

**PENDING LEGISLATION**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON**  
**ENERGY AND NATURAL RESOURCES**  
**UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

ON

<b>S. 4729</b>	<b>S. 4891</b>
<b>S. 4833</b>	<b>S. 4904</b>
<b>S. 4835</b>	<b>S. 4935</b>
<b>S. 4837</b>	<b>S. 4942</b>
<b>S. 4877</b>	<b>S. 4944</b>
<b>S. 4884</b>	<b>S. 4945</b>

SEPTEMBER 29, 2022



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The text for each of the bills that were addressed in this hearing can be found at: <https://www.energy.senate.gov/hearings/2022/9/full-committee-hearing-to-consider-pending-legislation>

## PENDING LEGISLATION

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THURSDAY, SEPTEMBER 29, 2022

U.S. SENATE,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:00 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin III, Chairman of the Committee, presiding.

The CHAIRMAN. The Committee will come to order.

At this time, I take the privilege of recognizing Senator Wyden for some comments here, and then we will get right into it.

Senator WYDEN. Mr. Chairman, I want to thank you for your courtesy and also thank Senator Barrasso, and I will be very brief. We just had a couple of finance matters come up here in the last 20 minutes or so.

I just want to take a minute and mention the Tribal Resources Restoration Act, a priority for my constituents to help protect the Confederated Tribes of Warm Springs and their reservation from the threat of wildfire. It also will help us improve our partnership, one we value with the Forest Service, by embracing co-management on parts of the Mt. Hood National Forest. The bill directs the USDA and the Forest Service to enter into an MOU with the tribe and develop a management strategy that incorporates the tribe's traditional knowledge of the area and reduces wildfire risk. The Warm Springs Tribe is the largest neighbor to the Mt. Hood National Forest, and is often the first impacted by wildfires that spark in the area.

Mr. Chairman, I would just ask unanimous consent to be able to submit a question to Jeff Rupert, Office of Wildland Fire at Interior, and I would also, as part of the unanimous consent request, Mr. Chairman, would like to submit for the record a letter from the Confederated Tribes of Warm Springs in support of this legislation and of how it would increase restoration work and restore forest resources in the forest.

I want to thank my colleagues, all of them, for this indulgence, and the Chairman and the Ranking Member.

The CHAIRMAN. Without objection, the letter will be submitted for the record.

[Senator Wyden's question for the record appears in the Appendix with all other written questions for the record. The letter referred to follows:]



Confederated Tribes of Warm Springs, Oregon  
PO Box C  
Warm Springs, OR 97761  
Phone: 541-553-1161  
Fax: 541-553-1924

September 22, 2022

The Honorable Ron Wyden  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Wyden:

On behalf of the Tribal Council of the Confederated Tribes of Warm Springs, I am writing to thank you for introduction of legislation (S.4837) that would help protect the Warm Springs Reservation from wildfire and empower the Tribe to help restore forest resources on Mount Hood for the benefit of all Oregonians.

Since time immemorial, the people of the Confederated Tribes of Warm Springs have lived within and around what is today the Mount Hood National Forest (MHNH). In our traditional language, Mount Hood is still called *W'y'east*. Our people have been nourished by its fish, game and plants, and enjoyed its sanctuary, protection and beauty. We arose from this land, our ancestors lie in the ground, and we have long been its stewards.

Our ancestors negotiated and signed an 1855 treaty with the United States, ceding 10 million acres of land from the tribes that would become confederated as “Warm Springs.” That treaty reserves forever to the Warm Springs people the right to hunt, fish and gather on places like Mount Hood that were “usual and accustomed” places to us for countless generations. These rights are still exercised. Over the last several weeks, Warm Springs people have been on the mountain picking huckleberries in the same places their ancestors did for thousands of years. Berries, roots and meat are harvested to provide physical and spiritual sustenance to Warm Springs people. We believe that the exercise of these traditions is a powerful antidote to western maladies such as drug abuse, alcoholism and the like.

Your legislation embraces the notion of co-stewardship and integrating traditional ecological knowledge into management of public lands. Warm Springs people have lived with, witnessed and understood ecological interconnectedness in the MHNH area for thousands of years. Our religion, language and culture are inherently shaped by the timing, movement, health and change of our forests, waters, animals, fish and other foods. President Biden’s policy confirms that traditional ecological knowledge is “one of the many important bodies of knowledge that contributes to the scientific, technical, social, and economic advancements of the United States and to our collective understanding of the natural world.”<sup>1</sup>

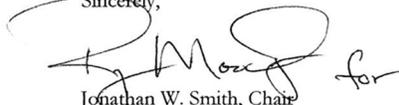
<sup>1</sup> White House Council on Environmental Quality “Memorandum on Indigenous Traditional Ecological Knowledge and Federal Decision Making.” November 2021.

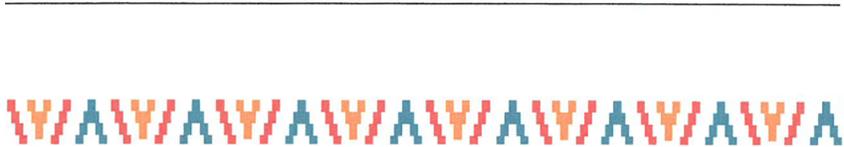
[www.warmsprings-nsn.gov](http://www.warmsprings-nsn.gov)



As the largest neighbor of the MHNF, Warm Springs has a singular interest in reducing the threat of catastrophic wildfire in the Mount Hood region. Tribal members have died of smoke inhalation from adjacent wildfires. We are eager to bring the Tribe's knowledge, forestry and wildfire management experience to forest restoration projects on the MHNF. Our intention is to use the authority in your legislation to work with the Forest Service to increase the pace and scale of restoration work to improve resilience to wildfire, return stands to historic conditions and function, increase biodiversity, and use the latest data and practices on our tribal forest to inform climate resilience strategies on the MHNF. For example, Warm Springs has documented Douglas Fir forests on the reservation that are transitioning to ponderosa pine because of climate change.

Again, we thank you for introducing legislation that charts a collaborative course for Warm Springs to work with the U.S. Forest Service to restore forest health, function and fire resilience for the mutual benefit of all Oregonians. *W'y'east* needs healing and Warm Springs brings the best of traditional and western scientific knowledge to answer that call.

Sincerely,  
  
Jonathan W. Smith, Chair  
Tribal Council



Senator WYDEN. Thank you, Mr. Chairman.  
The CHAIRMAN. Thank you.

**OPENING STATEMENT OF HON. JOE MANCHIN III,  
U.S. SENATOR FROM WEST VIRGINIA**

The CHAIRMAN. The Committee will come to order.

This morning we are here to discuss a number of pieces of legislation related to wildfires and to forestry. The bills we will be discussing today represent the priorities of members on both sides of the aisle, including many members of this Committee, who are more than familiar with the topic of wildfire. Furthermore, the bills before us today demonstrate our shared interest in improving the condition of our nation's forests and in addressing our nation's wildfire problem. Our Committee has discussed, at length, the impacts of worsening climate conditions and the past mismanagement that has ushered in a new era of fuels and wildfires. Decades of fire suppression and reduced harvesting has led to the historic buildup of vegetation, or fuel load, which makes our forests unable to withstand the warming temperatures and drier conditions.

In fact, Forest Service research has published a study in Forest Ecology and Management earlier this year documenting that between 1911 and 2011, the density of trees in the dry forests of the West increased six to sevenfold. This overcrowding has also resulted in the average size of trees in these forests being 50 percent smaller than in 1911. We have essentially created a perfect storm. And as a result, we have witnessed an increase in the occurrence of megafires, and communities across the West are suffering from tragic loss of life and property. While agency leaders have talked about correcting this course for some time, it seems that with each passing decade, we are slipping further behind. For example, in the past ten years, 25 percent of California's forests burned in wildfires. The Forest Service's land was hit particularly hard. While 15 percent of California's private forest land burned in the past ten years, 39 percent of national forests burned.

In May 2021, this Committee held a hearing to discuss the critical role that our forests play in absorbing and storing carbon emissions and the worsening impact of wildfire on our climate. We concluded that promoting low-density forests through mechanical thinning treatments, prescribed fire, and other methods will help clear out the excess growth and make way for healthier trees that can withstand fire and other disturbances. Since that hearing, Congress has provided record levels of funding—over \$10 billion—to help the federal agencies achieve the paradigm shift. However, despite this unprecedented level of funding and new authorities that Congress has provided, I understand the Forest Service only treated eight percent more acres this year—eight percent. I also understand that the Forest Service is on track to have its third straight year of declining timber sales. I look forward to hearing from our witnesses today about the bottlenecks they face in ramping up these important treatments and what we can learn from private industry. It is non-negotiable at this point. We must get to work at changing the status quo. Both the health of our forests and the safety of our communities is at stake.

I believe the legislation we have on the agenda today offers some creative, common-sense solutions for addressing these problems. First, I have a bill, Senate bill 4935, which is the More Hasty Response to Firefighting Act. It will enable loggers to better assist in firefighting efforts when they start. In the coal industry, in coal country, mining companies are required—if you have a mining permit, you must have a certified mine rescue team, because sometimes they are in remote areas, and we cannot get there quick enough with first responders, so you better have someone to save a life immediately—no different than saving the forest. We can do the same. My bill directs the Forest Service to offer basic firefighting training to loggers working on or next to fire-prone national forests and gives them the ability to extinguish a wildfire if they happen to see one start. Right now, if lightning strikes and a wildfire starts, workers in the area cannot take action to stop it from spreading.

Second, I have co-sponsored the Promoting Effective Forest Management Act, introduced by my friend, Senator Barrasso sitting here, which directs the agencies to undertake a range of activities aimed at reducing fire risk on federal lands. This includes raising the acreage targets for mechanical thinning projects and establishing a training program to modernize and grow the logging workforce. Importantly, the bill also significantly modifies a current agency policy related to retirement benefits for firefighters. Currently, if a federal firefighter has longer than a three-day break in service over a 20-year career, he, or more often, she, must forfeit his or her previously made retirement contributions. It makes no sense. This outdated practice is something I will talk more about when we get our time for questions. Our Committee will continue to look at ways to increase retention in our shrinking wildland firefighting workforce, but we hope that addressing this issue today will be another milestone in our efforts.

I want to thank our witnesses for being here today. I look forward to hearing your perspectives on these 12 bills and the issues they seek to address.

With that, I am going to turn to Ranking Member Barrasso for his opening statement.

**OPENING STATEMENT OF HON. JOHN BARRASSO,  
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Well, thank you very much, Mr. Chairman. I appreciate your leadership in dealing with this issue, your co-sponsorship, and then the two of us working together on several pieces of legislation that are on the agenda today, because we have had another devastating wildfire season this year. Make no mistake, America's western forests are facing a wildfire crisis, and this crisis is not going to solve itself. Roughly 63 million of the 193 million acres of the National Forest System are at either high or very high risk of catastrophic fire. These at-risk forests are in dire need of management to reduce fire damage. Congress has provided the Forest Service and the Bureau of Land Management with increased resources and tools, and it is good to have Senator King here because you pointed that out at the last hearing, that we have

done what they have asked and there is more work to be done on their part to respond to the direction of Congress.

So this is why the Chairman and I have introduced the Promoting Effective Forest Management Act.

Senator KING. Let the record show that he said that it is good that I am here because he does not always think that.

[Laughter.]

Senator BARRASSO. Well today, we are all rowing in the same direction because there is work to be done and so thank you, Senator King, for being here and for your active involvement and interest in this issue.

This is a bipartisan bill. That does not always happen either, but in this Committee, we try to do that, and this bipartisan bill is going hold agencies accountable for the results that they, themselves, have told us that they must achieve. Forest Service officials have repeatedly testified before this very Committee that they need to dramatically increase the pace and scale of wildfire mitigation treatments. Our legislation will hold them to the task by prioritizing results over rhetoric. The legislation directs land management agencies to set annual acreage treatment targets and to drastically increase those targets in the coming years. If these targets are not met, agencies must report to Congress any limitations or challenges that have hindered their progress. That includes litigation challenges and permitting delays.

Our bill also contains a number of measures to help set agencies up for success. It requires the Forest Service and the BLM to use their existing streamlining authorities for projects that would reduce wildfire risk and improve forest health. Currently, these authorities are optional and are often unused, significantly slowing down vital projects. Making them mandatory will help cut red tape and protect our forests. The bill that Senator Manchin and I have worked on together also recognizes and enhances the vital role our ranchers and farmers play in reducing wildfire risk. Specifically, it directs agencies to develop a strategy to increase the use of grazing as a wildfire mitigation tool. And I had an opportunity this morning to meet with a number of the members of the Wyoming agriculture community who are in this very room to hear about that and to talk about the issues of grazing as a management tool and mitigation tool. This includes expanding the use of targeted grazing and increasing issuances of temporary grazing permits. As we have seen in Wyoming, ranchers contribute to practices that create healthier and more resilient landscapes and forests.

This bill, the Promoting Effective Forest Management Act, will also halt the Biden Administration's destructive efforts to restrict responsible management of mature forests. According to a recent piece written by Nick Smith, published in *The Hill*, "At a time when we need more management of fire-prone federal lands, this is a formula for more bureaucracy and red tape. It further ties the hands of our public lands managers." So instead of blindly following the misguided agenda, our bill makes it clear that agencies must adhere to the law and to sound science.

[The article referred to follows:]

# Defining ‘old growth’ is a futile exercise when our forests are burning

BY NICK SMITH, OPINION CONTRIBUTOR - 08/10/22 1:00 PM ET

THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL



Noah Berger/Associated Press

*A firefighter protects a sequoia tree as the Washburn Fire burns in Mariposa Grove in Yosemite National Park, Calif., on Friday, July 8, 2022.*

The U.S. Forest Service and Bureau of Land Management are seeking public input to define and inventory “old-growth and mature forests” on federal lands in their first step toward complying with the Biden administration’s Earth Day executive order, which identified “climate impacts, catastrophic wildfires, insect infestation, and disease” as the primary threats to all forests, including older forests.

Unfortunately, this attempt to “define and inventory” directly undermines the administration’s own 10-year wildfire strategy that aims to treat up to an additional 20 million acres on National Forest System lands through thinning, logging and controlled burning, and up to an additional 30 million acres of other federal, state, tribal and private lands. Such treatments have helped public lands managers and firefighters save large, old and mature trees from destruction, including the iconic Giant Sequoias in California.

Rather than focusing on confronting our national wildfire and smoke crisis through climate adaptation strategies and active forest management, federal agencies must now spend time and resources developing a “universal definition framework” of old-growth and mature forests across incredibly diverse and complex forests with widely different tree species, sizes, characteristics and needs.

It is an impossible and unscientific task to come up with a single definition of old growth that applies to forests from Florida to Washington state. Any single definition of old-growth and mature forests could be so general that it’s useless in guiding forest management across the nation, or so specific that it leaves out forests that some would consider mature.

At a time when we need more management on fire-prone federal lands, this is a formula for more bureaucracy and red tape that further ties the hands of our public lands managers. And for some, maybe that’s the point. It appears some activist groups are using this “define and inventory” process to push for more anti-logging regulations, even though only 35 percent of National Forest System lands are available for regular timber harvest.

They point to the 2001 Roadless Rule as a model policy that restricts active forest management and road building on millions of acres of federal lands. Yet, more than 37 million acres of national forests have burned since the Bill Clinton-era Roadless Rule was adopted, an acreage more than seven times larger than the acres where any timber harvest has actually occurred during this time.

Most lands managed by the federal government are already off-limits to logging or have restrictions that make active forest management infeasible. This includes 17.6 million acres of National Forest System lands in Wild and Scenic River Corridors and 36.6 million acres of National Forest System lands that are in congressionally “designated wilderness areas.”

The 58.2 million acres of National Forest System lands in Roadless Rule areas is larger than the entire National Park system, where forest management is also prohibitive. Similarly, forest management is extremely limited in the 85-million-acre National Wildlife Refuge system.

The lack of active forest management comes at a cost when it comes to mitigating climate change. Wildfire, drought, insects and diseases, as well as the resulting high tree mortality have reduced the ability of federal lands to sequester and store carbon. Fires are burning so hot some forests are failing to regenerate naturally. Efforts to restrict management of “old growth and mature” forests ignore the fact that forests are dynamic ecosystems where disturbance events can reset 100- to 200-year-old forests to zero in the course of a single day.

The worst thing we could do during a climate crisis is to walk away from our public lands and decide not to use the tools available to help adapt these lands to changing conditions. Due to the diversity of forests in our nation, a universal definition of old growth and mature trees can't be determined by the best available science. It can only lead to more arbitrary policies that limit the ability of federal agencies to manage for specific species and could lead to less old growth on the landscape over time.

*Nick Smith is executive director of Healthy Forests, Healthy Communities, a non-profit, non-partisan grassroots coalition that advocates for active management of America's federally-owned forests. He also serves as public affairs director for the American Forest Resource Council, a trade association representing the forestry sector in the West.*

Senator BARRASSO. Finally, our legislation will benefit our wildland firefighters. As Senator Manchin mentioned, among other changes, it places a cap on the rent that they are forced to pay for agency-provided housing. The provision will help federal agencies hire and retain wildland firefighters. Our bill enjoys broad support from a wide range of organizations, including sportsmen's groups, agriculture organizations, timber companies, private forest owners, and firefighter advocates.

Mr. Chairman, I am very grateful for your partnership in moving this vital legislation forward. I would also like to welcome Pat O'Toole of Savery, Wyoming, who is going to be testifying today. I will have a bit more to say about Pat in a few minutes. There are a number of good bills on the agenda today and I look forward to today's hearing.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And before we go to our panel, we will take the liberty to recognize Senator King. He can't miss a meeting he has to go to, and I know which one it is. Senator King.

Senator KING. Thank you. Thank you, Mr. Chairman. I appreciate your indulgence.

I don't have a dog in this fight in the sense that Maine's forests are almost entirely privately owned. We have a little bit of the White Mountain National Forest in Western Maine. I guess the phrase ought to be, I do not have a tree in this forest.

[Laughter.]

Senator KING. But I feel strongly that we have to move on the bill that Senator Barrasso outlined. In 1986, we harvested something like 13 billion board feet off the national forest. Last year, it was about three. I don't know what the right number is, but it is somewhere between 13 and three, and I think it is a lot more than three. In my view, we are doing a grave disservice to this country by not managing the federal forests adequately on several fronts. One is, of course, the fire front that Senator Barrasso has talked about. By not managing forests, there is more debris on the floor. There is more on the forest floor. There is more underbrush, and that is what really makes these fires so destructive. So forest fire management is number one.

Number two is the environment itself. The science is that a growing tree as opposed to a mature tree sequesters more carbon, and to the extent that we are managing the forests and encouraging the growth of younger, smaller-diameter trees to become larger-diameter trees, we are sequestering more carbon, and thereby helping to cope with the climate crisis. And then, finally, is the economic effects. Senator Risch is not here, but I have often heard him say that in Idaho, 20 or 30 years ago, there were 20 or 30 sawmills. Now, there is something like three. And we are really substantially undermining the economics of the forest products industry in the West by not having sufficient wood supply.

So I think on all three of those bases, we really have to move forward with legislation to increase the sustainable harvest. Forestry is almost the definition of a sustainable industry. The trees grow back, and they grow back better if they are thinned, if they are managed, if they are pre-commercially thinned, and that is what

we really need to do. So from an environmental point of view, as well as from an economic point of view, I think this legislation is critically important and, of course, the fire issue is high on our agenda right now.

I am afraid I am only going to listen to your testimony, but I do not think I will be here for questions. But one of the issues I would like to hear about is, to what extent is litigation the problem? And if it is, we have to figure that out. We cannot allow protracted litigation. We want people to have their say. We want people to be involved. But when we allow litigation itself to become a weapon—not in terms of what the outcome is, but in terms of the delay—that is unacceptable. And we have to find a path that allows people to be engaged, to make their case, but ultimately, we have to make decisions and move forward. And as I say, Maine is the most forested state in the nation. We have a strong Forest Practices Act that controls things like clear cutting and stream amelioration and management effects on streams. All of those issues can be dealt with without constraining forestry to the point where we are losing the benefits that it brings about.

Senator BARRASSO, thank you for your indulgence, and I look forward to the hearing.

Senator BARRASSO [presiding]. Well, thanks so much, Senator King. You know, I agree, it took about—

Senator MARSHALL. Mr. Chairman.

Senator BARRASSO. I turn to Senator Marshall.

Senator MARSHALL. Would it be out of order to ask them to answer Senator King's question on the litigation before he leaves because I would love to hear the answer too.

Senator BARRASSO. That would be fine with me, and now that the Chairman has returned, if we want to run that down the panel.

Yes, Senator King had one question and he has to get to his important meeting.

Senator KING. My question was to what extent is litigation the problem?

You can start at either end. Go ahead, yes, Pat.

Mr. O'TOOLE. Thank you, Senator.

So I have a philosophy of natural resources, it is called the hopefuls and the hatefals. And what we are trying to do is empower the hopeful people to do things. The litigators, as you talked, and let's use the example of the giant sequoias, where litigation stopped forest management that caused destructive fires this year in California. And it, you know, I am going to show an example of what our forest looks like right now, and the reason we are not moving forward is the litigation from the industry, I mean, it is an industry, Senator.

Senator KING. So you are saying that the stoppage of responsible forestry has, in fact, endangered the giant sequoias?

Mr. O'TOOLE. Absolutely, you know, there is prodigious reporting on it in all the media and there was a Forest Service plan to clean that area up to prevent exactly what happened. So yes, that is the most recent example that I can tell you of, but it is happening in the forest where we are working on the Medicine Bow-Routt Forest in Colorado and Wyoming. It is absolutely what has stopped every

effort that we have had to try to clean up that forest, which is the headwaters of the Colorado River. Thank you.

Mr. HOURDEQUIN. Thank you, Senator.

I do not have extensive experience with harvesting on federal lands. I can say that I think the industry has come to expect relatively low levels of harvesting from federal lands, and the understanding is that the Forest Service does not put up as much timber for sale in part because of their expectation that litigation would slow it down. And I think, in many respects, the industry has kind of recalibrated and gotten used to that over the last several years and even decades. So, obviously, this legislation, if it is going to unjam some of that and create more direction to engage on some of these thinning treatments that are so needed, that would certainly be a very good thing for the forest products industry.

Mr. RUPERT. Thank you, sir. From my perspective, I think, clearly litigation has an impact on our planning and delivery of programs and projects. I appreciate your observation that, which is not to say that the outcome is necessarily on either end of the spectrum, wrong, but undoubtedly, litigation has an effect on how we plan and deliver programs and projects. I think that is undeniable.

Mr. CROCKETT. And I will round this out here. Thanks for the question.

So within the Forest Service we do value the role that the public voice gets to play and the role of implementing work on the ground, but unnecessary litigation does have a significant impact on our ability to get that work accomplished. And so, while we value the voice on one end, having some type of a balance of what litigation is would be something that we would be interested in.

The CHAIRMAN. Thank you.

Now, we will get back to our presentation, and Mr. Crockett, we will start with you with your statement.

**OPENING STATEMENT OF JOHN CROCKETT, ASSOCIATE DEPUTY CHIEF, STATE AND PRIVATE FORESTRY, USDA FOREST SERVICE**

Mr. CROCKETT. All right. Good morning, Chairman Manchin, Ranking Member Barrasso, and members of the Committee. Thank you for the opportunity to provide the perspectives of the USDA Forest Service on the 12 public land bills under consideration today. The Forest Service manages 193 million acres of land for multiple uses, provides technical and financial assistance to state and private forestry agencies, and makes up the largest forestry research organization in the world. I look forward to discussing these bills with you today.

Over the last two decades, we witnessed what has become now a familiar pattern—bigger and more destructive wildfires that are extremely challenging and costly to suppress. This wildfire crisis calls for a new paradigm, which is outlined in our ten-year Wildland Fire Crisis Strategy. We greatly appreciate the significant down payment that Congress has provided through the Infrastructure Investment and Jobs Act that is allowing us to take the initial steps to perform this critical work. The bills we are discussing today will help the agency accomplish more work as efficiently and effectively as possible. The bills will hold us to a higher standard

of accountability so we can better meet the goals of the American public that we serve.

The Civilian Conservation Center Enhancement Act supports a specialized training program focused on forestry and rangeland management, wildland firefighting, and more. These provisions support the Administration's priorities of wildland fire management and workforce development. The USDA strongly supports the intent of this bill and looks forward to working with Congress on technical changes.

The Save our Sequoias Act provides administrative tools and procedures to help address the threats that our giants are facing. We recently initiated emergency fuel reduction treatments to provide for the long-term survival of Giant Sequoia growth against immediate threats of wildfire. While the USDA has concerns with the litigation, we appreciate the intent and look forward to continued discussions with Congress on ways to expedite this important work.

USDA would like to work with Congress to provide technical assistance on the Small-Diameter Timber and Underutilized Material Act, which designates free-use areas on National Forest System lands that contain small-diameter trees in a fire hazard area.

The Natural Infrastructure Act establishes a new science program to respond to the emerging research needs of the private sector and local governments. We support the goals of this bill and would like to work with Congress to provide technical assistance.

The More Hasty Response to Firefighting Act requires the Forest Service and the Department of the Interior to build a cadre of local individuals to support initial attack on wildfires. USDA supports the intent of this bill and would like to work with Congress to address some concerns.

The Promoting Effective Forest Management Act proposes several changes and updates to Forest Service policies and regulations with the intent of providing more effective management. While we support several of the goals in the bill, we would like to work with Congress to address concerns within the bill language.

The Catastrophic Wildfire Prevention Act requires the Forest Service to work collaboratively with state and local forest management agencies to establish a pilot program to identify research and establish pre-fire suppression stand density indices for certain areas of the National Forest System, and to use this information to benchmark our forest treatments. While we support several of the goals in the bill, we would like to work with Congress to address agency concerns.

The Watershed Restoration Initiative Act would provide for the establishment of a new Southwest Ecological Restoration Institute in the state of Utah. USDA would like to work with Congress to make additional improvements to the underlying authorities for these institutes.

S. 4891 amends Title VI of the Federal Land Management Policy Act of 1976, requiring USDA to develop a pilot program to operate nurseries on National Forest System land. USDA supports the goal of this bill and looks forward to working with Congress to address the nation's replanting backlog.

The Firewood Banks Act establishes grants for operation of firewood banks on federal land and provides trees for firewood. We

support the use of firewood banks for those in need of emergency heating and would like to work with Congress to ensure the bill is in line with the Infrastructure Investment and Jobs Act and addresses concerns with existing bill language.

S. 4837 amends the the Omnibus Public Land Management Act of 2009, establishing a Treaty Resources Emphasis Zone within the Mt. Hood National Forest. USDA is committed to fulfilling the trust relationship between the United States and tribes and supports the spirit and intent of the bill and would like to work with Congress on technical clarifications.

And finally, the Hermit's Peak/Calf Canyon Forest Restoration Program Relief Act amends the emergency forest restoration program, waving the cost-share requirement for lands damaged by the Hermit's Peak/Calf Canyon Fire. USDA looks forward to working with Congress to provide timely compensation for the victims of the Hermit's Peak/Calf Canyon Fire.

This concludes my remarks, and I look forward to answering any questions.

[The prepared statement of Mr. Crockett follows:]

TESTIMONY of  
JOHN CROCKETT  
ASSOCIATE DEPUTY CHIEF, STATE AND PRIVATE FORESTRY  
UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Before the  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
Sept 29, 2022

Concerning

S.4729, Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act  
S.4833, Save Our Sequoias Act

S.4835, Small-Diameter Timber and Underutilized Material Act of  
S.4837, A bill to amend the Omnibus Public Land Management Act of 2009 to establish  
within the Mount Hood National Forest in the State of Oregon Indian Treaty Resources  
Emphasis Zones, and for other purposes.

S.4877, Civilian Conservation Center Enhancement Act of 2022

S.4884, Natural Infrastructure Act of 2022

S.4891, To Amend the Federal Land Policy and Management Act of 1976 to authorize  
certain construction activities on public lands, and for other purposes

S.4904 Promoting Effective Forest Management Act of 2022

S.4944, Firewood Banks Act of 2022

T.4945, Catastrophic Wildfire Prevention Act of 2022

S.4942, A Watershed Restoration Initiative Act of 2022

S.4935, More Hasty Response to Firefighting Act of 2022

Chairman Manchin, Ranking Member Barrasso and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) on several bills under the jurisdiction of the U.S. Forest Service (Forest Service).

**S. 4729, Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act**

S. 4729 amends section 407 the Agricultural Credit Act of 1978, the Emergency Forest Restoration Program, to waive the cost share requirement for land damaged by the Hermit's Peak/Calf Canyon Fire.

The Emergency Forest Restoration Program, administered by the USDA Farm Service Agency, provides payments to eligible owners of nonindustrial private forest land to carry out emergency measures to restore land damaged by a natural disaster. The Forest Service provides technical assistance through states for the implementation of the Emergency Forest Restoration Program by providing reimbursement to those states for work accomplished.

USDA looks forward to working with the sponsors of the Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act to provide timely compensation to the victims of the Hermit's Peak/Calf Canyon Fire.

**S.4833, Save Our Sequoias Act**

S.4833 provides the USDA and the Department of the Interior (DOI) administrative tools and procedures to help address threats facing giant sequoias. The bill directs DOI to enter into a shared stewardship agreement for giant sequoias with USDA, the State of California, Tribes, and local land managers to enhance coordination and establish (or designate) a Giant Sequoia Lands Coalition. This Coalition is directed to provide a Giant Sequoia Health and Resiliency Assessment to prioritize and inform forest management projects, track project implementation, and study giant sequoia health and resiliency over time. In addition, this bill provides for the establishment of Protection Projects to respond to the threat of wildfires, insects, and drought to giant sequoias, with the goal of expediting forest restoration projects by codifying and streamlining existing emergency procedures.

The bill directs USDA and DOI to jointly develop and implement the Giant Sequoia Reforestation and Rehabilitation Strategy to enhance the reforestation and rehabilitation of giant sequoia groves. The bill also establishes a Giant Sequoia Strike Team to assist USDA and DOI with the implementation of the giant sequoia emergency response and Giant Sequoia Reforestation and Rehabilitation Strategy. And finally, the bill directs DOI, in consultation with other parties, to establish a new grant program to support the implementation of hazardous fuels reduction treatments in and around giant sequoia groves.

The Forest Service recently initiated emergency fuels reduction treatments to provide for the long-term survival of giant sequoia groves against immediate wildfire threats. These actions make use of the agency's existing authorities under the National Environmental Policy Act (NEPA) to enter into alternative arrangements to complete NEPA analysis to conduct emergency fuels treatments as expeditiously as possible. The agency is working to do more to reduce risks to giant sequoias using all the tools and flexibilities available. This emergency action to reduce fuels before a wildfire occurs will help reduce risks to unburned giant sequoia groves in high-severity wildfires.

The emergency fuels treatments encompass approximately 13,377 acres that will reduce the wildfire risk to 12 giant sequoia groves by removing surface and ladder fuels. These treatments include hand cutting of small trees, mechanical removal of trees, application of borate on green stumps, pulling duff away from the base of large giant sequoias and prescribed burning.

Environmental reviews required under NEPA and other related environmental laws have already been initiated for most of the planned treatments. With the emergency action, giant sequoias could receive accelerated protection by as much as 9 to 12 months in most groves and years earlier in other groves. The intent is to complete treatments by 2023, but some may continue through the end of 2024. This work is made possible through funds from President Biden's Bipartisan Infrastructure Law and appropriations from Congress. Since 2015, wildfires have

caused significant destruction of the giant sequoia groves and have destroyed nearly one-fifth of all giant sequoias in the last two years.

The emergency facing giant sequoias is unprecedented. While USDA has concerns with several aspects of the legislation as written, we appreciate the intent of the Save Our Sequoias Act and looks forward to continued discussions with the Committee and bill sponsors on ways to expedite this important work.

**S.4835, Small-diameter Timber and Underutilized Material Act of 2022**

S. 4835 would require the Forest Service to designate as a free-use area as any fire hazard area in the National Forest System that contains small-diameter tree. The bill would define the term “small-diameter tree” as a tree that has a diameter at breast height (DBH) of not greater than eight inches and a fire hazard area as an area that has a very high wildfire hazard potential on federal land and is located west of the 100<sup>th</sup> meridian.

The bill would place limitations on the Agency’s ability to charge fees for small-diameter tree removal in free use areas, unless the fee is deemed appropriate by the Forest Service and discloses this determination to the public. The bill also would preclude the Agency from requiring a volume determination or conducting a timber sale appraisal in these areas. In fire hazard areas, the bill seeks to minimize physical marking of a small-diameter tree for removal in favor of designating tree removal by written description.

Removal of small-diameter trees to mitigate fire risk in fire-prone areas and for other purposes, e.g., if they have become hazard trees, is already successfully implemented on a small scale on NFS lands under current Agency regulation and policy. This work supports the Agency’s goals to reduce fuels in high-risk areas and dispose of material that has little to no commercial value. This bill would expand this authority and be beneficial in areas where markets do not exist for small-diameter trees or for the volume of trees requiring removal.

The definition of small-diameter trees as not greater than eight inches DBH is a concern, as a tree of this size can still be made into marketable products in many locations. USDA recommends defining “small diameter” at the local level. This approach would support the Agency in meeting management objectives and would allow national forests to designate free-use areas consistent with National Environmental Policy Act (NEPA) requirements and existing regulations providing for environmental protection.

This bill would preclude the Agency from recovering its costs or charging a fee, including a fee for a free use permit, for small-diameter trees. Depending on their location, scale, and market, small-diameter trees could affect certain monetary calculations and could affect payments to states.

The Agency’s current policies that offer flexibilities for marking, applying appropriate silvicultural treatments, and protecting National Forest System resources could be adversely affected by restricting physical marking. Designation by description and physical marking are currently used case by case. Preserving the full suite of existing methods for timber designation would allow the Agency to continue to select the most appropriate tool and retain existing efficiencies.

USDA recommends additional dialog with the Forest Service regarding the Small-diameter

Timber and Underutilized Material Act of 2022 and looks forward to working with the Committee and the bill sponsors to provide technical assistance on the bill.

**S. 4837, A bill to amend the Omnibus Public Land Management Act of 2009 to establish within the Mount Hood National Forest in the State of Oregon Indian Treaty Resources Emphasis Zones, and for other purposes**

S. 4837 amends the Omnibus Public Land Management Act of 2009, establishing “Indian Treaty Resources Emphasis Zones” (Zones) within the Mount Hood National Forest where Tribes have treaty rights on National Forest System (NFS) Lands. Tribes and the Forest Service would enter into a memorandum of understanding (MOU) within 180 days of the enactment of this legislation allowing a co-management strategy within these Zones between the Forest Service and the Tribe, aimed at protecting and enhancing Treaty resources and to protect the Reservation from wildfire, drought, and insect and disease outbreaks. In addition, the MOU would ensure management priorities and access in the Zones are maintained and enhanced; recognize traditional ecological knowledge with the same importance with the best available scientific information; and improve the understanding of Forest Service employees in the Forest regarding the trust responsibilities of the Federal Government. The bill would place limits on new road building and withdraw areas to mineral exploration that are not already subject to valid and existing rights. Lastly, the bill authorizes \$3.5 million in a funding agreement and revenue retention to ensure the partnership with Forest Service established in the MOU can be carried out.

USDA is committed to fulfilling the trust relationship between the United States and Tribes, supports the spirit and intent of this bill and would like to work with Committee on technical clarifications.

**S.4877, Civilian Conservation Center Enhancement Act of 2022**

S.4877 amends Public Law 91–378 to authorize activities relating to Civilian Conservation Centers. These Centers are residential workforce development or training facilities for disadvantaged youth operated by USDA. This bill directs the USDA and DOI in coordination with the 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 authorizes USDA, in coordination with DOL, to carry out experimental, research, or demonstration pilots to provide career and technical education curricula and course offerings to advance the missions of the DOI and the USDA at Civilian Conservation Centers.

In addition, the bill provides Direct Hire Authority for Civilian Conservation Center graduates, and authority to hire and pay Civilian Conservation Center students for their work. Finally, the bill requires the USDA and DOI 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 Agency employees.

While the provisions in this bill 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 capacity to train crews and interns engaged through partnerships, as well as Job Corps participants in support of workforce development efforts and hiring. The bill will permit Civilian Conservation Centers to become a base of operations that will increase capacity for training disadvantaged youth and other marginalized participants in firefighting, home construction and conservation trades. Authority to hire and pay Civilian Conservation Center students are priorities of the USDA and would significantly improve our youth workforce development efforts. The pilot opportunities to address training and housing for firefighters outlined in the bill address key needs of the Agency in achieving the Forest Service's 10-year strategy to confront the wildfire crisis.

The applicability of the bill to Civilian Conservation Centers operated under provisions of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197 (d)) is complex and would require coordination with the Department of Labor (DOL). This bill defines "Civilian Conservation Centers," however, this term is already defined and authorized under the Workforce Innovation and Opportunity Act (29 U.S.C. 3197 (d)), under which the Forest Service currently operates 24 Civilian Conservation Centers in partnership with the DOL Job Corps under an Interagency Agreement, with all funding provided by DOL. The proposed definition in Section 301 of this bill appears to encompass the existing Civilian Conservation Centers but also to potentially extend to other USDA or DOI-operated programs. The expanded emphasis to other programs will increase opportunities for marginalized youth beyond Job Corps but would require inter-departmental cooperation to determine jurisdiction and student eligibility.

Section 301 defines "Covered Student" and "Covered Graduate" in ways that would encompass existing Job Corps students enrolled through the DOL at Forest Service-operated Civilian Conservation Centers. However, the term "disadvantaged youth" is not defined in the bill and could also encompass youth not meeting eligibility criteria for Job Corps. In addition, Section 301 defines "Secretaries" for the purposes of this bill as including the Secretaries of Interior and Agriculture, but not the Secretary of Labor. We would like to work with the Committee and bill sponsors to clarify this language.

Section 302(b) applies specifically to the existing Civilian Conservation Centers operated under the Workforce Innovation and Opportunity Act. This bill directs the Secretaries of the Interior and Agriculture to prioritize conservation and firefighting training at centers operated under the policy jurisdiction of the Secretary of Labor. The Department of the Interior does not operate any such centers. The Forest Service already prioritizes conservation and firefighting training at these centers, within the overall policy direction and appropriations of the Department of Labor.

Section 304 authorizes 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) allows covered graduates to be appointed as Federal employees under special hiring rules. Section 304(d) provides authority to "employ or otherwise contract with" covered students (not yet graduates) and compensate them for necessary hours of work at "regular rates of pay." This would address a significant current barrier to engaging Forest Service Job Corps students in conservation work. However, we need to discuss with the bill sponsors the implications of employing versus contracting with

students. Section 305 authorizes a pilot program to employ covered students in improving and expanding government housing for wildland firefighters, addressing another significant Agency challenge in expanding wildland fire response and hazardous fuels reduction capacity. The USDA recommends expanding language in section 305(b)(1) to explicitly permit housing for volunteers, partner crew members, and interns while working on Forest Service projects.

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

**S. 4884, Natural Infrastructure Act of 2022**

S. 4884 directs the Forest Service and Department of the Interior to establish a joint natural infrastructure science program. This new program would respond to the emerging natural infrastructure research needs of civil engineers, local governments, developers, and the construction industry by developing focused, strategic lines of new research, competitively awarding funding to scientists, and disseminating research findings. Additionally, this program would be supported by a Stakeholder Advisory Group. The bill primarily focuses on research related to natural infrastructure. However, the conditions and factors limiting greater use of natural infrastructure primarily relate to concerns about the viability and cost of implementing projects. Investments in policy development, technical assistance, and economic incentives would help address barriers to the installation of natural infrastructure.

The proposed Stakeholder Advisory Group could be broadened to reflect a wider range of issues associated with current implementation of natural infrastructure. The agency recommends considering the inclusion of a professional hydrologist, a watershed protection specialist, or a municipal water system manager, ideally from an area where wildfires have affected or are likely to affect water supply and water quality. This inclusion would highlight the critical role of natural infrastructure in protecting and sustaining source watersheds for drinking water.

The research topics which Forest Service scientists and collaborators can primarily address include those involving wood building materials and the use of wood to enhance other building materials (e.g., strengthening concrete by incorporating cellulose nanomaterials) and research and knowledge of forest watershed systems, hydrology, soils, and disturbance. Increasing use of natural infrastructure is an important area, especially with the increasing amount of post-wildfire work needed to protect drinking water supplies, and particularly affects communities in the West.

USDA supports the goals of this bill and would like to work with the Committee on technical assistance on the bill to address several issues.

**S. 4891, To amend the Federal Land Policy and Management Act of 1976 to authorize certain construction activities on public lands, and for other purposes.**

S. 4891 amends Title VI of the Federal Land Policy and Management Act of 1976 requiring the USDA to develop a pilot program to establish and operate tree nurseries on National Forest System land. If enacted, the pilot program will use funds from the Infrastructure Investment and

Jobs Act (IJA) and will locate nurseries in four of the eleven contiguous Western States; and one State, including the State of Vermont, that is not one of the eleven contiguous Western States. The pilot allows for establishing a tree nursery on Federal land as well as develop the necessary infrastructure to support that nursery and to address Federal and regional conservation tree planting needs. The bill would allow for the purchase of necessary equipment and for constructing the necessary facilities on Federal land to store material and equipment, enter into cooperative agreements with non-Federal entities to use trees produced in nurseries established under the pilot, and to conduct the necessary research on grazing and forest management on Federal land.

In July, the Administration announced a strategy for addressing a reforestation backlog of four million acres on national forests and to plant more than one billion trees over the next decade. With new resources made available through the IJA, combined with support from state, local, and Tribal governments as well as other partners, the Forest Service aims to eliminate the backlog over the next ten years and develop the infrastructure, such as nurseries, to keep up with increasing needs. The Forest Service has invested more than \$100 million in reforestation this year – more than three times the investment in previous years – thanks to the Repairing Existing Public Land by Adding Necessary Trees (REPLANT) Act made possible by the IJA. The reforestation strategy will serve as a framework to understand reforestation needs, develop shared priorities with partners, expand reforestation and nursery capacity and ensure the trees planted grow to support healthy resilient forests.

USDA supports the goals of S. 4891 to explore ways to increase nursery production and looks forward to working with the Committee and bill sponsors to on technical changes to the bill to address the nation’s replanting backlog.

**S. 4904. Promoting Effective Forest Management Act of 2022**

S. 4904 proposes several changes and updates to Forest Service policies and regulations with the intent of providing more effective management. Title I of the bill requires the Forest Service to determine annual averages of acres treated mechanically, commercially, and pre-commercially for Fiscal Years (FY) 2017 to 2021. The bill then sets annual targets above this average baseline, so that by FY 2027, the target would be four times this average. The bill proposes more detailed annual accomplishment reporting for a variety of activities, while reducing the need to report to Congress hazardous fuels accomplishments funded by the Infrastructure Investment and Jobs Act if an acre requires multiple treatments before the acre is effectively mitigated. While the intent of these provisions to ostensibly increase the pace and scale of the Agency’s treatments and improve accountability and accomplishment reporting is in line with the Agency’s current goals and efforts, the USDA would like to work with the Committee and bill sponsors to address multiple concerns with the language in these sections.

Title II of the bill would direct the Comptroller General to report estimates of the time required to issue revised land management plans if Forest Service plans were developed and revised under timelines used by the National Park System. Title II would also direct the agency adhere to existing regulatory definitions of “old growth forest”, if any, and establish procedures for revisions of such definition(s); as well as providing a statutory definition of “mature forest” and directing that the Agency shall only carry out timber harvests in mature forests, with specified

exceptions. It would also establish a wetland and riparian restoration pilot project and recognizes livestock grazing as a wildfire mitigation tool. Title II provides intervenor status to local governments for qualified projects in a civil action. USDA would like to work with the Committee and bill sponsors to better understand the intent of these sections and develop updated language that is better suited and in line with Forest Service laws and policies.

Title III of this bill appears designed to support the Agency's workforce. Section 301 proposes training for the timber harvest workforce. While USDA generally supports workforce training and proposals for the modernization of machinery, we have some concerns, particularly with the proposal to use timber receipts to fund training and wages. This would require additional examination and potential changes to associated legislation that dictates appropriate use of timber receipts. Section 302 requires USDA establish regulations to ensure a Federal wildland firefighter would not forfeit previously made contributions or eligibility for firefighter retirement when the wildland firefighter has a voluntary break in service of not more than nine months. This will require additional review as it would amend current Federal employee retirement policy and rules that currently apply government-wide for a variety of mission critical occupations. The USDA supports the objectives of the workforce reform provisions included in Title III but would like to work with the sponsor on how best to target support to the wildland firefighter workforce without creating new benefit inequities across the broader federal workforce.

Title IV of the bill mandates the use of specific streamlined authorities for environmental review. The list provided in the bill is only available for projects with specific purposes or scenarios and these authorities do not apply across the entire National Forest System. The agency's ability to increase the pace and scale of restoration on national forest lands continues to be one of competing demands on our capacity, rather than a lack of streamlined authorities for environmental review. Additionally, the Agency needs to retain the flexibility to choose the right National Environmental Policy Act (NEPA) authority for each proposed action across the national forests, rather than mandating the use of specific authorities.

The bill aims to reduce employee relocation and increase employment development and opportunities. While we understand the intention of this section, we have some concerns with the wording and impacts to employees. The bill proposes to repeal the requirement for the Federal Land Assistance, Management, and Enhancement (FLAME) Act reporting, which the Agency supports. This reporting requirement, just like the FLAME Act itself, has been functionally supplanted by the 'Fire Fix' included Public Law 115-141.

The USDA is working to increase our capacity, efficiencies, and effectiveness to support our goal of treating more acres for a variety of resource needs. While we support several of the goals of the Promoting Effective Forest Management Act, we would like to work with the Committee and bill sponsors to address the multiple concerns with the bill's language.

**S. 4944, Firewood Banks Act of 2022**

S. 4944 focuses on the development of grants, locating firewood banks on federal land, and providing trees for use in producing firewood. Firewood banks have provided emergency and seasonal wood for heating homes for decades. Modeled after food banks, firewood banks provide fuel assistance to many people in the United States. In 2016, it was reported that there were approximately 65 firewood banks, but it is now projected that there may be nearly 150, with the

potential for others to be implemented in the future. Firewood bank programs are diverse with a wide range of operating factors including organization type, source of wood, quantity of wood supplied, operations funding, and strategy for assistance. Most are very small and operated by non-profit organizations, for example, the Wood for Life program, which is also expanding to support Tribes.

This bill is similar to section 40803(c)(17) in the Infrastructure Investment and Jobs Act (IIJA), which provides \$8 million to the Forest Service to provide financial assistance for the operation of firewood banks and to support feedstock acquisition. The Forest Service is currently providing grants to support firewood banks through the IIJA. The IIJA program is expected to be effective in supporting firewood banks for those in need, including indigenous populations.

The bill directs the Forest Service to provide trees and make them available for firewood banks. It provides access through a permit process for harvesting trees. This may prove to be a challenge if the location does not have National Environmental Policy Act (NEPA) clearance, and if it requires Forest Service monitoring of harvest and processing. Many national forests also have commercial firewood programs, and this bill may create challenges in creating competition for commercial programs. The Forest Service would need clarification on what type of permitting or contract instrument would be required. Any permit or instrument should include best practices to prevent negative environmental impacts.

The USDA has concerns on the liability language. Not requiring a cooperative party to have liability insurance could open the door to claims against the government for damages due to operator accident or negligence.

The USDA supports the use of firewood banks for those in need of emergency heating. We would like to work with the Committee and bill sponsors to ensure the bill is in line with the IIJA provision 40803(c)(17), as well as address some concerns with the existing bill language.

**S. 4945, Catastrophic Wildfire Prevention Act of 2022**

This bill requires the Forest Service to work collaboratively with State and local forest management agencies to establish a pilot program to identify, research, and establish a pre-fire-suppression stand density index for certain areas of the National Forest System (NFS); evaluate how closely each pre-fire-suppression stand density index reflects current forest conditions and current published resource management objectives established by the Forest Service; and select at least eight areas of the NFS to use a pre-fire suppression stand density index as a benchmark for forest treatments.

The bill requires the Forest Service to conduct these treatments and update applicable land and resource management plans to include objectives and benchmarks, in accordance with that pre-fire-suppression stand density index no later than two years after enactment of this Act. In selecting areas for inclusion in the pilot program and conducting treatments, priority will be given to certain areas, including the wildland-urban interface, community watersheds, critical habitat, and other areas.

The USDA would like to work with the bill sponsor to adjust the terminology in the bill, such as the definition of “pre-fire-suppression stand density index,” and revisit the scale of the work within the bill. In addition, we encourage the revision of land management plans to be an

optional action rather than a requirement. We also recommend clarifying meaning of the word “southwest” to avoid confusion on locations within the NFS.

The USDA is generally supportive of efforts to increase forest health and resiliency. While we support several of the goals of the bill, we would like to work with the Committee and bill sponsors to address the agency concerns.

**S. 4942, A Watershed Restoration Initiative Act of 2022**

S. 4942 would provide for the establishment of a new Southwest Ecological Restoration Institute (SWERI) in the State of Utah. These university based SWERIs provide a collaborative approach to scientific inquiry, creating evidence based and locally relevant information aimed at reducing the risk of wildfires and restoring forest health in the Interior West.

The Interior West has experienced significant challenges in adapting forest and range systems to climate change. The most dramatic shift in the last decade has been increasing temperature and drought. There is a need across the southern states in the Interior West to increase dissemination of knowledge about current and future changes in environmental conditions to guide business decisions, increase the rate of adoption of climate adaptation practices, and to create a mechanism to learn as we trial new techniques to ensure forest and range sustainability under rapidly changing conditions. There is also a need to create a closer collaboration with Agency activities and capacity, to reduce redundancy of services, and to better leverage current capacity with USDA Climate Hubs.

While the USDA supports the goal of working closely with state universities to address the challenges facing the Interior West, especially with wildfire, we would like to work with the Committee and bill sponsors to make additional improvements to the underlying authority for the Southwest Ecosystem Restoration Institutes to facilitate closer engagement with Forest Service Research Stations and to implement lessons learned over the past 18 years and through new collaborative research ventures, such as the Climate Hubs.

**S. 4935, More Hasty Response to Firefighting Act of 2022**

S. 4935 requires the Forest Service and Department of the Interior (DOI) to build a cadre of local individuals to support initial attack of wildfires. This is accomplished through the notification of individuals who are authorized to carry out timber harvesting work or vegetation management work within the boundaries of a national forest or public land susceptible to wildfire.

Notification includes information about the strategic response zones in which the contractor is authorized to carry out the work and about the potential-fire response strategy developed for that strategic response zone. Notification includes information about one-day trainings, developed in coordination with the National Wildfire Coordinating Group (NWCG), in basic firefighting safety and resource protection, specifically for persons who routinely carry out timber harvesting work or vegetation management work. The bill requires the USDA and DOI to provide \$1,000 to certain qualified companies that complete timber harvesting work for the purposes of training.

This bill allows certain individuals that have taken certain training to undertake initial attack within the qualifying unit on the wildfire if: the size of the wildfire is approximately five acres or

less in size; and the initial attack on the wildfire is consistent with the potential-fire response strategy for the strategic response zone in which the wildfire is occurring. These individuals would not be eligible for reimbursement by DOI or USDA or subject to liability. In addition, the USDA or DOI would not be liable for an initial attack undertaken by these individuals. The bill does include circumstances where liability would be limited, such as for unauthorized individuals undertaking initial attack, the person responsible for the wildfire, or those not in compliance with other requirements. The bill outlines additional fire prevention measures when carrying out timber harvesting work or vegetation management work and authorizes state and local agency response.

The National Wildfire Coordinating Group (NWCG) has established standards for response resource configurations that are deemed appropriate, safe, and sufficiently redundant to be both effective in responding to wildland fires and provide an acceptable level of safety for all responders staffing that response resource. There is not currently a one-day course that is offered to provide rudimentary wildland fire response qualifications. The minimum training standard adhered to by the entirety of the interagency wildland fire response community is the S-130 Basic Firefighter course which is a 32-hour, multi-day classroom and field training course. Any training less than what is provided through S-130 is considered to not be sufficient to adequately prepare an individual to respond to a wildland fire without supervision. Additionally, we would like to work with the Committee and bill sponsors to review the language related to liability for initial suppression.

USDA supports the laudable intent of the bill to provide for more robust firefighting response but has flagged provisions where we would like to work with the Committee and bill sponsors to address some concerns with provisions in the bill.

The CHAIRMAN. Thank you.

First of all, I am going to introduce the panel. We got a little bit off-base here, but we are going to get back.

Mr. Crockett is the Associate Deputy from the Forest Service, and thank you for your testimony.

We have also, Mr. Jeff Rupert from the Department of the Interior's Office of Wildland Fire.

We have Mr. Jim Hourdequin, CEO of Lyme Timber Company.

And finally, we have Mr. Pat O'Toole from the Family Farm Alliance.

And now, we will go to Mr. Rupert.

**OPENING STATEMENT OF JEFF RUPERT, DIRECTOR, OFFICE OF WILDLAND FIRE, U.S. DEPARTMENT OF THE INTERIOR**

Mr. RUPERT. Good morning, Chairman Manchin, Ranking Member Barrasso, members of the Committee. Thank you for the opportunity to appear before you to provide testimony on wildland fire management and forest management legislation. I believe that the bills being discussed today provide important tools, authorities, and resources to reduce wildfire risk and improve the resiliency of our nation's forests, rangelands, and grasslands.

Climate change continues to play an oversized role in the extreme fire weather that we are experiencing across the nation. A drier and hotter climate results in low fuel moisture that frequently leads to extreme conditions that produce the larger, more intense wildfires that we are experiencing. In recent years, nearly every western state has experienced prolonged periods of high to extreme fire danger, affecting hundreds of millions of acres of land. Many of these areas are in the Wildland Urban Interface, where communities in the West are increasingly exposed to wildfire. This year, the nation reached a high of preparedness level (PL) 4 on September 8th, and remained there for ten days. This is in contrast to last year, when the nation remained at PL 4 or 5 for a record 99 consecutive days, starting in late June. What we have observed this year is more of a gradual movement of wildfire across the nation. Even with this, many geographic regions of the country experienced catastrophic wildfire events, including in the Southwest, where New Mexico experienced the largest wildfire in its history. We are undeniably in the midst of a wildfire crisis that is being driven by climate change.

Through President Biden's Bipartisan Infrastructure Law, the Department is receiving nearly \$1.5 billion to manage and reduce wildfire risk by improving the resiliency of our nation's forests, rangelands, and grasslands through hazardous fuels management and post-fire restoration. Funding also supports efforts to bolster wildland firefighter pay and promote firefighter safety and long-term mental health. So far this year, the Department has allocated \$180 million in funding, with plans to address a program totaling nearly two million acres of hazardous fuels and one million acres of restoration treatments. A portion of this investment also supports short-term supplemental pay increases for 3,800 Interior firefighters and programs that expand support for firefighter mental health and wellness as well as science and research to improve the

monitoring and assessment of mitigation and restoration work and to better understand the impacts of climate change on wildfire.

I believe the goals and objectives of the bills being considered today, in combination with the backing of the Bipartisan Infrastructure Law, can further advance the Department's efforts to reduce wildfire risk, achieve additional wildland firefighter workforce reforms, and strengthen the interagency response to wildfire.

S. 4833, the Save our Sequoias Act, would codify the Giant Sequoia Lands Coalition to provide recommendations on the stewardship of giant sequoias. The bill authorizes emergency response activities to protect giant sequoias, and establishes strike teams to carry out protection projects. The Department supports the goals of the legislation and would like to work with the sponsor on additional clarifications to the bill.

S. 4835, the Small-Diameter Timber and Underutilized Material Act, provides for the removal of small-diameter trees from fire hazard areas at no cost to individuals. The Department supports the goals of this legislation and would like to work with the sponsor to minimize any potential economic impacts to counties that receive a portion of receipts from timber sales, particularly those in western Oregon.

S. 4877, the Civilian Conservation Centers Enhancement Act, would establish civilian conservation centers to train youth in forest and rangeland management, wildfire management, and other mission areas. The Department supports the goals of the legislation and would like to work with the sponsor to ensure that the interests of the Department are incorporated into the training, in addition to addressing other technical changes.

S. 4884, the Natural Infrastructure Act, would establish a joint natural infrastructure science program with the USDA Forest Service for the purpose of fostering and disseminating science on natural infrastructure. The Department strongly supports the legislation as a way to utilize nature-based infrastructure solutions to address climate goals, and would like to work with the sponsor on technical modifications to the bill.

S. 4891, to amend the Federal Land Policy and Management Act of 1976, directs the Department to establish and operate tree nurseries on Bureau of Land Management public lands. The Department supports the goals of the bill and would like to work with the sponsor to expand the scope to include nurseries propagating native species in order to address a wider range of restoration needs.

S. 4904, the Promoting Effective Forest Management Act, includes a wide range of forest management provisions and wildland firefighter workforce reform. The Department supports the goals of the legislation and we would like to work with the sponsor to address issues.

S. 4935, the More Hasty Response to Firefighting Act, would establish a training program for landowners and employees of companies authorized to carry out activities on Forest Service and BLM lands. The Department supports the objectives of the legislation and would like to work with the sponsors to facilitate and encourage more rapid response, as well as to ensure that appropriate training and safety measures are in place.

And finally, S. 4944, the Firewood Banks Act, would establish a pilot program to provide affordable firewood as a heating source for individuals for residential use. The Department supports the goals of the bill and would like to work with the sponsor on several clarifications.

This concludes my statement.

[The prepared statement of Mr. Rupert follows:]

**Statement of  
Jeffery Rupert  
Director, Office of Wildland Fire  
U.S. Department of the Interior  
Senate Committee on Energy and Natural Resources  
Legislative Hearing on  
Bills to Address Wildland Fire Management and Forest Management**

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee, thank you for the opportunity to provide testimony on the wildland fire management and forest management bills that the Committee is considering today. Together, these bills provide important tools, authorities, and resources that support the Department of the Interior's (Department) on-going efforts to assist wildland firefighters, reduce wildfire risk and improve the resiliency of our nation's forests, rangelands, and grasslands. We appreciate the Committee's interest in making meaningful progress towards addressing the consequential impacts of climate change and protecting communities, the public, and wildland firefighters from wildfires.

**2022 Wildfire Year**

The National Interagency Coordination Center estimates that so far this year, more than 53,000 wildfires have burned a total of over 6.8 million acres of land, surpassing the ten-year average for the number of wildfires by 18 percent and acres burned by 8 percent. On September 8, 2022, the nation reached preparedness level (PL) 4 and remained there for ten days. This is in sharp contrast to 2021 when the nation remained at PL 4 or 5 for a record 99 consecutive days starting on June 21, 2021. What we have observed this year is a more gradual movement of wildfire that started in April in Alaska and the Southwest and progressed to the Pacific Northwest and Northern Rockies in August and September, as is the more typical pattern. Even with this more gradual progression, the Southwest experienced catastrophic wildfires, including the Hermits Peak and Calf Canyon wildfires. Additionally, significant wildfires in California occurred in succession rather than concurrently. This allowed the National Multi-Agency Coordinating Group tasked with national level strategic coordination, to position and concentrate wildland firefighting resources throughout the year in those geographic areas that needed them the most.

Climate change continues to play an oversized role in the extreme fire weather that we're experiencing across the nation. Drier and hotter weather results in low fuel moisture that frequently leads to extreme conditions that produce larger and more intense wildfires. In recent years, nearly every western state has experienced prolonged periods of high to extreme fire danger over substantial areas affecting hundreds of millions of acres of land. Many of these areas are in the wildland urban interface where communities in the West are increasingly exposed to wildfire. A total of more than 4,800 structures, including single residences, have been destroyed by wildfire this calendar year.

**President Biden's Bipartisan Infrastructure Law**

The Bipartisan Infrastructure Law (BIL) is an historic piece of legislation that provides a once-in-a-generation investment to help tackle the climate crisis and improve the resiliency of our nation's lands. Through BIL, the Department received nearly \$1.5 billion to manage and reduce wildfire risk, including substantial resources to increase hazardous fuels management and post-

wildfire restoration activities across our nation's forests, rangelands, and grasslands. These investments will also guide us in promoting climate resiliency across landscapes and communities, modernizing the wildland firefighting workforce, and protecting the safety and long-term well-being of our wildland firefighters.

In fiscal year (FY) 2022, the Department allocated nearly \$180 million to the Bureau of Indian Affairs, Bureau of Land Management (BLM), U.S. Fish and Wildlife Service and the National Park Service to begin implementing key provisions of the law. Together with base program funding, and under the Department's BIL Five-Year Monitoring, Maintenance, and Treatment Plan released earlier this year, the Department plans to address nearly 2 million acres of priority fuels management work that improve landscape resiliency and approximately 1 million acres of restoration treatments on lands impacted by wildfire to curtail the spread of invasive species. The funding also supports science and research to improve the monitoring and assessment of our fuels and restoration work and better understand the influence of climate change on wildfire risk.

Partnerships with state, Tribal, and local stakeholder are essential in carrying out mitigation and restoration work. More than 1.3 million acres of the hazardous fuels work and 450,000 acres of the restoration work noted above will be completed in collaboration with partners. The Department is also leveraging BIL funding to support on-going work with the National Association of State Foresters to develop a geospatial planning tool to facilitate collaborative risk mitigation among stakeholders by helping identify shared values-at-risk and coordinate fuels management projects across landscapes. The tool was successfully piloted last year in Texas, Nevada, and Washington to demonstrate its feasibility and utility.

The BIL also established the Wildfire Mitigation and Management Commission to study and make policy recommendation on all aspects of wildland fire management, including improving wildland fire prevention, mitigation, suppression, management of wildland fires, and rehabilitating lands following wildfires. The Commission is also tasked with working with the Department of Defense to identify surplus aircraft and parts that may be used for wildland fire management purposes. Member of the Commission include an array of federal, Tribal, state, and local stakeholders that represent a wide range of wildland fire management interests. We look forward to the Commission's report and recommendations to help guide the transition to a more innovative and responsive Wildland Fire Management program.

#### **Wildland Firefighting Workforce**

In 2021, the Department received \$29 million to begin transitioning to a permanent federal wildland firefighting workforce that would be available year-round for wildfire response and to work on reducing hazardous fuels during periods of lower wildfire activity. While we've made progress in this area, we continue to endeavor to become an "employer of choice" and address on-going recruitment and retention challenges within the wildland firefighting community. To help us tackle this challenge, the BIL provides significant, albeit temporary, funding to increase wildland firefighter compensation, as well as other workforce reforms.

This includes \$120 million in salaries and expenses funding to increase the base salaries of federal wildland firefighters by the lesser of \$20,000 or 50 percent. In FY 2022, the Department allocated more than \$60 million of this BIL funding to implement these short-term supplemental

pay increases, benefitting over 3,800 wildland firefighters and retroactive to the beginning of this fiscal year. The Department plans to continue these pay supplements into next FY. The BIL also directed the development of a Wildland Firefighter occupational series to better align wildland firefighter job duties and responsibilities with the unique work that they perform. The Office of Personnel Management (OPM), in collaboration with the Forest Service and the Department, established the new series earlier this year, and the Department is currently developing position descriptions to align with the OPM standards to begin use some time in 2023.

Finally, we are also addressing a critical need of our wildland firefighters—bolstering programs that support mental health and wellness. In collaboration with our interagency partners, the Department has initiated a study to evaluate wildland firefighter occupational and medical history, stress and fatigue, and the effects of smoke exposure, among other risks. The study will provide valuable insights and help inform priorities as the Department and the Forest Service develop new mitigation strategies for line-of-duty hazards, additional prevention and training programs, and wildland firefighter mental health resources. Already, the agencies have increased critical stress management capacity and additional early intervention trauma support services.

While we've made considerable progress in these areas, we are continuing to work with our federal partners and the Congress to develop long-term solutions to firefighter pay and other much needed workforce reforms so that we can continue to fulfill our obligations to our wildland firefighters and support our Tribal, state, and local partners.

#### **Forest Management**

The Department manages forests to restore and maintain forest ecosystems, reduce the risk of catastrophic wildfire, and generate a sustainable flow of forest products that can be sold through commercial and salvage timber sales and personal use permits that support rural communities. Resilient forests store and filter water for aquifers and reservoirs, offer opportunities for recreation, provide habitat for thousands of species, store carbon, provide clean air, support timber and other jobs, and provide millions of board feet of lumber and thousands of tons of biomass for alternative energy. Forests also support local businesses dependent on tourism and outdoor recreation.

Federal lands are home to many of the nation's mature and old-growth forests which are critical to the health, prosperity, and resilience of our communities. President Biden's Executive Order 14072, Strengthening the Nation's Forests, Communities and Local Economies, safeguards mature and old-growth forests on federal lands, as part of a science-based approach to reduce wildfire risk. Under the Executive Order, the Department and USDA are working to conserve mature and old-growth forests and foster long-term United States forest health. The Departments are jointly pursuing conservation and wildfire risk reduction activities, analyzing the threats to mature and old-growth forests on Federal lands, including from wildfires and climate change, and developing policies, with robust opportunity for public comment, to institutionalize climate-smart management and conservation strategies.

#### **S. 4833, Save Our Sequoias Act**

S. 4833, the Save Our Sequoias Act, would codify the Giant Sequoia Lands Coalition (Coalition), an existing group of Federal, state, Tribal, and local governments and partner organizations that have a role in the stewardship of giant sequoias. Under the bill, the Coalition would collaborate on and provide policy recommendations to the Secretary on sequoia projects and would be subject to the Federal Advisory Committee Act. The Coalition would develop a Giant Sequoia Health and Resiliency Assessment that would include a public database on sequoia grove conditions and projects. The Coalition would also work with the Secretary to support development and implementation of a Giant Sequoia Reforestation and Rehabilitation Strategy (Strategy), which would include a prioritized list of reforestation and rehabilitation activities, identify and address barriers and opportunities to complete projects, and provide policy recommendations.

The bill would also declare an emergency on certain Federal lands pertaining to the threat that wildfire, insects, and drought pose to giant sequoias, allowing land managers to carry out giant sequoia protection projects in accordance with existing emergency provisions. In addition, the bill would amend the Healthy Forest Restoration Act of 2003 (HFRA) to add Fire Regime IV, defined as 35–200-year stand replacement fire frequency, to HFRA’s authorized programs. S. 4833 would also amend Sections 602 and 603 of HFRA to provide the National Park Service (NPS) certain authorities to complete sequoia projects in insect- or disease-affected treatment areas.

Furthermore, the bill would direct the Secretary to establish Giant Sequoia Strike Teams, which may be comprised of Federal or nonfederal employees or volunteers, to carry out giant sequoia protection projects and the Strategy. The bill would direct the Secretary to establish a grant program to support nurseries in growing sequoia seedlings or facilities that make use of wood from forest thinning projects. The bill would additionally amend Section 8206 of the Agricultural Act of 2014 and Section 604 of the HFRA to authorize the NPS to use Good Neighbor Authority and Stewardship Contracting (respectively) for sequoia projects. And finally, the bill would direct the National Park Foundation and the National Forest Foundation to establish the Giant Sequoia Emergency Protection Fund to support the conservation and reforestation of giant sequoias. In support of these provisions, the bill would provide for the authorization of appropriations of \$325 million over 10 years (FY2024-2033), directing 90% of funds to carry out giant sequoia protection projects and the Strategy.

The Department supports the goals of S. 4833, the Save Our Sequoias Act. We recognize there are serious threats to sequoia groves and believe it is important to address these threats. The Department would like to work with the bill’s sponsor and the Committee to better understand the effects of the legislation, if enacted, on the protection of other natural and cultural resources.

**S. 4835, Small-Diameter Timber & Underutilized Material Act**

S. 4835 provides for the removal of small-diameter trees from fire hazard areas as identified by the Secretary of Agriculture or the Secretary of the Interior. Under the bill, trees under 8 inches in diameter, at breast height, in fire hazard areas would be removed generally without a fee or cost recovery unless the Secretary determines that a payment is appropriate for a particular species. The Secretary is prohibited from requiring a volume determination or conducting a timber appraisal to determine the fair market value of the small-diameter trees being removed.

The Department supports the goals of S. 4835 to facilitate efficient fuels reduction. We would like to work with the sponsor to minimize potential economic impacts to counties receiving income from Revested Oregon and California Railroad (O&C) lands and Reconveyed Coos Bay Wagon Road Grant (CBWR) lands. The O&C Lands Act placed 2.4 million checkerboard acres of O&C Lands and CBWR grant lands under the jurisdiction of the Department of Interior (DOI). Under the O&C Lands Act, the Department manages these lands for permanent forest production in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating streamflow, and contributing to the economic stability of local communities and industries and providing recreational facilities. Currently, 18 O&C counties receive yearly payments equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties. The Department notes that the removal of small-diameter trees in O&C lands without payment could adversely impact payments to the O&C counties. As a result, the Department recommends that O&C lands and CBWR lands be excluded from the bill's provisions disallowing fees and payments.

**S. 4877, Civilian Conservation Center Enhancement Act**

S. 4877, the Civilian Conservation Center Enhancement Act, would authorize the Secretaries of the Interior and Agriculture to establish Civilian Conservation Centers in alignment with the Job Corps provisions of the Workforce Innovation and Opportunity Act. The centers would train disadvantaged youth in forest and rangeland management, wildland fire management, and other mission specific areas. Each agency would be required to hire 300 graduates annually to contribute to wildland firefighter and other workforce needs, provide for a signing bonus, and authorize direct hire authority for program graduates. S. 4877 would also establish a housing pilot program for wildland firefighters and other employees.

The Department supports the goals of S. 4877 but would like to work with the sponsor of the legislation on technical changes to the bill. This includes modifications to section 303 to ensure that the Department maintains involvement in the development of the curricula and course offerings that are the focus of the experimental research and demonstration pilots. This is critical to ensuring that the workforce and program needs that are unique to the Department are integrated into the pilots. In addition, the Department would welcome the opportunity to work with the sponsor on provisions regarding signing bonuses and pay setting. Finally, the Department recognizes the important role that youth have in developing the next generation of federal employees and works cooperatively with the Office of Personnel Management (OPM) to assess the need for tools like direct hiring authority that promote efficient hiring for wildland fire management.

**S. 4884, the Natural Infrastructure Act**

S. 4884, the Natural Infrastructure Act, would establish a Joint Natural Infrastructure Science Program to be implemented by the USGS in coordination with the Forest Service. The legislation would authorize funds to be awarded to academic researchers to develop and disseminate science on natural infrastructure to a community of users, including local government, industry, and engineers. A stakeholder advisory body would be established to advise the agencies on implementation of this program. The bill also authorizes the Secretary of the Interior to assess the efficacy of natural infrastructure projects.

USGS research programs have considerable capacity to contribute research on natural infrastructure as a nature-based solution that augments or mimics natural processes and that can contribute to a variety of conservation goals. The USGS has conducted integrated, multi-disciplinary research on a variety of natural, constructed, and managed systems, ranging from terrestrial uplands to aquatic and wetland systems to coasts, as well as grey (constructed) infrastructure within the context of ecosystems that provide a variety of services.

The USGS is conducting research on the interaction of wildland fire, climate change, invasive species, and carbon budgets in relation to the Department's land management mission. Lands managed by the Department have the capacity to serve as a nature-based infrastructure solution to capture more carbon or serve as a major source negatively affecting climate change goals. In addition, nature-based infrastructure often costs less than built infrastructure, is cheaper to maintain, and is more resilient to climate change. The USGS's recently released Wildland Fire Science Strategic Plan lays out a roadmap of needed science to understand and address factors supporting natural infrastructure and in collaboration with necessary partners.

S. 4884 and the continuing coordination between the Department and the Department of Agriculture and their bureaus is likely to support the growth of a restoration economy and associated jobs. The USGS and academic scientists have been studying the size and growth of the green economy, specifically the restoration economy, and detect a growth trend and opportunities for job creation, particularly in rural areas.

The Department supports the bill's goal to facilitate and spur additional natural infrastructure research, as it is timely in the face of climate change impacts. S. 4884 would support a research program but not individual natural infrastructure projects, and the Department would like to work with the Committee to enhance the legislation by ensuring the research program would support development of natural infrastructure solutions through collaboration among Federal and academic researchers.

**S. 4891, To amend the Federal Land Policy and Management Act of 1976 to authorize certain construction activities on public lands, and for other purposes.**

S. 4891 directs the Secretary of the Interior and the Secretary of Agriculture to carry out a pilot program to establish and operate tree nurseries on federal lands to address tree planting needs. Under the bill, BIL funds authorized to restore native vegetation and mitigate environmental hazards on mined land would be used for the nurseries. Each Secretary is responsible for carrying out the pilot program in four of the eleven contiguous Western States and one state that is not one of the eleven contiguous Western States. In carrying out the pilot program, USDA and the Department may enter into cooperative agreements with non-Federal entities to use trees

produced in the nurseries and may conduct research on grazing and forest management to maximize the ability to sequester carbon, prevent soil erosion, and improve air and water quality.

The Department supports to goals of the bill to establish nurseries to meet conservation and restoration needs. The Department notes there are approximately twenty existing Federal nurseries and supports the establishment of new nurseries to address a shortage of native seeds and seedlings. The Department recommends expanding the scope of the bill to include nurseries propagating native forbs, shrubs, grasses, and seeds to restore climate resilient native plant communities. Given that BIL funds are devoted to both restoring native vegetation and mitigating environmental hazards on mined lands, the Department recommends authorizing additional funds to ensure sufficient funding exists for both restoring abandoned mine lands and providing seedlings.

**S. 4904, Promoting Effective Forest Management Act of 2022**

S. 4904, the Promoting Effective Forest Management Act, includes wide ranging forest management and wildfire provisions, including provisions to increase mechanical thinning targets; manage fire mitigation reporting; govern content of appropriations requests; and establish a process to define “old growth forests,” among others.

*Forest Management*

Title I of S. 4904 requires USDA and the Department, by fiscal year 2027, to establish mechanical thinning targets of up to four times the average acreage mechanically thinned during fiscal years 2017 through 2021. Under Title I, USDA and the Department also would be prohibited from including hazardous fuels treatment acreages in any appropriations request or any annual performance report submitted to Congress if the lands needed to be treated more than once. Rather, USDA and the Department would be directed to include in their appropriations request the acreage restored under the Infrastructure Investment and Jobs Act section 40803(b) and acreage of National Forest System lands where final treatment mitigated wildfire risk. Under the bill, the President is also directed to include this information in the budget submitted to Congress.

Title II directs the Secretaries to adhere to the definition of “old growth forest” used in regulation, as of January 1, 2022, and requires any necessary updates to the definition to be made by a committee of scientists who are not officers or employees of either the BLM or the Forest Service. Title II also includes provisions to establish a pilot program to evaluate wetland and riparian restoration techniques and develop a strategy to utilize livestock grazing as a wildfire mitigation strategy. Finally, Title IV requires USDA and the Department to utilize certain existing streamlined authorities for environmental review for each unit of public land and each unit of the National Forest System within three years.

The Department supports the sponsor’s goal to streamline forest management and address risks that wildfires pose to our communities and our natural resources, and we remain committed to working with all our partners and stakeholders on reducing wildfire risk on public lands. However, the Department has a number of concerns with the bill as discussed further below.

The Department has concerns related to the mechanical thinning requirements in S. 4904. The Department notes that mechanical thinning projects are heavily impacted by stand condition, merchantability and access to markets, road access, as well as regulatory and legal requirements, which could render the requirement to quadruple mechanical thinning impracticable. Further, the Department recommends the sponsor clarify the bill's definition of "public lands" and "unit of public land."

The Department appreciates the sponsor's goal to achieve transparency in wildfire management, but would like to work with the sponsor regarding the bill's limits on reporting hazardous fuels treatment acres that have been treated more than once. The Department notes that all hazardous fuels treatments are temporary in nature as vegetation naturally regrows and often requires re-treatment efforts to reduce fire and ensure treatment effectiveness. This information is important to decisionmakers when accounting for the resources needed to effectively manage wildfire risk.

Further, we appreciate the sponsor's interest in defining old growth forest in Title II. On April 22, 2022, the Biden Administration released Executive Order 14072, Strengthening the Nation's Forests, Communities and Local Economies, requiring the Secretaries of Agriculture and the Interior to jointly define, identify and complete an inventory within one year of old-growth and mature forests on lands managed by the Forest Service and the BLM. The Departments' public comment period to inform implementation of E.O. 14072 closed on August 30, 2022. The Department does not support severely limiting the Departments' participation in defining "old growth" as outlined in Title II. The Departments' current effort to define "old growth" will ultimately lead to climate-smart management and conservation strategies that address threats to mature and old-growth forests on Federal land.

Finally, the Department supports provisions of the bill to further wetland and riparian restoration through a pilot program and to develop a strategy to utilize grazing as wildfire mitigation. The Department also recommends that the sponsor provide a post-fire rest from livestock grazing, in the near term, before utilizing grazing as part of a fire recovery strategy.

#### Wildfire

Title III of the bill would authorize wildland firefighter workforce reforms, including increasing the break-in-service period from 3 days to 9 months and reducing pre-tax payroll deductions by 40 percent to help wildland firefighters pay for rent for government housing. Title IV of the bill repeals the reporting requirement associated with the FLAME Act of 2009.

The Department supports the objectives of the workforce reform provisions included in Title III that are applicable to the Department but would like to work with the sponsor on how best to target support to the wildland firefighter workforce without creating new benefit inequities across the broader federal workforce. Additionally, the Department generally supports efforts to provide additional housing assistance to wildland firefighters, given current limitations with housing availability and affordability in certain geographic areas of the country.

The Department also supports the repeal of the FLAME Act reporting requirements included in Title IV of the bill since the Department is no longer appropriated FLAME Act emergency suppression funding. Starting in FY 2020 through FY 2027, additional new budget authority for suppression was made available to the Department through the Suppression Operations Reserve Fund. Prior to accessing the Reserve Fund each fiscal year, the Department is required to notify Congress about the status of suppression funding and projected spending. The Department is also required to report annually on factors that went into the use of the fund.

**S. 4935, More Hasty Response to Firefighting Act of 2022**

S. 4935 would require the National Wildfire Coordinating Group to offer a 1-day training in basic firefighting safety and resource protection for landowners or individuals of a company who are authorized to carry out timber harvest or vegetation management work on public lands administered by the Forest Service and the Bureau of Land Management. Following the training, the landowner or individual of a company would be authorized to perform initial wildfire attack within the qualifying unit for which they are authorized to carry out their work. The Department supports the objectives of the legislation but has concerns with a number of provisions and would like to work with the sponsor of the legislation to improve its applicability to Department managed lands, facilitate more rapid wildfire response capacity, and ensure that appropriate training and safety measures are in place.

The Department is concerned that the wildland fire training requirements are insufficient. Typically, basic wildland firefighter training standards involve a minimum of 32 hours of training and a field day for entry-level personnel. Basic wildland firefighter training should align with these standards. Additionally, the National Wildfire Coordinating Group (NWCG) is responsible for developing wildland fire training standards, criteria, and materials and is not aligned to conduct training; local bureau units and private entities such as colleges, universities, and others in the private sector use the NWCG standards to carry out training programs.

The Department would like to work with the sponsor of the bill on additional changes. This includes clarifying that the response actions authorized by the legislation apply only to ground resources in order ensure aerial safety and prevent conflicts between federal and state assets and private companies. To ensure the utility of potential operation delineations (PODs), the BIL provides \$100 million to both the Department and the U.S. Department of Agriculture for preplanning fire response workshops to develop PODs and select potential control locations. The Department also recommends that adequate funding be made available to incentivize landowners or employees of companies to undertake initial attack and in part to reimburse them for personal protective equipment that meet safety standards. Finally, the Department would like to work with the sponsor on other technical changes to the bill.

**S. 4944, Firewood Banks Act**

S. 4944, the Firewood Banks Act would utilize funds made available by the Infrastructure Investment and Jobs Act (P.L. 117-57) to establish a pilot program to distribute firewood to provide a heating source to low-income or disabled individuals for residential use. Under the pilot program, the Secretaries of the Interior and Agriculture may authorize one or more firewood banks to be established and operated on Federal land. Should the Secretary authorize a

firewood bank, the Secretary is required to designate enough trees on Federal land to continuously provide not less than 100 cords of firewood at each firewood bank. Additionally, the Secretary concerned may close entry to an area of trees designated to supply firewood for no longer than 60 continuous calendar days and for no longer than 150 calendar days per year.

The Department seeks to manage the natural resources entrusted to us in a manner that is sustainable, equitable, accessible, and inclusive of all populations. We support the bill's goal to provide affordable firewood heat sources to low-income or disabled individuals. The Department recommends that the sponsor clarify whether the intent is to provide firewood at no cost. Additionally, we recommend the sponsor define terms establishing eligibility and adopt a per person limit to ensure the bill's goal of equitable distribution of firewood is achieved.

**Conclusion**

Thank you for the opportunity to appear before you today to discuss these important wildland fire and forest management bills. We appreciate the Committee's interest in supporting the Department's efforts to assist wildland firefighters, reduce wildfire risk, and improve the resiliency of our nation's forests, rangelands, and grasslands. This concludes my written statement. I am happy to answer any questions.

The CHAIRMAN. Thank you, sir.  
Mr. Hourdequin.

**OPENING STATEMENT OF JAMES W. HOURDEQUIN,  
CEO, THE LYME TIMBER COMPANY**

Mr. HOURDEQUIN. Chairman Manchin, Ranking Member Barasso, and members of the Committee, I appreciate the opportunity to speak to you today about workforce development in the logging industry. My name is Jim Hourdequin, and I am the CEO of the Lyme Timber Company, a timberland investment management organization with 1.4 million acres of timberland in the U.S., including 165,000 acres in Senator Manchin's home State of West Virginia. While logging does not attract much attention as an essential industry, it is a critical link in the forest products supply chain, an industry that employs over 950,000 people and provides Americans with everything from housing to paper products. Loggers also play a critical role in restoring U.S. forests in need of thinning to prevent forest fires, work that is needed on a massive scale in the western U.S.

I started my career in logging 23 years ago, when a logger agreed to take me on as a partner in his small logging business. We formed a company and borrowed \$200,000 from the local Farm Credit to purchase a log forwarder. I started out felling trees with a chain saw and learned the ropes of a small business through trial and error. Back then, we employed eight people, six of whom ran chain saws. We produced about one million board-feet of logs per year. The business now produces over ten million board-feet a year, with 16 people in its logging division, a tenfold increase in production with only a doubling of the head count.

I share this experience because it is representative of the transformation that has occurred in logging over the past 30 years. Employment in logging has declined by 41 percent, from 86,000 in 1990 to under 50,000 today, a decline of two percent per year. However, logging output has remained nearly flat. So reductions in employment have almost been completely offset by increases in productivity. Increased productivity and lower employment have been driven by mechanization. Over the past 30 years, we have shifted from tree felling with chain saws to tree felling with mechanical harvesters. The industry has become safer and more professionalized with best management practices, training requirements, and forest certification. Mechanization and increased productivity, in combination with generally flat demand for logging services, have resulted in a logging workforce that has aged in place and become older, even in comparison to other industries. And now there are signs that logging capacity is becoming more constrained.

In West Virginia and Tennessee, for example, we have seen logging businesses close because the owners could not recruit qualified workers. This began before the pandemic, but has gotten worse over the past few years. We are harvesting well below our growth-equivalent target levels because we do not have adequate logging capacity. To address safety and workforce recruitment, we started an in-house logging crew in West Virginia in 2019. The system uses a specialized base machine with winches to tether a machine that mechanically fells timber on steep slopes. While we are

thrilled with the safety and environmental benefits of this new system, we have struggled to make it work financially. Our single greatest challenge has been the recruitment of enough qualified people—skilled equipment operators and leadership—to increase production and achieve profitability. By my rough estimate, it would take 2,000 logging crews and maybe 10,000 additional skilled equipment operators to treat an additional two million acres of western forest per year. That is a 20 percent increase in the current logging workforce. Without major investments in workforce development, I do not see how we get there.

In my written testimony, I have described the challenges to workforce recruitment in the logging sector, including low profit margins and wages, physically demanding work, safety challenges, and limited technical training. I believe the market for logging services, principally landowners and mills, is beginning to address profit margins and logger compensation, but many of the other challenges cannot be addressed by the private sector alone. I have identified four approaches the Federal Government could take to begin addressing the challenges.

First, long-term contracts on federal lands to invest in thinning equipment and workforce training. Logging companies need to be able to combine traditional timber sales with stewardship projects that make sense within a logical work area and provide security of work for multiple years.

Second, incentives for apprenticeship programs. Hiring an inexperienced worker to learn how to operate a \$500,000 machine is expensive and risky. The government could create tax credits or direct reimbursements to help contractors with costs of establishing apprenticeship programs.

Third, we need public-private partnerships to assist the logging industry, equipment manufacturers, and equipment dealers in developing and deploying technical training to logging crews that are starting up new systems and hiring new employees.

And finally, if we are going to meet the challenge of thinning western U.S. forests to reduce fire risk, we will need to make large and long-term investments in vocational and technical education. Sustaining the forest products industry in the U.S., while responsibly growing, harvesting, and restoring our nation's forests, will require government and industry to collaborate in new ways to develop the logging workforce of the future.

And with that, I would like to thank you for the opportunity to speak to the Committee today.

[The prepared statement of Mr. Hourdequin follows:]

**“Who Will Harvest, Thin, and Restore Our Forests?”**

Written Testimony on Workforce Development in the Logging Industry

Submitted to the United States Senate Committee on Energy and Natural Resources

Submitted by James W. Hourdequin, Chief Executive Officer, The Lyme Timber Company

September 29, 2022

Chairman Manchin, Ranking Member Barrasso and members of the Committee, I appreciate the opportunity to speak to you today about workforce development in the logging industry. My name is Jim Hourdequin and I am the CEO of the Lyme Timber Company, a timberland investment management organization based in Hanover New Hampshire. We own and manage approximately 1.4 million acres of timberland in Wisconsin, Michigan, New York, Pennsylvania, West Virginia, Tennessee, Alabama, and Florida. We also co-own two sawmills and we've invested in six logging and log yard businesses.

I am going to talk about workforce development in the logging industry. According to the American Forest and Paper Association, the U.S. forest products industry employs about 950,000 people with a payroll of approximately \$50 billion annually, and is among the top 10 manufacturing sector employers in 45 states. While logging doesn't attract much attention as an essential industry, it is a critical link in the supply chain for forest products. Without a sufficient number of loggers to harvest trees and bring logs to sawmills and pulp mills, builders would not have the lumber necessary to construct the housing that's so badly needed, and the American public would not have the paper and packaging products it needs for everything from office supplies to paper tissues. Importantly, sustainably harvested solid wood products, including lumber for framing and mass timber buildings, wood flooring, and wood composite materials, have low embodied carbon emissions and can deliver climate benefits in the form of long-term carbon storage.

Loggers also play a critical role in restoring U.S. forests in need of thinning to prevent forest fires and the associated air quality and emissions impacts. This work is needed on a massive scale in the Western U.S. and will require an unprecedented level of investment in the logging supply chain.

The potential consequences of workforce shortages in the logging industry are seldom discussed but would be dire for the economy as a whole, not to mention the rural communities that rely on forestry sector jobs. While the logging industry, alongside landowners, mills, and equipment manufacturers, needs to do more to strengthen the logging workforce, I believe the federal government can play a critical role in supporting these efforts and helping to build a logging workforce for the future.

Although I did not grow up in the forest products industry, I started my career in logging 23 years ago when a logger in Lyme New Hampshire agreed to take me and a friend on as partners in his small logging business. We formed Long View Forest, Inc. and borrowed \$200,000 from the local Farm Credit to purchase a log forwarder. I started out felling trees with a chainsaw and learning the ropes of small business through trial and error. Those early experiences in logging have shaped my career as a timberland investor. Through my work at Lyme Timber, I've had the good fortune to work with logging contractors across the country and the opportunity to start several additional logging businesses to address workforce challenges and bring innovation to our timberlands.

### **Mechanization, Productivity, and Changes in the Logging Workforce**

When I co-founded Long View Forest in 1999, we employed eight people, six of whom ran chainsaws. We produced about one million board feet of logs per year. The business now produces over 10 million board feet per year with 16 people in its logging division, a 10-fold increase in production with only a doubling of the headcount. Only one member of the logging crew operates a chainsaw on a full-time basis. The rest run forwarders or mechanical harvesters that fell trees remove limbs and cut the trees to merchantable lengths. Each logging employee is paired with a machine that costs between \$500,000 and \$750,000. The machines have complex hydraulic and electrical systems and we employ two full-time mechanics to keep the systems going. There are no entry level positions.

I share this experience because it is representative of the transformation that has occurred in logging over the past 20-30 years. Employment in logging has declined by 41% from 86,000 in 1990 to under 50,000 today, a rate of 2% per year over the past 30 years<sup>1</sup>, with the largest declines in hand felling. The volume of logging output declined by only 0.3% per year over this period while the value of output increased modestly by 0.2%. Thus, increases in labor productivity almost completely offset reductions in logging employment.

Increased productivity, and the corresponding reduction in employment, has been driven by mechanization. Over the past 50 years, we have gradually shifted from tree felling with chainsaws to tree felling with mechanical harvesters. This transformation began in the US south in the 1970s and 1980s, then extended to the Northeast and Lakes States and Intermountain West in the 1990s and early 2000s, and finally to the steeper slopes of the Pacific Northwest over the past 10 years.

Mechanization, and the shift away from hand felling, has improved safety in logging, an industry that historically has had the highest fatality rates of any industrial occupation. In one study, mechanical systems were associated with one sixth as many workers' compensation claims as non-mechanical systems; and the injuries in mechanical systems tend to be much less severe.<sup>2</sup>

Logging has also become more professionalized over the past 30 years, with logger certification, training requirements, and forest certification standards. Logging contractors are responsible for protecting water quality on timber harvests and implementing state best management practice (BMP) standards. Improvements in BMP adoption have been well documented. In Georgia, for example, BMP compliance increased from 50% in the 1990's to over 90% today<sup>3</sup>.

Mechanization and increases in productivity, in combination with generally flat or slightly declining demand for logging services, has resulted in an aging logging workforce<sup>4</sup>. The percentage of logging workers 55 and older shifted from approximately 12% in 1997 to 30% in 2017. Logging business owners are older than the average business owner in the US, with over half of owners over age 55.

As aging logging business owners and workers retire over the next decade, logging businesses may close with little or no knowledge transfer to the next generation of loggers. Some studies have indicated that

<sup>1</sup> A Review of Changes in US Logging Businesses 1980s – Present by Joseph L. Conrad IV, W. Dale Greene, and Patrick Hiesl; Journal of Forestry; May 2018

<sup>2</sup> Injury Rate Comparisons for Nonmechanized and Mechanized Logging Operations, Washington State, 2005-2014

<sup>3</sup> A Review of Changes in US Logging Businesses 1980s – Present by Joseph L. Conrad IV, W. Dale Greene, and Patrick Hiesl; Journal of Forestry; May 2018

<sup>4</sup> Ibid.

“familial attachment” to logging may be weakening, with fewer logging business owners looking to pass businesses along to children<sup>5</sup>. In addition, logging systems continue to become more capital intensive and complex, requiring business acumen and the management experience necessary to price work, recruit employees, implement training programs, and make capital investments.

#### Emerging Logging Capacity Challenges

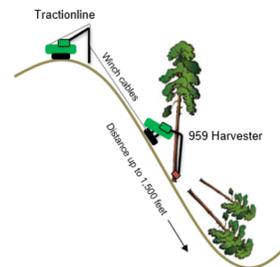
Although for the past 30 years productivity gains from mechanization have enabled the logging industry to meet the nation’s harvesting needs (despite an aging and shrinking workforce), there are now signs that logging capacity is becoming more constrained. Like many businesses in recent years, logging business owners report that finding qualified labor is one of their greatest challenges. Although mechanization can reduce the total number of jobs required in logging, the logging jobs that remain tend to require greater skill and technical expertise. Thus, the logging industry may be facing a structural labor shortage that individual firms may not be able to solve on their own.

Capacity challenges in the logging industry are highly variable from region to region. In regions with strong log markets and large private timberland ownerships – such as the US South, Pacific Northwest, and Lakes States – the logging industry tends to be healthier. In Michigan and Wisconsin, where we own 650,000 acres, we see contractors reinvesting in new equipment and generally operating healthy businesses, though they still struggle with the recruitment of new employees and it’s not clear who will take over these businesses when the current owners and operators retire. Similar conditions exist on the 90,000 acres we own in Florida – contractors may struggle to find help, but they are generally well capitalized and stable small businesses. In these regions, we try to be a good partner to logging contractors by providing steady, year-round work and fair logging rates. This, more than anything else, creates the stability needed for contractors to reinvest in equipment and people.

In other regions, including West Virginia and Tennessee where we own approximately 265,000 acres, workforce challenges are a bigger issue, and we have seen several logging businesses close because the owners could not recruit and retain qualified workers. Mechanization in this region is more challenging because of the steep terrain. Logging remains dependent on hand felling. Before the pandemic we had over ten contractors working on our West Virginia lands; now, despite substantial increases in logging rates, we struggle to retain just five contractors. Like many landowners in the region, we are harvesting well below biological growth because we do not have adequate logging capacity.

#### West Virginia Case Study

To address safety, workforce recruitment, and the need for logging innovation in West Virginia, we secured Federal New Markets Tax Credit (NMTC) financing in 2019 to assist us in bringing the first winch assist harvesting system to the Appalachian region. We started an in-house logging crew with eight employees and have spent the past three years trying to figure out how to make it work. The system, developed in New Zealand and now adopted in the Western US, uses a specialized base machine with winches to “tether” a machine that mechanically fells timber on steep slopes.



<sup>5</sup> Ibid.

The system eliminates hand felling on steep slopes and reduces the area dedicated to mid-slope roads, thereby reducing erosion.



To date the crew has logged over 46,000 hours on steep and difficult terrain – equivalent to 23 person years of work – with no major accidents or injuries.

While we are thrilled with the safety and environmental benefits of this system, we have struggled to make it work financially. The crew needs to produce 35 truckloads of wood each week to break even and 40 truck loads per week to turn a reasonable profit. We've kept at it because we know that the deploying new technologies and systems takes time and persistence, and don't see the potential to achieve our harvest goals with hand felling and traditional steep slope logging techniques.

Our single greatest challenge to date has been the recruitment of enough qualified people – skilled equipment operators and leadership - necessary to increase production and make the system work. There are no technical schools in the Appalachian region that train and certify workers to operate logging equipment and it can be difficult to recruit people from afar to rural communities.

We've faced similar logging capacity challenges in other regions where we own land. In New York, Pennsylvania, and Tennessee we have not been able to meet our annual sustainable harvest targets due to a lack of available contractor capacity. We've taken a multi-pronged approach to meet the challenges: a company logging crew in New York, a partnership with a trusted contractor in Pennsylvania, and loans to long-term contractors in Tennessee. In each case, we've done so only after concluding that logging rate increases and long-term contracts would not be sufficient to incentivize independent contractors to make the investments in people and equipment on their own.

#### **Challenges to Workforce Recruitment in the Logging Sector**

Having worked to recruit and retain logging workers at all levels, I'll share some generalized thoughts on the greatest challenges to logger recruitment. These are the barriers that industry and government efforts will need to overcome to recruit the next generation of logging workers and business owners:

1. **Low Profit Margins:** For years, people in the forest products industry have speculated about logging capacity shortages. I've quipped that there's only a capacity shortage at the price our industry has been willing to pay for logging services. Raise prices and you will increase logging capacity. Until recently, however, excess logging capacity has meant that the consumers of logging services – principally landowners and mills – have not had to increase logging rates. As a

result, many logging contractors held on with relatively low profit margins despite increased capital investment and rising costs. Industry-wide dislocations like the 2008-2009 recession and region-specific mill closures have resulted in retirements and forced less profitable logging contractors to go out of business. More recently, with strong demand for lumber and constrained logging capacity due to labor shortages, mills and landowners have begun adjusting logging rates upward to levels necessary to recruit and retain quality logging contractors.

2. Uncompetitive Wages and Benefits: Studies indicate that logging wages have generally kept up with inflation, but in my experience, skilled logging wages have not kept up with wages in other skilled trades<sup>6</sup>. Also, while the work environment and demands of other trades may have improved over time, logging work has remained physically demanding, weather-dependent, and located in remote, rural locations. These factors may require that logging employers pay a premium for skilled positions relative to other industries. With logging rates on the rise, I believe that many logging business owners have and will continue to pay higher wages to compete with other industries.
3. Physically Demanding Work: Even though mechanization has made logging safer and less physically taxing, the work still requires agility, physical fitness, and a willingness to work in variable weather conditions, including hot and cold temperatures, rain and snow. In some regions, including the Pacific Northwest, hand felling will remain a part of the work mix and the industry will need to continue to pay premium wages to attract young, fit hand fallers.
4. Safety Challenges: Because of its continued reliance of hand felling with chainsaws, the logging industry in the US continues to have one of the highest fatality rates of any occupation. The risks and danger of logging remains an impediment to recruiting new workers to the industry. While work inside an enclosed cab is many times safer than felling trees with a chainsaw, there remain inherent dangers to working in remote locations on difficult terrain. Winch assist logging (tethering) and remote-controlled grapple carriage yarding will continue to replace hand felling and other dangerous activities like choker setting, but transitioning to these systems will require major investments in equipment and training.
5. Limited Technical Training: There are few pathways for young people to get formal training or certification in the technical aspects of logging. Most logger training is on-the-job. Workers without familial connections to the industry may have limited opportunity to develop skills. Other countries, including Sweden and New Zealand, have for decades invested in technical and vocational schools to provide formal training to young people interested in logging work. In the U.S., we have developed a few of these programs, but they have funding limitations and are not widely available.
6. Weather Dependency: Logging remains one of the most weather dependent industries, with seasonal slowdowns and shutdowns during prime seasons due to weather. Climate change and increased severe weather events may have increased weather dependence over the past 30

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<sup>6</sup> Logging Industry in the United States: Employment and Profitability by Mightao He, Matthew Smidt, Wenying Li and Yaoqi Zhang in *Forests*, 2021, 12, 1720.

years. In the Eastern U.S., warmer and wetter winter conditions have made logging during winter months less predictable. In other parts of the country, drought and fire risk have created work limitations.

7. Long Commutes/ Rural Location: Logging often involves travel to remote work locations. It is not uncommon for logging crew members to commute 1.5 to 2.0 hours each way to a logging job. This extends time away from home and creates challenges for workers with children and spouses who also work.
8. Low Social Status: While in many rural communities, logging work is understood and respected, it is not widely viewed as a viable career path outside of forest-dependent communities. I believe that higher wages and benefits, combined with greater opportunities for technical training and advancement, are the first steps towards improving the social status of logging and thereby increasing the appeal of the profession to new workers.

#### **Can the Market Take Care of the Problem?**

Yes and no. As I discussed earlier, the market – specifically landowners and mills – are adjusting logging rates to ensure that quality loggers remain in business. This is an important first step in addressing future logging capacity. But as we have experienced in West Virginia and other parts of the country, increasing logging rates, while necessary, may not be sufficient to develop the workforce that is needed. The absence of skilled workers, a lack of affordable housing, and limited options for skills training can all be impediments to a business' ability to recruit labor, even with higher wages and benefits.

In theory, the industry - logging businesses, equipment dealers, manufacturers, landowners and mills – could invest in technical training programs to develop a future logging workforce. It might also be possible for more large landowners to invest in logging equipment and logging crews as we have done. But these approaches are unlikely to occur at scale without strong incentives from government.

#### **Ways that Government Policy Can Help**

Below I have listed some ideas for how the Federal government could begin addressing the need for workforce development in the logging sector.

1. Long-term contracts on Federal lands that combine timber harvesting and stewardship work: The Forest Service currently engages with loggers in two different capacities: it sells standing timber to be harvested and sold to mills through so-called “stumpage sales,” and it contracts for the thinning and removal of smaller trees through so-called “stewardship contracts” to reduce fire risk and keep forests healthy. The Forest Service has the authority to combine stumpage sales with stewardship contracts, and this approach should be used to create greater work security for logging contractors. Importantly, such contractual arrangements are also necessary to incentivize logging contractors to invest in thinning systems that will help to restore Western U.S. forests and reduce fire risk. Job security is one of the key impediments to investing in new equipment, employee recruitment, and employee training. The Federal government can incentivize such investments by offering long-term contracts within logical work areas that align with contractor workflow on private lands.

In my discussions with Western U.S. logging contractors who have considered such contracts, I heard the following suggestions:

- Provide work for contractors during slow periods when timber harvesting opportunities are limited due to weather or other factors; and
  - Allow contractors to enter into multiple, long-term contracts within the same logical geographic area, thereby giving the contractor flexibility to optimize work flow and schedule work over a period of years.
2. Incentivize logging apprenticeship programs: Hiring an inexperienced worker to learn how to operate a \$500,000 to \$750,000 machine is expensive and risky. In many regions, there does not currently exist any kind of vocational training program to develop and certify operators. Thus, it falls on the contractor to recruit from within and provide on-the-job training. The training takes an experienced operator away from productive work, reduces productive time on equipment during the learning phase, and can result in excess wear-and-tear on machinery. The Federal government could create incentives – tax credits or direct reimbursements – for logging businesses that establish formal apprenticeship programs and demonstrate that they have developed skilled workers through on-the-job training.
  3. Funding support for public-private partnerships to develop and sponsor technical training for existing logging businesses: The logging industry has the greatest need for technical training related to the use, operation, and maintenance of heavy logging equipment and new logging systems, including winch-assist systems like the ones we have deployed in West Virginia and Pennsylvania. For this training to be effective, it needs to be developed through collaborations between logging contractors, equipment dealers, equipment manufacturers, and community colleges or trade associations. Equipment manufacturers appear willing to participate in and support such programs, but they are not equipped to administer the programs at the local level. The development of high-quality technical training is expensive and requires access to heavy equipment and experienced instructors, technicians, and field operators. A Federal grant program for training development that targets community colleges and/or equipment dealers might be the most effective approach to catalyzing investments in specialized training. Another option is to incentivize logging contractors to purchase (or dealers to provide) specialized training when new logging equipment is purchased and sold.
  4. Support vocational and technical school training programs: If we wish to scale up workforce development to meet the challenge of thinning Western U.S. forests to reduce fire risk, we will need to make large and long-term investments in vocational and technical education. We can look to other countries, including Sweden and New Zealand, for educational models that work. We can build on programs like the Mechanized Logging Operations Program developed by the Maine Community College System. As with the targeted training for existing businesses (discussed above), successful vocational training programs will require strong collaborations with equipment dealers and manufacturers.

**Concluding Thoughts**

The entire forest products supply chain in the US – including landowners, sawmills, paper mills, and wood manufacturing businesses - depend on logging contractors and truckers to cut and haul timber from the woods to market. Logging contractors are also the critical link in forest restoration and will be needed at a massive scale to perform thinning treatments on Western U.S. forests to reduce fire risk and climate impacts. Although in the past productivity gains from mechanization, combined with flat or declining demand for logging services, relieved the industry of the need to invest heavily in recruitment and technical training programs, there is a growing recognition that recruitment and training will be critical to the industry in the future. Sustaining the forest products industry in the U.S., while responsibly growing, harvesting and restoring our nation's forests, will require government and industry to collaborate on developing the logging workforce of the future.

The CHAIRMAN. Thank you.

Now, I will turn to Senator Barrasso for our next introduction.

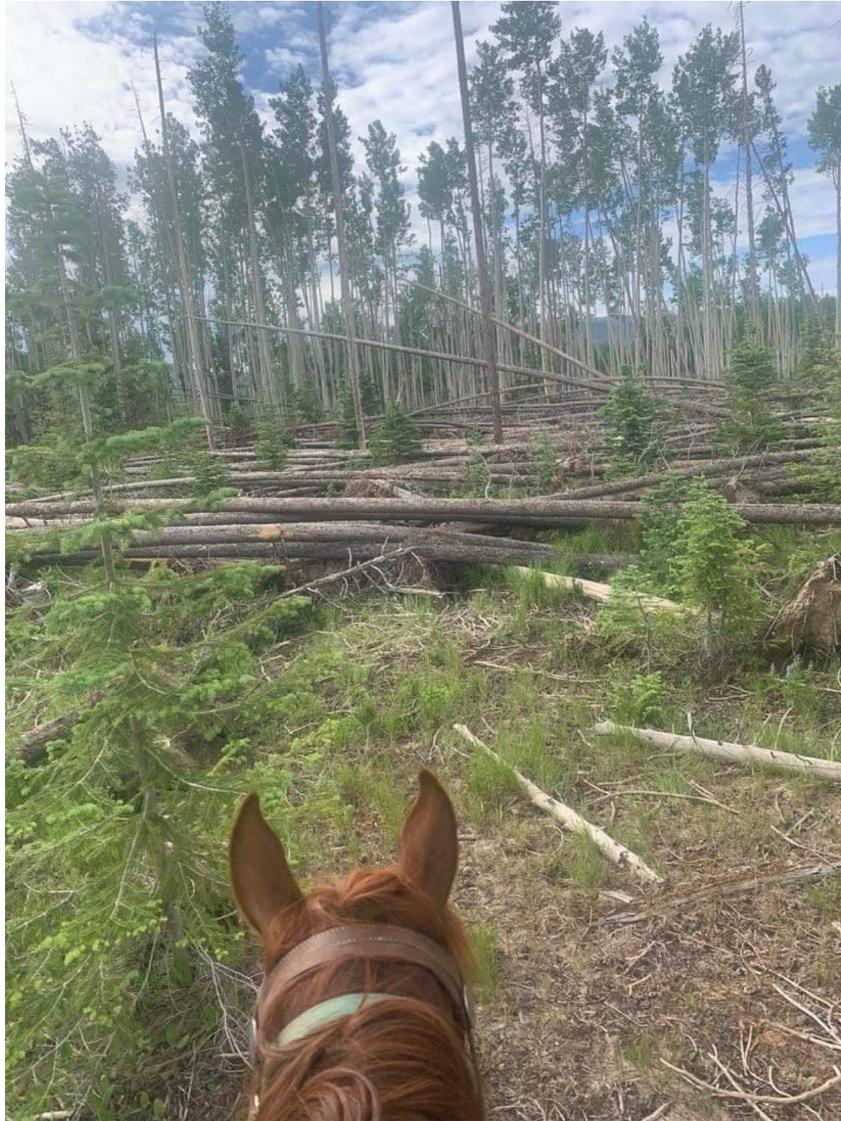
Senator BARRASSO. Well, thanks, Mr. Chairman. And I would like to introduce and welcome Pat O'Toole back to the Committee. He is the President of the Family Farm Alliance. He is a rancher and a hay grower and a former member of Wyoming's House of Representatives. Pat and his wife, Sharon, live and work on a ranch located near Savery, Wyoming. Primarily a sheep and cattle operation, the ranch has been in Sharon's family since 1881, which I point out, Mr. Chairman, was nine years before Wyoming even became a state. The O'Toole family and the Ladder Ranch were the recipients of the 2014 Wyoming Leopold Conservation Award, and just last month, Pat was inducted into the Wyoming Agriculture Hall of Fame. Needless to say, he is very well equipped to discuss the nexus between livestock grazing, responsible land stewardship, and wildfire mitigation.

So, Pat, again, thank you for joining us today. Welcome to the Committee.

**OPENING STATEMENT OF PATRICK O'TOOLE,  
PRESIDENT, FAMILY FARM ALLIANCE**

Mr. O'TOOLE. Thank you, Senator and Mr. Chairman, Senator Risch, Senator Heinrich. Thank you so much for this opportunity. And I am a little bit nervous today, not particularly because I am in front of the Committee, but because of how important this is. We have to fix this. And you know, in my testimony I am going to refer to my personal observations and Zack, if you would put this up. We graze the Routt-Medicine Bow National Forest, which is a forest in both Colorado and Wyoming. Our valley has a river that crosses the state line 32 times. So our ranch is in both states, Colorado and Wyoming. Our forests are in Colorado and Wyoming. And you know, it may be a benefit to the Committee, as I have pretty wide understanding of how the system works because we are in both forests within two BLMs. You know, we understand the concept of how the regulatory system works.

[Photograph of grazing allotment follows:]



Mr. O'TOOLE. This is my grazing allotment. This is not just ten acres or a hundred acres or a thousand acres. This is hundreds of thousands of acres in Northwest Colorado, which is the headwaters of the Colorado River, one of the most threatened water systems in the United States and the world. A forest like this does not generate water. Why is the Family Farm Alliance so strongly for this bill? Because we understand that the water system is dependent on the forest system. We work with the Bureau of Reclamation across the western United States. Every Bureau of Reclamation irrigation district has a forest with issues like this and the inability of the system to absorb the need. The money is there. You all have put the money into the system. The desire is there.

And I will give you a couple of personal observations. The Vice President of the Senate in Wyoming is Larry Hicks, probably the best person to put conservation on the ground that I have ever heard of. I said to him last year, how long in your 30-year career, how much have you gotten done of your vision? He said, maybe 20 percent because they won't let me in the forest. So we are in the joint chiefs process. This is the first year. So we got a late start because the dollars didn't come. He is going to do 2,000 acres of treatment on private and state land, 76 acres on the forest.

What does that tell you? There is an impediment in the system to being successful in implementing. That is why your bill is so critically important. This is about implementation. There has to be a direction to the agencies that something gets done. And I have been on multiple tours with the Nature Conservancy, with Trout Unlimited, as well as forest owners. In southern Wyoming, the Saratoga Mill needs 25 loads a day to keep in business. They are getting 12 and they have been told we are going to cut you back 40 percent. Why is that? Why is there this gap between a mill in Craig, Colorado that says that if you will guarantee me ten years of timber, I will invest \$7 million tomorrow of my own money to expand the operation? So there is some disconnect going on of why the best programs that are out there, that supposedly are going to move us to the success that we know that we need, why is it not happening? And I think we are going to have to put the pedal down in the forest, in the activities that we know need to happen.

You know, a bunch of my friends, ranchers from Wyoming, are here today as well as Senator Risch, a bunch of your people are with the Family Farm Alliance. We have had meetings all week with the Forest Service, with the Interior, USDA. Two things happen with food on the national forest. One is the grazing part, and our family is cattle. We tell people cattle, sheep, horses, dogs, and children. Our wool goes to the dress uniforms for the military. We are proud of being part of the system. But the impediments of not being able to graze this are exactly why our business is at risk. But the second part that really hasn't been well discussed is that the water that is generated from the National Forest System throughout the West is the water that we make food with. And that food is now clearly restricted. That food from my place on the Colorado-Wyoming line to the Yuma and the Imperial Irrigation District in California, the entire system is at risk because we can't generate enough water to grow the crops that we know that we need to have.

You know, I would also like to support Senator Luján's—both the bill on cost share, and with the terrible things that happened in New Mexico. We have members there and we are very familiar with what happened there and also Senators Merkley and Daines have an infrastructure bill that is critical. And this is going to be everything, from the sublime to the mundane, to fix. It is going to be big picture stuff. It is going to be little picture stuff. Your comments, Mr. Hourdequin, about how difficult it is to recruit. So I have three different groups in Colorado and Wyoming that want to invest money. All they need is a facilitated process because the, you know, the Senator said earlier that the litigation industry has terrorized the ability to fix these forests. And what we need is the tools, which is what you have given in this bill. And as time goes on, further tools, because we have to demand success. We cannot accept failure in this particular enterprise.

Thank you so much.

[The prepared statement of Mr. O'Toole follows:]

**Patrick O'Toole  
President  
Family Farm Alliance**

**Written Testimony for the Hearing Record  
U.S. Senate  
Committee on Energy and Natural Resources**

**Legislative Hearing  
*Promoting Effective Forest Management Act of 2022*  
June 14, 2022**

Chairman Manchin, Ranking Member Barrasso and Members of the Committee:

On behalf of the Family Farm Alliance (Alliance), thank you for the opportunity to present this testimony today on the bipartisan forest health and wildfire bill co-sponsored by Chairman Manchin and Ranking Member Barrasso – the *Promoting Effective Forest Management Act of 2022*. My name is Pat O'Toole, and I have served as President of the Board of Directors of the Alliance for over 18 years.

At the outset of this testimony, I would like to thank the Chairman and the Ranking Member for your leadership on this critically important bipartisan legislation. If enacted into law, this will very definitely reduce future catastrophic wildfire risk and improve forest health in the West.

The primary purpose of this testimony today is to provide an overview of that bill. However, there is another piece of legislation that is on the docket today - S. 4729, sponsored by Senator Lujan – which would amend the Agricultural Credit Act of 1978 to waive the cost share requirement under the emergency forest restoration program for land damaged by the Hermit's Peak/Calf Canyon Fire in New Mexico. At this time, I'd also like to note the Family Farm Alliance support for the *Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act*, which will provide maximum relief for agricultural producers in that part of the Southwest. Thank you, Senator Lujan, for your leadership in seeking to provide aid to farmers, ranchers and others in the area around Las Vegas, New Mexico who were impacted by last spring's wildfires.

#### **About the Family Farm Alliance**

The Family Farm Alliance (Alliance) is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. We are committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental and national security reasons – many of which are often overlooked in the context of other national policy decisions. The American food consumer nationwide has access to fruits, vegetables, nuts, grains and beef throughout the year largely

because of Western irrigated agriculture and the projects that provide water to these farmers and ranchers.

### **Personal Background and Experience with Forest and Range Management**

I have served on the Family Farm Alliance's Board of Directors since 1998 and was named as the organization's President in 2005. I am also a former member of Wyoming's House of Representatives. I presently serve on the board of directors of Solutions from the Land and work closely with both the Intermountain Waterfowl Joint Venture and Partners for Conservation.

My family has a strong background in irrigated agriculture and our 140-year-old ranch (Ladder Ranch) is located near Savery, Wyoming. Our family raises cattle, sheep, horses, dogs and children. My family and Ladder Ranch were the recipients of the distinguished 2014 Wyoming Leopold Environmental Stewardship Award. Our ranch straddles the Wyoming-Colorado border at the headwaters of the Colorado River, which has long afforded me the opportunity to view some unique water issues first-hand. I have personally testified before Congressional committees several times, and Alliance representatives have testified before Congress over 90 times since 2005.

We've seen the ups and downs and the volatility of weather and the changing climate. Now it's clear that the cycle of life – particularly in the forested highlands of our Western watersheds - has been disturbed.

### **The State of Western Forests**

Last week, many areas of the Rocky Mountains received much needed rain. However, dry and windy conditions still exist across much of my home state of Wyoming and the northern Plains. As of last week, 94 large fires and complexes were burning 900,748 acres across the country. So far in 2022, a total of 51,811 wildfires have burned 6,682,998 acres across the country. These numbers are above the 10-year averages of 44,109 wildfires and 6,232,850 acres burned, according to the National Interagency Fire Center.

Increasingly fierce Western wildfire disasters are becoming an annual occurrence and underscore the importance of improving on-the-ground vegetation management actions that can lead to improved forest health. Improving the condition of our nation's forested lands is also of primary importance to water providers. National Forest lands are overwhelmingly the largest, single source of water in the U.S. and, in most regions of the West, contribute nearly all the water that supplies our farms and cities. In addition, our already fragile water infrastructure can be severely damaged or rendered useless by wildfire and post-wildfire flooding and debris flows. These burned areas hold no water at all, leading to floods, erosion, and mudslides. It also increases turbidity in the streams flowing through our watersheds. The unhealthy state of our national forests, which were initially reserved specifically to protect water resources, has led to catastrophic wildfires that threaten the reliability, volume, and quality of water for thousands of acres of irrigated agricultural

lands, tens of millions of Americans, along with the wildlife, recreational, and multi-purpose values of these lands.

Our great Western forests are damaged and diseased. This came about through a perfect storm of neglect, misguided litigation, lack of use of science, strained management budgets, and, of course, climate change. We can have no doubt that the West is warming, and some places are warming more rapidly than past modeling has predicted. Insect outbreaks have weakened and killed trees. Violent winds have brought these trees down providing an abundant source of fuel. Drought and forests cluttered with dead fall timber serve as a tinderbox for increasingly intense and devastating fires. Our National Forests in the Rocky Mountain Region are suffering from climate-driven lack of function. The inability to develop a logical management strategy has led to these consequences: catastrophic fires, lack of wildlife habitat, and critical interruption of our water supply.

### **Western Wildfire and Forest Health Challenges**

Today's wildfires are often larger and more catastrophic than in the past. Some of the blame can be attributed to climatic conditions, like reduced snowpack in alpine forests, prolonged droughts and longer fire seasons. Western population growth has also played a role, since we now have more homes within or adjacent to forests and grasslands. However, decades of fire suppression and inability to manage our forests through controlled burns, thinning, and pest/insect control probably play an even bigger role. Where California now has about 100 trees per acre, it once had about 40 trees / acre.

Much of the media coverage on the fires that raged in Northern California last year featured commentary from politicians, environmental activists and academics who point to climate change as the driving factor behind the fires that have forced tens of thousands of Westerners to flee their homes. Climate change concerns may certainly be shared by some rural Westerners who live in once-thriving timber dependent communities. However, there is also a growing frustration that forest management – or rather, the lack of management by federal agencies, driven in part by environmental litigation – fails to get the attention it deserves in many media accounts of policy solutions offered to combat the current Western wildfire infernos. Simply laying the blame for deteriorating forest conditions and the resulting wildfires solely at the feet of climate change is inaccurate. It also perpetuates inaction and ignores the body of science showing many substantive things we can do now to make our forests more resilient to climate change and restore their value to water supply and the environment.

Some of us who live in rural Western communities who have watched the condition of federal forests deteriorate in recent decades have a different perspective. We have witnessed how federal forest management actions have been hampered in recent decades, in part due to environmental lawsuits initiated by certain activist groups. I am encouraged that this new bipartisan bill reflects the concerns of the men and women on the ground regarding the urgency of implementing forest restoration and management.

### **1. Cumbersome Processes Associated with Forest Health Projects**

The U.S. Forest Service (Forest Service) is not fully meeting agency expectations, nor the expectations of the public, partners, and stakeholders, to improve the health and resilience of forests and grasslands, create jobs, and provide economic and recreational benefits. The Forest Service spends considerable financial and personnel resources on paperwork and dealing with environmental litigation.

In recent years – catalyzed by the ominous increase in Western wildfire activity – we have worked with other organizations, seeking ways to discourage litigation against the Forest Service relating to land management projects. We have supported efforts to cut red tape associated with vegetative management activities carried out to establish or improve habitat for economically and ecologically important Western species like elk, mule deer, and black bear. Thus, we have advocated for expediting and prioritizing forest management activities that achieve ecosystem restoration objectives.

We need to find ways to streamline projects that would reduce wildfire risk and improve forest health for a variety of reasons. An increasing percentage of the Forest Service's resources have been spent each year to provide for wildfire suppression, resulting in fewer resources available for other management activities, such as restoration. In 1995, wildland fire management funding made up 16 percent of the Forest Service's annual spending, compared to 57 percent in 2018. Along with a shift in funding, there has also been a corresponding shift in staff from non-fire to fire programs, with a 39 percent reduction in all non-fire personnel since 1995.

Additionally, the Forest Service in 2019 had a backlog of more than 5,000 applications for new special use permits and renewals of existing special use permits that are awaiting environmental analysis and decision. On average, the Forest Service annually receives 3,000 applications for new special use permits. Over 80 million acres of National Forest System land need restoration to reduce the risk of wildfire, insect epidemics, and forest diseases<sup>1</sup>. It is essential to begin taking a risk management approach to restoring and managing our Western forests before the fear and over analysis cause more forest land, along with the multiple values to water supply, wildlife habitat, recreation, and food production, to be lost.

### **Forest Health Solutions**

Regardless of the causes behind the sad state of our forests, it is our job now to look for solutions. These solutions will be applied through specific and thoughtful management. The problem involves a natural landscape, so some of the solutions will be time-tested natural processes. Others will be driven by landowners and forest managers through proactive, aggressive actions. The neglect and deterioration of our forests cannot continue. We must act now to heal them. If we don't, we will lose them for a generation. We offer below the recipe for success.

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<sup>1</sup> Federal Register Doc. [2019-12195](#) Filed 6-12-19

### 1. Actively Manage and Restore our Federal Forests

Drought brings less snowfall in many areas. The snow that falls melts off up to 45 days earlier and runs off downstream on frozen ground. Therefore, the snowpack no longer functions as a reservoir delaying the release of water in a timely manner. However, the forest floor can be restored through thoughtful management. A responsible level of continuous fuels reduction includes a combination of robust mechanical thinning and prescribed fire. This can be employed to significantly reduce evapotranspiration, tree stress, disease, and pest infestation, preserve healthy forest conditions, and protect species and habitats.

This is not only good stewardship – it is good economics.

Failure to employ this approach will continue the downward, accelerating spiral of fuel accumulation, drought, disease, and invasive insects. This will lead, inevitably, to additional high-intensity and costly fire events in the future.

We believe active forest management can increase water yield, improve water quality, provide for jobs, and reduce the cost and danger of firefighting, while increasing forest resiliency. This can be done, in part, by increasing the productivity of national forests and grasslands; employing grazing as an effective, affordable forest and grassland management tool; increasing access to national forest system lands; expediting environmental reviews to support active management; and designing West-wide studies to quantify water yield.

#### a. Use Controlled Fire, Grazing, and Timber Harvest as Management Tools to Restore Forests

Wildlife habitat has suffered profoundly from the “pick-up-sticks” of dead trees on the forest floor, from disruption in water function, and most dramatically, from widespread hot fires. These large catastrophic fires not only eliminate habitat, but kill millions of animals, birds and insects. Controlled fire is one of the tools that can be used to improve forest grounds. However, it is not the only tool. A 2021 article in the Sacramento Bee (“[‘Self-serving garbage.’ Wildfire experts escalate fight over saving California forests](#)”) does a nice job explaining this. We are seeing a major shift happening; the people who love the forest are coming together.

The Organic Administration Act of 1897 (Organic Act) addresses the role of the forests as part of a larger community—a larger and complex landscape. They do not exist in a vacuum. Forest lands were intended to produce timber for Americans. We have seen the terrible effects of the near halting of the timber industry. Foresters know how to log in a responsible and sustainable manner. When done properly, it is one of the most effective tools to restore forest health. The alternatives are unregulated logging in other parts of the world and sky-high lumber prices. Sustainable timber management is a practice that must be encouraged and facilitated.

Likewise, the forests are part of our food production system. The grasslands existing in forest lands sustain not only grazing wildlife like deer, elk, bighorn sheep, and antelope, but also forage for domestic livestock like cattle and sheep. Proper grazing improves soil through hoof actions and fertilization from manure. Grazing returns carbon to the soils and is a tool, indeed almost the only tool, for improving and restoring soils. Again, it must be properly managed, but many grazers are experts in just those practices. Narrow policy proposals that disconnect the role of responsible grazing, or even seek to eliminate this practice, from grassland function will result in cascading impacts to habitat connectivity, soil health, wildlife habitat, and carbon sequestration. These actions will also create added strain on rural communities.

b. Secure Long-Term Conditions of Water Flows

“Securing long-term conditions of water flows” is named as a top priority in the Organic Act, yet it is perhaps the most severely impacted by the deteriorated forests. The forests act as a sponge. Winter snowfall settles among the trees, and snowmelt and rainfall alike traditionally soak into the humus and healthy soils on the forest floor. Climate change and human mismanagement have disrupted this crucial cycle. Upland watershed and forest management activities can help increase water quality and quantity, as well as mitigating the risk of catastrophic wildfire. Restoration – utilizing what I refer to as “AgroForestry” - is very doable. It will require planning, resources, commitment and will. All of these things exist.

**2. Engagement of the U.S. Forest Service**

Since the Forest Service is responsible for much of the forestland in the West, it’s engagement will be critical. Bold action is required. Decision-makers must be empowered to act, rather than get bogged down in bureaucratic morass. Unfortunately, current bureaucratic practices are not equipped to fulfill the need. Upper-level policy makers and managers will need to create a plan and set an agenda that will lead to success. We must “empower the competent” to achieve scale. The areas in need of restoration encompass millions of acres; 100-acre solutions will not suffice. Legislation may be required.

Experts from the Forest Service and various affected interests must be part of the planning process. These interests would necessarily include area and state foresters, private sector forest managers, watershed experts, wildlife scientists, grazers, and local community representatives. This group should be broad enough to cover areas of concern, but nimble enough to plan quickly and set the wheels in motion. The multi-level strategy includes solutions to sustainably manage our water, which largely originates on forest landscapes and watersheds. It must consider the habitat provided, or formerly provided, by the affected forest lands, and the needs of those species whose lives depend upon those lands. Likewise, traditional forest uses that have sustained local communities must be considered both as a tool to bring about needed change, and as a part of the holistic system which includes trees, wildlife, water and people. These tools include targeted logging, particularly of dead standing trees, and grazing to restore soils and reduce fire danger.

Healthy forests provide multiple recreation, agricultural, ecological and economic benefits, and indeed the legislation that created the Forest Service, mandates this. A successful plan must direct the effective transition from the forests' present non-functioning state to a functioning state. This will take time, but a commitment to action is required to ensure long-term success.

### **3. Improve federal funding programs and delivery**

To increase stakeholder confidence and ensure effective funding delivery, federal agencies should invite outside guidance and clearly state to the maximum extent practical, the intended impact of funds, method of distribution, and other discretionary factors. We understand that these agencies have limited influence over specific legislative prescriptions and that further direction may be provided as the legislative process unfolds. We also believe that a certain amount of discretion based on agency expertise is necessary to ensure proper allocation of funds. However, we submit that our collective on-the-ground experience can serve as a guide to ensure that such funds broadly dedicated to conservation and restoration are best utilized to the benefit of ecosystem function, local community vitality, and working lands health.

### **4. Remove regulatory barriers to conservation**

From our decades of collective expertise, we are aware of numerous barriers that prevent interested landowners and other entities from participating in programs administered by federal agencies, and ultimately, prevent funding from reaching the ground in a meaningful way. Statutory limitations such as program payment caps can create misalignment between program eligibility and conservation objectives. Regulatory hurdles can prolong agency action.

We do not seek changes that waive or ignore existing federal environmental laws. Instead, we call for improvements to make those laws work for the benefit of the nation as intended. By eliminating duplicative or unnecessary processes and using streamlining tools already allowed under the law - and promoting action instead of litigation - the status quo could be changed. The proposed changes could help government agencies to use their limited resources to expeditiously implement land management actions designed to prevent wildfires and improve habitat for priority, endangered and/or threatened species. Surely that would be a dramatic improvement over spending precious time and resources on bureaucratic process and litigation. These types of critically needed procedural changes will improve our Western landscapes and protect our valuable water supplies from the devastating effects of wildfires. They will also allow agencies to improve habitat, restore ecosystems for the benefit of federally important species and allow continued agricultural use of our public lands.

Increasing the efficiency of environmental analysis would enable the Forest Service to do more to increase the health and productivity of our national forests and grasslands and be more responsive to requests for goods and services. The Forest Service's goal should be to complete project decision making in a timelier manner, improve or eliminate inefficient processes and steps, and, where appropriate, increase the scale of analysis and the number of activities in a single analysis and

decision. Improving the efficiency of environmental analysis and decision making will ensure that lands and watersheds are sustainable, healthy, and productive; mitigate wildfire risk; and contribute to the economic health of rural communities through use and access opportunities.

### **The Alliance Supports the *Promoting Effective Forest Management Act***

#### **1. The *Promoting Effective Forest Management Act* Puts Actions Over Rhetoric**

The subject legislation truly does emphasize accomplishments over rhetoric. The bill directs the Forest Service and the Bureau of Land Management (BLM) to set annual acreage targets for mechanical thinning projects on National Forests and other public lands. Under the bill, agencies are to double their acreage targets by 2025 and quadruple them by 2027. The bill directs the Forest Service and BLM to report certain acreage accomplishments, including whether the mechanical thinning targets have been met. If the targets are not met, the agencies must report any limitations or challenges, including litigation or permitting delays that hindered their progress.

#### **2. The *Act* Promotes Meaningful Forest Management**

We strongly support the forest management provisions of this legislation, including the requirement in bill Section 401 that requires each National Forest and BLM unit to use at least one existing streamlined authority for environmental review on a forest management project within the next three years.

There are other useful management provisions in this legislation.

Western irrigation provides significant environmental benefits that are often overlooked, including providing key habitat for migratory birds, sustaining floodplain function, and recharging aquifers. As an example, Colorado State University researchers found that 92 percent of Northern Colorado's artificial wetlands were connected to irrigation infrastructure. Agricultural lands, enabled by irrigation water, also provide open space, riparian habitat and wildlife corridors, and serve as important buffers between public wildlands and expanding urban and suburban areas. The bill's provisions requiring the Forest Service and United States Geological Survey to establish a pilot program to conduct research on and evaluate wetland and riparian restoration techniques should yield information that will definitely support my "AgroForestry" ambitions. It should also provide examples that hundreds of other ranchers and landowners like me can apply to solutions that benefit their operations and the environment.

I mentioned earlier in this testimony the concerns shared by rural residents throughout the Western U.S. – the lack of effective forest management by federal agencies is hampered by third-party litigation, often launched by environmental organizations headquartered in faraway locations. We support the bill's provisions that allow counties and local governments to intervene in lawsuits intended to stop wildfire prevention projects on nearby National Forests. These provisions give much needed recourse to rural communities who suffer the most when wildfires grow out of control.

Finally, we are strongly supportive of Section 205 of the legislation, which directs the Forest Service and BLM to develop a strategy to increase the use of grazing as a wildfire mitigation tool. This includes the use of targeted grazing, increasing issuances of temporary grazing permits, and completing environmental reviews for vacant grazing allotments that could be used for grazing when drought and fires impact occupied allotments. Ranchers know – and science confirms – that livestock grazing is an effective tool in managing grasslands and the cluttered understory of Western forests. Increasing the use of grazing as part of a larger management strategy will make landscapes more resilient, reduce fire severity, and improve human safety conditions.

**3. The Act Will Improve the Forest Workforce**

Rural communities throughout the West are concerned about the loss of experienced loggers and the infrastructure that were once commonplace in timber communities. Section 301 of the bill directs the Forest Service to work with States to develop a universal, tiered program to train people to enter the logging workforce, and to examine ways to facilitate apprenticeship training opportunities. This section also allows existing funding to be used for low-interest loans to modernize logging machinery. The bill also provides what appears to be common-sense incentives that will hopefully encourage experienced wildland firefighters to continue doing their invaluable work.

**4. The Act Will Induce Cultural Change in the Agencies**

Those of us who live in communities where federal agencies like the Forest Service and BLM are located have become accustomed to the “revolving door” nature of federal employees’ employment in our hometowns. The *Promoting Effective Forest Management Act* includes encouraging provisions that incentivize employees to remain in a location. Meaningful collaboration and real solutions are driven by strong relationships, and those relationships can only develop with time.

Section 402 directs the Forest Service to curtail employee relocations and to develop a program that provides incentives for employees to grow in place. Further, this section places a cap on employee relocation expenses, and directs the Secretary to solicit employee applications in a manner that does not limit eligibility to current Forest Service employees. These types of surgical fixes will help build community relationships and enhance Forest Service employee’s understanding of local resources and shared challenges.

**5. Applicability to the Headwaters of the Colorado River Project**

My family is helping to lead an effort to design a comprehensive, multistakeholder, large landscape initiative to restore two severely degraded (non-functioning) 50,000-acre watersheds; one in the Medicine Bow National Forest in Wyoming and a second in the Routt National Forest in Colorado. Our vision is to restore two forested rangelands to a resilient state that filters and stores water, produces protein, sustains wildlife and fisheries, sinks carbon, produces renewable energy feedstocks and enables economically viable rural communities to thrive.

The Little Snake River Watershed is a fascinating combination of a functioning conservation district that has a 30-year record of nationally recognized river restoration, grazing habitat enhancement, fish passage, and migratory bird habitat enhancement projects. Our team is designing a plan to implement an integrated, multidisciplinary and multilevel watershed enhancement project that will demonstrate how collaborative and cooperative restoration efforts can be carried out at scale and replicated in watersheds across the West.

Men and women like my family, who live and work in the forests have up-close and personal experiences and observations upon which they formulate their assessment of the conditions in these forests. We view the watersheds and assess their functionality as intact, interconnected ecosystems. In our view, the forested watersheds are in a state of dramatic decline as a result of decades of siloed, top-down management, litigation that has prevented many pragmatic enhancement and restoration initiatives from moving forward. Climate change has further taken a major toll on the health and functionality of the watersheds.

We believe it is time for a new way forward, one that would be characterized by large landscape scale, integrated and multidisciplinary enhancement projects guided by multistakeholder collaboration. Obviously, the targeted actions included in the *Promoting Effective Forest Management Act of 2022* will better allow the stakeholders involved in our project to achieve success.

**Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act**

On April 6, 2022, the Forest Service initiated the Las Dispensas-Gallinas prescribed burn on federal land in the Santa Fe National Forest in San Miguel County, New Mexico, when erratic winds were prevalent in the area, which was also suffering from severe drought after many years of insufficient precipitation. The prescribed burn, which became known as the "Hermit's Peak Fire", exceeded the containment capabilities of the Forest Service, was declared a wildfire, and spread to other federal and non-federal land. Two weeks later, the Calf Canyon Fire, also in San Miguel County, began burning on federal land and was later identified as the result of a pile burn in January 2022 that remained dormant under the surface before reemerging. The two fires merged, and by May 2 the fire had grown in size and caused evacuations in multiple villages and communities in San Miguel County and Mora County.

President Biden on May 4 issued a major disaster declaration for the counties of Colfax, Mora, and San Miguel, New Mexico. The Forest Service has since assumed responsibility for the Hermit's Peak/Calf Canyon Fire, which resulted in the loss of federal, state, local, tribal, and private property. This includes homes and farms north of Las Vegas supplied by 75 acequias in the burn scar of the Hermit's Peak-Calf Canyon Fire. The irrigation ditches have existed for more than 200 years.

Clearly, the United States should compensate the victims of the Hermit's Peak/Calf Canyon Fire.

The *Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act* (S. 4729, sponsored by Senator Lujan) would amend the Agricultural Credit Act of 1978 to waive the cost share requirement under the emergency forest restoration program for land damaged by the Hermit's Peak/Calf Canyon Fire in New Mexico. The Family Farm Alliance supports S. 4729, which will provide maximum relief for agricultural producers in that part of the Southwest.

### **Conclusion**

The revival of Colorado River and other Western watershed forests is crucial to combating the effects of climate change. By bringing together changemakers and working collaboratively, we can change the paradigm of forest management. Success will mean healthier forests, healthier wildlife populations, more prosperous and dynamic local communities, more recreation opportunities, greater economic benefits, and much-needed security in our water supplies.

Balance in production and conservation is the answer to forest health.

I'm very lucky to live in a ranching and farming community in a watershed on the headwaters of the Colorado River. We have worked for 30 years on building resilience, leading to some of the most significant watershed restoration and agricultural productivity projects in the country, as we work with federal and state partners to manage our land for multiple outcomes- protein production, fisheries, wildlife, healthy forests and vibrant rural economies.

The key to our family's success has been local leadership and uncommon collaboration with diverse partners to address our unique challenges and capitalize on opportunities. We all must become more adaptable and open to change. We must learn from those who have experience.

The Family Farm Alliance supports the *Promoting Effective Forest Management Act of 2022*. I personally support this legislation. On behalf of the Family Farm Alliance, I thank Senators Barrasso and Manchin for the welcomed bipartisan leadership on this critically important matter. We stand ready to work with you and your staff on this bill as it moves through the legislative process.

Thank you for this opportunity to submit this testimony.

The CHAIRMAN. I want to thank all of you for your testimony. And now we will go through our questions. And if it seems like sometimes we are rushing you a little bit, we only have five minutes to try to acknowledge everybody here. So the quicker your answers, the better.

And I want to start right with you, Mr. O'Toole, because this really piqued my interest here. I am understanding now the trees are diseased, so there is no value in those trees.

Mr. O'TOOLE. That is actually—since I testified here in June, I have spent a lot of time—

The CHAIRMAN. Yes.

Mr. O'TOOLE [continuing]. Investigating. These could be a coal plant in Colorado that is being decommissioned. The County Commissioner is looking at these kinds of trees being the fuel for part—

The CHAIRMAN. To cut down the pollution, air quality. I got that. But could those trees have been identified earlier and been cut and salvaged before they got diseased?

Mr. O'TOOLE. Absolutely—

The CHAIRMAN. But you are not allowed to do that, right?

Mr. O'TOOLE. It is so complicated and the process—

The CHAIRMAN. I got you.

Mr. O'TOOLE [continuing]. Isn't made to deal with this, but I can tell you that the markets are developing for this kind of—for example, the fellow that wants to invest the \$7 million—

The CHAIRMAN. Yes.

Mr. O'TOOLE [continuing]. To make wood straw that is what you put on a forest after a fire to have a biological for the rejuvenation.

The CHAIRMAN. We have a lot of western Senators here that know a lot more about BLM than I do, but I am learning about it. It does not make any sense to me at all. And we have horrific fires and if we could get back in early enough, we could salvage a lot of that, but the dead trees now stand for so long, and they become, basically, non-valuable. And this kind of common sense has to change, I think. Forget about the politics. It just doesn't make any sense for our country or our economy.

With that, I will go to Mr. Hourdequin. First of all, I know that your operation is in West Virginia. I appreciate it very much, and the people that have opportunities appreciate what you do. But if you could explain to me, in your testimony you said several things that Lyme Timber is doing, including in West Virginia—the growth of the logging workforce. Tell us more about the type of training required to operate the machinery that you are describing and how an equipment dealer training credit for an in-the-field training or apprenticeship program might work. How you are navigating that?

Mr. HOURDEQUIN. Well, that is a great question. The training that we have implemented has really been on-the-job training, and that has really been what the industry has relied on for many, many years in an industry that really did not need to recruit labor because of the productivity gains that were occurring. There really has not been much in the way of formalized training programs. We have found in West Virginia, that creates a real challenge if you are taking somebody who has never operated a 50-ton machine be-

fore and you are putting them in the cab of a machine on the side of a hill. There is a lot to learn all at once.

What we have found is funding that and doing that on our own, it is really a matter of taking a new operator, giving them easy ground to work on initially, having low expectations for productivity during the learning curve phase and then gradually bringing in experienced operators who can coach and mentor and provide additional—

The CHAIRMAN. Working pretty well for you?

Mr. HOURDEQUIN. It is, but it is, I mean, the question that we have and what we would like to see is can we accelerate the learning curve? And if we have programs like those that have been developed, some in the United States, but more so in other countries—

The CHAIRMAN. Yes.

Mr. HOURDEQUIN [continuing]. That really focus on intensive training, can we accelerate the learning curve and build up a workforce?

The CHAIRMAN. Mr. Rupert and Mr. Crockett, the next one is for you. We talked about the firefighter retirement, the three-day, I mean, none of this makes sense at all. So if you can explain to me how we can correct this or basically, is it codified by law that you have to do it that way, or is that “in-house”, basically, the way you operate in your agencies? And what can be done to change it? Or do you see a change coming or do you need us to make the change for you?

Mr. CROCKETT. I don't mind going first on this one. Thank you for the question.

It is actually statutory and regulatory, and we would invite a conversation. We feel like the real experts are at our Office of Personnel Management, OPM.

The CHAIRMAN. Okay.

Mr. CROCKETT. So we would invite a conversation between the—

The CHAIRMAN. Are you all recognizing that there is just an inequity there? I mean, something has to change. It doesn't make any sense at all that if a firefighter takes more than a three-day break in service, and they have been there for less than 20 years, they not only lose their retirement benefits, but they also lose all the money they previously paid into the system, too. That is the way it is codified? Is it codified, or is that the way you all interpret it?

Mr. RUPERT. So there is code for that special retirement—those benefits. My understanding of the three-day break, that that is within the regulatory framework.

The CHAIRMAN. You can change that without us codifying—changing the code?

Mr. RUPERT. Well, so maybe just to add a little bit—you know, I think one really important aspect to figure out is, as we talk about wildland firefighters' break in service, recognizing that the same sort of challenge and concern affects other sectors of federal employment. So this touches more than just federal wildland firefighters. So there is a strong consideration there. I think to your point, we do regulate here that this is an issue for firefighters.

The CHAIRMAN. Let me ask you this. Are you all opposing the changes we would make if we codified and changed the law? The worst thing we can do is, we do something well-intended here, and it ends up we get in tit for tat, back and forth. We don't want to do that. If you see the inequity here, the unfairness to the system, we can clarify it for you very quickly. We just want to make sure you all adhere to it—if you think it is unfair.

Mr. RUPERT. From my perspective, I think it is really important to recognize, I mean, there is sort of an equity issue across the government.

The CHAIRMAN. We know that—

Mr. RUPERT. And but to your point, I mean, I regularly hear from wildland firefighters that the three-day break in service has a real impact.

The CHAIRMAN. And you all, and you are compassionate about that. You think we could change it. If we can carve this out and select, so we do not cross over into your other jurisdictions, I think that is what you are saying.

Mr. Crockett, do you all agree too?

Mr. CROCKETT. Yes, it is really important to our firefighters, and if we can get it figured out—

The CHAIRMAN. Okay.

Mr. CROCKETT [continuing]. It is going to make life easier for them.

The CHAIRMAN. I got you.

With that, we will go to Senator Barrasso.

Senator BARRASSO. Well, thanks, Mr. Chairman.

Mr. O'Toole, one of the major themes of our legislation is promoting positive cultural changes within the Forest Service and the BLM. It requires employees to become more familiar with the streamlining tools that Congress has given them to reduce wildfire hazards. It also incentivizes employees to remain in the communities longer. Can you talk about how these provisions would actually help improve agency culture and foster better relationships between the agency and then the state and local and the private sector partners?

Mr. O'TOOLE. Yes, sir.

You know, as a permittee in two states with four agencies, this is something we are very familiar with. I am going to lose a 20-year employee at the Forest Service in the Medicine Bow Forest this year. He is retiring. We have no idea what the implication of the next person is. And so, what happens is though, the new people come in and those of us that have been there for a long time become very ignorant for a while until we re-establish our credibility. And the long-term relationships that we have had—best BLM guy in the country for 40 years, left and retired, total change, total fundamental change. And now, we have in another forest, a succession of employees that come for a year, two years, regional foresters change or local foresters, and there is no incentive, it seems like, to stay and be with the community. And the Organic Act of the forest, for example, is really about communities. And we are seeing a vast change in, sort of, this move up the chain to the way that you do better in the agencies is by moving. That can't be the incentive.

Senator BARRASSO. Thank you.

Mr. Crockett, last month NBC News published an article with the following headline. You may have seen it. "The Forest Service," it says, "is overstating its wildfire prevention progress to Congress," overstating the progress to Congress, "despite decades of warnings not to do so." The article details how the Forest Service has, for decades, used misleading data. This news story from NBC says, "The Forest Service has counted many of the same pieces of land toward its risk reduction goals for anywhere from two to six times and in a few cases dozens of times." I think anybody that has read this is very troubled by this report.

Would you agree with me that transparency is vital when it comes to combatting the wildfire crisis?

Mr. CROCKETT. Yes, I definitely would agree with you that transparency is very important and that's our goal, to be transparent in everything that we do. When we do a forest treatment, many times it requires multiple entries in order to be successful with it—generally, about three entries. And so we want to be accountable to Congress for every dollar we spend on those entries. And so the first, second, and third entries have reporting requirements that go along with it. So part of our responsibility is to be transparent, to say when an acre is treated, and multiple times to be able to meet that benefit.

Senator BARRASSO. So to ensure transparency and eliminate confusion, our bill limits reporting accomplishments to projects that meaningfully actually reduce wildfire risks. So I ask unanimous consent, Mr. Chairman, to enter into the record this NBC News article, "The Forest Service is Overstating its Prevention Progress."

The CHAIRMAN. Without objection.

[The article referred to follows:]

## The Forest Service is overstating its wildfire prevention progress to Congress despite decades of warnings not to

At the nation's largest fire agency, the program to reduce wildfire fuel is receiving much-needed investment. But for 20 years, it has tracked that work with "misleading data."



Aug. 9, 2022, 5:52 AM EDT

By [Adiel Kaplan](#) and Monica Hersher

BIG BEAR LAKE, Calif. — High up in the eastern San Bernardino mountains, Christina Barba nodded with satisfaction as she surveyed how the forest had grown back in the year since she started a fire here.

A Forest Service fuels planner, Barba is responsible for decreasing the risk of damage from wildfires to communities, water supplies and other natural resources by reducing the trees and brush that could turn low-level flames into deadly blazes. One of her tools is lighting low-to-the-ground fires under the right conditions.

“This spot is a five-minute walk from my house,” she said, pointing toward a set of rooftops a few dozen feet away. “I have a very strong feeling toward not having it burn down.”

The [planned burn](#) did what it was supposed to do, but these 11 acres, along with millions of others, were counted at least twice when the Forest Service reported to Congress about its progress in reducing wildfire risk, an NBC News analysis found.

Over the past 20 years, leading federal oversight agencies have repeatedly criticized how the Forest Service calculates its progress in eliminating the trees and brush that fuel dangerous fires — one of the key strategies for combating the wildfire crisis — calling its annual reporting of acres treated to reduce risk “misleading” and “inaccurate,” and recommending changes. Yet the measure has remained the service’s main metric, contributing to a system that experts say has long incentivized not the most effective and important risk reduction work, but the cheapest.

NBC News found that throughout the country, the Forest Service has counted many of the same pieces of land toward its risk-reduction goals from two to six times, and, in a few cases, dozens of times. The agency has reported that it reduced “hazardous fuel” on roughly 40 million acres of land in the past 15 years, but that figure may be overstated by an estimated 21% nationally, according to the analysis of public Forest Service records. In California, it is overstated by approximately 30%.

The inflated figures provided to Congress deprive those making funding decisions of knowing the true scope of the challenge, experts say.

“As we make large investments like the infrastructure bill, how many acres does that actually get us in terms of wildfire hazard reduction?” asked Matt Hurteau, a forest and fire ecology professor at the University of New Mexico. “If we’re double or triple counting a treatment on a particular acre, then we’re giving the impression that a lot more area is being treated than actually is.”

That creates confusion for the public and decision makers, said Hurteau, along with other experts and agency employees. The agency said that the number of treated acres it reports to Congress annually is a measure of the “total amount of work” performed, and that it has other metrics to address how much land is being protected.

“Total acres is a measure that is commonly understood and accepted,” said Forest Service spokesperson Wade Muehlhof. “Our current reporting metrics provide a high level of transparency on how fuels work is completed during the annual funding cycle.”

Facing wildfires growing in frequency and intensity across the West, Congress recently approved over \$3.5 billion for [risk reduction work](#), with more expected soon. But legislators and oversight agencies have been pushing the Forest Service since the early 2000s to shift its focus to tracking progress in ways that better reflect how risk is reduced. The agency has been promising to do so for nearly as long, introducing several different “outcome” measures over the years.

“For years, pretty much everyone in the system has been saying this [main] measurement is not good enough, and we think we can do better,” said Courtney Schultz, a professor of forest and natural resource policy at Colorado State University who has conducted research with the agency on fire risk reduction. But the shift away from it has yet to happen. With all the new investment from Congress, she said, “now is the time to do that.”

This year, the Forest Service laid out new plans to focus on outcomes and ramp up treatments fourfold in the West, reducing risk on 20 million acres in the next decade. But 20 million acres treated and 20 million acres of land protected are two very different measures.

“The goal, while described in acres on National Forest System lands, is about reducing risks to communities. It’s not as black and white as fully treated vs. risk reduction,” Muehlhof said. “When we talk numbers at the large scales we work, it will always be difficult to communicate and understand. We fully admit that we must continually do better in communicating how we’re reporting information.”

### **63 million acres**

The U.S. Forest Service is the nation’s largest fire-prevention agency, placing it at the center of debates around how to confront the wildfire crisis. Yet its efforts over the past few decades to focus on reducing the risk of catastrophic wildfire have been mired in political fights, funding fluctuations, lawsuits and red tape.

Forests evolved to endure, and benefit from, occasional wildfires, which occur naturally as part of an ancient cycle. People disrupted that cycle by suppressing fire in the Western U.S. for roughly a century. Now, wildfires that once would have crawled across small areas increasingly turn into huge, deadly blazes. To [prevent those massive fires](#), the Forest Service reduces their potential fuel — thinning trees, removing debris and lighting planned fires.

Amid climate change and a long drought, the need for this work has become critical. The Forest Service estimates that 63 million acres of its land are at high risk of catastrophic wildfire — an area the size of Oregon that accounts for a third of all national forest acreage, most of it in the parched West. In its most recent plan, released in January, the agency set a goal to reduce wildfire fuel on 20 million acres of its high-risk land by 2032.

The plan aims to prioritize inhabited areas in the midst of nature, known as the wildland urban interface, that have grown as people have increasingly moved into western forests in recent decades. A third of all U.S. homes are now in the wildland urban interface. By working with those high-risk communities on everything from hardening homes against fire to fuel reduction, the Forest Service is seeking to prevent destruction of towns like [Paradise, California](#), and have more homes survive wildfire.

The Big Bear Valley is one such community. A vacation destination just two hours from L.A. nearly 7,000 feet up in the San Bernardino Mountains, it is home to two ski resorts, a

picturesque lake and miles of hiking and bike trails. On busy summer and ski weekends, the year-round population of roughly 12,000 swells, with 3 million annual visitors.

It's also among the most ecologically diverse areas in the U.S. and one of the few alpine forests left in Southern California, said Julie Donnell, wildlife biologist for the Forest Service's Mountaintop Ranger District, which includes Big Bear. Before large-scale human habitation, many of the forests here had naturally occurring wildfires every five to 10 years, but today, most of the nearby land hasn't seen any in more than 100 years, increasing the risk of severe fire.

"If we have a fire come in when the fuel loads are this high, we can expect a high intensity fire to come in and burn all of this," Donnell said. "So if we don't do this work, we run the chance of completely losing all of it."

### **'You'd be wrong'**

In the two decades since the U.S. formalized its hazardous fuel program, much of the south side of Big Bear Lake, where most of the people live, was thinned. But like many forests that have gone decades without fire, that land generally requires multiple steps to fully reduce the risk, including removing the wood and brush piles created by thinning and conducting prescribed burns, like the one outside Barba's neighborhood. Getting all that work done can take years.

Work is planned in projects covering hundreds to thousands of acres and is then completed in smaller parcels. Last summer, the agency finished one of the largest tracts for its 1,500-acre Baldwin Lake Project on the eastern side of the valley. Employees recorded their steps over several years in an agency database.

The area, just north of a YMCA camp, covered 173 acres, but NBC News found that because each step of work is reported separately, those acres were entered into the database multiple times.

They first appeared in 2016, when the Forest Service assigned workers to cut trees to reduce the area's density. The agency came back two years later, pruning the remaining trees and piling the cut wood across the full 173 acres, then chipping 52 acres of it. A few months later, workers burned 18 acres of the piles.

The pruning, piling, chipping and burning were entered as separate items in the database and the agency reported them as 416 acres of treated land in its 2019 fiscal year totals to Congress. In summer 2021, it burned the remaining 155 acres of piles, reporting them in that year's totals.

The Forest Service's efforts ultimately reduced fire risk on 173 acres of land, but they were reported to Congress as 744 acres over four fiscal years.

The CHAIRMAN. If I may take the privilege of also asking for permission to enter into the record a letter to Deb Haaland, Secretary of Interior and Tom Vilsack, Secretary of Agriculture, concerning the Wildland Firefighter Personnel Request we just spoke about.

Senator BARRASSO. Thank you.

The CHAIRMAN. Thank you.

[The letter referred to follows:]

Date: July 6, 2021  
 To: Deb Haaland, Secretary Department of the Interior  
 Tom Vilsack, Secretary of the Department of Agriculture  
 Re: Federal Wildland Firefighter, personal request

Dear Secretary Haaland and Secretary Vilsack,

Please let me begin by thanking you both for your strong leadership in the Departments that I have served collectively for 32 years of federal fire service. The Department of Agriculture and now the Department of Interior have provided me with a fulfilling path in life and career that has influenced the person I have become. I have learned that I am capable of more than I would ever have imagined and with this discovered potential I did, indeed, accomplish much in this career and I have few regrets in looking back in my fire service. But I do have memories that are forever etched in my soul.

Today is July 6, 2021. It was on this day in 1994 that I lost 14 brothers and sisters in federal fire service. The South Canyon fire of July 6, 1994 claimed the lives of my firefighter peers; hotshots, helitack, and smokejumpers. The tragedy that unfolded that day remained with me the rest of my life. I was a 6-year fire veteran by then serving as a Squad Leader on the Horseshoe Meadow Hotshots. On this particular day I was on the Devils fire in southern California and my crew had been out for several weeks without a day off, we were working 16-18 hour shifts. This day, my crew had been just finishing up a 72-hour shift, yes, 72 hours. When we returned to fire camp, we received the news of our brothers and sisters in CO, and that we would be flying out that next day to assist on this fatal fire. The next week was surreal and life-changing. After the remains of my brothers and sisters had been removed, my crew and another crew were helicoptered in to the remote scene to remove the burned-up gear that was left on the mountain; The fire shelters that didn't save them, the melted chainsaws, the remnants of other gear. To re-walk their last footsteps and imagine the fear & horror that was faced on that mountain, forever changed how I looked at my job. To imagine potential last thoughts and prayers for loved ones, forever changed how I looked at my family.

I share this story with you because I think it is important to understand the true sacrifices that federal firefighters make every day. I also feel it is important in further describing the travesty of archaic and unjust federal personnel policy and practice that is being challenged by firefighter advocacy groups such as Grassroots Wildland Firefighters. My friend Kelly Martin, President of GWF referred me to several congressional members as she thought my career story was compelling and described the harm of the unjust federal fire policies. It is our hope that future congressional bill language can be introduced to address both the past damage and to assure policy changes for future wildland firefighters. The issue at hand for me, and many other women firefighters, is the loss of the enhanced firefighter retirement benefits (6c) when a dedicated, lifetime employee like myself has a break in federal service in excess of 3-days. It is my hopes that you both can help me personally in reinstating my lost firefighter retirement.

**My story:** I have enjoyed a 32-year fire career with the US Forest Service and the National Park Service; ten arduous years as a primary wildland firefighter, seven of those years an 'elite' Hotshot wildland firefighter. As a senior, tenured hotshot crew member I served as the only female sawyer (chainsaw) on a crew with 19 other colleagues. I rose through the rigorous, prestigious ranks year-after-year to

become a squad leader and during my last year, served as a captain; a very difficult accomplishment for male colleagues, let alone a female and often the only woman. It was during this period the story in paragraph 2 took place.

My USDA Hotshot career halted abruptly when I became a single mother. At this time, I also cared for my aging and ill mother. I was forced to leave a job I loved as a Hotshot in order to meet my most precious family obligations as a mother and daughter. I left my primary wildland firefighter position and entered a secondary firefighter position as a dispatcher, all the while paying increased employee contributions to my firefighter retirement. **My firefighter retirement continued to follow me all the way to this secondary wildland fire position** as a dispatcher and I continued to pay into the enhanced 6(c) retirement.

I tried my very best to honor my family obligations in the dispatcher job in an effort to find some kind of balance between work and life. This new job was extremely exhausting and I found myself working 16+hour days for weeks on end. **I remember vividly the grief I felt when I went 2 weeks without seeing the whites of my baby's eyes...** I took her to day/night care when she was sleeping and picked her up when she was sleeping. More than half my salary went to the child care that required unusual hours. My already ill mother suffered a stroke during this time. I was forced to quit that job to find something better suited for me as the primary caregiver for two other humans. I agonized and quit my federal career to care for my family members. The act of giving up my career gave me access to much needed TSP savings to pay rent/mortgage and basic life necessities to become the primary care giver for my family members. **Out of desperation, I had involuntarily resigned.**

I was able to keep the rest of my FERS retirement 'vested' to assure I could always count the 10 years as vested time, should I ever return to service. **I returned to service 5 months later** after another caring dispatch office, knowing my work ethics and skills, took me onto their team and accommodated my family's needs. I've enjoyed an incredible and successful career in fire ever since. **Every position I've held is covered by firefighter retirement, but due to the break in service, this second time I entered a secondary FF position, I no longer qualified for the firefighter retirement.**

The 3-day break in service is a real travesty and has caused me great torment for the last part of my career. **The additional employee contributions I paid into enhanced 6(c) Law Enforcement/Firefighter retirement for 10 years has been 'forfeited' and retained by the federal government.** There is no federal policy to return my paid contributions after a 3-day break in service.

Because of this archaic and unjust federal policy, where the federal government nullifies any previous earned FF retirement and halts any further participation, **my earned retirement benefits will be reduced approximately \$1200 a month or \$14,400 a year for the rest of my life.**

**In summary, I have:**

- 32 years served in a firefighter covered position (30 USDA, 2 USDOL)
- Continued (and still do) to respond to fires through-out the 32 years
- Approximately 15000 hours fire Overtime (time worked outside of normal 40/week)...this equates to 7 additional years dedicated to Fire!
- A 5-month break in service to care for primary family members.
- Received yearly Superior and Outstanding Performance evaluations throughout my career

- Suffered physical/mental effects due to a 32-year career in fire. (the premise of early retirement for firefighters)

I would like to see:

- Reinstatement of my earned enhanced Firefighter Retirement benefits; minus my 5 months of break in service.
- Ability to deposit additional employee contributions (and direct the agency(s) to also make up additional contributions) for years not paid into enhanced 6(c) retirement
- Bill language that eliminates the 3-day break in service policy, or at least increases it to 1 year so that primary and secondary Firefighter Retirement Covered employees can have time to figure life out.

When I left the federal service, it was involuntary. There was no decision being made, as my family needed me. I did what I *had* to do. I would not let my last thoughts be any of regret or fear that I had not done enough for my family and loved ones, my priorities were set that July 6<sup>th</sup>, 27 years ago.

As agency leads, I understand you have the power to deem my separation 'involuntary' and to reinstate my Firefighter Retirement benefits and allow me to make up the additional contribution required to deem all 32 years eligible to the enhanced firefighter retirement.

I truly appreciate your reading to this point and your consideration of my personal requests.

Kind regards,

Amy Ziegler

Senator BARRASSO. Mr. O'Toole, so most of our federal forested lands are already off limits to active forest management projects. These include lands designated as wilderness, as wild and scenic river corridors, as roadless areas. The Biden Administration's Executive Order on old growth in mature forests has the potential to restrict responsible management on many more additional acres. So at a time with 63 million acres of our national forests at risk of being destroyed by catastrophic wildfires, they are finding ways to further restrict forest management projects. Is this a wise use of time and resources?

Mr. O'TOOLE. Senator, that is an excellent observation. And you know, perhaps you all remember Carole King, the singer, years ago, testified and it was actually on CNN and in Time Magazine. It was a huge story for a few days that we should never touch one more acre, one more tree. This is the reality. You know, a picture tells a thousand words. The reality is this use of the old growth term to restrict use on the forest is an agenda, not a solution. And so, I think it is very clear that we, you know, base our forest management on the need, rather than these, you know, sort of, manufactured discussions about how reality works. This is reality.

Senator BARRASSO. Yes, thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And now we will go to Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Deputy Chief Crockett, when President Biden visited New Mexico as the Hermit's Peak/Calf Canyon Fire still burned, he promised my constituents that the Federal Government would cover the full cost of the fire for affected residents and business owners, and I very much appreciate the USDA waiving cost shares for many of its programs, but it is my understanding that the Department does not have the legal authority to do that for the Emergency Forest Restoration Program, which is precisely why Senator Luján and I introduced this legislation before us today.

Will the Administration fulfill its commitment to covering the full cost of recovery for the Hermit's Peak/Calf Canyon Fire and support cost share waivers for EFRP?

Mr. CROCKETT. Thank you for the question. And as you stated, President Biden has announced that he is fully committed to restoring 100 percent of the cost to the government for the damages for the fire. But more importantly, I think, the legislation that has been introduced around the Hermit's Peak Fire Assistance Act would help further that.

Senator HEINRICH. Great. That is a long version of a yes.

Mr. CROCKETT. Yes.

Senator HEINRICH. Yes, thank you.

Mr. Rupert, I wanted to ask you, the Bipartisan Infrastructure Act tasks both DOI and the U.S. Forest Service to create permanent programs to address the mental health of wildland firefighters. And in June of this year, it was announced that the agencies would begin establishing programs to both recognize and address mental health needs for those workforces. Can you just go into a little bit more detail and share any updates you have on the

status of that program and then let us know if it is going to be widely available in the 2023 season?

Mr. RUPERT. Thank you, sir.

Yes, so as you described, we announced a joint program. So for an update on the status of that work, we are actively leveraging existing mental health support that we have in place—an employee assistance program—and we have just expanded out some of the coverage through that existing tool. In addition to that, we are focused on establishing year-round prevention efforts for all wildland firefighters, permanent and seasonal. That has been a concern in the past. We are working to provide PTSD care and enhanced critical incident stress management capacity. We have allocated and are hiring additional employees for that capacity to provide that support. That is very active right now. We have just hired and onboarded a joint, shared position through the Public Health Service to help support trauma services as well as coordinate activities across the department. That is a joint, shared position.

And additionally, we are actively, right now, working with the CDC National Institute for Occupational Safety and Health. There is a current study ongoing and a wildland firefighter survey that is open right now and it will be through this early fall, where essentially, we are identifying specific, science-based support measures that will inform the continued development of this joint program. So, from my perspective, we are making good progress—ramping up—to use the Chairman’s term earlier.

Senator HEINRICH. Great. Thank you very much for the update.

Mr. O’Toole, I wanted to ask you what are some of the markets and first, just to make sure I understand what we are looking at here. Is this lodgepole? Is that the—

Mr. O’TOOLE. Yes, sir.

Senator HEINRICH. Okay, yes. What are some of the small-diameter tree markets that you see promise in, because we have been able to get through the sort of glut of litigation that was existent in the 1990s in New Mexico. We have now gotten through some really big NEPA planning processes for how to treat large landscapes. But one of the big challenges has simply been that the trees we really need to be taking out are small diameter. They don’t have the same market value that a large DBH tree in the past would have generated. So we need to find a way to get these small trees out of the forest that really drive ladder fuels and hotter fires, but they don’t have the same market value.

So if you see particular areas where we can create value from those small trees, I would love your thoughts on that.

Mr. O’TOOLE. Well, my expertise is not as a logger, I am a rancher, but in the last few months I have been talking to a whole variety of people about those markets because this has to be market driven. Although, I have to be honest with you, we cannot allow the profitability of the logging sector to be the only driver. We have to assist that. And so, the ideas on the wood straw—the fellow that is making the wood straw, 450-pound bales and then dropping them on a burned forest or reclamation project, that is where part of that is, you know, poured wood board, manufacturing, investing, a community investing in a manufacturing plant. Northwest Colorado and Southwest Wyoming have significant job losses because of

what is happening in the energy sector. We think there could be a forest industry change that would bring people into the forest to do those kinds of deals.

And so, what I would suggest from you all, and I think it is inherent in a lot of the IRA dollars, is a research component to come up with those kinds of solutions, but in just the short time that I have worked on it recently, solutions are popping up. It is just a matter of then implementing. And you know, I have asked the Forest Service people in my area, what is the forest of the future? And I get a blank stare because we are not planning for the future, which is a climate-driven new reality. We are essentially allowing, sort of, the old system that has not worked to perpetuate.

The CHAIRMAN. Thank you.

Senator Risch.

Senator RISCH. Well, thank you, Mr. Chairman, and thank you to the panel for being here today.

This issue has been around for a long, long time, and it has been one of the real frustrations I have had since I have been here is, we talk about it, we pass laws, and yet, every year in Idaho, we have more acres burn. We have more smoke. And this is true all over the West.

Pat, I am glad you are here and brought that picture, particularly. There are 535 Members of Congress, and I doubt there is but a handful that have been on ground that looks like this with a lodgepole pine catastrophe like that and it is happening all over the West.

You know, this fire that happened this summer in the giant sequoias, if that did not break a person's heart, they are a very unfeeling person. I mean, the giant sequoias that we have in America are known all over the world. The only more famous patch is the Cedars of Lebanon, and the only reason they are more famous is because they are included in the Bible. If the authors of the Bible had known about the Sequoias, they would have had included at least some head-nod to them also. But look, when we cannot even protect a national heritage like the giant sequoias, it is really time to take a look at what we are doing when it comes to fire suppression. And like I said, it is getting worse every year. We all sit here. We wring our hands about it. We pass all these laws and yet, it just continues to get worse.

So thank you for being here, Pat, to lay this out, particularly where you deal with all the agencies and have a good, clear understanding of the kinds of issues that we face out there on the ground. Wyoming is a lot like Idaho, with two out of every three acres in Idaho being owned by the Federal Government. And with all due respect to my friends in the Federal Government, they do not take care of the land like state land that we have, and even more so, like private landowners take care of their land. Obviously, it is a necessity for us.

So, in any event, I hope we are going to take a markup on one of these at some time in the not-too-distant future.

The CHAIRMAN. Absolutely.

Senator RISCH. And actually scrutinize these, not for messaging, but for real, actual work on the ground. I know Senator Heinrich is involved, or is interested in this. He has been a vocal proponent,

like a lot of us have from out West, that we have just got to do things differently than we have been doing. What we are doing is not working. And it really will take some major changes to make it work, and not some fiddling around on the edges. So, again, thank you all for being here.

Mr. Chairman, thank you for holding this hearing.

The CHAIRMAN. Thank you, Senator.

And now, we have Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman. Thanks for this important hearing on so many different topics, but I would like to ask Mr. Crockett and Mr. Rupert—obviously, fire season is never far from our mind in the Northwest, and the issues that we have been facing just continue to grow in size. It is late September, and we still have crews on the ground working around the clock in Washington to contain and suppress wildfires. The Bolt Creek Fire continued to shut down Highway 2, stopping commerce on that route that is used for transportation of goods and getting agricultural products to market. This is kind of a new normal, and we need to have more innovation and collaboration.

Washington State forest managers have led the way in collaborating with federal and private landowners to get critical forest management done in these areas. On the Umatilla National Forest in Southwest Washington, the National Forest has successfully used existing authorities to expand landscape-scale prescribed fire planning off national forest lands to include state fish and wildlife lands, gaining efficiency in scale. In North Central Washington, the same method was used recently to use NEPA planning to cover adjacent private lands and gain efficiencies in planning, but there are challenges in implementing the North Central project, which is why we need more funding to allow federal, state, and private entities to coordinate using all their existing authorities. This is important because we know fire does not stay within the federal boundaries. And obviously, we need their cooperation.

So Mr. Crockett and Mr. Rupert, are you aware of the collaborative approach from Washington and its state management? How are you using existing authorities that have been successful in our state and the region? And how could this approach be replicated and used as a national strategy?

Mr. CROCKETT. All right, I will start. Thank you for the question.

Yes, I am aware of the collaborative approaches that the State of Washington has been able to undertake. I think one of the key programs, the Collaborative Forest Landscape Restoration Program, has been key to much of the work that has been able to be accomplished, not only in the State of Washington, but nationally as well. So from the Forest Service perspective, we do value the role that collaboration plays in helping us be successful with meeting our restoration objectives.

Mr. RUPERT. Yes, thank you. I am also aware of the efforts in Washington and actually would like to briefly talk about some of the work that we have done with the National Association of State Foresters, including the State Forester in Washington, George Geissler. We have piloted some collaborative planning and reporting work in Washington over the last two years, and starting this fall, we are expanding that work nationwide where we are looking

at data sharing, geospatial mapping to more collaboratively report and plan risk reduction projects. And the alignment of that work is, I mean, it is completely aligned with the risk reduction work that is going on in Washington. And in fact, is connected through this pilot effort, so.

Senator CANTWELL. I am going to follow up with some more details on that to get, kind of, a commitment, if you will. This is something that came up in the hearing with the Chair several hearings ago about why there is not more coordination with individuals so that they could help, and so, I want to follow up on that. But I do want to turn to the aerial resources issue. Our state has its own aerial firefighting program, with 39 aircraft resources that it often sends to other states. This flexibility in contracting has allowed our state to, utilizing these authorities, provide help and support by way of federal legislation, including the Stafford Act.

How many wildfire aerial assets do the Forest Service and the Department of the Interior currently have?

Mr. CROCKETT. Thank you for the question. And I was actually in the State of Washington last week and had an opportunity to see some of the state aerial resources in Skamania, and Jeff was there as well. So for the Forest Service, we have over 400—I don't have the exact number—but over 400 aerial assets, from helicopters to air tankers to water scoopers to single-engine air tankers that we are able to access.

Senator CANTWELL. Are you talking about those that you contract with?

Mr. CROCKETT. It is a combination of own and contract. So yes.

Senator CANTWELL. Can we get a split on the difference between the owned versus the contract?

Mr. CROCKETT. Okay. I will have to follow up with you, but yes.

Mr. RUPERT. Similarly with Interior, specific numbers, you know, between contract and owned and various, sort of, contract, you know, exclusive use versus, sort of, call when needed, we would have to pull that breakdown for you, but most of those aviation resources are shared between the two agencies. So large tankers—very large air tankers—the Forest Service administers. Single-engine air tankers, Interior administers. So, for example, like right now, as of today, there are 63 available. We have access through call-when-needed contracts to hundreds more. And helicopter assets, similarly, you know, today we have 50 available. We have access to over 200 additional through contracts. So there is a pretty substantial—

Senator CANTWELL. Should we be reassessing the current contracted regulations?

Mr. RUPERT. From my perspective, I am not sure that that sort of assessment ever really stops. I mean, from my perspective, there is a very adaptive approach to contracting and, you know, there have been shifts in recent years to how we approach contracting in these various categories. And from my perspective, I think we have seen some success in recent years.

Mr. CROCKETT. Yes, and I was hesitating because we are in the same spot. We are always assessing regulations and contracts and availability. So it is an ongoing process for us.

Senator CANTWELL. I think you are going to hear more and more about the needed resources in the West and the fact that “on call” is a little different when our whole strategy is hasty response, right? As to not get fires to scale. So I am quite familiar with this issue in talking with the past U.S. Forest Service Chief. And I think we will just follow up for the record with more questions there.

But I think we are only going to see an acceleration of this. And I think the question is, how can those “on call” assets really be as effective as we need them to be? I get once the fire is already at scale and then you decide to put in resources. But the problem is, we have warmer and drier conditions everywhere, and we need more hasty response. And so, how do we get that out of our aerial system?

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Daines.

Senator DAINES. Chairman, thank you.

Just earlier this month the Cottonwood Environmental Law Center filed yet another notice of intent to sue the Forest Service based on consultation requirements established by the Ninth Circuit Cottonwood decision. The notice of intent demands the agency reinitiate consultation on the Northern Rockies Lynx Amendment, which covers 18 national forests and site-specific projects, many of which have already recently gone through re-consultation. I want to thank Chairman Manchin and the members of this Committee for supporting my legislation, which would stop this very abuse by bad-faith actors in the courts by codifying the position taken by the Obama Department of Justice. The Forest Service has previously testified on the workload and litigation risks that await us if Congress does not address this issue before the end of the year. And that is why I continue to believe any comprehensive environmental permitting bill must also include my bill that passed from this Committee with strong bipartisan support, 16 to 4.

Mr. Chairman, I know that you and Senator Capito are both eager to negotiate a bipartisan permitting bill that is considered as a stand-alone bill or perhaps adding it to the annual national defense measure. I will tell you, if my Cottonwood fix were included as part of permitting reform in that bipartisan agreement, you are likely going to have my support. This provision is a critical first step to improving forest management. And the thing about permitting is, it comes in a lot of different forms. The Cottonwood fix is one of those. Sustainable forest management creates sustainable rural economies. It leads to more carbon sequestration, important mitigation strategies that relate to warmer summers and longer fire seasons, healthier watersheds and air, and productive wildlife habitat. Better forest management can also help Montana’s housing shortage. At one time, nearly one quarter of all new U.S. homes were built with lumber harvested from national forests, but now that number is actually closer to zero. We have to do more to manage our forests or our forests are going to manage us. And that is why I have authored two bipartisan forest management bills that have already passed this Committee, and I call on my colleagues to enact these common-sense policies before the end of the year.

Switching gears for a moment. Montana's Job Corps: these centers help train and prepare young Montanans in the workforce. In fact, in 2019 I was very glad to lead the fight in Congress to keep these centers open serving our students in our communities. But now, Congress and the Forest Service must work together to ensure these centers are the best they can be. The Civilian Conservation Center Enhancement Act does just this by expanding the forestry curriculum, ensuring that graduates have a pipeline of fulfilling careers and granting the Forest Service more flexibility in the day-to-day operation of the centers. This bill has the support of several organizations, and I would like to ask for unanimous consent to enter these letters of support in the record.

The CHAIRMAN. Without objection.

[Letters of support for S. 4877 follow:]



[www.corpsnetwork.org](http://www.corpsnetwork.org)  
@TheCorpsNetwork

September 22, 2022

The Honorable Jeff Merkley  
U.S. Senate  
531 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Steve Daines  
U.S. Senate  
320 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senators Merkley and Daines,

On behalf of the 150+ members of The Corps Network, including the Job Corps Civilian Conservation Centers, I write to express my support of the Civilian Conservation Center Enhancement Act.

Corps are descended from the original national service program, the Civilian Conservation Corps, which engaged millions of young men during the Great Depression to conserve and improve our nation's public natural resources and infrastructure. Corps today carry on that legacy by helping to conserve and maintain those same resources on federal, state, and local public lands and in addressing economic development and workforce needs in urban and rural communities. Corps provide young adults and veterans, from all backgrounds, the opportunity to serve their country, advance their education and obtain in-demand skills. Serving in crews and individual placements, Corpsmembers perform important wildfire, conservation, recreation, infrastructure, disaster response, and community development service projects. Corps enroll over 20,000 youth and veterans annually in all 50 states, Washington, D.C., and territories.

As members of The Corps Network, I know firsthand the critical resources that the Job Corps Civilian Conservation Centers bring to forestry work, especially through wildland firefighting and as a pipeline for the recruitment, training and hiring of firefighters. There no longer is a wildland firefighting "season." Wildland fires are occurrences that states and localities are dealing with on a yearly basis now. The Departments of Agriculture and Interior are already partnering with the broader field of Service and Conservation Corps for assistance in fighting wildland fires. Corpsmembers from across our nation are supporting fire camps, removing hazardous fuels, constructing fire breaks, conducting prescribed burns, directing firefighting, cleanup and recovery, and restoration. The Corpsmembers participating in these projects, including those from the Job Corps Civilian Conservation Centers, gain critical skills and experience, earn industry-recognized credentials, and are the future firefighting workforce that our nation needs. As a way to address the recruitment and retention challenges that the Job Corps Civilian Conservation Centers face, I recommend that the Departments of Labor, Agriculture, and Interior consider a partnership between the Job Corps Civilian Conservation Centers and the broader Service and Conservation Corps community to assist participants and graduates in continuing their service and developing their skills in wildland firefighting and forestry work.

I look forward to working with you both on passage and implementation of the Civilian Conservation Center Enhancement Act.

Sincerely,

*Mary Ellen Sprengel*

Mary Ellen Sprengel  
President and CEO



September 28, 2022

The Honorable Senator Jeff Merkley  
531 Hart Senate Office Building  
Washington, DC 20510

The Honorable Senator Steve Daines  
320 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Merkley and Senator Daines:

The Forest Resources Association (FRA) offers our support to the Civilian Conservation Center Enhancement Act (CCCEA). The Forest Service, much like the forest products industry, has struggled to meet labor demands. The CCCEA provides an opportunity to fully utilize the network of Civilian Conservation Centers to train future workers to meet the increased labor demands of the Forest Service and Department of Interior to address the forest health crisis on Federal Forest Lands.

FRA also encourages you and Congress to address the serious issue of recruiting labor to plant trees on public and private forestlands. The H-2B guestworker visa program provides labor responsible for planting 85 percent of the trees annually. The demand for this program currently exceeds the legislatively mandated cap of 66,000 by 3-4 times. In the last three years, many employers of H-2B forest workers have not been able to meet the increased demands of tree planting brought about by wildfires, hurricanes, and normal timber harvest operations. FRA estimates there is a 3-5-year backlog of tree planting needs on public and private forestlands.

FRA is the only national trade association representing the entire [wood supply chain](#). FRA represents the interests of more than 350 organizations and businesses in the forest products industry. Our members include forest landowners, suppliers, consuming mills, associated businesses, and state forestry associations. The mission of FRA is to promote the interests of its members in the economic, efficient, and sustainable use of forest resources to produce products used by Americans every day. FRA members are represented in 49 states and 377 congressional districts.

FRA appreciates your efforts to address the labor crisis facing the public and private forest sectors.

Sincerely,

A handwritten signature in black ink that reads "Jim J. O'Hara".

FRA Vice President, Government Affairs

Forest Resources Association  
1901 Pennsylvania Avenue NW, Suite 1007  
Washington, D.C. 20006  
202-296-3937

September 23, 2022

Sen. Jeffrey A. Merkley  
531 Hart Senate Office Building  
120 Constitution Ave. NE  
Washington, DC 20510



Sen. Steve Daines  
320 Hart Senate Office Building  
120 Constitution Ave. NE  
Washington, DC 20510

**RE: Civilian Conservation Center Enhancement Act**

Dear Senators Merkley and Daines,

As President of the Grassroots Wildland Firefighters, and as a leading voice of advocacy for federal wildland firefighters within the Department of Agriculture (USDA) and the Department of Interior (DOI), I write to you on behalf of the Grassroots Wildland Firefighters in support of the Civilian Conservation Center Enhancement Act (CCCE Act). Thank you, Senator Merkley and Senator Daines, for your bipartisan leadership and long-standing support for the Job Corps Civilian Conservation Centers (CCC) within the U.S. Forest Service (USFS) at USDA.

The 24 CCC's operate in 17 national forests and grasslands across 16 states. These centers provide opportunity to underserved youth and young adults. The 24 CCC's provide an opportunity to provide essential capacity for the USFS to fulfill its mission and provide economic opportunities in rural areas. The 24 CCC's provide an opportunity to inspire and provide the foundation for an expanded workforce and future leaders to address the workforce deficits that exist with our land management workforce and fire suppression workforce.

The Civilian Conservation Center Enhancement Act (CCCE Act) is directly aligned with the Grassroots Wildland Firefighters third pillar addressing the dire need for an expanded workforce. We can no longer expect our existing workforce to complete the immense backlog of land management and hazardous fuels reduction work needed across the landscape given the current fire environment. The Civilian Conservation Center Enhancement Act (CCCE Act) is a part of the solution in addressing the current competing United States Forest Service objectives of land management and providing a fluid and flexible fire suppression workforce.

As fire seasons have turned to fire years, developing students and graduates from CCC programs clarify a career path for students and provide solid career paths within the USDA and DOI. It is imperative that we utilize every tool at our disposal as a part of the retention and recruitment cliff currently faced within the federal land management agencies. It is imperative that the firefighting workforce has enough personnel to protect our communities, property, and



**"Nothing About Us, Without Us"**

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public lands. It is imperative that we invest in the workforce that can bolster and address the extreme land management backlogs that currently exist.

The CCCE Act will deliver a pipeline of additional boots on the ground. The CCCE Act will provide a foundation for developing future leaders in fire suppression and land management. This bill provides heightened training for wildland fire, forestry, and rangeland management that benefits prevention and response to fires. This legislation supplies USFS with necessary resources to enhance CCC program curriculum and recruitment practices. This legislation provides a part of the housing solution and facility maintenance solution that will be needed to support an expanded workforce.

Again, on behalf of the Grassroots Wildland Firefighters, I thank you for your leadership and investment in our country's youth. I thank you for your leadership in providing an opportunity to underserved youth and young adults that will directly and positively impact the current and immediate need for an expanded suppression and land management workforce.

Sincerely,



Kelly Martin  
President - Grassroots Wildland Firefighters



“Nothing About Us, Without Us”



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists & Aerospace Workers, AFL-CIO

September 22, 2022

Sen. Jeffrey A. Merkley  
531 Hart Senate Office Building  
120 Constitution Ave. NE  
Washington, DC 20510

Sen. Steve Daines  
320 Hart Senate Office Building  
120 Constitution Ave. NE  
Washington, DC 20510

**Re: Civilian Conservation Center Enhancement Act**

Dear Senators Merkley and Daines,

As President of the National Federation of Federal Employees (NFFE-IAM), and on behalf of 110,000 government workers across thirty different agencies in the United States, including thousands of federal wildland firefighters within the Department of Agriculture (USDA) and the Department of Interior (DOI), I write to you in support of the Civilian Conservation Center Enhancement Act (CCCE Act). Thank you, Senator Merkley and Senator Daines, for your bipartisan leadership and long-standing support for the Job Corps Civilian Conservation Centers (CCC) within the U.S. Forest Service (USFS) at USDA.

The 24 CCCs operate in 17 national forests and grasslands across 16 states and aim to train over 4,000 youth and young adults, many of whom are at-risk individuals from low-income or rural communities. These centers not only help support these underserved youth and young adults with invaluable job training, but they also provide essential capacity for the USFS to fulfill its mission and provide economic opportunities in rural areas. For nearly 60 years, the CCCs have helped conserve, develop, and manage public natural resources and recreation areas, and have responded to natural disasters, including wildfires and hurricanes.

There is no disadvantage to investing in the CCC program. The CCCs educate and train young people, transforming them into fully employed taxpayers, and the students and graduates provide much needed services back to the government during their tenure. Most importantly, it clarifies a career path for students upon graduation and acceptance into full employment at USDA and DOI, providing them with solid careers for them to excel in the future.

Further, as fire seasons have become increasingly long and dangerous, developing into year-long disasters, it is imperative that the firefighting workforce has enough personnel to protect our communities, property, and public lands from being razed by wildfires. The strenuous nature of the work that wildland firefighters undertake, combined with low pay and tough working conditions, has led to an

understaffed and under resourced workforce.

The CCCE Act will deliver a pipeline of additional boots on the ground, who are well-trained and desperately needed, both during and after a CCC student's tenure in the program. The bill provides heightened training for wildland fire, forestry, and rangeland management that benefits both the prevention of and response to fires, which is essential to combat the wildfire crisis. The legislation also supplies USFS with the necessary resources to enhance CCC program curriculum and recruiting practices, which will aid USFS with accomplishing its critical mission in the coming years.

Again, I thank you for your continuing leadership to the CCCs and urge others in Congress to invest in our country's youth while best serving the wildfire crisis through the CCCE Act. There is no downside to this bill and its impact on the CCC program. It is the greatest, most tangible return on investment we can make as a nation.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Erwin', with a horizontal line under the name.

Randy Erwin  
National President  
National Federation of Federal Employees, IAMAW, AFL-CIO



September 20, 2022

The Honorable Jeffrey A. Merkley  
 United States Senate  
 531 Hart Senate Office Building  
 Washington, DC 20510

The Honorable Steve Daines  
 United States Senate  
 320 Hart Senate Office Building  
 Washington, DC 20510

Dear Senators Merkley and Daines,

The National Job Corps Association (NJCA) supports the Civilian Conservation Center Enhancement Act, which would bolster our nation's critical wildland firefighting workforce while creating new career pathways and employment opportunities for disadvantaged youth. We thank you for your bipartisan leadership in creating alternative pathways into these careers through service- and work-based learning on behalf of our federal land management agencies.

The nation is once again facing a catastrophic fire season. With more than 48,000 wildfires having started across the country, 2022 has been the most active fire season in more than 10 years. Unfortunately, the U.S. Forest Service and other agencies continue to face challenges in hiring and retaining wildland firefighters.

To help address these challenges, the U.S. Forest Service recently approved an expansion in the programs offered at Job Corps Civilian Conservation Centers (CCC) to meet critical agency hiring needs, including in firefighting and emergency dispatch. For the first time, the Forest Service also set an annual goal for hiring graduates of these Job Corps CCC programs. However, noting that many of these graduates are housing insecure and cannot wait for long periods to be hired, Chief Randy Moore encouraged the use of special hiring authorities to expedite that process. The Civilian Conservation Center Enhancement Act provides those needed authorities.

In recent years, Job Corps CCC students have contributed hundreds of thousands of hours to the agency's conservation and firefighting efforts. Today, nearly 150 Job Corps CCC students are actively supporting fire suppression efforts whether as firefighters, dispatchers, or in support of camp crews. The Civilian Conservation Center Enhancement Act would create additional opportunities to engage these young people in service- and work-based learning. This includes utilizing Job Corps CCC students trained in construction and facilities maintenance to help rehab the housing stock owned by federal land management agencies to house wildland firefighters. Importantly, the Act will also ensure these disadvantaged young people are paid for their work on behalf of our nation.

1015 15<sup>th</sup> St, NW, Suite 600  
 Washington, D.C. 20005  
 202.846.0210  
 njcaweb.org

Congress has recently made historic investments in our federal land management agencies including through the Great American Outdoors Act, the Infrastructure Investment and Jobs Act, and the Inflation Reduction Act. The Civilian Conservation Center Enhancement Act bolsters the workforce that federal land management agencies need to capitalize on these investments. At the same time, the Act will create new opportunities for youth from rural and disadvantaged communities to not only secure gainful employment but to embark on a career path.

The NJCA thanks you for your leadership on behalf of the students and graduates of the Job Corps CCCs and strongly endorse the Civilian Conservation Center Enhancement Act.

Sincerely,

A handwritten signature in black ink that reads "Byron V. Garrett". The signature is written in a cursive style with a large initial 'B' and 'G'.

Byron V. Garrett  
President & CEO  
National Job Corps Association

Senator DAINES. The Anaconda and Trapper Creek Job Corps Centers have already seen successes in applying many of these same principles and goals that are contained in this bill. I am proud to support their ongoing efforts. I visited them. They are great operations. I am excited to see the success replicated in other centers across the country.

Mr. Crockett, labor shortages are one of the top issues I hear about all across our state in Montana. How would my bill assist in establishing a pipeline of workers for the wood products sector?

Mr. CROCKETT. Thank you for the question and thank you for your prior advocacy and current advocacy for those centers.

This bill would provide a pipeline for the CCC centers to have a direct pipeline into the Forest Service. We really do like the direct hire authority that is in there because that gives the student the ability to go directly from the center into employment with the Forest Service. So we do support it. Thank you.

Senator DAINES. Thanks for that support. Thanks for your comments.

Mr. Crockett, as you know, the lack of affordable housing is another contributing factor to labor issues we are seeing across this country, and more specifically, in Montana. In fact, according to a forest-to-market report, at one time nearly a quarter of all new U.S. homes were built with lumber harvested from national forests. Today, that number is close to zero. At the end of the third quarter, Region 1's timber harvest was nearly 40 percent lower than it was at the same time last year. And last year, by the way, Region 1 missed its timber volume target by around 30 percent. These downward trends are coming on the heels of Congress providing the Forest Service with unprecedented funding and new authorities.

Mr. Crockett, what is the Forest Service doing to correct these significant declining trends to restore the health of our forests and importantly, our wood products sector?

Mr. CROCKETT. Thank you for the question. And we do agree that having a balanced timber supply is vitally important for the industry in the area. So with the new funding that has been put in place through bill and through IRA, we feel that those resources are going to help us stabilize and have that balanced flow of volume to the local mills in Region 1.

Senator DAINES. Thank you.

Mr. Chairman, I know I am into extra innings. I just have a final statement and I will be finished.

In contrast to the trends we have seen in our national forests, I would say, our Governor of Montana, Governor Gianforte, has doubled the amount of acres treated under Good Neighbor Authority in just one year, and our state timber lands continue to be healthy, productive, and sustainable. It is such a contrast from our state lands to our federal lands back home. It is unreasonable to me, therefore, that the Forest Service has not prioritized allocating Good Neighbor Authority funds to states, and Montana was not asked for input on the GNA project that did receive funding. This contradicts the very principles that have made GNA successful to date.

Mr. Chairman, I am out of time here, so I will respect that and—

The CHAIRMAN. Well, thank you, Senator, we appreciate that. Senator HIRONO.

Senator HIRONO. Thank you, Mr. Chairman.

I would like to briefly discuss the importance of S. 4884, the Natural Infrastructure Act of 2022. Natural infrastructure, or using nature as a way to reduce natural hazards, like erosion and flooding, is becoming an increasingly popular and effective alternative to the more traditional so-called gray infrastructure solutions such as pipes and concrete throughout our country. Congress has recognized the benefits of natural infrastructure by passing bills directing agencies to prioritize projects that utilize natural infrastructure, like the 2016 Water Infrastructure Improvements for the Nation Act and the recent Senate-passed Water Resources Development Act. Natural infrastructure provides a variety of ecosystem benefits, like helping to combat climate change, improving the health of watersheds, and protecting coastal communities, to name just a few. It is often more cost-effective than installing pipes or pouring concrete, and is preferred by local communities, and that is why I have introduced this important legislation.

Natural infrastructure solutions are already popular in Hawaii. For example, groups all across the state have come together to form watershed partnerships, which work with local partners to protect forested watershed lands. Hawaii's forested watersheds recharge our island's water supplies, protect our ocean by controlling erosion, mitigate flooding, provide important plant and animal habitats, serve as recreational educational opportunities, protect public health by supplying clean water and air, support our local economy, and mitigate climate change by absorbing carbon dioxide. A study by the University of Hawaii estimates that the Kohala Mountains, which provide an estimated 135 billion gallons of water to Oahu residents each year, provided up to \$14 billion worth of watershed services. Efforts to restore areas within the Kohala Mountains using natural infrastructure would likely be more cost-effective than efforts to replicate those watershed services via gray infrastructure. The myriad benefits provided by natural infrastructure ring true for the rest of the country as well.

In the American Society of Civil Engineers 2021 report card for America's infrastructure, they note that increasing resilience across all infrastructure sectors can be achieved by including or enhancing natural or green infrastructure. However, the use of natural infrastructure is a relatively new concept as compared to gray infrastructure. As such, more science and information need to be generated to inform decision-makers on whether the best solution for their infrastructure needs is natural, gray, or a combination of the two. That is where my bill comes in. It requires the U.S. Forest Service and the U.S. Geological Survey to establish a joint natural infrastructure science program that works with colleges and universities to supply the necessary research on natural infrastructure solutions. The research would be in direct response to the needs of civil engineers, local governments, developers, and the construction industry individuals tasked with carrying out these projects. The bill also establishes a stakeholder advisory group made up of technical experts tasked with providing recommendations of both short- and long-term natural infrastructure research needs. Finally, the

Natural Infrastructure bill requires the Secretary of the Interior to annually review existing natural infrastructure projects to assess their effectiveness and to provide recommendations going forward on ways to improve the cost effectiveness of future natural infrastructure projects.

As our communities face the increasing and oftentimes devastating impacts of climate change, natural infrastructure will become an increasingly important tool in our country's tool box. I urge my colleagues to join me, and of course, Mr. Chairman and Ranking Member, to advance S. 4884 out of our Committee so that a more robust body of research and data can be available to inform the use of natural infrastructure throughout our country.

Thank you.

The CHAIRMAN. Thank you, Senator.

Senator HIRONO. You all were listening to this, right?

[Laughter.]

Senator HIRONO. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman, and thank you for the hearing this morning. Thank you to our witnesses. We have heard some of the stories of a tough fire season. We had another tough fire season in Alaska. A total of 3,107,378 acres have burned so far. Apparently, there are still some active within the state. And then something that we have not seen before, we saw two of the largest tundra fires on record in the state. So we are paying attention as we always do.

Now, I think we made some good progress with the infrastructure bill that we passed in terms of providing some additional resources and authorities. And so, a couple questions for both Mr. Rupert and Mr. Crockett this morning.

In the infrastructure bill, we provided both DOI and Forest Service around \$600 million to be made available for salaries and expenses of federal wildland firefighters between FY22 and FY26. So can you tell me how much of these funds are still available? It is my understanding that we are going to be looking at what we are calling in the approps world, a funding cliff in FY24. So how much is still available, and then what is the long-term strategy for both the Departments in ensuring that we do not have this type of a funding cliff for firefighter salaries once the funding from the IJJA runs out? So, Mr. Crockett and then Mr. Rupert.

Mr. CROCKETT. Thank you for the question, Senator. I do not have the exact number on how much is left, so I will have to follow up with you on that.

Senator MURKOWSKI. Okay.

Mr. CROCKETT. But we did prioritize increasing the salaries for the first two years for our firefighters, and so top priority for the Administration, and what we would like to do is just follow up with you on a creative solution for finding a long-term solution.

Senator MURKOWSKI. Have the increased salaries resulted in better recruitment or retention?

Mr. CROCKETT. I don't know those numbers just yet.

Senator MURKOWSKI. Okay. It is still probably early, yes?

Mr. CROCKETT. Yes, I do know that we have a lot of satisfied firefighters as a result of them getting the funds earlier rather than stretching it out over the five-year period.

Senator MURKOWSKI. Yes, okay.

Mr. Rupert.

Mr. RUPERT. Yes, thank you. Just to reinforce that we are literally locked together on this issue as we provided—as we are implementing that additional pay support this year. We have largely both talked about that the math is working out, that the support that we have in infrastructure for this temporary pay support, we are projecting will last the two years, and at least in Interior, we have tracked that funding over the course of this year. That is sort of the path that we are on. And focus on identifying a long-term solution—there is a laser focus on that. We have all hands on deck, working very closely together, and then also with OPM on that. And our vision is that that long-term solution is ready to go and there is essentially a seamless transition from infrastructure pay support to a long-term solution is the vision that we—

Senator MURKOWSKI. Well, if both of you can get back with us, just in terms of how much of the funds from IIJA are still available to you. I think that, maybe not from this Committee's perspective, but from my approps hat, that would be helpful for us to know.

And then, also, very quickly, because I have another question that I want to get to here, but both the DOI and USDA got \$50 million to assist in workforce training for non-federal firefighters for our native village fire crews. This has been an issue that I have been pushing for some-time, and can you give me any kind of a quick update in terms of that funding and what the Departments have done to help build out, whether it is native village fire crews or for our non-federal firefighters?

Mr. CROCKETT. Yes, unfortunately, I do not have those numbers at my fingertips as well, and I will have to follow up with that.

Senator MURKOWSKI. Okay. All right, we will wait for those then too.

Mr. RUPERT. Just to add a little bit to that, in Interior we very recently allocated training funding to support work out at the fire center, out at NIFC, with the National Wildland Fire Coordinating Group, to update qualifications and standards. And all of that is foundational to the training that we provide across the entire inter-agency community. So it is work that will be ongoing, that benefits the entire interagency community. We also have recently allocated some support for additional training capacity within Interior with the bureau training officers that has a strong connection to much of the online training system that we have developed and that we are jointly utilizing that reaches well beyond just federal firefighters and—

Senator MURKOWSKI. Okay. Know that I am going to keep pushing everybody all the time on our native village fire crews. There is nobody that knows the ground better than these folks. They live out there. They know what is happening. And when you talk about online, I know we are making great headway with what we put in the infrastructure bill with broadband, but online training for many out in the rural areas like that just does not work.

I want to very quickly ask a question, and I am going to ask the indulgence of the Chairman on this one, because this is something that came to me just yesterday, and this is a Forest Service pressurization requirement for air tanker services. So it is my understanding that the Forest Service is set to release updated requirements for firefighting suppression aircraft on their multiple award task order contract, and that for the first time, they are requiring a pressurized cabin in firefighting aircraft. This previously, as I understand, was a consideration, but it was not a requirement, and I have looked at questions that have been asked to the Forest Service about, you know, can you provide research studies or investigation in terms of why we are imposing this new requirement? Can you really show that pressurization drastically reduces crew fatigue? Results in greater safety? And I have to say, I am a little bit surprised by the response that I see from Forest Service here that says that pressurized aircraft do not guarantee safety, less fatigue, or fuel efficiency, but it does make these possible when an aircraft has it. It effectively looks like, they say, the Forest Service is committed to safety, fatigue management, and using less fossil fuel when possible to combat climate change.

But I guess I am looking at that and saying, all we want to do is, we want to make sure that we get to a quick response. We want to get the fire out quickly. We obviously want to do it "safety, safety, safety," but I look at this, and it seems that if you have got regulations like this that are potentially going to result in fewer air tankers available to rapidly respond and to suppress the fires, doesn't this then delay the response to the fires and then result in a wildfire that's just going to produce more greenhouse gases than you are supposedly worried about saving with fuel efficiency?

I am trying to understand the logic here and I don't understand why it has gone from a factor for consideration to now seemingly a requirement with not a lot of hard rationale to it.

Mr. CROCKETT. So I don't have a lot of details around the pressurization component of your question, but what I will say is that yes, we would like to have more aviation assets available to us so that we can be responsive to the fires when the fire bell rings and we want to do that in a manner that is safely done as you mentioned in your statement. So we will have to follow up with you on the specifics for the pressurization question, but I do know the focus around safety is priority for us.

Senator MURKOWSKI. As it should be.

I guess I would just ask you to follow up with us because it is my understanding that this is going into place like in a matter of days, if not weeks. It is further my understanding that there was no Administrative Procedure Act process here, like publishing a notice in the *Federal Register* for public comment before imposing this. So I have a lot of questions here. If—

The CHAIRMAN. We can have a second round.

Senator MURKOWSKI [continuing]. There was not adequate input, we would certainly like to understand that.

The CHAIRMAN. I will do a second round, if you want. I mean, real quick.

Senator MURKOWSKI. Okay.

The CHAIRMAN. I will just go to Catherine and come back.

Senator MURKOWSKI. Sure.

The CHAIRMAN. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you, Mr. Chairman. Thank you to the panelists. I so appreciate you being here.

Mr. O'Toole, it is great to see you again as well.

Let me just say I also am interested in the answers to the questions posed by Senator Murkowski. So as you provide that information, if you could provide it to my office as well, I would really appreciate that.

I am glad that the Committee is holding a hearing to discuss these important pieces of legislation. We need to use all of the tools at our disposal, and we need to innovatively think about how we protect our forests and rangelands through enhanced wildfire mitigation techniques that are so vital to our forest and rangeland ecosystems in Nevada, as well as the rest of the country.

My Western Wildfire Support Act would complement many of the policies set forth in the bills that we have discussed today. My bill received a hearing in this Committee a few months ago. It would provide at-risk communities across the western United States with additional resources to help prevent wildfires before they start, combat those that do spark a fire, and then help those communities impacted by wildfire to recover and rebuild. My bill would allow communities in Nevada and across the western U.S. to acquire the training, the equipment, and funding they need to combat the increasing dangers posed by wild and rangeland fires that we are seeing across the western United States, including in Nevada. So I hope that this bill, in addition to the legislation discussed today, will soon receive further attention from this Committee as well, and I would ask members to join me in this legislation.

Thank you, gentlemen, for being here today to discuss this important legislation.

And Mr. Chairman, I yield the remainder of my time to Senator Murkowski.

The CHAIRMAN. I am going to sneak one question in quickly. To Mr. Crockett and Mr. Rupert, in my opening remarks, I said over the last year, Congress provided you with more than \$10 billion—\$10 billion—to carry out forest management projects on federal land. Okay. This is essentially a tripling of your entire discretionary budget and nearly a tenfold increase in several of your budgets for specific programs, like vegetation management. I cannot understand why you are not getting more accomplished with the funding that we provided. Tell us what is preventing you all from using this money as expediently as you can and as effectively as you can.

So how many of these acres have you significantly changed the conditions on to date? What do you think you have accomplished? The Bipartisan Infrastructure Law specifically required you to use the money and other funding Congress has provided to significantly change the risk from wildfire on ten million acres, or half of the land your scientists have identified as posing the greatest hazard. Where do you stand, and why are we not doing anything?

Mr. CROCKETT. I will jump in here.

We certainly appreciate the funds that the Congress has provided to us, and so as I mentioned in my opening statements

around the connection to those funds, we consider them as a down payment for our success related to the wildfire conditions.

The CHAIRMAN. We don't think you, I mean, you have to be honest, we just don't think the success is there, or you have anything to show for the \$10 billion of public funds that has been invested.

Mr. CROCKETT. Right. So to be clear, it is a ten-year strategy, so we are in the early stages of it now with implementing it. So it is going to take a couple years before we get to that measurable success.

The CHAIRMAN. What you are seeing today is bills being introduced to bypass you all, if we have to.

Mr. CROCKETT. Say that again.

The CHAIRMAN. We are seeing bills being introduced to do some bypassing of how you normally do business, if Senators believe we have to. I will give you the bill that I introduced as an example. I could not make any sense at all of this situation with firefighting. If there is a logging company that basically has a permit to log on federal land, and they see a lightning strike, by law, they can't go fight that fire. They have to call the land management agency. And by the time the first responders or whoever your firefighter is shows up, this is a raging forest fire that is out of control. So the reason I brought the bill into play that we are hearing now is that basically we need to change this. It is no different than a coal mine. For every logging company permitted on federal lands, their permit will not even be entertained if they do not have a certified firefighting team. We trained coal miners that are mining the coal to actually be the first responders in case an accident happens, because they are certified as rescuers until the cavalry comes. That is all we are asking for. We can prevent a lot of these fires if we stop them before they get going.

Mr. CROCKETT. Sure, and our Chief has committed to finding a creative solution on that, I think, the last time he testified on it. What I will share is for timber sale operators who have a contract with the Forest Service, generally there is a stipulation in their contract that allows them to do initial attack until that incident is set up. So we can look at ways of expanding that work to provide more opportunity—

The CHAIRMAN. Here is the thing, I am running out of time because we have to go vote. I hear the bells going off. But what I will say is this: we will look for an accounting of how you have spent the money, how you have invested, what you have done with it, and what type of track you are on, because right now we can't explain it. I can't, and my counsel here and all the people that work with me are having a hard time. So if we can get with your staff and someone can show us a roadmap of what you have done and what you are going to do, and if we can expedite that, help you in any way. If not, we have to make some adjustments and changes.

With that, Senator Murkowski, I will get right to you real quick.

Senator MURKOWSKI. Thank you.

And just to follow up with the discussion about the pressurization requirement, again, I am trying to understand if Forest Service has made this commitment for requirement. So can you tell me, Mr. Crockett, if this requirement is going in place in October as I have been told? Is that your understanding?

Mr. CROCKETT. So I am not familiar enough with it to know the details of when it is going to go into effect. Because timeliness is a concern here, we will definitely follow up with you pretty quick to determine those dates of when it is going to go out.

Senator MURKOWSKI. Well, again, this is something that I have been read into it just this week. I understand that there is a company out there that has some P-3s up there that used to be pressurized. They took the pressurization out because it basically was 600 extra pounds of weight, and when you are looking for fuel efficiency, it helps when your aircraft is not so loaded. But if this pressurization requirement does advance, you basically have four aircraft that you have had previously available to you that are no longer in place. And I don't think that this is just about one company. My concern is that this is going to be a broader policy going forward that will impact more aircraft that are providing these necessary services, again, at a time when we are seeing a heightened and a growing need for that aircraft support.

So I guess what I would ask of you, and it doesn't sound like you have a lot of familiarity or information for me at this point in time, but if you can get back to me, what I am looking for is, I want to understand why we have not gone through the APA requirements with regards to publishing a notice for comment before just deciding to move forward with the requirement—what actually the Forest Service did then in order to get comment. I would be curious to know what kind of negative comment you received on that, but what probably is more important than even that is to understand what background, what research, what studies, what investigations Forest Service has done that has moved you to this place where you are looking at imposing this new requirement of pressurization. So, whether or not there have been any studies out there that show that pressurization really does reduce crew fatigue, okay, that would be important to know, or whether or not there have been any crashes that NTSB has attributed to lack of pressurization.

So if you can, just help us with this background understanding of why this step is being taken, and what the Forest Service process was that got us to this point. Because again, what we are all trying to do, we are all on the same side here. We all want to focus on safety, safety, safety. And so, what we do to make sure that safety is paramount is key, but if what we are looking at here is that we just want these aircraft to be more climate friendly, but in fact, it does not create any more safety benefits and it does not necessarily make them more efficient, I am not sure that this is the best space because if we have fewer aircraft up there, it just means a slower response and room for tougher fires for our extraordinary men and women who are fighting these fires to take on.

So if you can get back to me with that information, and it sounds like Senator Cortez Masto is also equally interested in that, I would appreciate it.

Mr. CROCKETT. Okay, we will follow up.

Senator MURKOWSKI. Super. Thank you.

The CHAIRMAN. Let me thank you.

Senator MURKOWSKI. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. They are calling for us for the votes.

Senator MURKOWSKI. They are?

The CHAIRMAN. Yes.

Anyway, let me just thank you all. I think you have done a great job. You see the interest that we have.

Mr. O'Toole, I just thank you. I mean, you are on the front lines there and we really need your input. James, you too, I mean, you guys are out there, and I think the only feedback we get is people out there actually doing the job that we need done and finding out what the impediments might be for you to do a better job, and we have got to get through this BS and politics and use common sense and make it happen. That is what we are here to do.

And also, to help you all, you know, sometimes we make it so complicated, writing a piece of legislation that you are covering this and covering every angle you can. So litigation, I mean, we are afraid to death of the litigious mental state that this country has gotten itself into. We have to do stuff. We have got to perform now. We have got to produce. So that is what we are going to try to get done.

So I want to thank all of you for joining this morning for this discussion. It has been great.

Members will have until the close of business tomorrow to submit additional questions for the record.

The Committee stands adjourned.

[Whereupon, at 11:52 a.m., the committee was adjourned.]

**APPENDIX MATERIAL SUBMITTED**

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Questions from Chairman Joe Manchin III

**Question 1:** Section 40803(b) of the Infrastructure Investment and Jobs Act specifically required the Forest Service and the Department of the Interior to use both the money provided in that law and other funding Congress has provided to significantly change the risk from wildfire (as measured by Fire Regime Condition Class) on 10 million acres—or half—of the land your scientists have identified as posing the greatest hazard. How many of these acres have you significantly changed the conditions on to date?

**Answer:** Numbers for Fiscal Year 2022 are not final, but we can provide a briefing on this topic.

**Question 2:** Much of the forests in the western US are now so unhealthy that they are actually “carbon sources” because they sequester less carbon than they emit from wildfires, insects, and disease. In April 2021, the Forest Service published this information for each State using data from its Forest Inventory & Analysis program. I understand that the Forest Service also collects data on its National Forests to assist in making land management decisions through its Land Management Planning, Assessment, and Monitoring program. Through the data that the Forest Service now collects, can the Forest Service determine which National Forests are generally carbon sinks and which are carbon sources?

**Answer:** The Forest Service’s Forest Inventory and Analysis (FIA) program data provides estimates of forest carbon, including carbon in harvested wood products, and can be used to look at changes in carbon storage over time for all land ownerships in U.S. forests. The ability of the Forest Service to detect statistically significant change in the carbon status (i.e., whether the national forest overall is a source or sink) of any individual national forest or grassland is highly dependent on both the size of the National Forest System unit and the rate of change. For smaller national forests and grasslands, additional sampling and/or rapid assimilation of auxiliary data such as remotely sensed data may be needed. In addition, some pools of carbon are better represented through our current FIA data collection system than others. This is especially true for soil carbon. Soil is the largest stock of carbon in forest ecosystems; however, we currently conduct limited soil sample collection, which is generally not sufficient to detect overall soil carbon stocks and changes at the scale of a national forest or grassland.

Currently, each national forest and grassland manager can access a baseline assessment of forest carbon stocks (from the year 1990 to 2020), derived from FIA data, which they can use to understand broad carbon trends and dynamics. Carbon baseline information is integrated in forest plan development per directives of the 2012 planning rule ([36 CFR 219.6\(b\)\(4\)](#)). The

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Forest Service is also considering carbon baseline data in development of the Gap Analysis and Decision Support tool per [Secretarial Memorandum 1077-004](#).

**Questions from Senator Ron Wyden**

**Question 1:** I have been pressing the Forest Service all summer about how they are implementing the historic amounts of new funding from Congress and what the agency is doing to prevent wildfire risks to communities in Oregon. I know the Forest Service takes its responsibilities to Tribes seriously and S. 4837 aims to improve the partnership among the agency and the Oregon tribes.

With the well documented staffing and implementation challenges the Forest Service has been dealing with, would the direction provided in S. 4837 help the agency leverage tribal resources and expertise while also fulfilling trust and treaty responsibilities to Tribes? And will it protect resources and mitigate the risk of wildfire on the landscape?

**Answer:** S. 4837 authorities and appropriations would help address the capacity and implementation challenges to support wildfire risk reduction as well as help the agency to fulfill its trust and treaty responsibilities. Joint planning between the Confederated Tribes of Warm Springs and the Forest Service that prioritizes such work on the Mount Hood National Forest can also contribute to mitigation of threats to tribal resources and treaty rights.

**Question 2:** In 2018, Congress passed the “Fire Funding Fix” to improve the way USFS funds wildfire suppression. This fix was designed to stop mid-year fire transfers and stop the reallocation of non-fire funds to cover fire expenses. As we approach the mid-point of the 8-year fix, it is important to understand the implications of the policy.

**Has the “Fire Funding Fix” been effective in stopping mid-year fire transfers?**

**Answer:** Yes. No mid-year fire transfers have occurred since the “Fire Funding Fix” went into place. The agency accessed the Suppression Reserve Account established by the “Fire Funding Fix” in Fiscal Years (FY) 2021 and 2022 but had enough prior year funding without a transfer in FY2020 to cover the season’s fire activity. If the “Fire Funding Fix” was not in place, previously established budget formulation methodology would have required transfers of \$225 million from non-fire funds in FY 2020 and \$1.89 billion in non-fire funds in FY 2021.

**Has the fix stopped the reallocation of non-fire funds to cover fire fixes?**

**Answer:** Since the Fire Funding Fix has been in place, there has not been a need to reallocate any non-fire funds to cover fire suppression activities.

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**Can you share specific examples of geographies or projects that have likely benefited from this change?**

**Answer:** Prior to the “Fire Funding Fix”, project agreements and contracts being executed late in a fiscal year were most at risk for fire transfer. In these cases, fire transfer would compromise the completion of non-fire project implementation when funding was reallocated to fire suppression. Permanent and Trust fund balances were also regularly at risk of fire transfer, resulting in stoppage and postponement of work such as brush disposal, road maintenance and post-timber sale reforestation, all of which contribute significantly to overall forest health.

**In what ways does the Fire Funding Fix impact the ability of the USFS to suppress wildfire?**

**Answer:** The “Fire Funding Fix” positively impacts the agency’s ability to suppress wildfire by removing the dynamic of complex mid-season fire transfers. The “Fire Funding Fix” gives us more financial capacity to address lengthening fire seasons and the prevalence of extreme fire events as a result of climate change.

**Questions from Senator Mike Lee**

**Question 1: In a recent study, titled *Operational Resilience in Western US Frequent-Fire Forests*<sup>1</sup>, researchers identified that ‘competition’ in Southwestern forests can negatively impact forest resilience. What positive impacts does the forest service believe could be achieved by using a stand density index (SDI) which approaches naturally balanced ecological conditions as a benchmark for forest treatments or management objectives?**

**Answer:** Stand density index is one measure by which forest resilience can be managed; however, it is critical to consider multiple approaches in forest treatments to achieve naturally balanced ecological conditions. Historically, tree densities varied across the landscape due to differences in site conditions; cooler, more moist locations, such as north-east slopes and drainages, can support a greater density than warmer, drier locations. By reducing densities (whether measured with SDI or other measures of density such as basal area or trees per acre) to within their historic ranges, competition among trees would be reduced which would reduce the risk for insect and disease outbreaks, susceptibility to drought, higher severity wildfires, and ultimately tree mortality. Given the agency’s multi-use mission, as well as impacts from climate change, we leverage multiple approaches and measures rather than a single benchmark. This is particularly true in landscapes that are experiencing long term drought that limit water availability for vegetation.

- **How could this impact water quality?**

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<sup>1</sup> <https://www.fs.usda.gov/treesearch/pubs/63734>

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**Answer:** In the long term, a return to more naturally balanced ecological conditions in stand structure would be a benefit to water quality as the risk of catastrophic wildfire and resulting flooding and erosion would be reduced. In the short term, ground-disturbing treatments to achieve and maintain that state could adversely affect water quality. Risk to water quality would depend on the intensity of the treatments and particularly if new road construction is needed to access the stands. Use of Best Management Practices (BMP), including careful planning of treatment units and road locations, protection of riparian areas and post-treatment restoration of disturbed areas reduce potential for adverse impacts to water quality.

- **How could this impact our western forests' ability to act as a carbon storage/stabilization technique?**

**Answer:** Reducing the density of trees decreases ecosystem carbon storage in the short term, and over the long term can increase the stability of carbon stocks on the landscape because they are at a reduced risk of tree mortality and/or high severity fires.

- **How could this impact the ability of our western forests to repel insects that lead to tree mortality?**

**Answer:** Trees with less competition (because of a lower density) are better able to cope with other stressors such as insects, disease outbreaks, and drought which does reduce the risk of tree mortality, although does not eliminate it. In addition to density, managing for appropriate species diversity and structural diversity with an appropriate variety of age classes is key to reducing the risk of insect outbreaks.

- **How could this impact forest functions that support wildlife?**

**Answer:** Different wildlife species rely upon an array of ecological conditions across the landscape with a variety of different forest structure and species composition components needed to support their ecological needs. In the frequent-fire forests of the West, climate, disturbance, topography, and site productivity play a large role towards contributing to landscape-scale heterogeneity. In general, increasing heterogeneity at a landscape level should provide for improved wildlife habitat diversity and species persistence. Managing forests for a single SDI would likely provide a competitive advantage for some wildlife species but would decrease habitat diversity and quality for many others, especially those species preferring close-canopy conditions. Hence, managing for a single SDI could be problematic.

**Questions from Senator Lisa Murkowski**

**Question 1: My understanding is, for the first time, the USFS is requiring a pressurized cabin in firefighting aircraft when previously this was a factor for consideration but not a requirement. What has prompted this change in USFS practice at this specific time? Isn't it true this would reduce the number of aircraft available to fight fires at a time when we need all the help we can get?**

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**Answer:** In 2012, the Next Gen 1.0 Airtanker Services Contract began with the objective to contract for more sustainable and modernized airtankers. In the 2015 Next Gen 2.0 and the following 2019 Next Gen 3.0 contracts, the agency provided notice that at some point in the future the agency will require pressurization to enhance safety of the flight crew by lowering fatigue and allowing optimization of the aircraft's fuel consumption and speed when flying at higher altitudes. Again, during airtanker vendor meetings in 2016, 2018, 2019, and 2022, vendors were notified a future contract would require pressurization to continue the modernization of the airtanker fleet. The Forest Service has adequate access to airtankers and all currently contracted large and very large airtankers can be pressurized.

**Question 2: Is it true that an airtanker otherwise qualified but without a pressurized cabin would be ineligible for the 2023 procurement process solely for that reason?**

**Answer:** Yes, that is the case. Meeting the contract requirements involves many different factors, including but not limited to pilot qualifications and ratings, airworthiness and maintenance standards, pressurization, FAA certifications, proactive safety management system, and aircraft performance requirements.

**Question 3: Please explain to me the research, studies and investigations the USFS has done in correlation with imposing this new requirement of pressurization.**

**Answer:** There are no studies relating to pressurization. The Forest Service is basing this requirement on operational experience where in the past 20 years, the Forest Service has experienced four fatal crashes that involved airtankers crashing into terrain because they were trying to fly under the weather. None of the airtankers at the time had pressurization capabilities. Had they been pressurized, they could have flown above the weather safely to their destination. Since 2012, the agency has been modernizing the aerial firefighting fleet. We are contracting for a more modern fleet, that improves safety and reduces crew fatigue. We need pressurized, all weather, day, and night capable aircraft to meet our needs.

**Question 4: Are there any studies that show that pressurization drastically reduces crew fatigue?**

**Answer:** The requirement for pressurization is a safety issue directly related to the four crashes noted above. Even though a flight crew may use supplemental oxygen when flying at higher altitudes, they are subject to the impacts of lower air pressure such as sinus and ear blocks and decompression sickness. These impacts cause fatigue and present a safety risk that can be mitigated with pressurized cabins.

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**Question 5: Have there been any crashes that the NTSB has attributed to lack of pressurization?**

**Answer:** The Forest Service has not researched any crashes related to lack of pressurization. As mentioned above, the four fatal crashes were caused by unpressurized aircraft trying to fly under the weather.

**Question 6: I realize that, for now, this is a proposed term in an RFP for an upcoming 10-year contract. However, isn't it likely that the effect of the pressurization requirement in this contract will become the de facto standard for the industry, for state as well as federal contracts?**

**Answer:** Pressurization is the industry standard because of the modern aircraft being offered and used for airtankers. In 2022, the state of Alaska, as well as the states of Oregon, Washington, California, and Colorado contracted modern airtankers, which are pressurized. Oregon, California, and Colorado contracted airtankers were available on the Forest Service on call-when-needed contracts.

**Question 7: Am I correct that you didn't follow any APA process, such as publishing a notice in the Federal Register for public comment, before deciding to impose this new requirement? What did the USFS do to obtain adequate industry input? Were there any negative comments received from industry or other interested parties?**

**Answer:** Contract solicitations are not subject to APA notice and comment. Nevertheless, vendors are free to comment on contract solicitations, including specifications. In addition to posting draft solicitations on [www.sam.gov](http://www.sam.gov), the government contracting point of entry, the Forest Service conducted airtanker industry meetings in 2016, 2018, 2019 and 2022. During all these meetings, the agency discusses any future contract requirements, not just pressurization. Vendors were notified a future contract would require pressurization to continue the modernization of the airtanker fleet.

The current draft solicitation was posted to sam.gov in April 2022 with the pressurization requirement. At this point in the process, potential bidders can ask questions and express concerns about all aspects of the solicitation. The Forest Service compiles the questions and responds to each of them, posting the responses on sam.gov. Over 140 questions were submitted following the posting of the draft. Questions covered almost every part of the solicitation.

**Question 8: Congress in the Infrastructure Investment and Jobs Act provided DOI and USFS \$600,000,000 to be made available for salaries and expenses of federal wildland firefighters between FY22 and FY26. How much of these funds are still available?**

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**Answer:** Forest Service was allocated \$480,000,000 of the \$600,000,000 firefighter salary and expenses authorization in the Infrastructure Investment and Jobs Act (IIJA). As of November 6, 2022, \$273,000,000 remains available for federal wildland firefighters' salaries and expenses.

USDA-FS IIJA authorization	\$480,000,000
Administrative Costs & Firefighter Mental Health	\$13,000,000
FY22 salary and expenses payments	\$194,000,000
<b>Available funds</b>	<b>\$273,000,000</b>

- a. What is the long-term strategy for your departments on ensuring that we do not face a funding cliff regarding wildland firefighters' salaries once the extra funds from IIJA run dry?**

**Answer:** The Administration is committed to working with Congress to develop a permanent pay solution after FY23.

- b. Does USFS have any information on how these funds have assisted in the retention or recruitment of wildland firefighters?**

**Answer:** The salary increases provided by IIJA were implemented in July 2022. Forest Service expects the hiring data, that will become available starting in January 2023, to provide insights regarding the impacts of the higher wages on our recruitment and retention challenges. We do, however, have anecdotal evidence that this action raised firefighter morale.

- c. Other than salary, what are the limiting factors that contribute to your departments' ability to recruit and retain qualified wildland firefighters?**

**Answer:** Our employees report the following factors contribute to the recruitment and retention challenges facing the agency:

- a. A lack of affordable and adequate housing, particularly in the remote areas where the agency typically operates.
- b. Mental health challenges resulting from working in a high stress environment. The agency is currently working on building resiliency into the workforce to sustain individuals throughout their career, as well as reviewing rest and recuperation practices.
- c. Inadequate fire facilities and employee quarters are in need of critical maintenance and modernization. Examples of fire facilities in need of repair include fire stations, hotshot camps, dispatch centers, and fire caches. Facility repair throughout the country has been deferred for so long that some buildings lack potable water, safe electrical wiring, internet and – in some cases – have been condemned.

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**d. Can you please provide some insight in how your agency is working to modernize the firefighting workforce?**

**Answer:**

- a. The Forest Service continues to leverage technology where it can be applied to increase the efficiency and effectiveness of wildland firefighting. For example, Forest Service utilizes Unmanned Aerial Systems (UAS) to map fire perimeters on wildfires. Additionally, the agency is utilizing UAS in prescribed fire operations. In both cases, these actions mitigate risks to firefighting personnel as a replacement for hazardous low-level crewed flights.
- b. The agency has contracted with a consulting firm to perform a complete workforce assessment of the Forest Service Fire and Aviation Management program. Some items the contractor will be analyzing are current workforce needs, as well as recruitment and retention challenges. The assessment will also be providing proposed actionable human capital solutions for consideration. The workforce assessment is scheduled to be completed by October 2023.
- c. The agency has also regularly engaged with its labor partners to discuss wildland fire fighter and other employee priorities and perspectives. One of the focus areas is employee development, which looks at organizational needs and matches those with employees who are interested in pursuing the necessary training and skills to successfully fill mission-critical positions.

**Question 9: Both DOI and the USDA received \$50 million to assist in workforce training for non-federal firefighters and Native Village fire crews. Can you please provide some insight on how much of that \$50 million is still available and what have your departments done with this funding?**

**Answer:** IIA Section 40803(b)7 provided \$50 million to the Forest Service for a variety of purposes: “(i) preplanning fire response workshops that develop—(I) potential operational delineations; and (II) select potential control locations; and (ii) workforce training for staff, non-Federal firefighters, and Native village fire crews for—(I) wildland firefighting; and (II) increasing the pace and scale of vegetation treatments, including training on how to prepare and implement large landscape treatments.” The agency spend plans for this section are spread equally across FY 2022-2026. Of the \$20 million available in FY 2022 and 2023, less than \$1 million is unplanned currently. To date, the agency has prioritized investments in preplanning fire response workshops because the development of potential operational delineations and potential control locations will have the largest direct impact on risk management, firefighter safety, and operational effectiveness.

**What are some of the limiting factors that have impeded the recruitment native firefighters?**

**Answer:** Although we have a strong tradition in working with Youth Corps and veterans’ crews to treat hazardous fuels, the addition of the Native youth is a new unrealized opportunity that

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regions and forests can cultivate. The Forest Service is committed to tribal capacity building and workforce development. Under IJA Section 40803(b)15, funding is available for engagement with young adults, Native youth, and veterans for removal of flammable vegetation on Federal land. For example, under this Section, \$1.6 million was obligated to an agreement with the Chuagachmiut tribal organization. Several Forest Service regions have been cultivating relationships with Native American tribes to conduct a wide variety of hazardous fuels work, including suppression activities.

**Question 10: Chief Moore testified in front of this committee earlier this year and mentioned that the USFS had difficulty initially moving IJA funds out the door for states to address fuel loads ahead of this year's fire season because of a lack of contract and permitting specialists within the Forest Service. Is the USFS still stretched to its administrative capacity and is that still a limiting factor in moving these funds out the door in an expeditious manner?**

**Answer:** Yes. One of our biggest challenges has been building staffing capacity to do the needed work. The Forest Service, along with other Federal agencies, NGOs, and private organizations are all facing similar challenges as we compete for the same limited talent pool. There are several factors etched into the larger hiring issue, including navigating Federal hiring requirements, as well as the current labor market, and ever-increasing housing costs and availability, especially in the many rural areas where we need work to be done. Another challenge is completing environmental analyses (NEPA) expeditiously given the urgency of this work. The Forest Service remains committed to leveraging its available resources as efficiently as possible, and to working with non-Federal partners to best accomplish the fuel loads mission. Adequate numbers of enabling support staff—ranging from acquisitions, finance, to HR—are essential to agency performance.

**If so, what is the Forest Service doing now to get ahead of this for next year's fire season?**

**Answer:** To prepare for work associated with IJA efforts, the agency conducted two surge hiring events, using a centralized approach to staffing for Procurement, Property, and Services (PPS) and for Grants and Agreements (G&A) personnel at all levels throughout the Forest Service in Spring 2022. The agency is conducting additional surge hiring events to address core workforce needs in other non-fire and fire positions. Filling these positions is critical in addressing fuel loads (as well as other core work) through IJA funding. The Forest Service has made significant progress towards increasing its permanent staff in FY 2022. The agency hired over 9,000 temporary employees to supplement our permanent workforce capacity. The agency will continue working towards its hiring goals through use of traditional and non-traditional hiring and leveraging capacity through partnerships and contracts. The Forest Service will continue to refine its workforce plan and recruitment and retention strategies as part of its ongoing overall workforce assessment. We are confident the changes stemming from this work will support the Agency's ability to allocate funding, meeting the intent of the Wildfire Crisis Strategy.

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Questions from Senator John Hoeven

**Question 1: Local stakeholders know best how to take care of our public lands. Maintaining workforce continuity in local Forest Service offices is key to developing a collaborative relationship between the agency and our communities, in line with the multiple use mandate for public lands.**

**What steps are you taking to address staffing challenges in your regional and field offices, including the retention of local staff?**

**Answer:** For the past two years, the Forest Service has engaged in in-depth workforce planning, which is used to shape the agency's current and future year hiring plans so the agency can better anticipate where staffing shortages exist. Additionally, over the past year the Forest Service has conducted a workforce assessment that has reviewed organizational capacity across the agency, including regional and local facilities. The results of this assessment will be completed and shared with agency leadership prior to the end of the calendar year. The expected report deliverable will provide agency leadership with considerations that will be used to formulate future action plans to address staffing challenges. As part of this assessment, the agency is reviewing four primary areas, including 1) looking at the overall structure of the agency; 2) reviewing Forest Service programs and supporting occupations; 3) assessing the effectiveness of surge capacity; and 4) evaluating the overall effectiveness of recruitment, hiring, and retention. Additionally, the agency has developed robust collective hiring processes where positions and occupations are grouped for agency-wide recruitment. By combining position hiring actions across the agency, the agency can fill positions more quickly than traditional single vacancy announcements, which will assist in addressing immediate staffing challenges at a local and national level.

The agency has a cadre of national-level recruiters and recruiters located at a regional/local level that work with local communities to share information about careers with the Forest Service. Through community-based and local outreach, the agency can provide specifics and details to job applicants about career opportunities with the Forest Service to build a pipeline of applicants from local communities. Finally, the agency offers several incentives to employees, such as flexible work arrangements, telework/remote work, wellness programs, etc., all of which contribute to overall employee well-being and aid in staff retention at regional and local levels.

**Question 2: New technologies, such as Unmanned Aerial Systems (UAS), ought to have a role in strategies to improve the stewardship of our public lands and reduce fire risks.**

**Are you utilizing UAS to monitor forest health and identify potential restoration activities?**

**Answer:** Yes. 2022 UAS utilization is far-reaching across the agency encompassing:  
a. Forest Health – Gypsy moth identification, species identification and pollination.

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- b. Engineering – Mt. St. Helens Spirit Lake outflow alternatives, and bridge inspections, LiDAR data for constructing a new Forest Service backcountry lodge, guard station and campsites, post-dam removal analysis.
- c. Forestry – Timber sale preparation, timber salvage, finding new Giant Sequoia groves previously not known.
- d. Fire, Fuels and Disasters – Wildland fire situational awareness missions, Fire Behavior Analysis Teams, fuels treatments to protect the Giant Sequoia groves, finding stranded visitors post incident, aerial ignitions, post tornado assessment.
- e. Burned Area Emergency Rehabilitation (BAER) – post flood damage assessment.
- f. Recreation – Relocation of boat launches to a more ecosystem friendly location for hydrology and recreation access, imagery for campground expansion initiatives, historic location of campgrounds along the Trail of Tears.
- g. Minerals – LiDAR data for location of abandoned mines/subsidence.
- h. Other missions of note – Archeology, land survey, fisheries, hydrology, invasive species (aquatic and range), thermal sensors for presence of cold-water fish habitat, detecting critical fish habitat of endangered species, and mastodon and dinosaur tracks monitoring/data collection support, etc.

**Question 3: Do you see an increasing role for UAS to play in terms of sustainable land management and fire reduction efforts?**

**Answer:** Yes. Currently, there is a broad spectrum of UAS use across the agency in all major program areas. Nearly every program area agency-wide now have trained and carded (qualified) UAS pilots.

**Questions from Senator Angus S. King, Jr.**

**Question 1: I understand the Northern States Research Cooperative received \$5 million in funding for FY2022. I have been told that as of today, September 29—one day before the end of the fiscal year—\$4 million of the \$5 million in funding has not been allocated and it is unclear where the remaining \$1 million has been spent. Can you please explain why this is happening and why this funding is not going out as grants as intended?**

**Answer:** In the Joint Explanatory Statement of the FY 2022 Omnibus enacted in March 2022, the Forest Service received a Congressional directive to invest “\$5,000,000 to support the *Northeastern States Research Cooperative (NSRC)*.” The Forest Service’s Northern Research Station (NRS) has a long-standing relationship with NSRC dating back more than 20 years. Many of the priorities of the NRS and NSRC are in close alignment.

The Forest Service is actively working with NSRC to complete the investment of \$5,000,000 of FY 2022 appropriations in collaborative research to address our shared goals. Some aspects of NSRC’s receipt of funding were delayed in FY 2022 because the full-year appropriation arrived at the end of the second quarter and because of a transition to a new system for administering NSRC partnership funding. The Forest Service is on track to provide \$3,000,000 from the FY

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2022 directive to NSRC institutions, primarily through grants.gov, in Quarter 1 or early Quarter 2 of FY 2023. During FY 2022, the Forest Service provided \$2,000,000 in support to NSRC through \$1,500,000 invested in the salaries of agency scientists conducting forest research in collaboration with NSRC universities, and \$500,000 for project funding of ongoing collaborative research with NSRC, bringing the total planned plus executed investment of FY 2022 appropriations in NSRC to \$5,000,000. The Forest Service looks forward to continuing a productive partnership with NSRC.

**Question 2: You testify that “USDA recommends defining ‘small diameter’ at the local level.” Would this require the Forest Service to go through rulemaking in each forest management area?**

**Answer:** Defining small diameter at the local level would not require rulemaking. The term “small diameter” is defined at regional, forest or market area levels. If defining the term “small diameter” at the local level would have substantive implications for the Forest Service’s forest management program, the definitions would formulate standards, criteria, and guidelines and would therefore require public notice and opportunity to comment under 16 U.S.C. 1612(a) and 36 CFR Part 216.

**Questions from Senator Mark Kelly**

**Question 1: S. 4942, the Watershed Restoration Initiative Act of 2022, would provide for the establishment of a new Southwest Ecological Restoration Institute (SWERI) in the State of Utah. Does existing law and a Memorandum of Understanding at the Forest Service establish an administrative process for designating a new SWERI institute in the West, and have any universities in Utah or any other state engaged the Forest Service in that process to date?**

**Answer:** 16 USC 6704 permits the Secretary of Agriculture to establish additional Institutes in other Interior West States based on the success of the SWERI model in existing locations. To date, that authority has not been exercised and no procedure has been established for creating a new institute in another state.

**Question 2: Your testimony indicates there is a need to make improvement to the underlying authority for the SWERI to facilitate closer engagement with Forest Service Research Stations to implement new collaborative research ventures such as Climate Hubs. Please describe the goals and objectives of the Forest Service in pursuing a Climate Hub and how that would relate to establishing a SWERI institute in Utah.**

**Answer:** The Climate Hubs are an existing regional science network designed to develop and deliver science-based, region-specific information and technologies so agricultural and natural resource land managers are empowered to make climate-informed decisions. The Forest Service’s Rocky Mountain Research Station works closely with the Southwest Climate Hub and partners to make findings of research more accessible to a range of stakeholders in Utah,

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Nevada, Arizona, and New Mexico, and receive input on stakeholder needs. Improvements in the SWERI authority would allow the Forest Service to enhance collaboration, build on existing successes, and avoid potentially duplicative efforts to inform forest and range management.



United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

DEC -- 2 2022

The Honorable Joe Manchin  
Chairman, Senate Committee  
on Energy and Natural Resources  
United States Senate  
Washington, DC 20510

Dear Chairman Manchin:

Enclosed are responses prepared by the Department of the Interior to the questions for the record submitted to the Department's witness, Jeffery Rupert, Director, Office of Wildland Fire, following his appearance at the September 29, 2022 hearing on pending legislation.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and  
Legislative Affairs

Enclosure  
cc: The Honorable John Barrasso  
Ranking Member

Questions for the Record  
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**Questions from Senator Ron Wyden**

**Question 1: My bill, S. 4837, aims to uphold our trust and treaty responsibilities to Tribes. I know the office of Wildland Fire works closely with Indian Tribes across the country on fire management. As you know, particularly in the West, fires do not stop or follow artificial boundaries and at risk communities and Tribes need the resources to respond.**

**How has the Department of the Interior and your office worked with Tribes on fire prevention and do you think bringing tribal expertise to the table will be beneficial to hazardous fuels reduction and vegetation management?**

**Response:** Tribal engagement and expertise are essential for the Department of the Interior (Department) to effectively carry out hazardous fuels and vegetation management. In November 2021, the Secretaries of the Interior and Agriculture issued joint Secretarial Order 3403 that directs offices and agencies to ensure that all decisions relating to federal stewardship of lands, waters, wildlife and habitat consider how to safeguard the interest of Tribes and Hawaiian Communities through co-stewardship. This past September, the Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service issued separate policies implementing Secretarial Order 3403. These policies establish a framework for effective consultation with Tribes and Native Hawaiian Communities; incorporating tribal interests into planning and resource management activities; and engaging in the co-stewardship of lands, waters, wildlife, and habitat. These commitments are intended to further the Department's trust responsibility and the interests of Tribes and Hawaiian Communities in management activities. Indigenous knowledge will benefit the Department's efforts to bolster resilience through wildfire mitigation and other actions that protect all communities.

It should be noted that S. 4837, To Amend the Omnibus Public Land Management Act of 2009 to Establish with the Mount Hood National Forest in the State of Oregon Indian Treaty Resources Emphasis Zones, applies only to lands managed by the U.S. Department of Agriculture (USDA) Forest Service (Forest Service) in the Mount Hood National Forest in Oregon.

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**Question 2: Congress and the Administration have taken bold actions to improve pay for federal wildland firefighters through the Bipartisan Infrastructure Law (BIL). Many tribes contract firefighting through well-established procedures with the Department. However, the Department is not treating these tribal firefighters as federal employees for the purposes of the BIL. As a result, there is inequitable pay for these firefighters.**

**When will the department have a recommended short and long-term solution that includes an agreed-upon methodology for counting tribal firefighter Full Time Employees? Will the department consider using discretionary funds to cover the gap in pay for tribal firefighters in 2023?**

**Response:** Tribal firefighting personnel are essential to interagency wildfire response efforts. The BIL authority for base salary increases narrowly applies to federal wildland firefighters. The Department is developing a long-term strategy to address tribal firefighter pay.

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**Question from Senator Mike Lee**

**Question:** In a recent study, titled **Operational Resilience in Western US Frequent-Fire Forests**, researchers identified ‘competition’ in Southwestern forests can negatively impact forest resilience. What positive impacts does the forest service believe could be achieved by using an stand density index (SDI) which approaches naturally balanced ecological conditions as a benchmark for forest treatments or management objectives:

**How could this impact the potential for catastrophic wildfire?**

**Could such management objectives lower the intensity of western fires?**

**Response:** The Department defers to the U.S. Forest Service to respond to these questions.

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**Questions from Senator Lisa Murkowski**

**Question 1: Congress in the Infrastructure Investment and Jobs Act provided DOI and USFS \$600,000,000 to be made available for salaries and expenses of federal wildland firefighters between FY22 and FY26. How much of these funds are still available?**

**Response:** Of the \$600,000,000 included in the Infrastructure Investment and Jobs Act (IIJA), \$120,000,000 was made available to the Department to increase the base salaries of federal wildland firefighters. In fiscal year 2022, the Department spent close to \$60 million to increase the base salaries of 3,800 federal wildland firefighters. The balance of the funds will be used to increase the base salary of federal wildland firefighters in fiscal year 2023.

- a. What is the long-term strategy for your departments on ensuring that we do not face a funding cliff regarding wildland firefighters' salaries once the extra funds from IIJA run dry?**

**Response:** The Department will have IIJA funding available in fiscal year 2023 to continue to provide base salary increases for federal wildland firefighters. We continue to work closely with the Forest Service, the Office of Personnel Management, and others on a long-term strategy for increasing compensation for tribal and federal wildland firefighters, including the potential development of a special salary table.

- b. Does DOI have any information on how these funds have assisted in the retention or recruitment of wildland firefighters?**

**Response:** It is too soon to say whether or not the base salary increases provided for in IIJA have substantially assisted in the retention or recruitment of federal wildland firefighters. However, we have received positive feedback and appreciation from federal wildland firefighters for efforts to increase their base pay.

- c. Other than salary, what are the limiting factors that contribute to your departments' ability to recruit and retain qualified wildland firefighters?**

**Response:** Salary is a major limiting factor that contributes to the federal government's ability to attract and retain qualified wildland firefighters. However, other significant institutional barriers, such as work-life balance, including women in wildland fire that want a career and raise a family; mental health challenges; remote duty stations; expensive duty stations with limited affordable housing options; and limited career advancement opportunities pose additional challenges to hiring and retaining federal wildland firefighters. Many of these factors are compounded by an increase in the number and severity of wildfires and longer wildfire seasons.

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**d. Can you please provide some insight in how your agency is working to modernize the firefighting workforce?**

**Response:** The Department's efforts to modernize the wildland firefighting workforce were initiated in fiscal year 2021 when the Congress provided the Department \$29 million to convert more wildland firefighters to permanent positions and increase wildland firefighter hiring. In 2022, the Department completed a wildland firefighter workforce assessment to help inform a broader workforce strategy. Currently, the Department—in coordination with the USDA and OPM—is developing a long-term, comprehensive wildland firefighter workforce reform strategy that will address acute workforce needs. Items being considered are compensation; workforce capacity; training and professional development; mental health, safety, and well-being; access to affordable housing; and improvements to wildland fire facilities, critical infrastructure, technology and equipment.

**Question 2: Both DOI and USDA received \$50 million to assist in workforce training for non-federal firefighters and Native Village fire crews. Can you please provide some insight on how much of that \$50 million is still available and what have your departments done with this funding?**

**Response:** To date, the Department has allocated \$5.4 million that was made available through the Bipartisan Infrastructure Law to begin initial training efforts to increase the pace and scale of fuels treatments. This investment includes implementing recommendations of the National Wildfire Coordinating Group to develop a performance-based training system that assesses training regimens and improves position-specific standards for training and qualifications. In fiscal years 2023-2026, the Department—in cooperation with the Forest Service—plans to build on these efforts by hiring additional staff and establishing a National Workforce Development Program to continue to advance training and career development across the Wildland Fire Management program. This investment also includes funding for staff positions that will perform additional analysis and training development, including a study of future workforce training requirements that are needed to carry out large landscape treatments.

**a. What are some of the limiting factors that have impeded the recruitment of native firefighters?**

**Response:** The Alaska Fire Service saw a drastic decrease in Alaska Native firefighters when the Federal Interagency Wildland Firefighter Medical Standards were implemented in 2020. Employing firefighters that meet the Interagency Medical Standards helps to ensure that firefighters can perform the full range of duties without endangering the health and safety of the individual and others. Despite efforts to make available firefighter physicals in local communities or regionally, interest in many communities continued to decrease dramatically. Additionally, mandatory background check requirements were put in place for access onto Fort Wainwright, and they became a deterrent for some Alaska Natives to serve as wildland firefighters. Finally, there is also evidence that competing employment opportunities have drawn previous firefighters and potential new hires away from federal firefighting, including contracted

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firefighting crews. The Department is committed to working with Alaska Native partners and stakeholders to consider how to improve the recruitment and retention of Alaska Native firefighters.

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**Question from Senator Angus S. King, Jr.**

**Question:** In your testimony on my bill, the Small Diameter Timber and Underutilized Materials Act, you expressed the Department has concerns about impacts on C&O land and CBWR lands and that allowing removal of small diameter timber at no cost might have on those communities that receive payments based on timber sales.

**If those lands were exempted, would the Department be able to support this bill otherwise?**

**Response:** Removal of small-diameter trees to mitigate wildfire risk is currently successfully implemented by the Department to reduce fuels in high-risk areas. The Department supports expanding upon the existing authorities to increase our ability remove small-diameter trees and recommends additional dialog with the both the Forest Service and the Department to provide technical assistance on the bill.

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**Questions from Senator John Hoeven**

**Question: Local stakeholders know best how to take care of our public lands. Maintaining workforce continuity in local Bureau of Land Management offices is key to developing a collaborative relationship between the agency and our communities, in line with the multiple use mandate for public lands.**

**What steps are you taking to address staffing challenges in your regional and field offices, including the retention of local staff?**

**Response:** The BLM has developed hiring strategies to attract the most qualified applicants, increase diversity and fill skill gaps. We have also embarked on a workforce assessment to help us identify the skillsets we don't have but that we need to rise to the challenges public lands will face in the coming years. In addition, the BLM has streamlined hiring and onboarding processes and embraced flexible work strategies to improve recruitment. Within the last fiscal year, the BLM has reduced the time it takes to onboard new employees by half.

U.S. Senate Committee on Energy and Natural Resources  
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Question for the Record Submitted to Mr. James W. Hourdequin

**Question from Senator Angus S. King, Jr.**

**Question:** Thank you for your testimony today on the importance of adequately preparing the next generation to work in logging—as you mentioned, in Maine we’re especially focused on this as so many families have worked for generations in the woods of our state and we want to see that continue.

- a. My question relates to a recent article you did from Bloomberg about carbon markets and your concerns surround the current state of those markets. What do you think Congress can do to help standardize the system to ensure that we are being effective and efficient in this work?

Senator King,

Thank you for this question. I believe that the most constructive role for Congress is: (1) ensuring continued support for the Forest Service’s forest inventory and assessment (FIA) program and (2) funding for basic research on how forest management practices impact carbon storage and climate. Today’s carbon markets are governed by a variety of systems and protocols, some rooted in state programs like the California Air Resources Board (ARB) and others based on voluntary market standards. It is my view that unless the federal government initiates its own cap and trade program, there is a limited role for Congress and the federal government in designing or influencing the standards of these programs. If they are to survive long-term, the voluntary market programs will be standardized and improved based on the demands of offset buyers and offset sellers.

While many believe that voluntary market programs will experience significant growth over the next several years, the lack of consistent standards and public concerns about greenwashing and the additionality of improved forest management (IFM) projects could create challenges for these markets. Objective research that evaluates the climate efficacy of carbon projects and management practices on forestlands in the US will be most valuable in helping buyers, sellers, and the general public determine which approaches make the most sense for the climate.

My own view is that landowners, conservation organizations, and other stakeholders have accepted lower climate benefits from carbon offset projects because the projects deliver several “collateral benefits” for conservation and wildlife. We might achieve better and more accurate carbon accounting if carbon offset projects were more squarely focused on climate benefits. Such a focus might incentivize reforestation of currently vacant lands and efforts to reduce fire risk on fire-prone lands. In this context, funding for traditional land conservation, including working forest conservation easements through the federal Forest Legacy program, could play an important role in achieving broader conservation outcomes and strengthening sustainable forest management and the forest products industry in the US. I commend Congress for the provisions in the Inflation Reduction Act (IRA) that increase Forest Legacy funding by \$700 million. Traditional land conservation is a proven and effective tool for achieving a broad array of conservation, climate, water-quality and wildlife conservation outcomes.

Sincerely,

Jim Hourdequin

U.S. Senate Committee on Energy and Natural Resources  
September 29, 2022 Hearing: *Pending Legislation*  
Questions for the Record Submitted to Mr. Patrick O'Toole

[No Response was received at the time of publication]

Questions from Senator John Hoeven

**Question 1:** Your written testimony mentioned that the current lack of effective forest management is impacted in part by environmental litigation, which diverts resources and impairs the ability of the Forest Service to take proactive action to manage our forests.

How would the Promoting Effective Forest Management Act (S. 4904) help address and reduce the risk of litigation?

**Question 2:** How can placing a greater focus on restoration efforts serve as an effective method of reducing long-term fire risks?

**Question 3:** Your written testimony notes that irrigation and grazing activities help contribute to effective range stewardship.

Will you share examples of how both irrigation projects and grazing contribute to more resilient forests and grasslands?

**Senator Dianne Feinstein  
Statement for the Record on “Save Our Sequoias Act”  
Energy and Natural Resources Committee Hearing  
September 29, 2022**

Chairman Manchin, Ranking Member Barrasso, and Members of the Energy and Natural Resources Committee, thank you for the opportunity to provide a statement in support of the “Save Our Sequoias Act” (S. 4833).

Simply put, for the first time in the thousands of years of their lives, giant sequoia trees are seriously endangered. And so I appreciate the Committee including this important bill on the hearing agenda for today, and I thank Senator Padilla for working with me on the bill, as well as the bipartisan sponsors of similar legislation in the House.

The “Save Our Sequoias Act” would codify an existing dedicated group of federal, state, local, and tribal land managers called the “Giant Sequoia Lands Coalition” and

charge them with developing wildfire resilience projects to help save these magnificent trees.

The bill would also provide federal agencies with narrow, targeted authorities to implement these projects quickly and protect our remaining sequoias, and would require a strategy to enhance sequoia reforestation.

Giant sequoias are one of the most iconic plants in the world. The sequoia known as “General Sherman” is the largest tree on Earth at more than 100 feet in circumference and 275 feet tall. These trees are also remarkably fire-adapted, with spongy bark up to two feet thick.

Giant sequoias are only found naturally in the United States, and in fact only in my home state of California. Nevertheless, as many members of this committee know from first-hand experience, they have been a source of reverence and amazement to lovers of nature around the

world for many years, including Americans like John Muir and Theodore Roosevelt.

Sequoias were long considered nearly immune to the effects of wildfires, but unfortunately, devastating fires in recent years have overwhelmed even their potent defenses. Officials have estimated that 20 percent of all mature giant sequoias have been lost just since 2020. Scientific research has additionally suggested that without significant action, another 20 percent could be lost in the next three years.

To prevent such as tragedy, the “Save our Sequoias Act” would codify the Giant Sequoia Lands Coalition, an existing group of public land managers with jurisdiction over sequoia groves, and require it to develop a strategy to make sequoia groves more resilient to wildfire. It would provide statutory support for the Biden Administration’s emergency declaration that is currently expediting sequoia wildfire resilience projects.

Federal agencies should not be reliant on emergency authorities, however, in order to implement necessary wildfire resilience projects that will become more common in the future. To that end, our bill makes narrow, targeted adjustments to authorize federal agencies to implement sequoia protection projects in the highest wildfire-risk areas. It also authorizes the federal agencies to engage with the local community to conduct these projects, from tree nurseries and wood product companies to local and Tribal governments. Californians have an interest in protecting these magnificent trees, and this bill recognizes their role in providing aid.

Lastly, our bill ensures that we do not simply mitigate future sequoia losses but also begin the process of regrowth. Since sequoias can live to be thousands of years old, it's never too early to begin rejuvenating these groves.

Giant sequoias are one of the great treasures of the world, not just of California, and their loss in recent years

should prompt urgent action. Thank you again for your consideration of the "Save Our Sequoias Act."

**Senator Alex Padilla**  
**Statement For The Record**  
**9/29/22 SENR Cmte Hearing**

Chairman Manchin, Ranking Member Barrasso, and Members of the Energy and Natural Resources Committee, thank you for the opportunity to express my support for the “Save Our Sequoias Act” (S. 4833).

Though sequoias have coexisted with fire for thousands of years, the higher-severity fires of recent years have pushed them to a breaking point. Thousands of giant sequoias have burned over the past five years as a result of increasingly intense wildfires, and thousands more are expected to burn if we don’t move quickly to save them.

This legislation would serve to protect these centuries-old national treasures by codifying a critical group of federal, state, local, and tribal land managers called the “Giant Sequoia Lands Coalition” and requiring it to submit a science-based assessment of the health of

each giant sequoia grove and provide recommendations to improve their wildfire resiliency. This assessment will provide a better understanding of the threats facing giant sequoias, which will in turn give the Forest Service the sound knowledge they need to produce a strategy and expeditiously conduct targeted treatments in the groves.

Crucially, this bill codifies narrow authorities to complete emergency treatments in giant sequoia groves, including reforestation, prescribed burns, and fuels reduction projects to address wildfire vulnerabilities.

As we saw with the Washburn Fire in California earlier this year, decades of proper forest management helped save the Mariposa Grove of giant sequoias, which includes the famed Grizzly Giant, the most renowned sequoia in Yosemite National Park that stands at a remarkable 209 feet tall. This bill would build upon that success to implement much-needed fuels management projects and improve the resiliency of other sequoia groves.

The “Save Our Sequoias Act” allows for partnerships between the federal government and Tribes, local governments, and the private sector to conduct sequoia forest management in addition to grant programs for sequoia nurseries and companies who produce wood from thinning projects.

Protecting our communities and forests from the devastating effects of wildfires is an all-hands-on-deck emergency. I am proud of our bill, and I am confident it will better preserve California’s giant sequoias and create stronger, healthier forests.

I thank my colleague Senator Feinstein for her leadership and willingness to work together on this bill, and I look forward to working with my colleagues to pass the Senate version of the “Save Our Sequoias Act” as quickly as possible.

Thank you, Mr. President, I yield the floor.

###



September 29, 2022

The Honorable Joe Manchin III  
Chairman  
Senate Committee on Energy and Natural  
Resources  
United States Senate  
Washington, DC 20510

The Honorable John Barrasso  
Ranking Member  
Senate Committee on Energy and Natural  
Resources  
United States Senate  
Washington, DC 20510

Dear Chairman Manchin, Ranking Member Barrasso, and Members of the Senate Committee on Energy and Natural Resources:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express views on the following bills being considered by the Senate Committee on Energy and Natural Resources on September 29, 2022. We respectfully request that this letter be included in the hearing record.

**S. 4833, Save Our Sequoias Act**

TWS appreciates the goal of S. 4833 to reduce the risk that uncharacteristic wildfire poses to Sequoia groves. We also support the provisions that would authorize appropriations specifically for treatments in these groves. However, we have concerns related to the provisions that would expand the use of existing emergency authorities related to NEPA analysis and judicial review to the Sequoia groves. We fear that, in addition to weakening public input, environmental review, and site-specific scientific analysis, these provisions will only lead to more controversy surrounding the work that needs to be done to protect these important forests. We hope to work with the bill sponsors to address these concerns.

**S. 4835, Small-diameter Timber and Underutilized Material Act of 2022**

TWS supports the goals of S. 4835, sponsored by Senator King. This bill recognizes the economic challenge of removing excessive amounts of small-diameter trees and addresses the problem constructively by reducing some of the economic and administrative barriers to removal. In many situations, the removal of small-diameter trees may never be commercial viable, so it is important for Congress and state governments to continue providing funding for non-commercial removal of small trees and other hazardous fuels.

**S. 4877, Civilian Conservation Center Enhancement Act of 2022**

TWS supports S. 4877, the Civilian Conservation Center Enhancement Act of 2022. This legislation would make use of job corps centers and other residential workforce development programs to expand the wildland firefighting workforce, and provide a valuable pathway to employment for program graduates. The bill would also establish a pilot program to develop employee housing for firefighters and other agency employees. In doing so, the bill would address critical needs in the management of federal lands. We urge the committee to support this bill.

**S. 4904, Promoting Effective Forest Management Act of 2022**

TWS has concerns with S. 4904, sponsored by Senators Barrasso and Manchin, as it is currently drafted. Our concerns lie mainly with three sections of the bill: Sections 101, 202, and 401.

Section 101 establishes thinning targets for the National Forest System and public lands, doubling these targets by fiscal years 2025 and 2026 and quadrupling the targets by fiscal year 2027. We

appreciate that the targets created in this section measure the amount of acres treated, not the amount of timber produced. Focusing on acres, as opposed to timber volume, makes the size of trees immaterial, thus allowing the agencies to focus on removing small diameter trees, which is key to an effective strategy to reduce the risk of uncharacteristic wildfire. TWS also supports the goal of Section 101 to increase the amount of acres treated per year, as we know this is also necessary to reduce risk. However, it is best policy for agencies to set their own targets to ensure they are based on sound science, as opposed to having Congress legislate these targets, and this is where the heart of our concern lies. We would like to work with the bill authors to refine this section to allow agencies to increase the number of acres treated in a way that prioritizes risk reduction and ecosystem health.

Section 202 deals with defining and managing mature and old growth forests. While TWS supports the concept of relying upon scientists with relevant backgrounds to define what constitutes an old growth forest, we do not support any effort to disrupt the process of defining and inventorying old growth forests that is currently underway in the Administration as a result of President Biden's [Executive Order on Strengthening the Nation's Forests, Communities, and Local Economies](#). If enacted as currently written, this section would disregard the actions already undertaken by the Department of Agriculture, resulting in unnecessary delay of the important process. Additionally, the definition of mature forest should be determined by the Administration, taking into account the best available science. The definition should not be mandated by Congress, as this section would do.

Section 401 mandates that each National Forest and each unit of public lands must use at least one streamlining authority from a set list within three years. While TWS appreciates and understands the desire to speed restoration work in our nation's forests, we are opposed to force-feeding these authorities to the federal land managers. The use of streamlined authorities must remain within the discretion of the experts at each respective agency who are able to determine what is best practice for the forests and lands within their jurisdiction. An arbitrary mandate from Congress will certainly not result in the best and most appropriate projects for each unit of land.

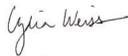
TWS is supportive of many of the goals of S. 4904. We hope to work with the sponsors to further refine the sections discussed above.

**S. 4945, A bill to require the Secretary of Agriculture to establish a pilot program for the establishment and use of a pre-fire suppression stand density index, and for other purposes**

TWS supports the goal of restoring our nation's federal forests to their natural state, before the practice of fire suppression became widespread. In addition to the pre-fire suppression stand density index, it is important to take into account both the abundance of large trees present before fire suppression and the species composition of the forest at that time. Additionally, founding a collaborative to establish the historic stand density index and monitor implementation of the treatments in pilot areas could be beneficial.

Thank you for considering our views.

Sincerely,



Lydia Weiss  
Senior Director, Government Relations  
The Wilderness Society

September 28<sup>th</sup>, 2022

The Honorable Joe Manchin, Chairman  
Senate Committee on Energy & Natural Resources  
304 Dirksen Senate Building  
Washington, DC 20510

The Honorable John Barrasso, Ranking Member  
Senate Committee on Energy & Natural Resources  
307 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

We write to express our deep concerns about S.4904, the Promoting Effective Forest Management Act of 2022. Rather than facilitating science-based forest restoration and stewardship, the legislation instead doubles-down on failed forest management policies and procedures. While some of the draft provisions may have merit, others are unnecessary, duplicative of existing authorities, or will actively cause ecosystem harm. Until substantial changes are made to the legislation, we urge you to oppose S. 4904.

Title I, Accomplishments Over Rhetoric, Section 101 (“Thinning Targets”) requires the federal land management agencies<sup>1</sup> to determine annual acreage targets for mechanical precommercial and commercial thinning, accomplish those acres, and then to double and then quadruple the number of acres logged through fiscal year 2027. The federal land management agencies already establish annual acreage targets, although accomplishment is based on available funding and staffing, factors that are not addressed in the legislation. Furthermore, acreage targets do not provide an accurate depiction of whether the highest priority acres are treated, or whether treatments are ecologically appropriate or effective in protecting communities. The term “thinning” has no consistent definition and often involves felling and removal of older forests and trees that can harm the environment. Additionally, there are other important metrics that should be used to determine forest management goals including impacts to climate and water quality. This section should be removed from the final bill.

Title I, Accomplishments Over Rhetoric, Section 102 (“Annual Reports”) requires the federal land management agencies to report numerous aspects of federal forest management. Because the agencies already collect and report this information to Congress, this section is unnecessary and duplicative of existing law, and will cause confusion and delay within the reporting agencies. This section should be removed from the final bill.

Title I, Accomplishments Over Rhetoric, Section 103 (“Transparency in Fire Mitigation Reporting”) requires the agencies to report acres treated to Congress and precludes “double-counting” acres that have not yet received their final treatment as completed. While we support the intent of precluding double-counting of acres, we do not support only reporting outputs (i.e., acres treated) as opposed to outcomes (i.e., whether watershed function has improved).

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<sup>1</sup> The legislation exempts from its application the Oregon and California Lands, 2.6 million acres of forested lands managed for multiple uses by the Bureau of Land Management in western Oregon. Sec. 2(2)(B).

Title I, Accomplishments Over Rhetoric, Section 104 (“Regional Carbon Accounting”) requires the federal agencies to determine whether federal forests are carbon sources or sinks. We support this provision.

Title I, Accomplishments Over Rhetoric, Section 105 (“Targets for Wildlife Habitat Improvement”). We are concerned this section would have unintended consequences. It would require forests to develop strategies to meet their wildlife habitat objectives, but the forest plans themselves already contain strategies to meet those objectives. The unintended harmful consequences of legislating such targets arise because there is an important element of flexibility needed when implementing forest plans through planning and approval of site specific projects. Forest plan objectives relate to species with different habitat needs. In practice, such unintended consequences cannot be known until project level surveys and assessments are performed. Legislating these objectives could create gridlock by making these project-level choices inflexible. We request this section be removed in the final bill.

Title II, Forest Management, Section 201 (“Land and Resource Management Plans”) requires the Comptroller General of the United States to report on the time necessary for the Forest Service to complete the forest plan revision process required by the National Forest Management Act, versus the time it would take for the Forest Service to complete the planning process under the provisions of law applicable to the National Park Service. This section is vague and its requirements would be impossible for the Comptroller to accurately assess: it does not identify which procedures or laws applicable to the National Park Service are considered superior and fails to recognize that the National Park Service and Forest Service have different statutory schemes and congressional intent. This section should be rectified or removed in the final bill.

Title II, Forest Management, Section 202 (“Management of Old Growth and Mature Forests”) would harm efforts to protect the nation’s mature and old-growth forests and trees. The land management agencies are in the process of implementing Executive Order 14072, *Strengthening the Nation’s Forests, Communities, and Local Economies*, which requires the agencies to develop policies to conserve “mature” and “old growth” forests. Section 202 would undermine this effort by needlessly adding additional layers of complexity to developing protective regulations. More importantly, section 202 undermines the goals of the EO by directing the Forest Service to focus logging activity on “mature forests,” which, under the section’s definition, would include all forests older than the culmination of mean annual increment. Further encouraging the agencies to log these forests would have disastrous ecological and climate impacts as they are some of the most biodiverse and carbon-rich forests managed by the federal agencies. Mature trees are also generally more fire resistant. In essence, section 202 does nothing to protect the nation’s climate-critical mature forests, rather it encourages the federal forest agencies to continue logging them. Therefore this section is harmful and should be removed from the final bill.

Title II, Forest Management, Section 203 (“Assessment of Process-Based Restoration Techniques”) requires the land management agencies to establish a pilot program to evaluate process-based aquatic restoration techniques on the experimental forests and ranges managed by the Forest Service. Natural climate solutions, such as beaver restoration to increase water storage capacity on the national forests, are worthwhile restoration tools, and we support this section.

Title II, Forest Management, Section 204 (“Intervenor Status”) allows local governments to intervene as a right in civil litigation challenging wildfire risk reduction actions or revenue-generating timber projects on the federal lands. This section is unnecessary because such governments already have the ability to intervene in such litigation, and there is no evidence that local governments have been unable to participate in litigation under the status quo. This section should be removed from the final bill.

Title II, Forest Management, Section 205 (“Utilizing Grazing for Wildfire Prevention”) requires the land management agencies to develop a strategy to increase grazing on federal lands to reduce wildfire risk. This provision is inconsistent with the best available science, which demonstrates that grazing *increases* wildfire risk and hazard. Livestock grazing exacerbates the introduction and spread of invasive species such as cheatgrass that increase fire severity and spread. Livestock grazing in dry southwestern forests has been shown to sharply increase the density of small trees that fuel crown fires by removing native grasses that otherwise compete with those trees. This section should be removed from the final bill.

Title III, Workforce, Section 301 (“Logging Workforce”) creates a training program to encourage entrance into the forest products (i.e., “logging”) workforce, and a loan program to facilitate the purchase of new logging equipment. This section is unnecessary: private industry (and public land grant universities) already provide for training for the forest products industry, and it is not appropriate for public funds appropriated through Congress to facilitate or subsidize this private industry and equipment acquisition. This section should be removed from the final bill.

Title III, Workforce, Section 302 (“Break-In-Service Consideration for Fire-Fighter Retirements”) requires the Secretary of Labor to promulgate regulations to ensure that wildland firefighters who take a voluntary break in service of not more than 9 months do not forfeit their retirement. We support this provision: currently, female wildland firefighters in particular have been penalized with the loss of their retirement for taking maternity or family leave. This provision ensures equitable treatment for caregivers and should be retained in the final bill.

Title IV, Cultural Change in Agencies, Section 401 (“Mandatory Use of Existing Authorities”) requires the federal agencies to use existing statutory categorical exclusions. This section is unnecessary because the Forest Service is already using these authorities across the National Forest System. Unfortunately, in many instances, use of certain CEs are inappropriate, fail to publicly disclose environmental effects and can cause environmental harm. Given that the BLM does not maintain a significant forest management program on its lands outside of the Oregon and California lands (which are exempted from the legislation), the language is surplusage. This provision should be removed from the final bill.

Title IV, Cultural Change in Agencies, Section 402 (“Curtailing Employee Relocations”) requires the Forest Service to curtail employee relocations, encourage the external hiring of line officers, and limits Forest Service reimbursement of employee relocation costs. While we support the intent of this section, it should be improved and clarified in the final bill. In particular, the section only applies to “line officers” and not other agency personnel that are essential to mission critical work and should preclude the reimbursement of relocation expenses for employees that transfer duty stations more than once every 4 years. We support incentivizing the recruitment and retention of well-qualified agency personnel and would recommend additional methods to do so for inclusion in the final bill.

In sum, S. 4904 is rushed legislation with many ill-considered concepts and proposals that can result in harm to forests, watersheds, wildlife and communities. As such, it should be opposed unless and until significant changes are made.

Sincerely,

Center for Biological Diversity  
Defenders of Wildlife  
Earthjustice

Environment America  
Oregon Wild  
Sierra Club  
Southern Environmental Law Center  
Standing Trees  
Western Environmental Law Center  
Western Watersheds Project  
Wild Heritage



September 28, 2022

The Honorable Joe Manchin  
Chairman  
Senate Committee on Energy & Natural  
Resources  
304 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable John Barrasso  
Ranking Member  
Senate Committee on Energy & Natural  
Resources  
304 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso,

In advance of your Committee's legislative hearing on Thursday, September 29, the Congressional Sportsmen's Foundation (CSF) would like to express our strong support for S. 4904, the Promoting Effective Forest Management Act of 2022, which would improve forest health, reduce wildfire risk, and improve wildlife habitat on National Forests and public lands.

As the U.S. Forest Service continues to be unable to make significant headway addressing the forest restoration needs on the approximately 63 million acres of National Forest System lands at high or very high risk to catastrophic wildfire, this legislation is a step in the right direction to increase the resiliency of our federal forest resources to wildfire. The legislation takes a pragmatic approach to address wildfire threat and improve wildlife habitat by establishing annual mechanical thinning targets, incrementally increasing the acreage targets over time, requiring annual reporting of the status of meeting thinning goals, and increasing transparency for reporting fire mitigation work.

CSF particularly supports the provisions that would mandate the use of existing authorities and establish annual targets to meet wildlife habitat goals. Forest management policy reforms that propose to create new categorical exclusions are challenging to advance, and it is therefore all the more important for federal land management agencies to utilize the tools that Congress has given them. Several authorities are underutilized and requiring the use of one authority per unit over a three-year period is a low bar that should not be difficult to meet if federal land managers are serious about addressing wildfire threat and improving wildlife habitat.

Further, implementing a strategy to meet the wildlife habitat goals set forth in land management or resource managements plans is very much needed as National Forests and public lands consistently fail to meet minimum early successional habitat goals which negatively impacts a wide range of game and nongame wildlife species, including many species identified as

threatened, endangered, or as Species of Greatest Conservation Need. Currently, there is little accountability when wildlife habitat goals, which are developed through a rigorous public input process, are not met, and we see great value in developing a strategy to meet wildlife habitat objectives and requiring annual reporting on the implementation of the strategy to improve accountability.

In closing, the Promoting Effective Forest Management Act of 2022 is an important step towards addressing the wildfire crisis that increasingly plagues forest and wildlife resources on federal public lands, and we commend the Chairman and Ranking Member for their leadership championing this important bipartisan legislation.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Crane".

Jeff Crane  
President and CEO  
Congressional Sportsmen's Foundation