

**STATEMENT OF
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**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS**

November 14, 2023

Regarding:

H.R. 5665, “Promoting Accessibility on Federal Lands Act of 2023”

HR 5582, “White Oak Resilience Act”

**HR 4235, “Wildfire Technology Demonstration, Evaluation, Modernization, and
optimization Act” or the “Wildfire Technology DEMO Act”**

**H.R. ____ (Discussion Draft), Biochar Innovations and Opportunities for Conservation,
Health, and Advancements in Research Act” or the “BIOCHAR Act”**

H.R. 4353, Civilian Conservation Center Enhancement Act of 2023

HR 4717, “Locally Led Restoration Act of 2023”

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. USDA defers to the U.S. Department of the Interior (DOI) as to the effects of these bills on any DOI bureaus and the Federal lands under their jurisdiction.

H.R. 5665, “Promoting Accessibility on Federal Lands Act of 2023”

The Forest Service is committed to equitable access for the complete range of recreation opportunities for all Americans, in alignment with Executive Order 13950, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” This work includes integrating accessibility into the complete range of recreation opportunities it offers while protecting natural resources and settings so that all people, including people who have disabilities have the opportunity to enjoy the great outdoors. Those with permanent disabilities are eligible for a free, lifetime pass to National Public Recreational Lands, which covers entrance fees to more than 2,000 sites, including national forests and grasslands. The Forest Service provides an [Interactive Visitor Map](#) which is a searchable resource for accessible sites throughout the National Forest System, including more than 4,500 miles of trails on national forests that comply with the Forest Service Trail Accessibility Guidelines. With guidance from its National Accessibility Program, the Forest Service implements national recreation accessibility law, policy standards, and procedures, including implementation of the Architectural Barriers Act, Section 504 of the Rehabilitation Act, 7 CFR 15, and other related laws and

regulations. Through Recreation.gov, visitors can more easily identify locations and amenities that meet their accessibility needs. Our team actively engages with disability advocacy groups to understand the needs of the disability community and get their feedback. We are putting what we have learned to work through better online reservation site design, contact center improvements, and more accessibility information available about recreation opportunities on Federal lands.

H.R. 5665, “Promoting Accessibility on Federal Lands Act of 2023,” requires a comprehensive assessment by USDA (with respect to national forests and grasslands) and DOI (with respect to DOI-administered public lands) of certain Federal trails, campsites, boat docks, and outdoor recreation facilities to determine the accessibility of such facilities for individuals with disabilities. The bill makes this assessment subject to appropriations, specifying that it must be carried out not later than 180 days after the date on which appropriations are first made available to carry out this provision. Existing assessments of trails, campsites, boat docks, and outdoor recreation facilities may be utilized to meet the bill’s requirement. Additionally, USDA and DOI must make the completed assessment publicly available on their respective websites.

USDA strongly supports the intent of H.R. 5665 and would like to work with the bill sponsor and the Subcommittee on technical improvements to the bill. USDA recommends providing definitions for the term “comprehensive assessment” to further clarify the scope of the deliverable as well as for “recreation facilities” to clarify the scope of the assessment. USDA has concerns with the 180-day requirement in which to complete an assessment of this magnitude given that we manage more than 193 million acres of national forests and grasslands. We would like to work with the bill sponsor and Subcommittee on a reasonable completion target once the scope and scale of the assessment are better defined.

HR 5582, “White Oak Resilience Act”

The White Oak Resilience Act would establish activities to provide for white oak restoration.

Section 2 of this bill would establish the White Oak Restoration Initiative Coalition, a voluntary collaborative group of public, State, private and non-governmental organizations to coordinate white oak restoration in accordance with the White Oak Initiative Coalition Charter adopted by the White Oak Initiative Board of Directors. Restoration activities would include: making program and policy recommendations with respect to policy changes at the Federal and State levels to remove impediments to activities designed to improve the health, resiliency, and natural regeneration of white oak; adopting or modifying Federal and State policies to increase the pace and scale of white oak regeneration and resiliency of white oak; enhancing communication, coordination, and collaboration between forest land owners to improve the health, resiliency, and natural regeneration of white oak; addressing research gaps to improve the best available science on white oak; outreach to forest landowners with white oak or white oak regeneration potential; and improving the quality and quantity of white oak tree nurseries.

In addition, the Federal Advisory Committee Act would not apply to this Coalition, and the Secretary of Agriculture may make funds available to the White Oak Restoration Initiative Coalition to carry out this section from the account established pursuant to section 1241(f) of the Food Security Act of 1985 (16 U.S.C. 3841(f)).

The USDA supports the establishment of this coalition. American white oak is a cornerstone species occupying more than 104 million acres of public and private forestland across much of the eastern and central United States. White oak significantly impacts our Nation economically, culturally, and environmentally. White oak provides critical habitat and food sources to numerous wildlife and is essential for industries making forest products such as furniture, flooring, cabinetry, and barrels for wine and spirits,

USDA has been heavily involved in white oak restoration work with many partners over the years. With most upland oak acreage in private ownership spanning across 20 States, one of the unique attributes of white oak restoration is the active cross boundary collaboration and participation. This collaboration not only exists with partner agencies, but with Tribal representatives, industry, and private landowners as well. Currently, 34+ entities financially contribute to the long-term sustainability of America's white oak consisting of dependent industries, trade associations, conservation organizations, agencies, universities, and nonprofits.

This coalition would add to the tremendous collaborative work already in place. Of note, USDA is not specifically mentioned as a part of this coalition. We would welcome the opportunity to participate as a member of this coalition, and we look forward to working with the Subcommittee on this legislation.

Section 3 requires the establishment of five pilot projects in national forests to restore white oak, with at least three to be carried out on national forests reserved or withdrawn from the public domain. These pilot projects can be carried out through cooperative agreements. USDA supports the concept of pilot projects, but we would like to clarify the intent of requiring three pilots on "national forests reserved or withdrawn from the public domain," since National Forest System lands are public lands.

Section 4 requires DOI to carry out an assessment of their land; USDA defers to DOI on this section.

Section 5 amends the National Forest Foundation Act (16 U.S.C. 583j-7) adding the White Oak Restoration Fund, allowing for funding to be used on white oak restoration activities, beginning one year after date of enactment. Section 6 amends the Workforce Innovation and Opportunity Act (29 U.S.C. 3197(d)) to include white oak reforestation activities, authorizing Job Corps Civilian Conservation Center students to assist in reforestation projects. USDA supports work-based learning assignments for Civilian Conservation Center students as a component of trade training. Under current authorities, Job Corps students participate in the full range of forest conservation work within the limits of appropriations and capacity.

Section 7 requires the Forest Service to develop and implement a national strategy to increase the capacity of Federal, State, Tribal, and private tree nurseries to address the nationwide shortage of tree seedlings. The Forest Service recently developed a National Reforestation Strategy that includes modernization of Forest Service nurseries to increase production of genetically and climatically appropriate tree seedlings for reforestation. The Forest Service is developing national and regional 10-year implementation plans that include the next steps the agency will take to successfully increase the pace and scale of reforestation, address existing needs including nursery resources, and anticipate future disturbance events. State, Tribal, and private tree nurseries are also included in this effort. We support the intent to increase the capacity of tree

nurseries to grow white oak seedlings, but we want to work with the Subcommittee to ensure the bill language complements existing efforts.

Section 8 authorizes USDA to enter a memorandum of understanding with a covered land grant college, in consultation with States, nonprofit organizations, institutions of higher education, and other scientific bodies, to conduct research on various aspects of white oak resiliency. We would recommend broadening the list of potential partners for this research, including federally recognized Tribes. There is a range of research on white oaks that would be of interest to the Forest Service and others, including research related to white oak regeneration and resilience under climate change and how to retain and increase abundance of white oaks on all lands. There are several research topics that would be important to this effort, and we look forward to working with the Subcommittee and bill sponsors on technical assistance to accomplish the goals of this section.

Section 9 requires the Natural Resources Conservation Service (NRCS) to establish a formal initiative on white oak. The Forest Service has some of these authorities outlined in the bill through the Forest Stewardship Program and would welcome the opportunity to support NRCS in developing this program.

Section 10 provides for additional authorities to be used in conjunction with this bill, including good neighbor agreements under section 8206 of the 2014 Farm Bill (16 U.S.C. 2113a) and stewardship contracting projects under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c). We support broad use of these authorities and look forward to using these authorities in any efforts to increase white oak restoration.

USDA supports the intent of this bill and looks forward to working with the Subcommittee and bill sponsors on technical assistance to accomplish the goals of the bill.

HR 4235, “Wildfire Technology Demonstration, Evaluation, Modernization, and optimization Act” or the “Wildfire Technology DEMO Act”

The Wildfire Technology DEMO Act would establish a wildfire technology Testbed Pilot Program. This Act requires USDA and DOI to establish a Pilot Program for new and innovative wildfire prevention, detection, communication, and mitigation technologies within 60 days after the date of the enactment. The Departments must incorporate the pilot program into an existing interagency coordinating group on wildfires; identify key technology priority areas with respect to the deployment of wildfire prevention, detection, communication, and mitigation technologies; and partner each covered entity either with the Federal agencies identified as a covered agency to coordinate real-time and on-the-ground testing of technology during wildland fire mitigation activities and training. The bill requires both agencies give priority to certain emerging technologies and requires a report detailing the Pilot Program no later than one year after date of enactment. The authorization for the Pilot Program expires four years after the date of establishment.

Much of what is directed in this bill is already a component of the program of work across multiple agencies, including within various Forest Service programs and through interagency partnerships. For example, the National Oceanic and Atmospheric Administration has the Interagency Council for Advancing Meteorological Services group, chartered to advance

meteorological services including establishing a fire weather test bed which received funding through the Infrastructure Investment and Jobs Act. The Dingell Act, Wildland Fire Mitigation and Management Commission Report, and the President’s Council of Advisors on Science and Technology report, along with the Forest Service’s Wildfire Crisis Strategy, all share portions of what is in the proposed legislation. Providing a governing group and leadership direction to coordinate these activities would assist in the prioritization and implementation of new technologies.

USDA would like to work with the bill sponsor on some technical adjustments in the bill, such as including the Department of Defense in the list of covered agencies and replacing the “existing interagency coordinating group on wildfires” with the named existing group, the National Wildfire Coordinating Group. USDA notes that since this bill does not provide an appropriation of funding for these additional activities, the agency would need to identify funding from existing programs to support these activities. Finally, USDA has concerns with the 60-day timeframe required to establish this Pilot Program. For a joint program with DOI, this timeframe is too short. We would appreciate the opportunity to work with the bill sponsor and Subcommittee to address these concerns.

USDA supports the intent of this bill and looks forward to working with the Subcommittee and bill sponsors on technical assistance to accomplish the goals of the bill.

H.R. ___ (Discussion Draft), Biochar Innovations and Opportunities for Conservation, Health, and Advancements in Research Act” or the “BIOCHAR Act”

The BIOCHAR Act would establish demonstration projects to support the development and commercialization of biochar and a competitive grant program to carry out research and development activities with respect to biochar.

The bill directs the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Energy to fund biochar demonstration projects through partnerships with State, Tribal, or local governments; land-grant colleges or universities; or private, nonprofit, or cooperative entities; and to establish at least one biochar demonstration project in each Forest Service and Bureau of Land Management (BLM) region. The bill prioritizes projects that maximize carbon sequestration and creation of new jobs, demonstrate the benefits of biochar in creating new innovative uses and viable markets, restore forest health and resilience, and are in local markets with great need for biochar production.

The Forest Service is currently working with many partners to support research, development, and commercialization of biochar. This bill would formalize these partnerships through demonstration projects, strengthening engagement and expanding the authorities for Forest Service Research and Development, State, Private, and Tribal Forestry, and the National Forest System. To the maximum extent practicable, the bill requires demonstration projects to derive at least 50 percent of feedstock from activities conducted on National Forest System land or public lands. As we prioritize demonstration project selection, we believe it would be important to identify projects that have the greatest potential to turn the demonstration into long term sustainable market growth. We request discretion in the percentage of feedstock that comes from Federal lands. While we support a demonstration project that uses biomass removed to support wildfire risk reduction, this level may limit our ability for high impact projects where there may

not be adequate processing or production capacity, or where transportation costs to haul biomass or hazardous fuels to areas with adequate processing or production capacity may be cost-prohibitive.

Existing State, Private, and Tribal Forestry programs such as Wood Innovations or Community Wood grants may be used to fund the development of new biochar facilities, but they cannot be used for research. Competitive joint venture agreements with the Forest Products Laboratory and research stations and Forest Service partners can be used for research associated with the development of new markets.

USDA supports this bill as an effort to contribute to the commercialization of a forest product with a great potential role in forest conservation and ecosystem restoration while contributing to local economies and markets and decreasing the risk of wildland fires to rural communities. USDA would like to work with the Subcommittee and sponsors of this bill to ensure Forest Service coordination among programs that are engaged in biomass research, technology development, and market expansion and address technical concerns. USDA notes that since this bill does not provide an appropriation of funding for these additional activities, the agency would have to make tradeoffs with existing programs using current appropriations. USDA would like to work with the bill sponsor and Subcommittee to address the concerns noted here.

H.R. 4353, Civilian Conservation Center Enhancement Act of 2023

H.R. 4353 would amend Public Law 91–378 to authorize activities relating to “Civilian Conservation Centers,” as that term would be defined in the bill. “Civilian Conservation Centers” would be defined to include residential workforce development or training facilities for underserved youth that are operated by USDA. This bill would direct USDA and DOI in coordination with the U.S. Department of Labor (DOL) to offer specialized training programs focused on forestry and rangeland management, wildland firefighting, and other topics relating to Agency missions or the public interest. The bill would authorize USDA, in coordination with DOL, to conduct experimental, research, or demonstration pilot programs at Civilian Conservation Centers to provide career and technical education curricula and course offerings to advance the missions of DOI and USDA. In addition, the bill would provide direct hire authority for Civilian Conservation Center graduates and authority to hire and pay Civilian Conservation Center students for their work. Finally, the bill would require USDA and DOI to establish a pilot program to employ covered students to improve and expand the housing stock owned by the Federal Government for the purpose of housing wildland firefighters and other Federal employees.

While the provisions in this bill would support the Administration’s overall priorities in wildland fire management and workforce development, further policy and technical reviews are needed. As written, the bill would significantly expand Forest Service’s capacity to train work crews and interns through partnerships, as well as existing authority under the Workforce Innovation and Opportunity Act (29 U.S.C. 3191-3212) to train students at Job Corps Civilian Conservation Centers through workforce development and hiring. The bill would permit the new Civilian Conservation Centers to become bases of operations for training underserved youth in firefighting, home construction, and conservation trades. Authority to hire and pay existing Job

Corps Civilian Conservation Center students are priorities of USDA, and the bill would significantly enhance USDA's youth workforce development efforts. In addition, the pilot programs for addressing training and housing for firefighters outlined in the bill would address key needs in achieving the Forest Service's 10-year strategy to confront the wildfire crisis.

The applicability of the bill to Job Corps Civilian Conservation Centers authorized under the Workforce Innovation and Opportunity Act is complex and would require coordination with DOL. This bill would apply to "Civilian Conservation Centers," but that term is used in the Workforce Innovation and Opportunity Act at 29 U.S.C. 3197(d)(1) to apply to Civilian Conservation Centers operated by the Forest Service and funded by DOL under the Job Corps Program pursuant to an agreement between DOL and USDA. No Job Corps Civilian Conservation Centers are operated by any Federal agency other than the Forest Service. The proposed definition in Section 301 of this bill encompasses existing Job Corps Civilian Conservation Centers and potentially other USDA or DOI programs. The expansion to other programs would increase opportunities for marginalized youth beyond Job Corps Civilian Conservation Centers but would require inter-departmental cooperation regarding jurisdiction and student eligibility.

Section 301 defines "covered student" and "covered graduate" in ways that would encompass existing students enrolled by DOL at Job Corps Civilian Conservation Centers. However, the term "underserved youth" is not defined in the bill and could also encompass youth not meeting eligibility criteria for the Job Corps Program. In addition, Section 301 defines "Secretaries" for the purposes of this bill to include the Secretaries of the Interior and Agriculture, but not the Secretary of Labor. We would like to work with the Subcommittee and bill sponsors to clarify the scope of this section and its relationship to the Workforce Innovation and Opportunity Act.

Section 302(b) of the bill would apply specifically to existing Job Corps Civilian Conservation Centers operated under the Workforce Innovation and Opportunity Act. This bill would direct the Secretaries of the Interior and Agriculture to prioritize conservation and firefighting training at existing Job Corps Civilian Conservation Centers. However, DOI does not operate any Job Corps Civilian Conservation Centers. The Forest Service already prioritizes conservation and firefighting training at Job Corps Civilian Conservation Centers, to the extent feasible under DOL Job Corps policy and funding. We would like to work with the Subcommittee and bill sponsors to clarify the scope of this section and its relationship to the Workforce Innovation and Opportunity Act.

Section 304 would authorize recruitment goals and investments for covered graduates. These programs could significantly increase the Forest Service's ability to train and recruit disadvantaged youth for wildland firefighting work. Section 304(b) would allow covered graduates to be appointed as Federal employees under special hiring rules. Section 304(d) would provide authority to "employ or otherwise contract with" covered students (who have not yet graduated) and compensate them for necessary hours of work at "regular rates of pay." This authority would address a significant current barrier to engaging existing Job Corps Civilian Conservation Center students in conservation work. We welcome the opportunity to work with Congress to clarify the Federal employment status of the covered students who would become employed under this new authority. Section 304(e) would direct the Secretary of Agriculture to encourage the use of covered students to fulfill obligations under contracts, grants, and

agreements in nearby national forests. We need to discuss with the bill sponsors the implications of employing versus contracting with covered students from safety and liability standpoints. Section 305 would authorize a pilot program to employ covered students in improving and expanding Federal Government housing for wildland firefighters, which would address another significant Forest Service challenge in expanding wildland fire response and hazardous fuels reduction. USDA recommends expanding section 305(b)(1) to cover improvement and expansion of housing for volunteers, partners' crews, and interns while working on Forest Service projects.

USDA strongly supports the intent of the Civilian Conservation Center Enhancement Act of 2022 and looks forward to working with the Subcommittee and bill sponsors on technical changes to the bill to further support important workforce capacity needs.

HR 4717, "Locally Led Restoration Act of 2023"

HR 4717 amends the Healthy Forest Restoration Act to allow private persons or other public or private entities to propose stewardship contracting projects under the Stewardship End Result Contracting program so long as removing vegetation is one of the project's land management goals and at least 10percent of the of the vegetation proposed to be removed is salvage. The agency would have discretion to move forward with or deny a proposal, but a response would be required within 120 days of receiving a proposal.

This bill also requires a report to Congress after five years on the number of project proposals under this section, the number of contracts and agreements entered under this section, and the number of acres on which forest thinning and non-commercial hazardous fuels reduction were carried out pursuant to such contracts and agreements.

The Forest Service supports broader use of the stewardship contracting authority, and we welcome the chance to work with Congress to expand our tool set for forest health treatments. While we support broader, science-based usage of our existing suite of forest health authorities, we do have concerns with many of the specifics of this legislation.

The Stewardship End Result Contracting program was designed to foster broad local stakeholder input and collaboration. We are concerned about how the bill, as currently written, may result in challenges in meeting requirements of that authority.

Though this bill does not appear to directly conflict with current contracting law, we also have concerns about ensuring the full and open competition for National Forest System timber that is required by the National Forest Management Act and the requirements for service contract competition in the case of Integrated Resource Service Contracts.

As written, the bill has potential to add significant amounts of Forest Service Stewardship End Result Contracting work. At minimum, it requires the agency to annually prepare and publicly notice an opportunity to submit proposals for stewardship contracting projects, and to respond to each such proposal within 120 days. In the case of denials, the bill language suggests that the agency provide detailed responses, including specific factors that led to the denial as well as potential courses of action for overcoming those factors. Providing that level of specific feedback would require technical review by program experts. Requiring agencies to not only publicly request such proposals but also review and respond to proposals within 120 days could

foreseeably overwhelm agency acquisition and program resources. This potential adverse impact appears to directly contradict the longstanding purposes of the Healthy Forests Restoration Act of 2003 and its amendments.

As the Agency continues to increase the scale of project work to better address the wildfire crisis, we have concerns that this bill may result in numerous small-scale requests that could detract from a landscape approach. USDA also notes that our standard business practice is for local units to collaborate directly with local industry and other partners for current and future management plans. Thus, calling for project proposals may have limited additive benefit.

HR 4717 also adjusts the threshold above which the Secretary of Agriculture shall advertise timber sales. The threshold currently is \$10,000, but under this bill would be adjusted to \$55,000 in the first year and then adjusted annually based on the Consumer Price Index. For low value material without good markets, raising the threshold enables the agency to do more direct sales and have more tools to complete forest health and fire risk reduction treatments.

In summary, we thank the bill sponsor and the Subcommittee for continued support and interest of the stewardship contracting authority and for proposing to increase the minimum threshold for advertising timber sales. We look forward to working with the Subcommittee to address our concerns, to best meet our shared goals to expand use of the stewardship contracting authority and increase the pace and scale of forest health treatments.

Conclusion

That concludes my testimony. Thank you for the opportunity to testify. I am happy to answer any questions the Subcommittee may have for me.