.house.gov), and [Colen.Morrow@mail.house.gov](mailto:Colen.Morrow@mail.house.gov); x6-7736  
**Date:** Wednesday, January 31, 2024  
**Subject:** Legislative Hearing on 5 Forestry Bills

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The Subcommittee on Federal Lands will hold a legislative hearing on 5 forestry bills:

- H.R. 674 (Rep. Newhouse), “*Root and Stem Project Authorization Act of 2023*”;
- H.R. 4297 (Rep. Neguse), “*Bolts Ditch Act*”;
- H.R. 5443 (Rep. Lee of Nevada), “*Accelerating Appraisals and Conservation Efforts Act*”;
- H.R. 6994 (Rep. Kim of California), “*Restoring Our Unopened Trails for Enjoyment and Safety (ROUTES) Act*”; and
- H.R. 7072 (Rep. Tiffany), “*Wabeno Economic Development Act of 2024*”.

The hearing will take place on **Wednesday, January 31, 2024, at 10:00 a.m.** in room 1324 Longworth House Office Building.

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

## **I. KEY MESSAGES**

- The Republican bills on today’s hearing each offer new, innovative solutions that address land management challenges while empowering local stakeholders and boosting rural economies.
- Chairman Tiffany’s legislation would reduce the federal estate, help a small business and the rural economy in Wisconsin, and promote efficient permitting processes for domestic mining of aggregates.
- Representative Newhouse’s legislation would address barriers that prevent forest management projects by promoting an innovative new model to finance forest restoration that reduces fire risk and benefits rural economies.
- Representative Kim’s legislation would promote streamlined forest management to reopen popular recreation sites that local communities and businesses depend on to drive the outdoor recreation economy.

## II. WITNESSES

### Panel I (Members of Congress):

- *To Be Announced*

### Panel II (Administration Officials and Expert Witnesses):

- **Mr. Greg Smith**, Associate Deputy Chief – National Forest System, U.S. Forest Service, Washington, D.C. [*All bills*]
- **The Honorable Tom Tallier**, Supervisor, Forest County Board of Supervisors – District 8, Wabeno, Wisconsin [*H.R. 7072*]
- **Ms. Hannah Downey**, Policy Director, Property and Environment Research Center, Bozeman, Montana [*H.R. 674*]
- **Mr. Dan Munsey**, Fire Chief, San Bernardino County Fire Department, San Bernardino, California [*H.R. 6994*]
- **Ms. Siri Roman**, General Manager, Eagle River Water and Sanitation District, Vail, Colorado [*H.R. 4297*] [*Minority Witness*]
- **Ms. Sandy Adomatis**, President, The Appraisal Institute, Chicago, Illinois [*H.R. 5443*] [*Minority Witness*]

## III. BACKGROUND

### [H.R. 674 \(Rep. Newhouse\), “Root and Stem Project Authorization Act of 2023”](#)

Lengthy and costly environmental reviews, especially the National Environmental Policy Act (NEPA) process, consistently delay forest management projects from being completed in a timely manner. A recent study by the Property and Environment Research Center (PERC) found it takes the Forest Service (USFS) an average of 4.7 years to begin a prescribed burn and roughly 3.6 years to start a mechanical thinning project due to NEPA delays.<sup>1</sup> USFS initiates less than half as many projects now as they did prior to 2010 due to this cumbersome process.<sup>2</sup> This has led to an 80 million acre backlog of USFS lands in need of restoration to mitigate fire risk.<sup>3</sup> Despite its backlog, USFS treats an average of less than four million acres annually.<sup>4</sup> As a result, federal forests become increasingly overgrown, fire-prone, and susceptible to catastrophic wildfires, drought, insects, and disease.

To increase the pace and scale of forest management, the environmental red tape that hampers forest management projects must be addressed. In 2002, a group of timber companies, environmental groups, and forestry professionals in Washington formed the Northeast Washington Forest Coalition (NEWFC) to help address the gridlock created by onerous NEPA delays and improve management of the Colville National Forest.<sup>5</sup> One of the innovative concepts

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<sup>1</sup> Property and Environment Research Center (PERC), “Does Environmental Review Worsen the Wildfire Crisis?”

<sup>2</sup> Journal of Forestry, “US Forest Service Implementation of the National Environmental Policy Act: Fast, Variable, Rarely Litigated, and Declining”, Forrest Fleischman et al., April 27, 2020, <https://academic.oup.com/jof/article/118/4/403/5825558>.

<sup>3</sup> Property and Environment Research Center (PERC), “Fix America’s Forests”, Holly Fretwell & Jonathan Wood, April 2021, <https://www.perc.org/wp-content/uploads/2021/04/fix-americas-forests-restore-national-forests-tackle-wildfire-crisis.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> Bitterroot, “Colville, Washington Survived the Timber Wars. Now It’s Tackling Wildfire”, Jake Bullinger, October 23, 2020, <https://bitterrootmag.com/2020/10/23/colville-washington-survived-the-timber-wars-now-its-tackling-wildfire/>.



An “A to Z Project” (in this legislation, referred to as a “Root and Stem Project”) in Washington. **Source:** USFS, 2019.

the NEWFC proposed to help achieve these objectives was allowing timber contractors to fund the costs of a NEPA analysis for a forest management project in exchange for a contract to do restoration work and harvest timber.<sup>6</sup> This concept became known as an “A to Z” project because the entire process—including the initial proposal, environmental reviews, and implementation of the project—becomes the responsibility of the timber contractor.<sup>7</sup> In

2013, USFS agreed to a 10-year stewardship contract with Vaagen Brothers Lumber, a local Washington sawmill, to test out this new privately funded A to Z concept.<sup>8</sup> As part of this contract, the company paid \$2 million for a third party contractor to conduct a NEPA analysis, overseen by USFS personnel, on a 54,000 acre project area.<sup>9</sup> The NEPA process was completed and approved in 2016, allowing restoration work such as mechanical thinning, road maintenance, stream improvement, and culvert repairs, to move forward.<sup>10</sup> The contract also allowed Vaagen Brothers Lumber to harvest 200 million board feet of timber, mitigating wildfire risk on over 4,500 acres within the project area and boosting the local economy.<sup>11</sup>

This innovative model offers promise that the value of commercial timber can be leveraged to reduce environmental review costs for the taxpayer and fund additional forest management. The prospect of a reliable source of timber from federal lands can serve as an important incentive to participate in these stewardship agreements. H.R. 674, the “Root and Stem Project Authorization Act,” provides clear statutory authority to expand this type of collaborative management through “Root and Stem” projects. Under this legislation, an entity could propose a forest management project developed through a collaborative process to USFS or the Bureau of Land Management (BLM) and provide the upfront funding to complete the necessary NEPA analysis. USFS or BLM could use this funding to contract with approved third parties, maintained on a list updated

<sup>6</sup> Property and Environment Research Center (PERC), “Fix America’s Forests”, Holly Fretwell & Jonathan Wood, April 2021, <https://www.perc.org/wp-content/uploads/2021/04/fix-americas-forests-restore-national-forests-tackle-wildfire-crisis.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Bitterroot, “Colville, Washington Survived the Timber Wars. Now It’s Tackling Wildfire”, Jake Bullinger, October 23, 2020, <https://bitterrootmag.com/2020/10/23/colville-washington-survived-the-timber-wars-now-its-tackling-wildfire/>.

<sup>10</sup> Property and Environment Research Center (PERC), “Fix America’s Forests”, Holly Fretwell & Jonathan Wood, April 2021, <https://www.perc.org/wp-content/uploads/2021/04/fix-americas-forests-restore-national-forests-tackle-wildfire-crisis.pdf>.

<sup>11</sup> *Id.*

regularly and provided to Congress, to complete this analysis. USFS and BLM would retain responsibility for ensuring the sufficiency of the NEPA documentation and ultimate approval over the project. Once completed, USFS or BLM could solicit competitive bids or enter into a stewardship contract to carry out the project. Any timber receipts collected from the forest management project would then be used to repay the initial entity that provided the upfront funding. This bipartisan bill is co-led by Representative Peters (D-CA-50).

### **H.R. 4297 (Rep. Neguse) “Bolts Ditch Act”**

Bolts Ditch and the Bolts Ditch headgate are water facilities located near the town of Minturn, Colorado, that divert water into Bolts Lake.<sup>12</sup> In 1980, Congress established the Holy Cross Wilderness in the White River and San Isabel National Forests and inadvertently failed to include Bolts Ditch among a list of existing water facilities excluded from the designation, meaning the structure could not be rebuilt or repaired for more than three decades.<sup>13</sup> The inability to rehabilitate and rebuild the Bolts Ditch headgate stymied any development in the area, as any new development would require the expansion of Bolts Lake to provide a water supply for surrounding homes.<sup>14</sup> In 2019, Congress passed the “John D. Dingell, Jr. Conservation, Management, and Recreation Act” (“Dingell Act”), which included a provision allowing the Town of Minturn to access the Bolts Ditch headgate for “the diversion of water and use, maintenance, and repair of such ditch and headgate.”<sup>15</sup> H.R. 4297, the “Bolts Ditch Act,” amends the Dingell Act to allow the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority to also conduct maintenance and repairs on the ditch and headgate. This commonsense change will improve the efficiency and operation of the headgate and lead to greater economic opportunity for the community of Minturn. This bipartisan bill is co-led by Rep. Lamborn (R-CO-05).

### **H.R. 5443 (Rep. Lee of Nevada), “Accelerating Appraisals and Conservation Efforts Act”**

The Department of the Interior (DOI) manages more than 480 million acres of federal lands and 700 million acres of subsurface minerals, the vast majority of which is located out West.<sup>16</sup> DOI conducts many land-related transactions—including acquisitions, disposals, and exchanges of federal land—that are either mandated by law or proposed administratively in order to address various land management challenges, such as checkerboarded land ownership patterns. These transactions must be appraised by qualified appraisers in accordance with applicable standards found in the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice to determine fair market value.<sup>17</sup> In FY 2022, DOI

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<sup>12</sup> Vail Daily, “Federal Legislation authorizes repairs on Bolts Ditch above Minturn”,

<https://www.vaildaily.com/news/federal-legislation-authorizes-repairs-on-bolts-ditch-above-minturn/>.

<sup>13</sup> U.S. Forest Service, “Holy Cross Wilderness”,

<https://www.fs.usda.gov/recarea/psicc/recarea/?recid=37210#:~:text=Holy%20Cross%20Wilderness%2C%20established%20in,an%20White%20River%20National%20Forests.>

<sup>14</sup> *Id.*

<sup>15</sup> Public Law No. 116-9, <https://www.congress.gov/bill/116th-congress/senate-bill/47/text>.

<sup>16</sup> Congressional Research Service, “U.S. Department of the Interior: An Overview” Mark K. DeSantis, January 31, 2019, <https://crsreports.congress.gov/product/pdf/R/R45480/2#:~:text=As%20part%20of%20its%20responsibilities,of%20this%20vast%20federal%20estate.>

<sup>17</sup> U.S. Department of the Interior, “AVSO Overview”,

<https://www.doi.gov/valuationservices/overview#:~:text=AVSO%20provides%20a%20variety%20of,consultations%20on%20prperty%20value%2C%20and.>

completed more than 294 land valuation cases, representing approximately 214,000 acres.<sup>18</sup> A nationwide appraiser shortage and rising demand for land-related transactions on millions of acres of land, however, have created an appraisal backlog that threatens DOI's ability to fulfill its appraisal responsibility in a timely and reasonable manner.<sup>19</sup> This, in turn, prevents DOI from quickly disposing of land to open up new economic development or recreational opportunities for local communities.

H.R. 5443, the “Accelerating Appraisals and Conservation Efforts Act,” streamlines DOI's appraisal contracting authority by allowing non-federal appraisers who are appropriately credentialed in one state or territory to perform appraisal and valuation services on DOI's behalf in any state or territory. DOI already regularly relies on non-federal appraisers to meet the demand for appraisal activities, but these appraisers are required to be licensed or certified in each state in which they are contracted by DOI. Federal appraisers, by contrast, have since 1992 been allowed to be licensed or certified in only one state or territory to perform appraisal duties on behalf of the federal government.<sup>20</sup> By standardizing the treatment of federal and non-federal appraisers, the bill gives DOI flexibility in circumstances when no assignment-qualified or cost-competitive local appraisers are available. This will reduce red tape and allow land to be managed more effectively and efficiently without compromising the standards by which fair market valuations are made. This bipartisan bill is co-led by Rep. Joyce (R-OH-14).

### **H.R. 6994 (Rep. Kim of California), “Restoring Our Unopened Trails for Enjoyment and Safety (ROUTES) Act”**

Wildfires, flooding, and other natural disasters are an increasingly severe threat to the federal lands that Americans rely on for multiple uses, including outdoor recreation. As wildfires have grown in size, severity, and frequency in recent years, they have greatly impacted American's ability to utilize and enjoy our nation's public lands.<sup>21</sup> Between 2020 and 2021, 1,029 USFS recreation sites were damaged by wildfires, costing \$126 million.<sup>22</sup> Over the past five years, wildfires negatively affected 23,750 trail miles; 1,360 climbing sites; and 1,708 miles of whitewater paddling runs.<sup>23</sup> Additionally, a 2023 report on camping in the United States reported that 18.1 percent of campers—roughly 1 out of every 5—changed or cancelled plans due to the disruption caused by natural disasters.<sup>24</sup> In fact, the mere threat of wildfires also consistently leads to closures at national forests, national parks, and other federal lands.<sup>25</sup> This is not simply

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<sup>18</sup> U.S. Department of the Interior, Fiscal Year 2023 Budget Justifications and Performance Information, <https://www.doi.gov/sites/doi.gov/files/fy2024-os-dwp-greenbook-508.pdf>.

<sup>19</sup> Appraisal Institute, “Department of the Interior Under Pressure to Speed up Appraisals”, December 18, 2023, <https://www.appraisalinstitute.org/advocacy/washington-report-and-state-news/washington-report-and-state-news-recent/2023-12-department-of-the-interior-under-pressure-to-speed-up-appraisals>.

<sup>20</sup> Office of Management and Budget, Instructions for Preparing “Budget Baselines, Historical Data, and Alternatives for the Future”, [https://www.whitehouse.gov/wp-content/uploads/legacy\\_drupal\\_files/omb/bulletins/1993-2000/b93-03.pdf](https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/bulletins/1993-2000/b93-03.pdf).

<sup>21</sup> U.S. Department of Agriculture, “Wildfires in All Seasons?”, Deb Schweizer, June 27, 2019, <https://www.usda.gov/media/blog/2019/06/27/wildfires-all-seasons>.

<sup>22</sup> Outdoor Alliance, “Wildfire and Outdoor Recreation in the West,” July 2023, <https://static1.squarespace.com/static/54aabb14e4b01142027654ee/t/649dcd388c9dbf73648c777d/1688063291777/WildfireAndRecreation-WhitePaper-OutdoorAlliance-Digital.pdf>.

<sup>23</sup> *Id.*

<sup>24</sup> The Dyr, “2023 Camping Report”, <https://reports.thedyrt.com/2023-camping-report/>.

<sup>25</sup> *Id.* Mammoth Times, “All CA National Forests Close Aug. 31, Including Inyo”, August 31, 2021, [https://www.mammothtimes.com/news/all-ca-national-forests-close-aug-31-including-inyo/article\\_2787f8ee-09f9-11ec-8341-136de779b7fa.html](https://www.mammothtimes.com/news/all-ca-national-forests-close-aug-31-including-inyo/article_2787f8ee-09f9-11ec-8341-136de779b7fa.html).

an inconvenience to Americans looking to recreate outdoors. Rather, prolonged closures and reduced recreation visits put small businesses, and the rural communities that rely upon them, in serious economic jeopardy.

While a wildfire can cause extensive, initial damage to recreation destinations, subsequent threats such as “hazard trees,” flooding, and erosion often lead to lengthy, and sometimes indefinite, closures of trails and campgrounds.<sup>26</sup> These closures persist while land managers struggle to restore recreation areas for public use.<sup>27</sup> Local organizations that support outdoor recreation on federal lands report that federal land



Hazard and fallen trees in the wake of a wildfire in the Mt. Hood National Forest.  
**Source:** USFS, 2020.

management agencies often “close mountain roads and trails for several years as the landscape heals after a fire rolls through an area.”<sup>28</sup> For example, the 2018 Holy Fire, which burned more than 23,000 acres in the Cleveland National Forest in California, damaged several popular trails and recreation sites in the forest.<sup>29</sup> The Holy Fire led to prolonged closures of recreation areas that were extended twice over a three-year period.<sup>30</sup> Although USFS reopened more than 10,000 acres of the forest in 2021, several popular trails remain closed to this day.<sup>31</sup>

Beyond wildfires, natural disasters of all varieties can cause destruction and prevent access and enjoyment of federal lands. In 2019, a massive derecho, or windstorm, swept through Northern Wisconsin, leveling hundreds of thousands of trees.<sup>32</sup> USFS officials in Wisconsin predicted that

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Crosscut and Cascade PBS, “How wildfires are impacting outdoor recreation in Washington”, Andrew Engelson, August 24, 2023, <https://crosscut.com/environment/2023/08/how-wildfires-are-impacting-outdoor-recreation-washington>.

<sup>29</sup> U.S. Forest Service, “Holy Fire Burned Area Closure”, <https://www.fs.usda.gov/detail/cleveland/home/?cid=FSEPRD590615>.

<sup>30</sup> Orange County Register, “3 years after Holy fire, 10000 more acres reopen in Cleveland National Forest”, Tess Sheets, October 22, 2021,

<https://www.ocregister.com/2021/10/22/thousands-of-acres-reopen-in-cleveland-national-forest-after-2018-holy-fire/>.

<sup>31</sup> *Id.*

<sup>32</sup> Milwaukee Journal Sentinel, “It could take 10 years for Wisconsin to recover from the violent July wind storm that wrecked northern forests”, Larry Parnass, October 23, 2019,

<https://www.jsonline.com/story/news/special-reports/2019/10/23/wisconsin-july-2019-derecho-wind-storm-affect-economy-decade/4047898002/>.

full recovery from the event could take up to 10 years.<sup>33</sup> Flooding is another significantly destructive force that continues to negatively affect access throughout federal lands. In 2022, Yellowstone National Park experienced historic flooding that severely damaged roads, destroyed homes, and felled trees.<sup>34</sup> National Park Service officials warned that portions of the park could remain closed for a “substantial length of time.”<sup>35</sup>



Before and after crews cleared hazard trees blocking the Cow Creek Trail, managed by USFS. **Source:** Ginevra Moore, 2022.

While there are a confluence of factors contributing to these prolonged delays, the costly and burdensome NEPA process is the primary factor driving these delays. For example, in 2020 and 2021, California experienced “expansive stretches of fire-killed or damaged trees adjacent to roads, trails, and facilities” that posed an immediate threat to life and safety.<sup>36</sup> While USFS tried to take immediate action to address these threats in October 2021, a combination of “project planning and Endangered Species Act (ESA) consultation” taking longer than expected, and the length of time needed for public involvement

and pre-decisional administrative reviews threatened to delay action until 2023 at the earliest.<sup>37</sup> Notably, funding constraints were not cited among the litany of reasons why these projects would face delays. In 2022, Region 5 of USFS (which covers California) requested emergency authority to abate hazard trees prior to the completion of the NEPA process.<sup>38</sup> This allowed the Lassen, Plumas, Shasta-Trinity, and Sierra National Forests to immediately address hazard tree threats to approximately 167 miles of roads and 18 developed recreation sites.<sup>39</sup> Within 5

<sup>33</sup> *Id.*

<sup>34</sup> Fox News, “Parts of Yellowstone could remain closed for ‘substantial length’ after flooding”, Julia Musto, June 15, 2022, <https://www.foxnews.com/us/yellowstone-closed-substantial-length-flooding>.

<sup>35</sup> *Id.*

<sup>36</sup> USFS, Decision Memorandum for the Chief, July 7, 2022, <file:///C:/Users/abutler1/Downloads/DecisionMemorandum.pdf>.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

months, the Region addressed nearly 80 miles of hazard trees and reopened “2.5 recreation sites” that would have otherwise remained closed for over a year.<sup>40</sup> While these actions were incredibly successful, they only covered four national forests and have not been expanded nationwide.

There is a clear need to provide additional tools and direction to the federal land management agencies to increase restoration activities on federal lands impacted by natural disasters so that popular recreation destinations can reopen as soon as possible post-disturbance. H.R. 6994, the “Restoring Our Unopened Trails for Enjoyment and Safety (ROUTES) Act,” would require federal land managers to prioritize reopening trails, campsites, recreation areas, and roads within two years of a closure caused by a natural disaster. To accomplish this, the bill provides important streamlining tools, including a new categorical exclusion, that would expedite necessary restoration activities, including the repair of damaged sites, removal of hazard trees, soil erosion mitigation, and the restoration of drainage patterns. This bill would also codify existing emergency authorities being used to remove hazard trees in USFS Region 5 so that this successful tool can be implemented nationwide. By providing new tools on a broad scale, the ROUTES Act will ensure federal land managers prioritize efforts to reopen popular recreation areas in a safe and timely manner.

**H.R. 7072 (Rep. Tiffany), “Wabeno Economic Development Act of 2024”**



The concrete being poured in this photo is derived from aggregates.  
**Source:** Tony’s Wabeno Redi-Mix, LLC, 2020.

Nearly half of the landmass of Forest County in northern Wisconsin, or roughly 350,000 acres, is federally owned as part of the Chequamegon-Nicolet National Forest.<sup>41</sup> Like many counties and states with significant federal footprints, Forest County has limited opportunities for economic development of local communities and businesses.

Located in the Town of Wabeno, a historic logging community with

a population of just over 1,100 people in Forest County, Tony’s Wabeno Redi-Mix, LLC, is one such business currently struggling to expand due to the lack of available nearby private lands.

<sup>40</sup> USFS, “R5 Post-disturbance Hazardous Tree Mgmt. Emergency Response Status of Implementation,” December 20, 2022, <https://usfs-public.app.box.com/v/PinyonPublic/file/1117031333691>.

<sup>41</sup> Forest County Forestry and Recreation Department, “Chequamegon-Nicolet National Forest”, <https://forestcountywi.com/education-and-resources#>.



For over 22 years, this small business has supplied concrete to local contractors and homeowners in the roughly 50-mile service area around Wabeno, Wisconsin.<sup>42</sup> Tony's Wabeno Redi-Mix, LLC, employs 17 people and has provided concrete for several community projects, including fire and rescue buildings, town shops and offices, barns for local farmers, as well as the material for home construction and renovations.<sup>43</sup>

At its current pace, this business will run out of the aggregate materials necessary to continue its operations in the next two to three years.<sup>44</sup> Aggregates are the raw materials, such as stone, sand and gravel, that are used to create building materials, including cement and asphalt. To address this supply challenge, the company tried to work with USFS for seven years on a land conveyance of a 14-acre parcel located in the Chequamegon-Nicolet National Forest. This parcel is directly adjacent to the company's current location and has adequate sand and gravel resources needed to keep the business's operations running for years to come.<sup>45</sup> To expedite this land conveyance process after years of continuous USFS delays, Representative Tiffany introduced H.R. 7072, the "Wabeno Economic Development Act of 2024," to require USFS to convey this land to Tony's Wabeno Redi-Mix, LLC, for fair market value. This bill would provide much-needed economic growth to the local community and is supported by the Wabeno Chamber of Commerce, the Forest County Economic Development Partnership, and the Town of Wabeno.<sup>46</sup>

H.R. 7072 also includes a provision that recognizes the national importance of encouraging more domestic sand, stone, and gravel mining nationwide. A healthy supply of aggregates is critically important for infrastructure and economic development. It takes an average of 38,000 tons of aggregates to construct just one lane mile of interstate.<sup>47</sup> Roughly 400 tons of aggregate are needed for the construction of an average home, while a school or hospital typically requires around 15,000 tons.<sup>48</sup> In addition to serving as reliable building materials, aggregates are an important ingredient for many other materials, such as glass, plastic, silica for computer parts, and even calcium carbonate for antacids.<sup>49</sup> The average American relies on over 10,000 pounds of stone, and over 7,000 pounds of sand and gravel per year.<sup>50</sup> Currently, projects of all varieties that rely on federal aggregates take four to ten years to complete the federal permitting process.<sup>51</sup> Aggregate producers have consistently encouraged steps to "fix a broken permitting reform process that currently makes the task of sourcing aggregates severely difficult."<sup>52</sup> H.R. 7072 would help address this problem by requiring DOI to conduct a comprehensive review of the

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<sup>42</sup> City-Data.com, "Wabeno, Wisconsin", <https://www.city-data.com/city/Wabeno-Wisconsin.html>. Letter to U.S. Representative Tom Tiffany, Tony Smith, January 11, 2022, [https://republicans-naturalresources.house.gov/UploadedFiles/Copy\\_of\\_letter.pdf](https://republicans-naturalresources.house.gov/UploadedFiles/Copy_of_letter.pdf).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> "Letters of Support, Tony Smith," U.S. House Committee on Natural Resources, [https://republicans-naturalresources.house.gov/UploadedFiles/Tony\\_Smith\\_Letters\\_of\\_Support.pdf](https://republicans-naturalresources.house.gov/UploadedFiles/Tony_Smith_Letters_of_Support.pdf).

<sup>47</sup> Association of Equipment Manufacturers, "Construction Aggregates 101: What They Are (And Why They Matter)", Sara Feuling, August 7, 2023, <https://www.aem.org/news/construction-aggregates-101-what-they-are-and-why-they-matter>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Elements by Visual Capitalist, "Visualizing U.S. Consumption of Fuel and Materials per Capita", Bruno Venditti, January 27, 2023, <https://elements.visualcapitalist.com/visualizing-u-s-consumption-of-fuel-and-materials-per-capita/>.

<sup>51</sup> National Stone, Sand and Gravel Association (NSSGA), Coalition Letter to House Committee on Natural Resources Leadership Supporting BUILDER Act of 2023, March 7, 2023, [https://www.nssga.org/sites/default/files/2023-03/230307\\_Coalition\\_BUILDERAct\\_HouseNaturalResources.pdf](https://www.nssga.org/sites/default/files/2023-03/230307_Coalition_BUILDERAct_HouseNaturalResources.pdf).

<sup>52</sup> National Stone, Sand and Gravel Association (NSSGA), Letter to House Leadership Supporting H.R. 1, the Lower Energy Costs Act, March 23, 2023, [https://www.nssga.org/sites/default/files/2023-03/FINAL\\_HR\\_1\\_PDF3.23.23.pdf](https://www.nssga.org/sites/default/files/2023-03/FINAL_HR_1_PDF3.23.23.pdf).

permitting process for stone, sand, and gravel on federal lands. As part of this review, DOI would be required to report on current delays and inefficiencies in the permitting process and the economic effects of those delays to the sand, stone, and gravel industry.

## **MAJOR PROVISIONS & SECTION-BY-SECTION**

### **H.R. 674 (Rep. Newhouse), “Root and Stem Project Authorization Act of 2023”**

#### **Section 2. Root and Stem Projects.**

- Requires USFS and BLM to maintain a list of authorized, non-federal, third-party contractors the agencies can hire in every state to complete a Root and Stem project’s NEPA analysis.
- Authorizes USFS and BLM to enter into an agreement with another entity for a forest management project on federal land that was developed through a collaborative process where:
  - The entity proposing the project provides all or a portion of the initial funding necessary to complete any environmental analysis deemed necessary.
  - USFS or BLM uses that funding to pay an approved contractor to complete any necessary environmental analysis.
  - USFS or BLM solicits bids to carry out the project and enters into a contract or agreement under the Healthy Forests Restoration Act of 2003 to carry out the project.
  - USFS or BLM uses any receipts from the project to re-pay the entity that provided the initial upfront payment. If insufficient funds are collected to fully repay the initial payment, the Secretary will not be obligated to provide any additional funding.
- Clarifies that USFS and BLM are required to determine the sufficiency of the regulatory documents prepared by an outside contractor and retain responsibility for any authorizing decision making related to the proposed project.
- Clarifies that USFS or BLM shall ensure there are no conflicts of interest with the entity proposing the project.
- Clarifies USFS or BLM cannot use funding for administrative expenses.
- Requires USFS and BLM to promote this new authority.
- Allows members of the collaborative process to intervene in any litigation against the proposed forest management project.
- Sets an expiration date for the authority of January 1, 2033.

### **H.R. 4297 (Rep. Neguse), “Bolts Ditch Act”**

#### **Section 2. Additional Entities Allowed to Maintain Bolts Ditch and the Bolts Ditch Headgate.**

- Amends the “John D. Dingell, Jr. Conservation, Management, and Recreation Act” to allow the Eagle River Water and Sanitation District, a Colorado Special District, or the Upper Eagle Regional Water Authority to conduct maintenance work on Bolts Ditch and the Bolts Ditch headgate within the Holy Cross Wilderness in the White River National Forest in Colorado.

**H.R. 5443 (Rep. Lee of Nevada), “Accelerating Appraisals and Conservation Efforts Act”**

**Section 2. Appraisal and Valuation Services for Real Property.**

- Allows DOI to contract with private appraisers who are appropriately credentialed in one state or territory to perform appraisal and valuation services on DOI’s behalf in any state or territory.
- Requires DOI to prioritize working with local appraisers by specifying limited circumstances where non-federal covered appraisers from out of state can be used to perform appraisal or valuation services.
- Requires DOI to submit a report to Congress one year after enactment of the bill and every four years on the implementation of the bill.

**H.R. 6994 (Rep. Kim of California), “Restoring Our Unopened Trails for Enjoyment and Safety (ROUTES) Act”**

**Section 2. Reopening of Covered Recreation Sites Closed Due to Natural Disasters.**

- Requires DOI and USFS to reopen federally owned and operated trails, campgrounds, developed day-use recreation sites, and roads within two years of a closure caused by a natural disaster.
- Categorically excludes certain management activities needed to safely reopen sites closed by natural disasters, including activities to:
  - Repair and restore damaged sites.
  - Remove hazard trees.
  - Mitigate and reduce soil erosion.
  - Restore drainage patterns.
- Codifies existing emergency authorities to remove hazardous trees during the two years after a natural disaster before preparing any NEPA analysis.
- Requires the agencies to provide a report to Congress on recreation sites reopened under the legislation and sites that remain closed.

**H.R. 7072 (Rep. Tiffany), “Wabeno Economic Development Act of 2024”**

**Section 2. Conveyance of Certain National Forest System Land in the Chequamegon-Nicolet National Forest to Tony’s Wabeno Redi-Mix, LLC.**

- Requires the Secretary of Agriculture to convey a 14-acre parcel of National Forest System land to Tony’s Wabeno Redi-Mix, LLC within 180 days of receiving an offer to acquire the property.
- Requires the conveyance be done at fair market value based on an appraisal conducted within 300 days of the bill’s passage.
- Sets guidelines for finalizing the map of the conveyance and provides for corrections to the map.
- Requires Tony’s Wabeno Redi-Mix, LLC to pay for the cost of the conveyance and specifies the conveyance is subject to valid existing rights.
- Requires USFS to disclose information about hazardous materials, pollutants, or contaminants on the site, but does not require any remediation or abatement.

### **Section 3. Comprehensive Review of Federal Permitting Processes for Stone, Sand and Gravel Development on Federal Lands.**

- Requires the Secretary of the Interior, in consultation with the other relevant federal agencies, to conduct a comprehensive review of the federal permitting process for the development of stone, sand, and gravel on federal lands within 180 days of the bill’s passage. The report must include:
  - A detailed description of the current permitting process.
  - An analysis identifying inefficiencies and duplicative steps in the permitting process and how such inefficiencies impact project timelines.
  - Recommendations for legislative or administrative actions to streamline the permitting process.
  - A summary of the economic impacts of the current permitting process.
- Requires the Secretary to submit the report to the House Committee on Natural Resources and the Senate Energy and Natural Resources Committee. The report must also be publicly posted on a DOI website.

#### **IV. COST**

During the 117<sup>th</sup> Congress, the Congressional Budget Office (CBO) estimated the Senate companion legislation of the “Root and Stem Project Authorization Act” would have an insignificant effect on direct spending and no effect on revenues.<sup>53</sup> None of the other bills included in the hearing have received a formal cost estimate from CBO.

#### **V. ADMINISTRATION POSITION**

USFS previously testified in support of the Senate companion bill to the “Root and Stem Project Authorization Act” and expressed a desire to work with the Committee and bill sponsors to address technical concerns related to timing and intersection with existing laws.<sup>54</sup> The administration position on the other bills is unknown at this time.

#### **VI. EFFECT ON CURRENT LAW (RAMSEYER)**

##### **[H.R. 4297](#)**

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<sup>53</sup> Congressional Budget Office, “S.3046, Root and Stem Project Authorization Act of 2022”, November 15, 2022, <https://www.cbo.gov/publication/58816>.

<sup>54</sup> Chris French, Testimony before the Senate Energy and Natural Resources Committee, June 7, 2022, <https://www.energy.senate.gov/services/files/7E558A93-D689-4E66-99FA-4DF3B0C8A7C2>.