

**TESTIMONY of
CHRISTOPHER FRENCH, DEPUTY CHIEF
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

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

July 9, 2024

Concerning

H.R. 3299, “Deploying Infrastructure with Greater Internet Transactions And Legacy Applications Act” or the “DIGITAL Applications Act”

H.R. 3283, “Facilitating the Deployment of Infrastructure with Greater Internet Transactions And Legacy Applications Act” or the “Facilitating DIGITAL Applications Act”

And

H.R. 6012, “Fire Safe Electric Corridors Act of 2023”

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to provide testimony on several bills pertaining to the USDA Forest Service. We defer to the U.S. Department of the Interior (DOI) for its views on those elements of the bills that would affect federal lands under its jurisdiction.

H.R. 3299, “DIGITAL Applications Act”

H.R. 3299 would require DOI and USDA each to establish an online portal to accept and process applications for communications use authorizations and to notify the Assistant Secretary of Commerce of the availability of the online portal.

USDA recognizes the Forest Service’s important role in permitting critical infrastructure that provides communications services, including broadband, to the American people. USDA fully supports the bill’s establishment of an online portal to accept and process proposals and applications for communications use authorizations, and the Forest Service has already started developing digital permitting services.

Until recently, a proposal or application for a communications use was submitted by email or through regular mail to the local Forest Service office. A longstanding goal of the Forest Service has been to automate this process by developing and deploying enhanced digital permitting services.

As an interim solution, the Forest Service recently created a publicly available online portal for submission of communications use proposals and applications (available at: <https://www.fs.usda.gov/managing-land/special-uses/communications-uses/fiber-optic-cable>). The portal allows the agency to track communications use proposals and applications at the national level, thus providing an additional level of oversight. Meanwhile, the Forest Service is investing in more robust digital permitting services that will include several features, such as the ability for proponents to submit and track their proposals and applications online and digitally sign their authorizations.

To promote the goal of more robust digital permitting services, the Forest Service has obtained additional skills and capacity through an agreement with the General Services Administration's Technology Transformation Services (known as GSA 18F). This effort will support research and customer engagement to enhance the digital permitting services' utility, functionality, and user interface. The enhanced digital permitting services will promote efficiency in processing all proposals and applications, reliability of proponent and agency data, and agency transparency and accountability. All these enhancements will significantly improve customer service and satisfaction.

USDA recently received funding from the Federal Permitting Improvement Steering Council to support the Forest Service's development and deployment of enhanced digital permitting services. Our efforts to enhance digital permitting services can be complemented by the agency's use and expanded availability of categorical exclusions (CEs) we have adopted under the Fiscal Responsibility Act, such as CEs C-4 through C-8 concerning new communications uses, including broadband, from the National Telecommunications and Information Administration; and CEs A-4 (communication towers) and A-6 (fiber optic cable) from the Department of Commerce.

USDA supports the intent of H.R. 3299 and would like to work with the bill sponsors and Committee to offer technical assistance given the Department's ongoing efforts to develop and fund enhanced digital services and to address concerns about the Department of Commerce notification requirement.

H.R. 3283, "Facilitating DIGITAL Applications Act"

H.R. 3283 would require the Assistant Secretary of Commerce to submit to the appropriate congressional committees a report on whether DOI and USDA have established online portals to accept and process applications for communications use authorizations.

USDA is already working towards establishing an online portal to accept and process applications for communications use authorizations and welcomes Congress's interest in this endeavor.

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USDA supports the intent of H.R. 3283. USDA would like to work with the bill sponsors and Committee to offer technical assistance given the Department's ongoing efforts to develop and fund enhanced digital services and to address concerns about the Department of Commerce reporting requirements.

H.R. 6012, "Fire Safe Electric Corridors Act of 2023"

H.R. 6012 would grant the Secretary of Agriculture authority to allow electric utilities operating on National Forest System (NFS) lands under a special use authorization to cut and remove vegetation within the vicinity of their authorized powerline facilities without requiring a separate timber sale. Any vegetation management conducted under this authority would have to be consistent with the applicable land management plan and applicable environmental laws and regulations.

USDA supports the intent of the H.R. 6012 and appreciates Congress's efforts to facilitate more efficient management of powerline facility rights-of-way on NFS lands. Current forest management authority allows for disposal of some timber associated with vegetation management for powerline facilities and other administrative uses without a separate timber sale. Our existing authority is limited by the Agency's overall maximum cutting volume and does not directly address disposal of felled hazard trees in or adjacent to a powerline facility right-of-way without a separate timber sale.

USDA looks forward to working with the Committee and bill sponsors to fully realize the bill's intention of addressing the limitations in Forest Service's existing authority. We are interested in a clear authority to cut and dispose of hazard trees in or adjacent to powerline facility rights-of-

way that would not require a timber sale or need to compensate the federal government. We would like to work with the committee to ensure that the authority to cut and dispose of hazard trees along power line ROWs is clear and that the disposal of hazard trees is not subject to valuation and timber sale requirements.