

Calendar No. 254

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-57

HAWAII NATIONAL FOREST STUDY

JANUARY 19 (legislative day, JANUARY 18), 2022.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 297]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 297), to require the Secretary of Agriculture to conduct a study on the establishment of, and the potential land that could be included in, a unit of the National Forest System in the State of Hawaii, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 297 is to require the Secretary of Agriculture to conduct a study on the establishment of, and the potential land that could be included in, a unit of the National Forest System in the State of Hawaii.

BACKGROUND AND NEED

The Forest Service, under the Department of Agriculture, is tasked with managing 154 national forests across the United States, which span approximately 193 million acres. Congress directed the Forest Service to establish national forests to improve and protect the forest within its boundaries, for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States. Moreover, the Forest Service was directed to administer its national forests for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. Further, the mission of the Forest Service is to sustain the health, diversity, and productivity

of the nation's forests and grasslands to meet the needs of present and future generations.

Hawaii is one of seven states that do not have a national forest. H.R. 297 directs the Forest Service to study the suitability and feasibility of establishing a unit of the National Forest System in the State of Hawaii, and to identify available land that could be included in a potential national forest.

LEGISLATIVE HISTORY

H.R. 297 was introduced by Representatives Case and Kahele on January 13, 2021. The House of Representatives passed H.R. 297 on May 12, 2021, by a voice vote. A Senate companion measure, S. 554, was introduced by Senators Hirono and Schatz on March 3, 2021. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 554 on June 16, 2021.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 18, 2021, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 297. Senator Lee asked to be recorded as voting no.

SECTION-BY-SECTION ANALYSIS

Section 1. Hawaii National Forest Study

Subsection (a) provides key definitions for the Act, including the boundaries of the study area.

Subsection (b)(1) directs the Forest Service to study the suitability and feasibility of establishing a unit of the National Forest System in the study area and to identify available land within this study area that could be included in the unit.

Paragraph (2) requires the Forest Service to coordinate with the Hawaii Department of Land and Natural Resources and consult with the Hawaii Department of Agriculture and other interested government entities, private and nonprofit organizations, and individuals.

Paragraph (3) requires the Forest Service to consider unique vegetation types in the study area that should be targeted for inclusion, evaluate the ability of the agency to improve and protect forest areas and secure favorable water flows, and determine whether the unit would expand, enhance, or duplicate resource protection and visitor-use opportunities.

Paragraph (3) also requires the Forest Service to consider the size and location of potential parcels to be included in the national forest to ensure the national forest would be economical to administer, to evaluate the willingness of landowners to sell or transfer the land, to evaluate the suitability of the land to be designated as a research natural area or an experimental forest, to estimate the costs of acquiring land as well as the costs of operating the National Forest System unit, and to consider other alternatives for the conservation, protection, and use of the areas being considered.

Subsection (c) is a savings clause clarifying that nothing in this section authorizes the Secretary to take any action that would affect the use of any land owned or not owned by the United States.

Subsection (d) requires the Secretary to submit a report to Congress within 3 years after the date of enactment of this Act that describes the results of the study and any conclusions or recommendations of the Secretary.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office has not estimated the costs of H.R. 297 as ordered reported. The Committee has requested, but has not yet received, the Congressional Budget Office's estimate of the cost of H.R. 297 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 297. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of H.R. 297, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 297, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Forest Service, United States Department of Agriculture at the June 16, 2021, hearing on the Senate companion measure, S. 554, follows:

STATEMENT OF CHRIS FRENCH DEPUTY CHIEF, NATIONAL FOREST SYSTEM U.S. FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

Chairman Cortez Masto, Ranking Member Lee and members of the subcommittee, thank you for the opportunity to appear before you today to present the views of the U.S. Department of Agriculture (USDA) on several public land bills.

USDA supports S. 554, which would require the Secretary of Agriculture to conduct a study to determine the suitability and feasibility of establishing a unit of the NFS on the islands of Hawai'i, Maui, Molokai, Lāna'i, O'ahu, and Kaua'i in the State of Hawai'i; and to identify available land within the study area that could be included in the unit. The Secretary would be required to conduct the study in coordination with the Hawai'i Department of Land and Natural Resources and consult with the Hawai'i Department of Agriculture, and other interested govern-

mental entities, private and nonprofit organizations, and any interested individuals.

USDA supports a study that would identify available land within a study area in the State of Hawai'i that could be included in a National Forest unit or designated as a research natural area or an experimental forest that would have the grassroots support of local communities.

The study would consider unique vegetation types that occur in the study area that should be targeted for inclusion in the unit; evaluate the ability of the Secretary to improve and protect forest areas within the study area; secure favorable water flows within the study area; determine whether the unit of the National Forest System would expand, enhance, or duplicate resource protection and visitor use opportunities; evaluate the willingness of landowners to sell or transfer land in the study area to the Secretary; evaluate the suitability of land in the study area for potential selection and designation as a research natural area or an experimental forest; identify cost estimates for any federal acquisition, development, operation, and maintenance that would be needed to establish the unit of the NFS; and consider other alternatives for the conservation, protection, and use of areas within the study area by the federal government, state or local government entities, or private and nonprofit organizations.

Not later than three years after enactment of this Act, the Secretary would be required to submit a report on the results of the study and any conclusions and recommendations of the Secretary to the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources.

This study would allow the Forest Service, the State of Hawai'i and interested private or non-profit organizations and individuals to work together to identify lands within the study area that would promote shared stewardship with local communities, including indigenous populations, the State of Hawai'i, and non-profit groups. The study provides the opportunity to explore supporting or expanding Forest Service programs related to conservation of forest ecosystems, sustainable forestry, protection of threatened, endangered, and migratory species, controlling the spread of invasive species, reforestation, and other forest restoration efforts.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act as ordered reported.