

**H.R. 188; H.R. 934; H.R. 1450; H.R. 1726;
H.R. 3389; H.R. 3396; H.R. 3499; H.R. 3522; AND
H.R. _____, “FOREST SERVICE FLEXIBLE
HOUSING PARTNERSHIPS ACT OF 2023”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 188, TO DIRECT THE SECRETARY CONCERNED TO COORDINATE WITH IMPACTED PARTIES WHEN CONDUCTING A FOREST MANAGEMENT ACTIVITY, AND FOR OTHER PURPOSES, “PROVEN FOREST MANAGEMENT ACT OF 2022”; H.R. 934, TO REQUIRE THE SECRETARY OF AGRICULTURE TO CARRY OUT ACTIVITIES TO SUPPRESS WILDFIRES, AND FOR OTHER PURPOSES; H.R. 1450, TO AMEND THE AGRICULTURAL ACT OF 2014 TO MODIFY THE TREATMENT OF REVENUE FROM TIMBER SALE CONTRACTS AND CERTAIN PAYMENTS MADE BY COUNTIES TO THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF THE INTERIOR UNDER GOOD NEIGHBOR AGREEMENTS, AND FOR OTHER PURPOSES, “TREATING TRIBES AND COUNTIES AS GOOD NEIGHBORS ACT”; H.R. 1726, TO REQUIRE THE SECRETARY OF THE INTERIOR TO PARTNER AND COLLABORATE WITH THE SECRETARY OF AGRICULTURE AND THE STATE OF HAWAII TO ADDRESS RAPID OHIA DEATH, AND FOR OTHER PURPOSES, “CONTINUED RAPID OHIA DEATH RESPONSE ACT OF 2023”; H.R. 3389, TO REQUIRE THE SECRETARY OF AGRICULTURE, ACTING THROUGH THE CHIEF OF THE FOREST SERVICE, AND THE SECRETARY OF THE INTERIOR TO CONDUCT AN EVALUATION WITH RESPECT TO THE USE OF THE CONTAINER AERIAL FIREFIGHTING SYSTEM (CAFFS), AND FOR OTHER PURPOSES, “EMERGENCY WILDFIRE FIGHTING TECHNOLOGY ACT OF 2023”; H.R. 3396, TO REQUIRE THE STANDARDIZATION OF RECIPROCAL FIRE SUPPRESSION COST SHARE AGREEMENTS, AND FOR OTHER PURPOSES, “FIRE DEPARTMENT REPAYMENT ACT OF 2023”; H.R. 3499, TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE DIRECT HIRE AUTHORITY TO APPOINT INDIVIDUALS TO FEDERAL WILDLAND FIREFIGHTING AND FIREFIGHTING SUPPORT POSITIONS IN THE FOREST SERVICE OR THE DEPARTMENT OF THE INTERIOR, AND FOR OTHER PURPOSES, “DIRECT HIRE TO FIGHT FIRES”; H.R. 3522, TO AMEND THE HEALTHY FORESTS RESTORATION ACT OF 2003 TO ESTABLISH EMERGENCY FIRESHED MANAGEMENT AREAS, AND FOR OTHER PURPOSES, “FIRESHEDS ACT”; AND H.R. ____, TO AMEND THE AGRICULTURE IMPROVEMENT ACT OF 2018 TO REAUTHORIZE FOREST SERVICE FLEXIBLE PARTNERSHIPS, “FOREST SERVICE FLEXIBLE HOUSING PARTNERSHIPS ACT OF 2023”

Tuesday, May 23, 2023

U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 2:15 p.m. in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, McClintock, Fulcher, Stauber, Bentz, Moylan, Westerman; Neguse, Porter, and Leger Fernández.

Also present: Representatives Boebert, Issa, Moore of Utah, Valadao; and Tokuda.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on nine forest management and fire suppression bills: H.R. 188 and H.R. 934 by Mr. McClintock; H.R. 1450 by Mr. Fulcher; H.R. 1726 by Representative Tokuda; H.R. 3522 by Mr. Moore; H.R. 3499 by Mr. Issa; H.R. 3389 by Representative Valadao; H.R. 3396 by Representative Harder; and Ranking Member Neguse's Forest Service Flexible Housing Partnerships Act of 2023.

I ask unanimous consent that the following Members be allowed to participate in today's hearing from the dais; the gentlemen from California, Mr. Valadao and Mr. Issa; the gentlewoman from Colorado, Mrs. Boebert; the gentleman from Utah, Mr. Moore; and the gentlewoman from Hawaii, Ms. Tokuda.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made a part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. TIFFANY. Last week, an article appeared in Politico arguing that the progressive left should get behind permitting reform because delay is a form of climate denialism. In making this case for speeding up our country's environmental analysis, an official was quoted as stating, "Yes, we can respect our environmental laws and we can move quickly at the same time." You may be surprised to learn this official was not a Republican governor or Member of Congress, but rather Democrat Energy Secretary Jennifer Granholm.

While this Committee has had some productive conversations on forest management this year, there is still too often a disconnect between what my friends on the other side of the other side of the aisle say about permitting reform versus Democrats in their own White House.

The reality is this isn't just a funding and staffing issue; we must reform laws like NEPA, and we have to do it now. We need to speed up the bureaucracy that has been slowing down forest management projects for decades if we want to truly confront the wildfire crisis.

What is true for clean energy projects is also true for forest management. We can streamline reviews for these projects and still respect our nation's environmental laws. For too long, we have been told that streamlining like categorical exclusions undermine bedrock environmental laws. This catch phrase of the left has lost virtually all meaning because it is often said without providing any evidence that these reviews will actually lead to worse environmental outcomes.

If anything, the opposite is true. We have seen time and time again that streamlining the bureaucracy has led to better environmental outcomes and better outcomes for local communities. Lake Tahoe is a prime example of this. Just 2 years ago, the Caldor Fire was bearing down on the Lake Tahoe Basin when it entered a hazardous fuels treatment area that was made possible by a Tahoe-specific categorical exclusion. These treatments dramatically slowed the fire and gave wildland firefighters the ability to fight back and save over 600 homes.

Nearby Grizzly Flats, which is less than 100 miles from this area, was ineligible for this 10,000-acre categorical exclusion. The result? A planned hazardous fuels project was delayed for nearly a decade and incomplete when the Caldor Fire occurred. The community was virtually wiped from the map.

The Tahoe categorical exclusion was the difference-maker in these two situations, and it is the type of tool that should be afforded to all of our national forests. That is why I am supportive of Congressman McClintock's Proven Forest Management Act, which would expand the use of categorical exclusions that has inarguably saved communities without compromising any level of environmental analysis.

We will also be considering Congressman Moore's FIRESHEDS Act, which builds upon cutting-edge Forest Service research to prioritize landscape-scale fuels reduction treatments to protect the most at-risk communities across the West. Anybody who supports the Forest Service's 10-year confronting-the-wildfire-crisis strategy needs to support this legislation, which complements it by using the same fireshed research.

The Forest Service has often called the Bipartisan Infrastructure Law a downpayment on the funding for the 10-year strategy, but it is far past time for us to put a downpayment on the streamlining necessary to actually complete this work. We are over a year into the implementation of this strategy, and without addressing our permitting challenges we will never meet the lofty goals set by the Forest Service.

I am also supportive of Representative Fulcher's Treating Tribes and Counties as Good Neighbors Act, which would improve the stewardship of Federal lands with our tribal partners. This bipartisan bill, which recently passed out of the House Ag Committee on a 59 to 0 vote, should be a no-brainer. My home state of Wisconsin is a leader in the use of Good Neighbor Authority, and I am excited to see legislation moving that will help improve this vital tool.

In addition to these forest management tools, we will be considering some thoughtful wildfire suppression legislation, including Congressman Issa's Direct Hire to Fight Fires Act;

Congressman Valadao's Emergency Wildfire Fighting Technology Act; and Congressman McClintock's fire suppression legislation. These bills are the first step in fulfilling key guiding principles for this Subcommittee that we must put wildland firefighters into winnable situations, and we must address their challenges in a fiscally responsible manner.

As is the case with forest management, we must remember that this is not simply a funding issue. While we need to ensure better and equitable pay for our wildland firefighters, we must also cut the unnecessary red tape that is preventing us from hiring these men and women in the first place. We must also make sure our current fire suppression practices aren't needlessly putting firefighters into harm's way.

I would like to thank all the Members on both sides of our dais for their leadership on the important bills before us today.

I also want to thank all the witnesses for being here and traveling long distances to provide your expert testimony. I look forward to hearing from each of you.

We will hear from Ranking Member Neguse when he arrives. But now, I would like to recognize Representative McClintock for 5 minutes in regards to two bills, H.R. 188 and H.R. 934.

You are recognized for 5 minutes.

STATEMENT OF THE HON. TOM MCCLINTOCK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MCCLINTOCK. Thank you, Mr. Chairman. You have done such a good job of describing them, I am not quite sure what I have left, but I will give it a try here.

H.R. 188, the Proven Forest Management Act, extends an existing law passed with bipartisan support and signed by President Obama in 2016. That is the law that provided a categorical exclusion from the National Environmental Policy Act for forest thinning projects up to 10,000 acres under certain conditions within the Tahoe Basin.

Under NEPA, a simple forest thinning project now requires an average of 4 years of environmental studies that produce reports often exceeding 800 pages. They cost millions of dollars to produce, often more than the value of the timber that we are removing. Federal timber auctions that once produced millions of dollars to the Federal Government and to the local communities affected now end up costing money. So, not a lot of it gets done. Federal timber harvests in the Sierra have declined 80 percent as a result.

The Lake Tahoe categorical exclusion has now been in effect for 8 years. It has taken the review time for thinning projects from 4 years down to less than 4 months. It has cut the reports from 800 pages down to a few dozen. Under this authority, the Tahoe Basin Management Unit has increased the removal of excess timber from 1 million board feet a year to an average of 9 million board feet. Treated acreage in the Tahoe Basin has tripled.

Mr. Chairman, you very clearly laid out what I like to call the tale of two cities from the Caldor Fire: one that was subject to this authority, saved from the fire; and the other, Grizzly Flats, which was not covered by this authority, utterly and completely destroyed.

The other bill, H.R. 934, requires the Forest Service to aggressively attack all fires as soon as they are spotted, and it provides authority for local fire departments to initially attack all fires on Forest Service land. This used to be known as the 10 a.m. Rule. Its abandonment has led to many instances of small fires that could have been easily extinguished exploding out of control instead. Perhaps most famous was the Yellowstone fire in the 1980s. In response, Reagan immediately reinstated the 10 a.m. Rule, only to have that order later abandoned.

The policy of allowing fires to burn is based on the premise that active suppression of fires leads to a buildup of excess fuel, and that is right as far as it goes. If you are not going to remove excess timber from a forest, you are going to have a lot of fires. And if you put those fires out, yes, you are going to have bigger fires. But that is the whole point of forest management: to remove excess timber before it can burn. Nature doesn't mind waiting a century for a forest to regrow. We mere mortals don't have that luxury.

A few years ago, the Tamarack fire began from a lightning strike and it smoldered for 10 days on a quarter acre of forest land. The Forest Service sent helicopters over it every day to take pictures for its Facebook page, but it never bothered to drop a single bucket of water to put the fire out. Worse, it forbade local fire agencies from putting out the fire themselves. On the 10th day, the Tamarack Fire burst out of control. It ended up destroying 17,000 acres of forest land and about 80 homes. Their excuse was, well, it wasn't doing anything, so they decided to just monitor it.

Well, I put the question to them, "If you found a rattlesnake curled up in a corner of your bedroom that wasn't doing anything, would you simply monitor it until it did?" The Forest Service recognized how dangerous this policy was after the Tamarack Fire, and at least temporarily ordered initial attack on all fires in the Sierra. This bill simply makes that policy permanent.

Mr. Chairman, remember, only you can prevent forest fires. Maybe not all of them. But I can say with confidence that these two bills that restore proven forest management policies will prevent many forest fires and save many communities from the catastrophe visited on towns like Grizzly Flats. So, let's not waste any more time.

I yield back.

Mr. TIFFANY. Thank you, Representative McClintock. Next, I recognize Mr. Moore from Utah. His bill, the FIRESHEDS Act.

You are recognized for 5 minutes.

**STATEMENT OF THE HON. BLAKE D. MOORE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. MOORE. Thank you, Chairman Tiffany, Ranking Member Neguse, and other distinguished members of the Committee. It is always great to be back. Thank you for welcoming me and for keeping this really, really important piece of legislation on the forefront.

My team and I, and the entire state of Utah, and once all Americans learn about it, which I am sure they are going to study it all tonight, they are going to appreciate it, as well. This is simply a bill that is geared toward taking good data, good process, and

trying to implement it across our country. So, I appreciate the opportunity to join you today. And, again, this is called FIRESHEDS Act, and I appreciate the consideration.

I introduced this bill with my friends, Congressman Cuellar in the House and Senator Risch in the Senate. And as the summer season approaches, we stand on the brink of another wildfire season that will threaten communities, lands, family businesses, and more across our nation.

And I want to put it into context. Utah has had significant drought in the last few years, and we just experienced our highest snow totals ever. All of our communities in the Wasatch Front are under flood right now. We had an incredibly wet winter. And guess what? Even that leads to higher brush totals and higher potential risk of wildfire. So, this occurs in a drought. This occurs in high-water years. We have to be able to sincerely look at what we are doing in our forests.

Like I mentioned, fires form an integral part of our ecosystems. Their rate and severity, though, have increased in recent years. As a result, their impact in our lives and our environment has grown to levels that demand a new management approach.

The financial toll of uncontrolled wildfires is staggering. Each year, the Department of the Interior and the U.S. Forest Service collectively spend hundreds of millions of dollars to combat fires, a figure projected to rise consistently.

The economic and emotional impact are significant, as well. Last year, a fire in Parleys Canyon threatened and forced the evacuation of my constituents, which made this a personal issue for many of us.

Furthermore, the environmental consequences of wildfire cannot be overlooked. In 2020, researchers estimated that nearly 112 million metric tons of carbon dioxide, equivalent to the emissions from approximately 24 million cars driven for just 1 year, were expelled into the atmosphere due solely to California's wildfires in that very year. Twenty-four million cars driven for just 1 year from wildfires. I hope that we all can recognize this is something that we all need to be able to address and get ahead of.

Our current mitigation efforts are falling behind in the intensity of these fires. And without provocative approach, this gap will continue to expand. I introduced the FIRESHEDS Act to instigate a comprehensive shift in our approach to wildfire management that will help us better prevent fires before they even begin. The FIRESHEDS Act does this by leveraging modern technology to map and manage firesheds, areas that are particularly susceptible to wildfires, to undertake landscape-scale management projects ranked in the top 10 percent for wildfire exposure. It uses data to target the biggest areas of risk, to put it simply.

This targeted, science-based strategy will help us mitigate the likelihood of fires within these regions. By facilitating efforts to create fuel breaks to slow or halt fires, implement prescribed burns to rejuvenate ecosystems dependent on fire, and remove unhealthy tree stands to reduce burn risks in the fire-prone areas, we can ensure that our ecosystems are healthy and our communities are safe.

Because wildfires do not acknowledge state boundaries, the FIRESHEDS Act encourages shared stewardship agreements, promoting collaborative partnerships among states and with Federal Government. This approach has worked well in Utah, and I was honored to join Governor Cox, USDA Secretary Tom Vilsack, and others for the signing of an updated shared stewardship agreement.

As catastrophic wildfires predominantly afflict specific regions, their repercussions reverberate across our nation, underscoring the importance of a unified effort. Republicans and Democrats are united in our interest in safeguarding our natural resources for future generations. As a member of this Committee in the 117th Congress, I saw this firsthand, and appreciated learning from each of you. The FIRESHEDS Act will further the shared goal by modernizing the way we manage lands and breaking down barriers between Federal and state governments.

I just want to re-emphasize the point. Wildfires don't care if you are a red or a blue state. We, in Utah, have engaged the Federal Government and the partners that we have there to truly look at a data-driven approach and entered into shared stewardship agreements that we think so many states could partake and actually benefit from, and we strongly encourage that to be recognized as the emphasis of this bill.

Thank you again, Chairman Tiffany and Ranking Member Neguse for the opportunity to join you today. I hope the sense of urgency we feel can unite us behind this bipartisan, bicameral bill.

I yield back.

Mr. TIFFANY. Thank you, Mr. Moore. Now, I would like to recognize Representative Issa in regards to H.R. 3499, the Direct Hire to Fight Fires bill.

**STATEMENT OF THE HON. DARRELL ISSA, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. ISSA. Thank you, Chairman, Ranking Member. I don't have to tell you that California is the home of wildfires. Because of our size and the nature of our breakdown, there is no region in California that doesn't see a fire. Whether it is eastern San Diego County or western Riverside counties, including the Cleveland National Forest, we have enjoyed over 12 wildfires in my district in my 18 years of service. The Cedar Fires, the Harris Fires, the Witch Creek Fires were all devastating. Three times during my tenure the President of the United States has come out to look at the devastation.

That devastation can be mitigated, and you are working on many solutions. However, we cannot change the weather and we will not be able to change the reality that there will be wildfires. Governor Newsom and the state of California simply haven't done this kind of protection, and they won't do it as it happens again.

The time to plan and prepare isn't after a fire. It is before, when conditions are calm, when winds are tame, when fires are in the future. Just months ago, Governor Newsom bragged about his record budget surplus, and I and others encouraged investments in our future, including fire prevention. That opportunity, pun intended, went up in smoke. Now the state is saddled with a record

budget deficit. Make no mistake, Governor Newsom and his team didn't plan to fail, but so far they failed to plan.

So, now that the budget is in deficit, we need to have a consensus on some solutions. One of those solutions is my bill, Direct Hire to Fight Fires. The bill provides the fire service with direct hire authority it needs to swiftly hire skilled personnel.

Fifty-eight percent of California's forest lands are owned and managed by the Federal Government: the U.S. Forest Service, the Bureau of Land Management, and the National Park Service. In 2022, a combined 2,122 wildfires burned nearly 10,000 acres of land in our state. Yet, the Forest Service has limited ability to use direct hire authority. In 2022, the Forest Service was able to use direct hire, and it hired 4,860 people using direct hire, and only hired 16 without it.

It is clear that Congress must delegate direct hire authority to the Secretaries of Agriculture and Interior to fast-track firefighters appointments. Wildfire emergencies demand immediate action, and the bureaucracy and red tape should not tie our hands at a time in which our communities are burning. By streamlining the hiring process, this will ensure the ability to get the skilled firefighters who exist quickly, which will transform the firefighting service in a way that it never has before.

Fires need to be stopped from burning sooner. Every minute you stop a fire is a dramatic amount less fire that you have to stop.

With that, I thank the Committee for consideration and yield back.

Mr. TIFFANY. Thank you, Representative Issa. Next, I would like to turn to the Ranking Member for his opening statement of 5 minutes.

And I understand congratulations are in order.

Mr. NEGUSE. Thank you.

Mr. MCCLINTOCK. Yes.

Mr. NEGUSE. It is exciting.

Mr. TIFFANY. Share the information.

Mr. NEGUSE. Oh, sure. Well, thank you, first Chairman Tiffany, for your courtesy. And my apologies for delay in getting to the hearing.

As you mentioned, we had some news in our family. The Neguse family grew by one. My wife and I had our second child, a son, Joshua.

[Applause.]

Mr. NEGUSE. Yes, over the weekend. It is exciting. I will accept that applause on behalf of my wonderful wife, who deserves all of the applause. It is not my applause—

Mr. MOORE. It wasn't intended for you.

[Laughter.]

Mr. NEGUSE. Exactly, so I will relay that back to Andrea. But we are over the moon and very blessed.

**STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. NEGUSE. Thank you all to the witnesses for joining us today, for being a part of this important Subcommittee hearing.

Of course, a pleasure to have Jonathan Godes, in particular, from the Colorado Association of Ski Towns testifying today.

Today's hearing follows last week's important oversight hearing on forest management, wildfire suppression, and wildland firefighters, and includes several Forest Service bills, as the Chairman articulated previously, dealing with some of these issues. Today's bill list, in my view, demonstrates the complexity of topics which we have been discussing thus far this session, and the variety of issues that the Forest Service manages.

We have seen the devastating impacts of climate change in our forests and our communities as fire seasons continue to increase in frequency and severity. We have to recognize the need to do everything that we can to promote healthy and resilient forests and prioritize community safety.

Ensuring that wildland firefighters, who put their lives at risk each and every day to protect our constituents, are paid a fair salary, receive lifesaving benefits, and have access to affordable housing should be at the top of our list, and that is exactly why we are pursuing that path with my bill, Tim's Act.

First and foremost, my bill would sustain a well-deserved pay raise to ensure that the reforms that we secured in the last Congress are made permanent. Now, I realize that the bill is not on today's agenda, but I hope we can find a way to work together to get this done before we reach the projected pay cliff later this year.

I am delighted to see that one of my bills is included in today's agenda, the Forest Service Flexible Housing Partnership Act of 2023. This bill, by way of background, would extend a program first authorized under the 2018 Agriculture Improvement Act to allow the Forest Service to lease administrative properties to counties, municipalities, or other public entities to provide additional housing resources or address other local needs.

It is a great bill. Of course, I am biased, but I believe that it would cut red tape and administrative burdens and ultimately create opportunities for effective collaboration that will help address some of the housing challenges in rural communities. It is by no means a panacea, but as we will hear today from Mr. Godes, who serves on the Glenwood Springs City Council, it is an important tool already being put to good use to provide affordable housing for first responders in my state, in Colorado, like wildland firefighters, and to address Forest Service and other workforce housing capacity needs in our mountain communities.

We need to have an all-hands-on-deck approach to support our rural communities and the wildland firefighting workforce, which is why I am so encouraged also to see Representative Harder's Fire Department Repayment Act is included in this agenda. My colleague from California's bill establishes standard operating procedures for fire suppression cost share agreements to ensure reviews are done in a timely manner, and local fire departments continue to receive the support that they need and deserve.

Like I said at the top of my remarks, the Forest Service has a broad cross-section of responsibilities, which ranges from supporting local communities to protecting our forest and grasslands from the threat of invasive species. Representative Tokuda's Continued Rapid Ohia Death Response Act will help support ongoing efforts to address the fungal disease attacking native Ohia trees in Hawaii.

And I want to thank Representative Tokuda for her leadership. And I understand this is her first legislative hearing, and the only freshman or new Member, I should say, on our list of bills today. So, we are grateful to have her here, and to be able to hear her important bill, which will have a profound impact on her state.

I want to say thank you to our Chairman. I am encouraged that today's hearing includes three bills sponsored by Democratic Members. I think that is a significant step in the right direction that moves us closer to the balance that I worked really hard to try to achieve last Congress when I served as Chair of this Subcommittee. So, I want to thank the Chairman for his demonstrated interest in considering bipartisan and Democratic-led legislation.

I think we can all agree that our national forests are vital for water conservation, critical habitat, and public recreation. And as we continue this important discussion, I do hope that we can reflect on what many of our witnesses in the past have said before this Committee regarding the biggest challenge to our shared forest management priorities, and that is staffing and agency capacity. I suspect we are going to have a robust discussion on those issues and more today, and I hope we can work toward bipartisan solutions to address our shared concerns regarding reduced wildfire risk.

With that, Mr. Chairman, I yield back.

Mr. TIFFANY. Thank you to the Ranking Member. Next, I would like to recognize Representative Tokuda in regards to H.R. 1726.

Ms. TOKUDA. Thank you, Mr. Chair.

STATEMENT OF THE HON. JILL N. TOKUDA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Ms. TOKUDA. Chairman Tiffany, Ranking Member Neguse, and congratulations to you and Andrea on your new bundle of joy, and distinguished members of the Federal Land Subcommittee, thank you for including the Continued Rapid Ohia Death Response Act of 2023 in today's hearing, and thank you for the opportunity to speak in support of this important bill.

I want you to imagine stepping into a lush native forest, hearing the birds, honeycreepers singing in the canopy. And then, with a Thanos-like snap of your fingers, 50 percent of that forest disappears because of what is on the bottom of your shoe. Now, that sounds like science fiction, but that is exactly what is happening to one of Hawaii's most iconic trees that makes up 50 percent of all native forests, and covers nearly 1 million acres of forest land throughout Hawaii.

Ohia Lehua is foundational to our native ecosystems and is endemic to six of Hawaii's eight major islands, making it one of the most prolific of all native trees. Ohia Lehua is well adapted to

Hawaii's unique climates. It is the first tree that you will see spring up from a recent lava flow along the coast, and it is vital to the creation of new fertile lands. Growing from the coast to 8,000 feet above sea level, it keeps our mountains from eroding, prevents runoff, and protects the watershed for agriculture, drinking water, and other endemic plants and animals. Furthermore, Ohia Lehua provides critical habitat for birds and many other species, including many of Hawaii's federally endangered forest birds.

Ohia Lehua also has an important role in Native Hawaiian culture. Its wood was traditionally used to beat bark into clothing, serve as pounding boards to process taro into food, and make weapons in defense of lands. Its leaves were also used for medicinal teas and its flowers used to make lei and as adornments in traditional practices like hula. Because of the role these trees play in maintaining our forest canopy and watershed, Rapid Ohia Death, or RAD, poses a lethal threat to ecological balance in our islands.

Initially reported in 2010, RAD has already spread to tens of thousands of acres and killed over a million trees on Hawaii Island alone. Individual trees can die very quickly, their leaves turning brown within a few days and falling off in a matter of weeks.

Large swaths of dead Ohia trees pose extreme fire risk, especially in today's unstable climate, and are more prone to habitat-modifying noxious weeds and trees like miconia and strawberry guava, all of which are known to greatly impact watershed health and alter ecosystem function.

In April 2018, researchers finally determined that the cause of Rapid Ohia Death was two fungal species previously unknown to science. The RAD fungi is transmitted through wood, live plants, and soil, and it is thought to have originally come to Hawaii and spread throughout our islands on the shoes of visitors. Despite efforts to contain the spread of RAD to Hawaii Island through restrictions on the movement of plant material and increased sanitation programs, RAD has now been found on the islands of Oahu, Kauai, and Maui.

Because there is no known cure for RAD, it has the potential to kill off Ohia trees statewide and devastate our precious island ecosystems.

While RAD poses a critical threat to our native forests, watersheds, critically endangered forest birds, and natural beauty, support for combating RAD has been extremely limited. For example, the Lyon Arboretum, a local research facility on Oahu, has had to rely on funding through a GoFundMe campaign to further the vital seed banking of Ohia Lehua.

This is why I am proud to introduce the Continued Rapid Ohia Death Response Act of 2023, alongside Senator Hirono, which would require the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the state of Hawaii to address RAD. It also supports ongoing detection, prevention, and restoration efforts to combat RAD, including Federal resources to support critical research and staff.

We cannot stand to lose half of all of our native forests in Hawaii. This bill is critical in turning the tide in the fight against Rapid Ohia Death and protecting Ohia Lehua and Hawaii's unique ecosystems for future generations.

And in case you are wondering what Ohia Lehua looks like, my dress actually has the patterns of the flowers on it now. It is very much a part of our local culture and heritage.

So, mahalo for all of your support for this important piece of legislation.

Thank you again, and I yield back.

Mr. TIFFANY. Thank you for your testimony, Representative Tokuda.

Next, we are going to move on to our second panel, and this will be in regards to the forest management bills. We have Mr. Troy Heithecker, who is Associate Deputy Chief of the U.S. Forest Service; Mr. Robert Dugan, Chairman of the Placer County Water Agency; Mr. Cody Desautel, President of the Intertribal Timber Council in Portland; and Mr. Jamie Johansson, President of the California Farm Bureau.

Let me remind the witnesses that under Committee rules you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony, press the “on” button on the microphone.

We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

Mr. Heithecker, we will let you kick things off. You have 5 minutes.

**STATEMENT OF TROY HEITHECKER, ASSOCIATE DEPUTY
CHIEF, U.S. FOREST SERVICE, WASHINGTON, DC**

Mr. HEITHECKER. Thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. Thanks for this opportunity to testify on the fire and forest management-related legislation being considered before the Subcommittee today.

I currently serve as Associate Deputy Chief of the National Forest System for the USDA Forest Service. I started my career on the Tongass National Forest, working in forest management, and prior to this assignment, I served as the forest supervisor on the Ouachita National Forest, one of the most productive and actively managed forests in the country. I have either directly or indirectly been involved with forest management for my entire 25-year career with the Forest Service.

In my current position, I am responsible for policy oversight and direction for natural resource and public service delivery programs across 193 million acres of national forests and grasslands in 44 states and territories that make up the National Forest System. This includes our forest management programs, which are among the focus areas of the bills you are considering today.

Before we start the discussion on the bills on today’s agenda, I want to call attention to the urgency to invest in our wildland firefighters. As you know, critical infrastructure, homes, communities, structures, and natural resources are at grave and growing risk of catastrophic wildfire. Across the country, more than 12,000 Forest Service wildland firefighters benefited from the temporary pay increase provided by the Bipartisan Infrastructure Law.

Investing in our Federal firefighters means averting the pay cliff that thousands of Federal wildland firefighters will soon face. The President's budget request builds on the temporary pay increase, and it addresses what we desperately need: a permanent fix to increase Federal wildland and tribal firefighters pay; increased investments in their mental and physical health and well-being; improvements to their housing options; and an expanded number of permanent firefighters. The permanent pay reforms require authorizing legislation, and we are committed to working with you on advancing a comprehensive legislative proposal.

In addition to investing in our wildland firefighters, it is critical that we address work on the ground, which ultimately addresses the wildfire crisis. We are now in our second year of carrying out our 10-year strategy for confronting the wildfire crisis in the West. Our strategy aims to increase science-based fuels treatments by up to four times the previous treatment levels, especially in those areas most at risk.

The Forest Service is very grateful to Congress for providing the resources to seed our initial work and put the wildfire crisis strategy in motion. While we appreciate every effort that Congress is making to advance the wildfire crisis strategy, we have significant concerns about additional procedural and process requirements. For this reason, we cannot support H.R. 3522, the FIRESHEDS Act, as written.

We are also concerned that the FIRESHEDS Act could substitute a science-based approach to fire management with a specific state or governor's interest for a region, over-riding existing land management objectives.

USDA supports H.R. 1450, Treating Tribes and Counties as Good Neighbors Act. Expanding the authority to retain receipts to tribes and counties would significantly increased county and tribal participation in the Good Neighbor Authority and, in turn, help us increase the pace and scale of needed forest management activities.

USDA supports many of the goals of H.R. 188, Proven Forest Management Act, but would like to work with the bill's sponsors to address the concerns noted in our written testimony.

In addition, USDA recognizes the importance of the Ohia tree, and supports the intent of H.R. 1726, Continued Rapid Ohia Death Response Act.

I want to take a moment to discuss fire suppression, the topic of the second panel and the five remaining bills. By Forest Service policy, every fire receives a strategic, risk-based response that is appropriate for the circumstances. Each strategy uses the full spectrum of management actions to consider fire and fuel conditions, weather, values at risk, and resource availability. The Agency has serious concerns that H.R. 934 would remove critical resource management and firefighting tools and tactics from the interagency responders who have to make life-and-death decisions. Therefore, we cannot support the bill as written.

USDA appreciates the intent of Emergency Wildfire Fighting Technology Act, but does not support the incorporation of containerized systems into our suppression response, given safety and operational concerns.

USDA supports the intent of the Forest Service Flexible Housing Partnerships Act and the Fire Department Repayment Act, and would like to work with the Subcommittee and bill sponsors on them.

USDA would also like to work with the Subcommittee and bill sponsors on the Direct Hire to Fight Fires bill.

In closing, I want to reiterate the Agency's commitment to addressing the wildfire crisis. We greatly appreciate the significant resources Congress has provided to help us take the initial steps. We look forward to continuing to work with you.

Thank you, and I welcome your questions.

[The prepared statement of Mr. Heithecker follows:]

PREPARED STATEMENT OF TROY HEITHECKER, ASSOCIATE DEPUTY CHIEF, U.S.
DEPARTMENT OF AGRICULTURE, FOREST SERVICE

ON H.R. 188, "PROVEN FOREST MANAGEMENT ACT OF 2022";
H.R. 934, TO REQUIRE THE SECRETARY OF AGRICULTURE TO CARRY OUT ACTIVITIES
TO SUPPRESS WILDFIRES, AND FOR OTHER PURPOSES;
H.R. 1450, "TREATING TRIBES AND COUNTIES AS GOOD NEIGHBORS ACT";
H.R. 1726, "CONTINUED RAPID OHIA DEATH RESPONSE ACT OF 2022";
H.R. 3389, "EMERGENCY WILDFIRE FIGHTING TECHNOLOGY ACT OF 2023";
H.R. 3396, "FIRE DEPARTMENT REPAYMENT ACT OF 2023";
H.R. 3499, "DIRECT HIRE TO FIGHT FIRES";
H.R. 3522, "FIRESHEDS ACT";
AND H.R. ____, "FOREST SERVICE FLEXIBLE HOUSING PARTNERSHIPS ACT OF 2023"

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the views of the U.S. Department of Agriculture on several bills that include provisions related to the USDA Forest Service.

In addition to the bills on today's agenda, the agency would like to call attention to the urgency to invest in our wildland firefighters. Critical infrastructure, homes, communities, and natural resources are at grave and growing risk of catastrophic wildfire. Across the country, more than 12,000 Forest Service wildland firefighters benefited from the temporary pay increase provided by the Bipartisan Infrastructure Law (BIL), including more than 4,400 across California and Washington. Investing in our federal firefighters means averting the pay cliff that thousands of federal wildland firefighters will soon face when funds from BIL are exhausted later this year.

To continue to advance wildland firefighter pay reforms, and improve recruitment and retention rates, the President's FY 2024 Budget request increases Federal wildland and tribal firefighters' pay, invests more in their mental and physical health and wellbeing, improves their housing options, and expands the number of permanent firefighters. These reforms build on the temporary pay increase provided by the Bipartisan Infrastructure Law. The permanent pay reforms require authorizing legislation, and the Administration is committed to working with congressional leaders on advancing a comprehensive legislative proposal.

We offer the views below on behalf of USDA regarding the fire and forest management related legislation being considered before the subcommittee today, and we defer to DOI on those provisions that relate to DOI administered lands.

H.R. 188, "Proven Forest Management Act of 2022"

H.R. 188, the Proven Forest Management Act, includes several provisions affecting forest management.

Section 2(a) directs the Department of Agriculture (USDA), when conducting a forest management activity on National Forest System land, to coordinate with impacted parties to increase efficiency and maximize the compatibility of management practices across such land. This aligns with the requirements of the Multiple Use Sustained Yield Act of 1960 (MUSYA), National Forest Management Act (NFMA), and the 2012 Planning Rule which are the basis of our Land Management Plans. The MUSYA calls for the harmonious and coordinated management of the various resources, and NFMA similarly calls for development of land management plans through extensive public involvement as well as coordination with other local,

State and Tribal planning efforts. USDA is unclear on how this provision is intended to alter or improve the coordination and public engagement which the Forest Service already conducts.

Section 2(b) directs USDA to conduct forest management activities on National Forest System land in a manner that attains multiple ecosystem benefits, so long as the costs associated with attaining such benefits are not excessive. The Forest Service manages National Forest System lands for multiple ecosystem benefits and impacts in compliance with the Organic Administration Act of 1897 and the Multiple-Use Sustained-Yield Act of 1960 (MUSYA). As the MUSYA already directs that the renewable surface resources of the National Forest System are to be managed for sustainable multiple use goods and services, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output, we are not sure what this provision is intended to change. In addition, we are uncertain how we would apply the exception for excessive costs, as “excessive” is not defined and the intent of this provision is unclear.

Section 2(c) directs USDA to (1) establish any post-program ground condition criteria for a ground disturbance caused by a forest management activity required by the applicable forest plan, and (2) provide for monitoring to ascertain the attainment of relevant post-program conditions. Forest Service Land Management Plans and project plans incorporate standards and guidelines designed to limit the potential adverse impacts of ground-disturbing activities, and monitoring is provided for at the plan and project level. The Department would like to work with the bill sponsor to understand the intent of this provision and to clarify the language.

Section 2(d) categorically excludes certain forest management activities for reducing forest fuels from the National Environmental Policy Act (NEPA). The Department would like to work with the bill sponsor to understand the intent of this provision and its alignment with the agency’s existing authorities to conduct hazardous fuels reduction projects under the Healthy Forests Restoration Act of 2003.

Section 2(e) allows USDA, in conjunction with land adjustment programs, to enter into contracts and cooperative agreements with a qualified entity to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on federal lands and nonfederal lands within such programs. Recognizing the importance of cross-boundary work, the Department supports the intent of this provision, but would like to work with the bill sponsor to clarify the scope and parameters of this provision.

USDA supports many of the goals of this bill including public engagement, managing for multiple ecosystem benefits, and cross-boundary management. USDA would like to work with the bill sponsors to address the concerns noted in our testimony.

H.R. 934, To require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes

In January 2022, the Forest Service launched a robust, 10-year Wildfire Crisis Strategy. The strategy is designed to invest in places where wildfire poses the most immediate threats to communities and infrastructure. The strategy combines a historic investment of Congressional funding with years of scientific research and planning into a national effort that will dramatically increase the scale and pace of forest health treatments over the next decade. Through the strategy, the agency will work with states, Tribes and other partners to address wildfire risks to critical infrastructure, protect communities, and create more resilient forests.

H.R. 934 directs the Secretary of Agriculture, acting through the Chief of the Forest Service to use all available resources to suppress wildfires and to extinguish them no later than 24 hours after a fire is detected on National Forest System lands. It also requires immediate suppression of any prescribed fire that exceeds prescription and dictates that fire may only be used as a resource management tool if the fire is a prescribed fire that complies with applicable law and regulations; and that the agency may only initiate a backfire or burnout during a wildfire by order of the responsible incident commander to protect the health and safety of firefighting personnel.

By Forest Service policy, every fire receives a strategic, risk-based response that is appropriate for the circumstances and the associated threats and opportunities. Each strategy uses the full spectrum of management actions that consider fire and fuel conditions, weather, values at risk, and resource availability. Fighting fire effectively requires all the current tools available to the agency, particularly in life-saving scenarios such as firefighter and public safety, the protection of life and

property, and efforts to protect communities and infrastructure (such as electricity, bridges, and roads), cultural sites, watersheds and other natural resources.

Our goal is to minimize the number of devastating, destructive large wildland fires. Federal and non-federal resources work together whenever possible to safely and effectively contain these fires. Approximately ninety-eight percent of all reported fires are caught during initial attack. Fires that escape initial attack continue to receive full suppression action with support from available aviation assets.

For more than a century, policies that favor fire suppression have contributed to fuels buildup and dense forests that are more likely to burn. The agency also recognizes that prescribed fire can play an essential role in restoring the health of forests if they are closely managed in the right place, at the right time and for the right reason. These fires are only used in carefully selected circumstances and with assurances of no undue risk to life, property or communities, and with the appropriate resource availability to safely manage for resource benefits. By policy, these fires must also be consistent with interagency policy and Land and Resource Management Plans. Lightning ignitions help with fuels reduction, support renewal of wildlife habitat, restore ecosystem and forest health and can prevent larger, more destructive fires in the future, particularly in fire-prone and fire-adapted ecosystems. To support decision making, the agency uses the best available science and weather data to develop strategies and tactics that reduce smoke production, and secure and protect communities.

Prescribed fire is a key component of the hazardous fuels management and forest health. Prescribed fires may be ignited to reduce hazardous fuels to decrease wildfire risk to communities and critical infrastructure and to improve forest health. A burn window occurs when the prescription parameters for temperature, wind, relative humidity, air quality and other factors are met, and the necessary firefighting staff, including contingency resources are available. By policy, at the initiation of prescribed fire operations, ignitions must cease if the prescription parameters are not met and sustained. If the fire escapes, the project is declared a wildfire and receives fire suppression actions.

Backfire is a firefighting tactic and emergency action used to consume forest fuels in advance of an approaching wildfire and can change the direction of the fire. Backfire operations are conducted to reduce wildfire threats to life and property and firefighter safety. Burnouts strengthen firelines by consuming fuels to widen the fireline for containment. Burnouts are approved through Incident commanders in collaboration with agency administrators.

The Forest Service is taking serious actions to address the wildfire crisis and we appreciate the support provided through the Bipartisan Infrastructure Law and through the Inflation Reduction Act for this critical work. The agency must continue to use every tool available to reduce the current and future negative impacts from wildfire, consistent with agency policy and interagency response.

The agency has serious concerns that the bill language would remove critical resource management and firefighting tools and tactics from interagency responders who have to make life and death decisions, and therefore we cannot support this bill as written. Nonetheless, we are committed to working with Congress on how we effectively respond to wildfires and the resources and capacity needed to do so. We would be glad to discuss our concerns with the Committee.

H.R. 1450, “Treating Tribes and Counties as Good Neighbors Act”

H.R. 1450, Treating Tribes and Counties as Good Neighbors Act, revises the Good Neighbor Authority (GNA) to require tribes and counties to retain and use revenue generated from timber sales to carry out authorized restoration work under a good neighbor agreement that generated the revenue or under other good neighbor agreements. In addition, this bill also allows states, counties, and Tribes to use retained revenue for authorized restoration projects on non-federal lands under a good neighbor agreement. Under current law, only a state is permitted to retain the revenues, and the revenues must be used for restoration projects on federal land.

GNA has been a key authority for the Forest Service to accomplish critical forest management to keep our forests healthy and productive. In FY22, 306 million board feet were sold under the Good Neighbor Authority, and 47,412 acres treated. This work has been completed through agreements with state forestry agencies, tribes, and counties. To date, the Forest Service has completed 398 Good Neighbor Agreements, with more than 85% of the agreements with state forestry agencies. There have been 19 Tribal GNA agreements, and 24 agreements with counties.

We believe expanding the authority to allow tribes and counties to retain receipts, as proposed in the bill, would significantly increase county and tribal participation in GNA, and in turn help us increase the pace and scale of needed forest manage-

ment activities. On projects where a commercial timber sale is needed as a tool for hazardous fuels reduction to reduce wildfire risk to a community or infrastructure, retained receipts can be an important incentive in attracting partners to engage in this work.

Proposed language in the bill would also allow the revenue for authorized restoration projects to be used on non-federal lands under a good neighbor agreement. The ability to use this revenue on non-federal land would facilitate important cross-boundary restoration treatments, such as fuels reduction projects within a priority fireshed, as well as cross-boundary watershed restoration. This change would also allow for more strategic landscape-scale restoration activities in areas of the Wildland Urban Interface.

USDA supports H.R. 1450; however, we would like to work with the Subcommittee to fine tune language to ensure compliance with laws regarding forest product removal prior to utilizing revenue derived from timber harvested on federal lands.

H.R. 1726, “Continued Rapid Ohia Death Response Act of 2022”

This bill directs the Department of the Interior (DOI) to partner and collaborate with the USDA and the State of Hawaii to address Rapid ‘Ōhi’a Death (ROD). In addition, the bill directs DOI to continue research on Rapid Ohia Death (ROD) and to partner with State and local stakeholders to manage ungulates in ROD Control Areas. Finally, the bill directs the Forest Service to continue to provide financial assistance to prevent the spread of ROD and to restore the native forests of the State; and to continue to provide staff and necessary infrastructure funding to the Institute of Pacific Islands Forestry to conduct research on Rapid Ohia Death.

The Forest Service is active in the prevention, detection, and treatment of ROD in Hawaii. The agency has been a collaborative partner in addressing ROD, providing technical assistance since its early detection in 2014 and financial assistance annually since 2016. We expect to continue to support local and state agencies, university, and Indigenous communities in protecting valuable forest commodities on the islands.

Ceratocystis lukuohia and *Ceratocystis huliohia* are two newly recognized fungi that have arrived in Hawai‘i and are causing a serious vascular wilt and canker disease, respectively, on ‘Ōhi’a trees (*Metrosideros polymorpha*). The Hawaii Department of Land and Natural Resources (DLNR), with support from Forest Service and USDA’s Agricultural Research Service (ARS) as well as university researchers, leads response efforts. When potentially affected areas are identified, a response team follows up with ground surveys and takes samples of symptomatic trees. ROD remains a priority for natural resource management agencies in Hawaii.

Researchers are investigating a wide array of topics to develop science-based methods for controlling the disease, identifying resistance to the disease, and restoring ‘Ōhi’a forests. Community outreach is an integral part of the project, including consistent messaging on the importance of ‘Ōhi’a forests and how residents and visitors can help protect them. Limited detections on Oahu and Maui with regular surveillance indicate that the combination of strategies deployed by the ROD working groups are making a difference in protecting ‘Ōhi’a forests across the state.

The USDA supports the intent of the Continued Rapid Ohia Death Response Act of 2022.

H.R. 3522, “FIRESHEDS Act”

The FIRESHEDS Act would amend the Healthy Forests Restoration Act of 2003 to establish emergency fireshed management areas.

This Act would, upon the request of a governor of a State, require the Secretary to designate a landscape scale fireshed in the state, within 90 days. The establishment of the fireshed would be an activity exempt from the National Environmental Policy Act. The Act also sets forth criteria for designating fireshed management areas under an agreement. USDA is concerned that these criteria are unnecessarily restrictive and may limit the ability to designate firesheds where they are needed. USDA is also concerned that this process could substitute a science based approach to fire management with a specific state or governors’ interests for a region, overriding existing land management objectives. It could also create a scenario where states could designate all areas as firesheds, in an effort to determine management or attract funding, reducing the effectiveness of the tool.

The Act would also require the Secretary and governor to jointly develop a fireshed assessment for each designated fireshed. Fireshed assessments would identify community risk and management projects for reducing threats to public health and safety. Implementation would occur through a memorandum of understanding

(MOU) between the Secretary and other federal, state, private, and other organizations. USDA is concerned that Tribes were not included in the list of collaborators that can sign the MOU with the Secretary. The Act also requires that management activities in designated fireheds be proposed by a Resource Advisory Commission. USDA has concerns about these additional procedural and process requirements, including that restoration and protection work could be delayed or slowed.

This Act also establishes a broad Categorical Exclusion for fireshed management projects. USDA, in coordination with the White House Council on Environmental Quality, would like to work with the sponsor to better understand concerns about the applicability of NEPA in hazardous fuels treatments and fire preparedness to ensure any new tools will be effective in facilitating our work.

Finally, this Act also makes changes to the Good Neighbor Authority to allow states to use revenue for authorized restoration projects on non-federal lands under a good neighbor agreement. The ability to use this revenue on non-federal land would allow for cross-boundary restoration treatments such as fuels reduction projects within a priority fireshed and watershed restoration that might cross land ownership boundaries under the Good Neighbor Authority.

USDA is committed to working with States, Tribes, fire associations, non-government organizations, and other federal agencies at the landscape level to prioritize fuels reduction treatments and forest restoration projects that are the right size and in the right location to protect life, property, critical infrastructure, and natural resources.

The Forest Service's Wildfire Crisis Strategy, launched in 2022, combines a historic investment of Congressional funding with years of scientific research and planning into a national effort that is intended to dramatically increase the scale and pace of forest health treatments. As part of this effort, 21 priority landscapes, comprised of 250 high-risk fireheds, have been identified; our work in these areas is mitigating wildfire risk to around 200 communities in the West. Working with States has been critical to our efforts. We have entered into 31 Shared Stewardship Agreements covering 49 states to address urgent forest management challenges, and many have established landscape-scale fireheds which are jointly assessed by the Regional Forester and the Governor. We have also established 398 Good Neighbor Agreements with States in 38 states. USFS also has over fifty CEs under NEPA available to carry out work, in addition to other administrative flexibilities.

We appreciate every effort that Congress is making to advance the Wildfire Crisis Strategy, however we have significant concerns about additional procedural and process requirements involved in this bill. We cannot support this bill as written and would be glad to discuss our concerns further with the Committee.

H.R. 3499, Direct Hire to Fight Fires

H.R. 3499, Direct Hire to Fight Fires, provides Direct Hire Authority to the Department of Agriculture and the Department of the Interior for purpose of filling agency wildland firefighting positions, including support positions.

Direct Hire Authority is a limited, expedited hiring authority that currently may be granted administratively by the Office of Personnel Management to employing agencies to fill positions in the competitive service for which there is a critical hiring need or severe shortage of candidates. This authority bypasses standard statutory veterans' preference, rating, ranking and public notice requirements, as well as reinstatement rights for individuals with prior Federal service under the competitive service for Federal civilian hiring, and can support streamlined hiring actions. The Office of Personnel Management (OPM) may issue such authority to agencies upon written request, and justification, or upon an independent assessment that there is a critical hiring need or severe shortage of candidates for specific positions.

OPM granted the Forest Service Direct Hire Authority in 2019 to fill critical fire positions in a very defined list of fire job titles, job series and pay grades. As of May 10, 2023 the agency has filled over 16,600 positions using the Direct Hiring Authority and has an additional 3,200 currently in process for a total of over 19,800 hired personnel. Although Direct Hire Authority has some limitations, the agency has benefited from its temporary use of DHA.

The USDA would like to work with the Subcommittee and bill sponsors further to best guide longer-term hiring for wildland firefighters and support staff.

H.R. 3389, "Emergency Wildfire Fighting Technology Act of 2023"

The Forest Service collaborates with many partners to accomplish wildfire suppression across the nation and deliver aerial suppression support in the safest manner possible to our aviators, our firefighters, and the public we serve.

H.R. 3389, Emergency Wildfire Fighting Technology Act of 2023 directs the Secretaries of the U.S. Department of Agriculture and the Department of the

Interior, in consultation with the National Interagency Aviation Committee and the Interagency Airtanker Board, to jointly conduct an evaluation of the container aerial firefighting system to assess the use of such system to mitigate and suppress wildfires and to share the results of the evaluation.

The Forest Service continues to research technology to improve the effectiveness and safety of aerial firefighting including, but not limited to, fire imaging, use of uncrewed aircraft systems, wildfire detection cameras, modern aircraft, aerial firefighting simulators using virtual reality, and aerial delivered retardant and water. The agency employs the most advanced and capable equipment available to meet the interagency firefighting mission.

In recent years, several companies with Container Aerial Firefighting Systems have approached the Forest Service requesting a review of their equipment for use in wildfire suppression operations. These systems deliver retardant or water in large containers, such as large cardboard boxes that are dropped by aircraft to provide a concentrated amount of retardant or water along the fireline. This technology is also referred to as Precision Containerized Aerial Delivery Systems.

The Forest Service evaluated Container Aerial Firefighting Systems and documented its observations in the Forest Service San Dimas Technology and Development Center's *2011 Precision Containerized Aerial Delivery Systems Forest Service Report*. Testing, evaluation, and approval of retardant delivery systems are conducted under the authority of the National Interagency Aviation Committee, in accordance with methods and standards established by the Interagency Airtanker Board. The evaluation occurred in 2010 during a U.S. Army test of the technical feasibility of Precision Container Aerial Delivery Systems at the Yuma Proving Grounds. Through this evaluation, the agency determined that this delivery system does not meet retardant delivery standards for coverage level, consistent delivery, delivery time, ground firefighter safety or environmental impacts. It also has an inconsistent, non-continuous drop pattern which would allow fire to burn through fuels with thin or no retardant coverage, unlike conventional airtankers that can provide consistent coverage.

Specifically, the evaluation stated that "using containerized delivery systems as a method of firefighting is a safety concern for firefighters and the public in the wildland-urban interface where we fight many of our fires." Additional concerns were raised regarding the extensive debris that is scattered over a large area upon impact. Leaving this material on the ground anywhere is an environmental issue. The debris would be combustible and would add fuel to the fire environment. The debris is not natural to the landscape; removal would create additional cost, time, and personnel exposure concerns; debris may not be removed due to inaccessible locations; and debris may raise public and environmental concerns. There is also high risk of severe injury and/or damage to the public, firefighters, facilities and vehicles due to falling debris.

Our current system of retardant loading and delivery has an operationally effective infrastructure. Introducing a completely new system and process would add to cost, complexity, logistics, and possibly disrupt the synchronous operational tempo, both from the air, and for firefighters on the ground, which is critical to protecting lives, property, and valuable resources. Our current capabilities align very well with our requirements and modernization strategy.

The USDA appreciates the bill's intent to pursue new ideas in wildland fire suppression but does not support the incorporation of containerized systems into our suppression response given safety and operational concerns.

H.R. 3396, "Fire Department Repayment Act of 2023"

The Forest Service takes seriously its responsibility to work with many partners to accomplish wildfire suppression across the nation. The Forest Service negotiates and maintains many State Cooperative Fire Protection Agreements to ensure reciprocity for wildland firefighting services rendered on behalf of the Forest Service or that the agency provides to States and local governments.

H.R. 3396, Fire Department Repayment Act of 2023 requires the standardization of reciprocal fire suppression cost share agreements. It directs the Secretaries of the U.S. Department of Agriculture and the Department of the Interior to establish standard operating procedures related to fire suppression cost share agreements established for suppression cost share, to ensure they are in alignment with Cooperative Fire Protection Agreements, and that each agreement is reviewed and modified as necessary with State and local fire suppression organizations.

Forest Service policy FSM 3170 Cooperative Fire sets forth agency direction for the development of Cooperative Fire Protection Agreements which require approval by the Deputy Chief of State, Private and Tribal Forestry. These agreements are developed following the guidance provided in the Cooperative Fire Protection

Agreements statewide template. The guidance also establishes the methodologies that signatory parties may use for cost shares agreements.

The Forest Service supports the intent of the bill and looks forward to working with the Subcommittee and bill sponsors to address our concerns.

H.R. ___, “Forest Service Flexible Housing Partnerships Act of 2023”

Availability of housing for employees doing necessary and critical work on federal lands is increasingly challenging as the already high costs of housing continue rising quickly in many areas. This is particularly true in communities that serve as gateways to our national forests and house our employees. In fact, the Forest Service has identified lack of quality and affordable housing as a major barrier to recruiting and maintaining our workforce, and to fully address the wildfire crisis. While the bill applies only to USDA Forest Service, DOI is working cooperatively with USDA to more broadly address the issue of affordable housing in certain geographic areas where housing is unavailable or unaffordable.

Section 8623 of the Agriculture Improvement Act of 2018, also known as the 2018 Farm Bill, provided the agency with some essential tools to address affordable housing for our employees. Specifically, the 2018 Farm Bill provided the authority to enter into lease agreements with non-Federal entities in exchange for cash and non-cash consideration in the form of construction of new facilities, maintenance of existing facilities, other services, or any combination of the three. Despite some limitations, Section 8623 has been a unique and valuable authority that aids the Forest Service’s mission by supplying valuable in-kind resources, all while limiting long-term risk by providing the option to return lands to the public domain at lease expiration. In addition, the use of a lease agreement, as opposed to a permit, offers opportunities to our non-federal partners through an arrangement that is more attractive to new capital, encouraging economic development in communities that border National Forests.

The Forest Service has been developing several pilot projects under the 2018 Farm Bill since this authority was enacted, most notably on the White River National Forest in Colorado, where at least one project plans to deliver 162 proponent-financed, affordable housing units to support the local workforce, some of which will be reserved for Forest Service employees. These early efforts are very encouraging, and we expect to expand the use of this authority into other areas if it is extended.

H.R. ___ would extend and amend the leasing authority in section 8623 of the 2018 Farm Bill. Specifically, it would expand in-kind consideration application flexibility to areas beyond the specific site being leased; set an allowable maximum lease term of 100 years; provide an explicit mechanism for lease renewal; and extend the authority for an additional 5 years.

USDA appreciates and supports the intent of this bill to enhance and extend this much needed authority. We would like to work with the Committee and bill sponsors to refine some of the new provisions to ensure that we will be able to meet the legislative intent and the focus of the bill on housing shortages while minimizing any unintended consequences or allowing for a broader range of activities than envisioned.

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

QUESTIONS SUBMITTED FOR THE RECORD TO MR. TROY HEITHECKER, ASSOCIATE
DEPUTY CHIEF, U.S. FOREST SERVICE

Mr. Heithecker did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. You mentioned the Forest Service puts out 98% of the wildfires reported within 24 hours, with only 1% allowed to burn for resource benefits. Will you provide a list to the Committee of fires determined to burn for resource benefits in the past five wildfires seasons and the outcome of each fire? Specifically sharing if those fires allowed to burn escaped the planned area or destroyed homes and/or caused loss of human life.

Question 2. In the last five years, please provide the number of helicopters and aircrafts available for delivery of water and/or fire retardant. Have there been

requests for airtanker support during a fire season in the past five years where the agency has not been able to fill due to a lack of helicopter and airplanes?

Question 3. The Forest Service testimony notes safety and operational concerns on container aerial firefighting system (CAFFS) stem from a 2011 testing and subsequent report. Why has the agency not tested this technology in recent years? It appears the industry has demonstrated the newest versions of CAFFS address many of the initial concerns.

Question 4. For the 2023 wildfire season, how many wildland firefighters have been hired to date? How many wildland firefighters have completed the onboarding process? How many of these were hired through a direct hire authority?

Question 5. Will you provide a breakdown of the fifty categorical exclusions (CEs) under NEPA the Forest Service currently has to carry out work? How many of these are related to treating firesheds, reducing hazardous fuels, or harvesting timber?

Mr. TIFFANY. Thank you, Mr. Heithecker. Now, I would like to recognize Mr. Robert Dugan, the Chairman of the Placer County Water Agency, for 5 minutes.

Mr. Dugan.

**STATEMENT OF ROBERT DUGAN, CHAIRMAN, PLACER
COUNTY WATER AGENCY, AUBURN, CALIFORNIA**

Mr. DUGAN. Thank you, Chairman Tiffany, Ranking Member Neguse—congratulations—and members of the Subcommittee.

PCWA owns and operates the Middle Fork American River Project that provides water supply and generates hydroelectric power in Northern California, and supports recreational opportunities for millions of citizens from Placer County into the Bay Area. I am pleased to be here to testify in support of H.R. 188, legislation that builds on lessons learned on the ground from the last decade of catastrophic wildfires in the West.

H.R. 188 would establish a categorical exclusion for select hazard fuel reduction projects up to 10,000 acres that have been developed collaboratively, and are consistent with an approved forest plan. H.R. 188 is necessary to meet the 10-year strategy set by the Forest Service to significantly increase the pace and scale of fuel and forest health treatments to address the crisis of wildfire and to protect critical watersheds, at-risk communities, and habitats.

I would be remiss if I didn't take this opportunity to thank Congress and the Forest Service for the hard work they put into bringing those strategies into the modern reality.

H.R. 188 will also help realize the critical investments provided by Congress in the Bipartisan Infrastructure Law to reduce wildfire risk and restore healthy, productive forests for the benefit of everyone and everything dependent on them.

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[Slide.]

Mr. DUGAN. Showing the footprint here of the wildfires in our forest and our watershed will illustrate why H.R. 188 and the other legislation you are considering is so critical. I am going to give you a little perspective on our experience on the ground.

Since 2014, the American River watershed has suffered three major wildfires that you are looking at here: the King, the Caldor, and the Mosquito Fires, which collectively burned some 400,000 acres to the ground, predominantly on Federal forest lands.

Next slide.

[Slide.]

Mr. DUGAN. Last year, the Mosquito Fire alone burned some 76,000 acres. It destroyed power lines that deliver energy to the grid, disrupting critical power supplies for the north state grid throughout our past winter when we needed them desperately. Tens of millions of dollars were lost in revenue and significant restrictions in power supply were experienced in that region.

Further, PCWA estimates that approximately 1.3 million tons of topsoil from the forest is eroding into our Oxbow Reservoir as a result of the Mosquito Fire severity and its impact subsequently on water storage.

And finally, two major Federal roads providing access to the Tahoe and El Dorado National Forests suffered catastrophic damage from the Mosquito Fire, severely restricting public access to Federal lands, access to PCWA's water and water and power infrastructure, and limiting entire communities access to critical public health and safety services. Those wildfires caused dramatic changes in forest vegetation structure, soil conditions, and altered stream flows.

In 2014, the King Fire led us into a collaboration with the Forest Service, the state of California, and the Nature Conservancy along with local environmental organizations to develop our own 30,000-acre restoration project in French Meadows to address this very item.

I want to thank the Forest Service for their strong commitment, from the Chief all the way down to the folks in the forest. That partnership has been tremendous.

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[Slide.]

Mr. DUGAN. As was already illustrated by the Chair and in your briefing packet, the genesis of H.R. 188 was the successful use of a categorical exclusion in the South Lake Tahoe Basin. And without repeating what has already been said, I will tell you that fire-fighters, forest managers, and land managers agree that that project reduced the Caldor Fire intensity to the point that they were able to knock the fire down and save countless acres of habitat and the devastation that would have ensued in the Tahoe Basin had we not done that project.

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[Slide.]

Mr. DUGAN. This is our watershed. Yours, ours, all of ours. This is indicative of watersheds throughout the forested lands in the United States.

We look forward to working with the Committee as you advance these forest management strategies.

Two additional requests, we are looking for clear policy for short- and long-term mitigation for post-fire impacts, and we are also asking for interagency coordination amongst the Forest Service, Department of the Interior, and Federal Highways so that we can address the issues of infrastructure access and egress throughout those forests.

In closing, I wish to restate our support for H.R. 188, which is necessary to address fuels and forest health treatments. And we are available to answer any questions you may have. Thank you.
[The prepared statement of Mr. Dugan follows:]

PREPARED STATEMENT OF MR. ROBERT DUGAN, CHAIRMAN, BOARD OF DIRECTORS,
PLACER COUNTY WATER AGENCY

ON H.R. 188

Introduction

Thank you, Chairman Tiffany, Ranking Member Neguse and members of the House Subcommittee on Federal Lands for the opportunity to testify in support of H.R. 188 that would reduce wildfires' adverse economic, social and environmental impacts to our communities and water resources. I request that this formal statement be entered into the hearing record, and I will summarize my testimony for the subcommittee.

I am Robert Dugan and appear before the subcommittee as Chairman of the Placer County Water Agency (PCWA) Board of Directors. PCWA has led the effort to develop sustainable approaches to address wildfire impacts. Of direct importance, PCWA's General Manager, Andy Fecko, is currently a member of the federal Wildland Fire Mitigation and Management Commission working to develop recommendations on how this nation can better address wildfires. This hearing is especially timely given the Commission's ongoing work that collectively will steer the country in a direction that enhances our mutually shared goal of protecting communities and reducing the costly impacts of wildfires. PCWA is also an active member of the Association of California Water Agencies, National Water Resources Association and National Hydropower Association; groups that are working diligently in support of effective federal, state and local policies and programs to advance wildfire suppression efforts.

About PCWA

PCWA constructed the Middle Fork Project in the 1960s to ensure a reliable local water supply. PCWA's management of the project is grounded in a belief that headwaters management is essential to the watershed's health. PCWA operations are located in the Middle Fork American River watershed and our headquarters are three hours east of Sacramento, California. PCWA owns and operates the Middle Fork American River Project that provides water supply, generates hydroelectric power, and supports recreational opportunities for the 250,000 citizens of western Placer County. Integral to these activities is PCWA's commitment to support the ecosystem of our watershed. I would further add that our environmental stewardship and commitment to sustainable uses of our natural resources has allowed us to work with inter-regional stakeholders to deliver supplemental water supplies during the past several years of extraordinary drought conditions in California.

Our Experiences—Major Wildfires

Since 2014, the American River watershed has suffered three major wildfires: 1) King, 2) Caldor, and 3) Mosquito. These fires devastated nearly 400,000 acres, predominantly on federal forest lands. However, the impacts of these fires were not limited to federal lands. The spillover effects directly compromised our agency's ability to carry out its core missions.

These high intensity wildfires compromised water quality. This occurred during active burning and for months and years after the fires ended. The impacts from the wildfires include blackened watersheds, increased flooding and erosion due to the denuded environment, water quality impairments to water-supply reservoirs, limitation of hydropower generation facilities' operation, and impairments to fisheries and other natural resources.

The effects of these large catastrophic wildfires linger for decades. The impact on forestry health can last for centuries as nature seeks to come back from the devastation. From a public services perspective, water and hydroelectric utilities that operate in these watersheds must grapple in the aftermath of wildfires with circumstances that are often worse than the active wildfire event. For example, when wildfire debris enters lakes and reservoirs, the volumes can be so significant that they overtake the body of water, rapidly decreasing valuable water storage capacity. Operationally, the debris blocks spillways, damages water conveyance

equipment and hydro-electric generation equipment. This imposes substantial costs on our ratepayers and increases threats to water supply reliability.

Allow me to highlight wildfires consequences that we have experienced and how PCWA proactively worked to mitigate the impacts:

King Fire

- In 2014, the King Fire burned 97,717-acres, fueled by extremely low humidity and high winds that drove the fire into the remote and densely forested Rubicon River canyon, an important tributary to the American River. Once it reached the Rubicon canyon, the fire exploded overnight, devastating the watershed with high-severity incineration. Complete loss of vegetative cover has exposed soils to erosion on thousands of acres of steep, sloping river canyons.
- The U.S. Forest Service estimates that over 300,000 tons of topsoil have eroded into Rubicon River the first year after the King Fire. In the resulting years, PCWA spent nearly \$3 million to remove sediment and debris transported and deposited into Oxbow Reservoir. The sediment removed was only that necessary to recover operations of our equipment, most of the sediment remains to date. Sediment removal requires PCWA's Ralston Powerhouse to be taken offline, therefore producing no hydropower.
- Following the King Fire, PCWA led a nationally recognized collaborative watershed restoration effort, the French Meadows Forest Restoration Project, to restore forest health and resilience and reduce the risk of high-severity wildfire in this critical watershed. PCWA collaborates with the Forest Service, The Nature Conservancy, Placer County and local conservation NGOs to facilitate this successful project.

Mosquito Fire

- This fire burned 76,788 acres in Placer and El Dorado, California counties. It was California's largest wildfire in 2022. The fire occurred in the heart of the American River watershed and threatened to destroy the communities of Foresthill and Georgetown and potentially spread into the Lake Tahoe Basin.
- PCWA owns and operates the Middle Fork American River Project, which supplies water to western Placer County and provides clean energy to the California grid. The Mosquito Fire destroyed powerlines that deliver this energy to the grid, making this source of energy unavailable during the winter cyclone of December 2022 and January 2023. This downtime resulted in tens of millions of dollars in lost revenue, but more importantly, starved the nation of clean energy during this extreme weather event and forcing greater use of petroleum energy sources.
- PCWA estimates that 1.3 million tons of topsoil may erode into our Oxbow Reservoir because of the Mosquito Fire. This volume of topsoil is more than 10 percent of Oxbow Reservoir and will have crippling effects on hydropower operations. The work to recover from the Mosquito Fire's impacts will be significant, long-term and costly.
- Two major federal roads providing access to the Tahoe and Eldorado National Forests suffered major damage from the Mosquito Fire, eliminating public access and severely restricting PCWA's access to its hydropower system. If these roads become impassable, PCWA will not have winter access to its reservoirs and powerplants. These roads are critical to public health and safety for firefighting and other emergency response.

These examples vividly document the dramatic impact of wildfires and the priority that must be addressed to mitigate future wildfire events. Today's review of proposed solutions is an important first step and PCWA hopes that Congress will move expeditiously to pass legislation to provide us, and water agencies across the west, with the tools to meet the new normal of wildfires.

Support for H.R. 188, the Proven Forest Management Act

PCWA supports H.R. 188, which would expand, across all National Forest System lands, a wildfire mitigation tool that was successful in the Lake Tahoe Basin. Specifically, it provides that hazardous fuel reduction project up to 10,000 acres, developed collaboratively with local governments and consistent with the forest plan, may be categorically excluded from documentation in an environmental impact statement or an environmental assessment under the National Environmental Policy Act.

This administrative flexibility would deliver the U.S. Forest Service immediate benefits for two specific forest health management activities:

1. Pre-Wildfire Mitigation—National Forest System lands that have been identified as in need of treatment to reduce the threat of insect and disease infestations and catastrophic wildfires to protect communities and the environment is imperative; and,
2. Post-Wildfire Forest Restoration—The protection of the natural and man-made infrastructure of our watersheds post fire must be addressed. Excluding the requirement for an Environmental Assessment or an Environmental Impact Statement would streamline post-fire management activities to improve the long-term health of the landscape.

The 2021 Caldor Fire, which burned 221,835 acres, provides a case study on this type of use of categorical exclusion, as provide for in Public Law 114-322 for the Lake Tahoe Basin, helped mitigate the impacts of the wildfire and protected the Tahoe Basin communities.

- When the Caldor Fire entered the Lake Tahoe Basin, it entered Christmas Valley, an area where the U.S. Forest Service, the State of California and local governments had completed several forest thinning projects. In addition, the South Tahoe Public Utility District, in collaboration with the U.S. Forest Service, expediated the installation of water infrastructure (upsized water lines, hydrants, water tanks). Local fire agencies also led a concerted fire-adapted communities effort to fire-hardened homes and businesses.
- The combination of investing in water infrastructure for fire suppression, community wildfire preparedness and hazardous fuels treatments reduced the Caldor Fire intensity and enhanced suppression efforts to protect the Lake Tahoe Basin.
- After the fire, the Forest Service has used the categorical exclusion to expediate a Tahoe Basin Caldor Hazard Tree Fuels Reduction Project to exclude the need for either an Environmental Assessment or an Environmental Impact Statement to carry out the project.

Conclusion and Recommendations

In conclusion, I would like to reiterate PCWA's support for H.R. 188 and present brief recommendations to address identified gaps specific to pre- and post-wildfire mitigation and response policies.

The reauthorization of the Farm Bill and the anticipated recommendations by the Wildland Fire Mitigation and Management Commission present additional responses to enhance forest management and post-fire mitigation. We believe that it is important to report legislation through this committee and to secure House passage before the next wildfire season inflicts new public health, economic dislocation and natural resources losses. In addition, the U.S. Forest Service's 10-year strategy to implement strategic restoration projects on 50 million acres of federal, state, and private land provides an ambitious goal to protect our communities and critical watersheds. This is an important step.

There needs to be a clear policy for short and long-term mitigation for post-fire debris flow impacts to receiving waterways and to public water and hydroelectric facilities on federal lands. These impacts have historically been under-invested in and are costly. Mitigation measures include stabilizing topsoil before ensuing winter storms, sediment traps in the waterways, and sediment removal once in the waterways.

It is vital that interagency coordination among the U.S. Forest Service, Department of the Interior and Federal Highways Administration must be improved to provide for an expediated repair or replacement of federal roads damaged by wildfire. This would include the ability for federal agencies to contract with local governments to facilitate repairs utilizing existing contractual relationships with local-regional construction companies.

Chairman Tiffany, Ranking Member Neguse, thank you for the opportunity to appear before you today. I would be happy to answer any questions you or other members of the Subcommittee may have.

Mr. TIFFANY. Thank you, Mr. Dugan. Now, I would like to recognize Mr. Cody Desautel, the President of the Intertribal Timber Council, for 5 minutes.

**STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL
TIMBER COUNCIL, PORTLAND, OREGON**

Mr. DESAUTEL. Thank you, Chairman Tiffany and Ranking Member Neguse. On behalf of the Intertribal Timber Council and its more than 60 member tribes, I appreciate this opportunity to testify on H.R. 1450 and other legislation today.

All of America's forests were once inhabited, managed, and used by Indian people. Today, only a small portion of those lands remain under direct Indian management. On a total of 334 reservations in 36 states, 19.3 million acres of forest and woodlands are held in trust by the United States and managed for the benefit of Indians.

Tribes actively manage their forests to provide the subsistence, cultural, and spiritual values important to their tribal membership, while also providing economic revenue, jobs, and forest products that support both tribal and local economies. Catastrophic wildfire can negatively impact all of these benefits for multiple generations.

The risk of wildfire to Indian lands is compounded by the thousands of miles of shared boundary with Federal agencies, primarily the U.S. Forest Service and Bureau of Land Management. There are countless examples of wildfire spilling over from Federal lands onto tribal forests, causing significant economic and ecological losses. These fires regularly pose a risk to human life on Indian lands and have resulted in fatalities.

Congress recognized the need for tribes to work closely with their Federal neighbors to reduce the threat of fire across shared boundaries. The result was the Tribal Forest Protection Act of 2004, which allows tribes to petition the Secretaries of Agriculture and Interior to perform stewardship activities on their lands adjacent to Indian lands.

The 2018 Farm Bill not only expanded TFPA authorities, but also gave tribes and counties the authority to enter into Good Neighbor Agreements with Federal agencies. Unfortunately, a drafting error in the final text precludes tribes or counties from retaining revenue generated from GNA projects for planning. This is a key component of building successful GNA stewardship programs, as states have done since 2014.

The disparity in funding between tribal forests and other Federal forests continues to grow. Without an ability to retain revenue to support tribal capacity, it is unlikely tribes will contribute already limited tribal revenue sources to conduct work on adjacent Federal land.

After expansion of the authority in the 2018 Farm Bill, the Colville Tribe attempted to use the Good Neighbor Authority on the Sanpoil Project, which shared approximately 10 miles of boundary with the reservation. However, without the ability to use timber sale revenue to accomplish restoration services, the project was cost prohibitive, and the Tribe was forced to abandon its plan.

GNA provides tribes and Federal agencies an additional tool for improving forest health across boundaries. While the scope of GNA projects is slightly narrower than what tribes may accomplish with TFPA and 638 authorities, GNA provides greater latitude in retaining project revenues and building additional capacity.

I would also like to make some brief comments on other legislation that is being considered today.

For H.R. 188, this legislation would provide a 10,000-acre categorical exclusion for fuels treatment projects if those projects are developed in cooperation with various entities. The ITC supports the intent of this legislation, and appreciates the requirement to consult with Indian tribes. One technical suggestion is to define the term “qualified entity” as it applies to the contracting of fuels reduction work. We would also recommend that TFPA and GNA projects automatically qualify for the categorical exclusion if they meet the other criteria.

Also, on H.R. 3522, ITC supports the intent of this legislation, which would categorically exclude certain fuels reduction projects from NEPA evaluation and limits judicial review if those projects are developed through a collaborative process, a community wildfire protection plan, or a resource advisory committee.

The bill also authorizes the use of GNA to perform covered projects. The ITC recommends the bill be amended to include TFPA projects as eligible, and to align the amendments of the underlying GNA statute reflected in H.R. 1450 to ensure that if GNA were used under this bill, tribes are fully eligible to participate.

With that, I thank you for the time.

[The prepared statement of Mr. Desautel follows:]

PREPARED STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL TIMBER
COUNCIL & EXECUTIVE DIRECTOR, CONFEDERATED TRIBES OF THE
COLVILLE RESERVATION

ON H.R. 1450

I am Cody Desautel, President of the Intertribal Timber Council (ITC) and Executive Director for the Confederated Tribes of the Colville Reservation in Washington State. On behalf of the ITC and its more than 60 member Tribes, I appreciate this opportunity to testify on H.R. 1450 and other legislation today.

All of America’s forests were once inhabited, managed and used by Indian people. Today, only a small portion of those lands remain under direct Indian management. On a total of 334 reservations in 36 states, 19.3 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians.

Tribes actively manage their forests to provide the subsistence, cultural, and spiritual values important to their tribal membership, while also providing economic revenue, jobs, and forest products that support both tribal and local economies. Catastrophic wildfire can negatively impact all of these uses for multiple generations.

The risk of wildfire to Indian lands is compounded by the thousands of miles of shared boundary with federal agencies, primarily the U.S. Forest Service and Bureau of Land Management. There are countless examples of wildfire spilling over from federal lands onto tribal forests, causing significant economic and ecological losses. These fires regularly pose a risk to human life on Indian lands and have resulted in fatalities.

Congress recognized the need for tribes to work closely with their federal neighbors to reduce the threat of fire across shared boundaries. The result was the Tribal Forest Protection Act (“TFPA”), which allows tribes to petition the Secretaries of Agriculture and Interior to perform stewardship activities on their lands adjacent to Indian lands.

The 2018 Farm Bill not only expanded TFPA authorities but also gave tribes and counties the authority to enter into Good Neighbor Agreements with federal agencies. Unfortunately, a drafting error in the final text precludes tribes or counties from retaining revenue generated from GNA projects for planning. This is a key component of building successful GNA stewardship programs as states have done since 2014.

The disparity in funding between Tribal forests and other federal forests continues to grow. Without an ability to retain revenue to support tribal capacity, it is unlikely Tribes will contribute already limited tribal revenue sources to conduct

work on adjacent federal land. After expansion of the authority in the 2018 Farm Bill, the Colville Tribe attempted to use the Good Neighbor Authority on the San Poil project, which shared approximately 10 miles of boundary with the reservation. However, without the ability to use timber sale revenue to accomplish restoration services the project was cost-prohibitive, and the Tribe was forced to abandon its plan.

GNA provides tribes and federal agencies an additional tool for improving forest health across boundaries. While the scope of GNA projects is slightly narrower than what tribes may accomplish with TFPA and 638 authorities, GNA provides greater latitude in retaining project revenues and building additional capacity.

Other Legislation

I would like to make brief comments on other legislation that is being considered in today's hearing:

- **H.R. 188, “Proven Forest Management Act” (McClintock):** This legislation would provide a 10,000-acre Categorical Exclusion for fuels treatment projects, if those projects are developed in cooperation with various entities. The ITC supports the intent of this legislation, and appreciates the requirement to consult with Indian tribes. One technical suggestion is to define the term “qualified entity” as it applies to the contracting of fuels reduction work. We would also recommend that TFPA and GNA projects automatically qualify for the Categorical Exclusion, if they meet other criteria.
- **H.R. 3522, “FIRESHEDS Act” (Moore):** ITC supports the intent of this legislation which would categorically exclude certain fuels reduction projects from NEPA evaluation, and limits judicial review, if those projects are developed through a collaborative process, community wildfire protection plan, or resource advisory committee. The bill also authorizes the use of GNA to perform covered projects. The ITC recommends the bill be amended to include TFPA projects as eligible, and to align the amendments to the underlying GNA statute reflect H.R. 1450—to ensure that if GNA were used under this bill, tribes are fully eligible to participate.

Mr. TIFFANY. Thank you, Mr. Desautel. I would like to recognize our final panelist on this panel, Mr. Jamie Johansson, President of the California Farm Bureau.

You have 5 minutes, sir.

STATEMENT OF JAMIE JOHANSSON, PRESIDENT, CALIFORNIA FARM BUREAU, SACRAMENTO, CALIFORNIA

Mr. JOHANSSON. Thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. My name is Jamie Johansson, and I am a first generation farmer producing olives and citrus fruit in Oroville, California. I also serve as the President of the California Farm Bureau, California's largest farm organization, representing nearly 30,000 members. I appreciate the opportunity to testify today in support of the FIRESHEDS Act.

California's wildfires are very personal to me. As president of my organization, I have witnessed and heard the numerous stories of loss and frustration from our members, in addition to I, myself, and my employees and my family have been wildfire evacuees.

With the presence of 18 national forests in California, nearly half of the 100 million acres in our state are managed by the Federal Government. Given the extensive number of wildfire-related impacts California's ranchers are facing, California Farm Bureau has a vested interest in quality and quantity of forest management activities.

Recognizing the need for robust financial resources, California Farm Bureau supported the inclusion of forest management

funding in the Infrastructure Investment and Jobs Act and the Inflation Reduction Act. While the recent influx in forest management funding is encouraging, we remain concerned about the expediency in which treatments on federally owned lands are being performed.

To address backlog and achieve landscape-scale management, we must enhance capacity and speed up collaborative processes by empowering multiple jurisdictions and partners. Partnerships that assist the Forest Service with permitting, NEPA processes, and on-the-ground work should be expanded.

Private industry, including foresters and ranchers within our own membership, are highly skilled, trained, and operate equipment that could assist the Forest Service with vegetative removal, as well as fire suppression activities. In many cases, these individuals are also personally knowledgeable about the local communities, lands, and landscapes, bringing additional contributions to projects.

It is also important that forest management activities utilize the best available data so that resources are effectively utilized. For these reasons, we are pleased to offer comments in support of the FIRESHEDS Act, H.R. 3522, which would allow governors to enter into joint agreements with Federal land management agencies and designate landscape-scale emergency fireshed management areas in areas of highest risk.

We especially like that this legislation provides flexibility, allowing agreements to be updated as new wildlife threats emerge.

The bill also smartly allows fireshed areas to contain both Federal and non-Federal land, furthering collaboration and partnership.

For each emergency fireshed management area, the Secretary and the Governor would complete a joint assignment. We strongly support these assignments, including timelines and long-term benchmark goals for the completion of identified projects.

Additionally, the inclusion of memorandums of understanding in the bill will allow for the assessments to be continually updated. This will help ensure that the best available data from private entities, research or education institutions, and state sources, is applied.

We are also appreciative that the bill seeks to align fireshed management projects in accordance with fireshed management plans, and allows for utilization of existing statutory and administrative authorities.

The FIRESHEDS Act also correctly recognizes livestock grazing, an often overlooked hazardous fuels reduction strategy. Grazing can be an effective management tool for Forest Service to improve range condition, manage for fire, and control invasive species.

In addition to the FIRESHEDS Act and other legislation being discussed today, we believe that the 2023 Farm Bill presents an opportunity to build upon the successes of the 2014 and 2018 farm bills. We encourage Congress to include a robust forest title that enhances the Good Neighbor Authority, addresses inadequate markets and infrastructure for low- to no-value materials, enhances fuel break cross-boundary collaboration, removes barriers to increasing pace and scale, increases contracting and

procurement efficiency, and prioritizes reforestation and post-fire rehabilitation.

The unfortunate reality is we are playing catch-up with a situation that has been worsening for decades, further exacerbated by drought, disease, and changing climate. California's private landowners are unable to increase the pace and scale of forest management on their own. Collaboratively, we must remain committed to finding solutions if we want to achieve fire resilient landscapes.

Thank you for the opportunity to provide testimony on these critical issues, and I am pleased to respond to questions.

[The prepared statement of Mr. Johansson follows:]

PREPARED STATEMENT OF JAMIE JOHANSSON, PRESIDENT, CALIFORNIA FARM BUREAU
ON H.R. 3522

INTRODUCTION

Thank you Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. My name is Jamie Johansson, and I am a first-generation farmer producing olives and citrus fruit in Oroville, California. I also serve as President of the California Farm Bureau, California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 30,000 members. I appreciate the opportunity to testify today before the Subcommittee on the FIRESHEDS Act on behalf of the California Farm Bureau and our members across the state of California. California's wildfires are very personal to me. As President of my organization, I have witnessed and heard the numerous stories of loss and frustration from my membership. In addition, I myself, my employees and have been wildfire evacuees.

WILDFIRE IMPACTS ON CALIFORNIA AGRICULTURE

Wildfires have caused numerous direct and indirect impacts on California's \$50 billion agriculture industry. In addition to being a significant public safety threat, many farms, ranches, wineries, employee housing, equipment, livestock, and commodities have been directly damaged or completely destroyed. For those only partially impacted, they are faced with the reality of rebuilding what remains of their operation. Because many farmers and ranchers live on their farming operation, some have also lost their home simultaneous to losing their farm.

Wildfire Smoke & Ash

California agriculture has faced many challenges related to wildfire smoke and ash. For example, the 2020 LNU Complex Fires that burned over 360,000 acres, covered much of Northern California's wine region in a weeks-long blanket of smoke and ash. The Glass Fire, which burned over 65,000 acres in Napa and Sonoma counties immediately following, resulted in such severe smoke taint that many wineries looking to produce a 2020 vintage were unable to harvest their crop. Monterey County, and many of California's central coast counties, as well as the winegrowing regions of the Central and Sacramento Valley, also experienced weeks of smoke and ash coverage.

Wildfire smoke and ash has also affected availability, and at times exacerbated shortage, of Personal Protective Equipment (PPE) needed by farmers and agricultural employees. According to California Division of Occupational Safety and Health (Cal/OSHA) workplace regulations, employers are required to protect outdoor workers with N95 masks or respirators when the Air Quality Index is 151 or greater. Particularly during the COVID-19 pandemic, our producers were faced with significant challenges related to providing our employees with Personal Protective Equipment (PPE). Prior to the 2020 wildfires, California Farm Bureau and other groups worked with the California Department of Food and Agriculture to acquire about 1.5 million respirators that were released to county agricultural commissioners from state supplies. But, as the wildfires began, people who needed the respirators couldn't get them. This prevented even the most usual agricultural activities such as harvest, plantings, and cultivation at a time when domestic food production was exceedingly critical.

Insurance Availability and Affordability

Wildfire has also created many residual impacts for California farmers and ranchers in the areas of insurance, energy certainty, and livestock safety and evacuation. In addition to homeowners' inability to renew policies or affordably insure their homes due to wildfire risk, California farmers and ranchers have experienced the same challenges. In one instance, a member reported their premium had increased from \$8000 to \$36,000. Meanwhile, many southern California counties, as well as Napa, Sonoma, El Dorado, Calaveras, Placer, Nevada, Shasta, Trinity, Mendocino, San Benito, Santa Cruz, and San Luis Obispo counties, have seen policies terminated entirely due to wildfire risk.

Until California State Senate Bill 11 was signed into law in 2021, California farmers and ranchers did not have access to California's insurer of last resort, the California FAIR Plan, which provided basic property insurance only to homes and commercial properties at highest risk. This left commercial agricultural infrastructure, wineries, farm equipment and other components uninsured. SB 11 authorized these operations to access the California FAIR Plan for basic property coverage and provided a necessary property insurance backstop for agricultural infrastructure. Currently, California Farm Bureau is sponsoring state legislation that would allow for commercial insurance policies under the FAIR Plan to move back to the admitted commercial market, therefore providing opportunities for agricultural producers to move back to the competitive market with affordable commercial policies protecting farming and ranching operations.

Public Safety Power Shutoffs

With utility infrastructure in California found to have caused some of the most catastrophic damage in California history, the California Legislature and California Public Utilities Commission have required California's investor-owned utilities to better safeguard their infrastructure to prevent those catastrophes. One tool that has been implemented is the use of public safety power shutoffs (PSPS). These shutoffs simply de-energize electrical grids when certain climatic risks, such as wind and low humidity, could potentially result in a wildfire should the infrastructure fail or an object come into contact with the infrastructure sparking fire. While PSPS implementation can serve as a valuable public safety tool, farms and ranches can be greatly impacted by these wildfire mitigation efforts as lack of energy availability creates added uncertainties for agricultural operations.

Livestock Evacuation Protocols

Our farmers and ranchers need the ability to safely and responsibly cross into evacuation zones to relocate imperiled animals during a wildfire incident. Historically, hired vendors working with CALFIRE or the United States Forest Service on an active wildfire incident, including water tender operators, heavy equipment and dozer operators, crew bus drivers, vehicle drivers, mechanics, fallers, swampers, and chain saw operators, have been required to complete the Fireline Safety Awareness course, a one-day, 8-hour course of instruction. Farmers and ranchers have the resources and experience to safely, humanely, and efficiently transport livestock to safety. Wanting the same opportunity as incident vendors, agriculture organizations supported state legislation, Assembly Bill 1103, which established a statewide framework for county "Livestock Pass" programs to safely provide livestock producers access to their ranches during wildfires and other emergencies. While prior to the legislation some counties had already developed emergency ranch access programs, other counties lacked the resources to develop and implement Livestock Pass programs. AB 1103 required CAL FIRE to establish a statewide training program for Livestock Pass holders, codified a requirement that law enforcement and emergency responders grant ranch access to Livestock Pass holders, and established certain minimum standards for administration of the programs, facilitating and streamlining adoption of county Livestock Pass programs throughout the state.

INCREASING FOREST MANAGEMENT CAPACITY

With the presence of 18 National Forests in California, nearly half of the 100 million acres in our state are managed by the federal government. Given the extensive number of wildfire-related impacts California farmers and ranchers are facing, California Farm Bureau has a vested interest in the quality, and quantity, of forest management activities. Recognizing the need for robust financial resources, California Farm Bureau strongly supported the \$1.4 billion included in the Infrastructure Investment and Jobs Act (IIJA), providing the Forest Service with implementation resources for the Wildfire Crisis Strategy, a 10-year strategy for confronting the western wildfire crisis. Two California landscapes, the North Yuba

and the Stanislaus, were included within the ten initial landscapes. California Farm Bureau also supported the additional \$1.8 billion in funding provided in Inflation Reduction Act (IRA) for hazardous fuels funding in the wildland-urban interface. Within the additional eleven landscapes for treatment that were identified, three California landscapes were included in the second round of investments. These include the Southern California Fireshed Risk Reduction Strategy, the Trinity Forest Health and Fire-Resilient Rural Communities project, and the Plumas Community Protection project.

While recent funding provided by Congress in the IJA and IRA to address fire risk should be celebrated, we remain concerned about the expediency, or pace and scale, in which treatments on federally owned lands are being performed given the quantity of treatment work that needs to be done and the fire threat our state is facing. We also remain concerned about whether or not the necessary financial resources will continue to be allocated so that current forest health investments are maintained in the longer-term.

To address management backlog and achieve landscape scale management, we must do more to enhance capacity and modernize technical expertise. To accomplish this, we must find a way to speed up the collaborative process and empower multiple jurisdictions and partners. Partnerships that assist the Forest Service with permitting and National Environmental Policy Act (NEPA) processes, as well as on the ground work, should be expanded. Private industry, including foresters and ranchers within our own membership, are highly skilled, trained, and operate equipment that can assist the Forest Service with vegetative removal as well as fire suppression activities. In many cases, these individuals are also personally knowledgeable about the local communities and landscapes, bringing additional contributions to a project. We strongly believe that by leveraging such partnerships, more treatments would be able to be performed on federal land, around rural communities, and along shared property lines resulting in a more wildfire resilient environment.

Additionally, both the federal government and the State of California have expressed interest in seeking ways to boost investment in new facilities where capital investments serve as a driver for forest treatments. However, given the significant presence of federally owned land, the challenge with this approach is that stewardship agreements do not include an obligation that guarantees forest material to private industry. Without some level of certainty surrounding supply agreements with the Forest Service, it will continue to be very difficult to spur new infrastructure investment because existing infrastructure is set up based on the landscapes in which they serve. In California, industry infrastructure and markets for low to no-value wood products is a significant challenge in need of solutions. We must work to collectively find ways to complete the NEPA processes for forest management and low to no-value wood products, affordably transport these materials out of the forest, and incentivize companies that can work on biomass or develop new, marketable products out of these forest materials.

THE FIRESHEDS ACT

As private landowners who work and live on and near forested lands, our members also recognize that implementing forest management that utilizes the best available data, employs strong and effective collaboration across jurisdictional boundaries, and engages in partnerships with industry and other partners is necessary to ultimately change fire behavior and achieve large landscape forest management. Including these facets in forest management will best utilize the recent influx of federal funding while also addressing capacity barriers. For these reasons, we are pleased to offer comments in support of the Forest Improvements through Research and Emergency Stewardship for Health Ecosystem Development and Sustainability (FIRESHEDS) Act. The FIRESHEDS Act would allow a governors to enter into joint agreements with federal land management agencies to designate landscape scale emergency fireshed management areas identified in the top 10% of wildfire exposure on the date of designation. We especially like that the bill also allows for such agreements to be updated as new wildfire threats emerge. The bill would also recognize previously signed stewardship agreements as an agreement are defined under the bill. The Act also smartly allows these fireshed areas to contain Federal and non-Federal land which would further collaboration and partnership.

For each emergency fireshed management area, the Secretary and the governor would then jointly conduct a stewardship and fireshed assessment that would include, but not be limited to:

- An exposure risk assessment including scenario planning, mapping, and modeling,
- A strategy for reducing the threat of at-risk communities in the wildland-urban interface within an emergency fireshed,
- Identification of fireshed management projects to be carried out, and
- A timeline and long-term benchmark goals for the completion of projects in the highest exposure areas.

The bill prioritizes projects that seek to address the highest threats to public health and safety with second priority given to projects that protect critical infrastructure, habitat, watersheds or improving water yield, or a combination. The bill also smartly authorizes the Secretary to enter into Memorandums of Understanding with additional partners so that assessments are continually updated using the best available data including data from private entities, research or education institutions, State forest action plans, state wildfire risk assessments, and other State sources.

Following a commonsense approach, projects identified within designated fireshed management areas would then be carried out by the Secretary in accordance with the fireshed assessment. We are also appreciative that the bill seeks to align these projects in accordance with the applicable forest management plan, would develop projects collaboratively, and prioritize the creation of fuel breaks, reducing hazardous fuels, conducting prescribed burns, and removing dead or high-risk trees. Fireshed management projects could also utilize existing statutory and administrative authorities including a Good Neighbor Agreement.

The FIRESHEDS Act also correctly recognizes livestock grazing as a hazardous fuels reduction strategy within the fireshed management projects included in the bill. Livestock grazing not only benefits ranchers and rural communities, but it also provides important management, environmental, and infrastructure benefits that should be more fully recognized. Grazing can be an effective management tool for the Forest Service to improve range condition, manage for fire, and control invasive species. Livestock grazing permittees also often provide additional services to public lands such as facility maintenance, road maintenance (culvert clearing), and trash removal. Additionally, livestock grazing on public lands is an essential social, economic, and ecological component of many forested rural communities.

PRESCRIBED FIRE

One of the most vital components of reducing wildfire fuels in overgrown forest lands is prescribed fire, a tool that has been used by generations to promote culturally important vegetation and reduce forest density. However, in the past century, due to altered fire suppression practices and a hesitance to mechanically thin forest stands, our forested landscapes are now subjects to excessive fuel accumulation.

Prescribed fire is a crucial component in forest resilience efforts, as properly managed burns can provide numerous ecosystem benefits including reducing excess brush, shrubs and small-diameter trees, encouraging new growth of native vegetation, and maintaining plant and animal species whose habitats depend on natural, episodic fire. Additionally, when used as part of a larger fuels reduction treatment plan, regular, planned use of prescribed fire has also been shown to prevent the kinds of catastrophic wildfires that can set back particulate matter (PM) emissions reductions goals.

Due to California's tremendous fuels treatment needs, we must express our concern with the U.S. Environmental Protection Agency's (EPA) Reconsideration of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter as proposed. Currently, the proposal seeks to reduce the primary annual average PM_{2.5} NAAQS from 12 micrograms per cubic meter of air (ug/m³) to between 8–10 ug/m³. This proposed change would significantly limit the number of windows available in California for land managers to conduct essential prescribed burns to prevent future catastrophic wildfires at a time when state and federal land managers, including the Forest Service, are acknowledging the dire need to increase prescribed fire on the landscape.

While we understand that EPA considers prescribed burns covered under the Exceptional Events Rule, the 2016 regulatory process that codified the conditions under which prescribed fires could qualify as exceptional events is not sufficient enough to enable a robust prescribed fire program. Exceptional Events filings are

also resource-intensive and often denied by local air boards. Without explicit regulatory allowances for prescribed fire to cause NAAQS exceedances, we fear that the proposal could reduce potential burn windows by as much as 80 percent. For this reason, we have written EPA urging them to develop regulations that enable greater use of prescribed fire in tandem with the NAAQS in order to prevent future emissions from high severity wildfires. Should EPA finalize the proposed rule as written, we urge Congress to consider legislation that creates an exception to EPA's requirements.

2023 FARM BILL

The 2023 Farm Bill presents an opportunity to build upon the successes of the 2014 and 2018 Farm Bills in a way that better equips federal agencies to manage forests, incentivize more public-private partnerships, grow new markets for forest products, and support rural communities. The 2023 Farm Bill should also encourage the Forest Service to utilize all of its authorities, including new authorities provided in the Infrastructure Investment and Jobs Act (IIJA). As work on the 2023 Farm Bill continues, we urge Congress to consider the following:

Good Neighbor Authority

Consider amendments to the Good Neighbor Authority that will leverage more partnerships that increase landscape-scale restoration projects.

- Allow States, Counties, and federally recognized Tribes to retain revenues generated through Good Neighbor projects for reinvestment in conservation and management activities.
- Allow for restoration activities to take place on non-Federal lands pursuant to conditions specified in Good Neighbor agreements. Direct the Forest Service to update existing Good Neighbor Master Agreements and Project Agreements to use revenue from existing projects for this work.
- Allow for both new road construction and reconstruction under Good Neighbor Authority contracts on a limited basis for the purposes of water quality, vegetation removal, and safe and efficient use.

Market Investments

The work being done on both federal and private lands to reduce catastrophic wildfire risk creates a large amount of low-value woody material. Unfortunately, there are not adequate markets and infrastructure currently available to remove this material from the forest and put into the marketplace. Depending on truck availability and infrastructure locations, transporting this material can also be very expensive.

- Expand current programs, such as the Wood Innovations Programs and Community Wood Grant Program, to encourage more market development for woody, low-value material.
- Consider cost share mechanisms to assist with transport of low-value woody materials to processing facilities.

Enhance Fuel Break Cross-Boundary Collaboration

Connected fuel breaks provide multiple benefits, including naturally reducing the wildland fire behavior, providing safer opportunities for firefighters, and providing tactical advantages for aerial deployment of fire retardant. Fuel breaks near roads can also improve egress for those evacuating from wildfire and ingress for first responders. Although there has been significant federal investment in such work, it is essential that similar work conducted on private lands is coordinated and connected so that the benefits of these actions is maximized for forest health and public safety.

- Authorize and fund wildfire reduction actions to assist private landowners in connecting, completing, and maintaining fuel breaks on their land with priority given to projects that link with fuel breaks on other lands in high-priority areas.
- Authorize and fund the Forest Service to enter into agreement with private sector entities to construct and maintain connected fuel breaks on federal lands in coordination with State and private landowners.
- Provide authorities, including cost share instruments, that enable USDA to partner with adjacent landowners to reduce wildfire risk.
- Seek ways to connect fuel breaks on federal lands with similar activities on state and private lands.

Remove Barriers to Increasing Pace and Scale of Forest Management

The 2018 Farm Bill added a new “rural” requirement to the Forest Service’s Landscape Scale Restoration Program, greatly restricting the ability to conduct hazardous fuels reduction projects in areas with populations greater than 50,000, including areas within the Wildland Urban Interface.

- Amend the Landscape Scale Restoration Program to remove the rural requirement established in the 2018 Farm Bill.

The National Association of State Foresters reports that the USDA Forest Service has designated approximately 74 million acres nationwide as insect and disease treatment areas yet only a fraction of those acres has been treated.

- Amend the existing Forest Service Categorical Exclusion to increase the number of acres which can be treated for fuels reduction and pest treatment from 3,000 to 15,000+ acres or larger.

Each National Forest is governed and guided by a legally binding Forest Plan. Plans are developed through a collaborative process with many opportunities for public involvement and specifically designate which acres within a national forest are suitable for timber production. In addition, when a management action is proposed, the Forest Service must also initiate a separate National Environmental Policy Act process. Currently, there is lack of legal clarity about whether individual Forest Plans are an ongoing action under federal law.

- Clarify that Forest Plans are not ongoing actions under federal law and that consultation under Endangered Species Act Section 7 is not required at the forest plan level. Additionally, clarify that projects on acres deemed suitable for timber production in individual forest plans, be subjected to reduced analytical requirements.

Ranchers who graze livestock on federally managed lands serve as a primary caretaker of those lands in many ways. Grazing permittees should be empowered as partners in conservation and leveraged as a landscape management tool to help address buildup of wildfire fuels.

- Recognize grazing as a wildfire management tool in fuels management programs, the Collaborative Forest Landscape Restoration Program, and other collaborative stewardship programs.

Despite dozens of additional authorities intended to increase the pace and scale of restoration, there are still millions of NEPA-ready acres waiting for implementation. While significant increases in funding should increase implementation, challenges with the Forest Service utilizing existing authorities to their fullest extent still remain. There should be a path of recourse for stakeholders, or Congress, to compel options such as management, long-term stewardship contracts, Good Neighbor Authority, and others.

- Create an avenue where stakeholders and Congress can elevate and/or approve specific actions on NEPA-ready projects, especially on lands identified as priority watersheds, high risk fireheds, or identified in a wildfire crisis implementation plan.

Increase Flexibility And Efficiency Of Contracting And Procurement

Inflexibility in Forest Service contracting, procurement processes, and rules continues to be an impediment to forest restoration at the pace and scale needed to address the problem. Shorter-term contracts or longer contracts that are interruptible, request for proposals (RFPs) that have minimum bids, or other conditions that don’t reflect current realities or the cost of doing business, issues with liability for participating agencies, and prohibitions on allowing knowledgeable stakeholders having interaction during RFP development are among the issues that are commonly slowing progress.

- Direct the Forest Service to revise contracting and procurement policy, guidance, and implementation of existing authorities.

Prioritize Reforestation And Post-Fire Rehabilitation Of Federal Lands

Millions of acres of forestland have been lost to wildfire. According to American Forests, a substantial portion of the over 4 million acres of potential reforestation needs on national forests stems from 2020–2021 wildfires when more than 2.5 million acres burned at high severity, adding to the 1.54 million acres of previously identified needs. While the recent passage of the REPLANT Act is expected to

provide significant resources, more will need to be done. The current rate of loss is outpacing the nation's public and private nursery capacity and seedling supply.

- Prioritize reforestation of federal lands and increase investment for public and private nurseries for the purposes of reforestation.

In addition to investing in wildfire prevention, post-fire reforestation and recovery investments are also critically important for the health of our national forests and rural communities. While wildfire causes the majority of reforestation needs on national forest lands, extreme weather conditions including drought and insect and disease infestations also drive reforestation needs.

- Direct agencies to utilize all tools for post-fire rehabilitation, including livestock grazing, and provide funding for prompt post-disturbance forest recovery and restoration activities to prevent the spread of invasive species and protect water quality. Authorize agencies to utilize post-fire recovery funds for rebuilding of operational infrastructure, including federal and non-federal facilities, and direct agencies to allow streamlined access, approval, and clearing and removal of wildfire damaged trees impacting the recovery of infrastructure function.

CONCLUSION

With the presence of 18 National Forests in California and significant landownership from other federal and state entities, California's private landowners are unable to solely increase the pace and scale of forest management. The reality is we are playing catch-up with a situation that has been worsening for decades and has been exacerbated by drought, disease, and even climate change. Collectively and collaboratively, we must remain committed to finding solutions to change fire behavior and achieve fire resilient landscapes. Thank you for the opportunity to provide testimony on these critical issues. I am pleased to respond to questions.

Mr. TIFFANY. Thank you, Mr. Johansson. I am now going to recognize Members for 5 minutes for questions, and I will begin the process.

Mr. Johansson, what I am hearing you say in your testimony is that you can help, that your members can help in the California Farm Bureau. Do you want to elaborate on that a little bit?

Mr. JOHANSSON. Yes, in any sort of disaster or natural disaster, the first responders are often the landowners or neighbors. I mean, historically, there would be smoke on the horizon, and everyone would respond.

I think right now we are seeing devastating floods in Tulare Lake now re-emerging down in Tulare and Kings County. It is farmers, it is ranchers who are responding to shore up those levees. The same happens also in wildfire situations. But most importantly, too, as we grow upon the Good Neighbor Authority is including those locals, those counties who understand those firesheds. And perhaps it has burned before, maybe on a smaller scale, but understand how it responded 30 to 40 years ago. So, certainly, the front lines there can be your locals on the ground and your farmers and ranchers.

Mr. TIFFANY. Thank you.

Mr. Heithecker, in my opening remarks, I said we can respect our environmental laws and we can move quickly at the same time. From your time as a forest supervisor, would you agree that the Forest Service can utilize categorical exclusions to respect environmental laws and move quickly at the same time?

Mr. HEITHECKER. Yes, thank you for the question. The Forest Service has internally made concerted efforts to streamline our processes, and that includes a nationwide monitoring program, an

effort started a while ago. Environmental analysis and decision-making helped us look at ways to be more efficient internally.

As you know, as we have testified prior, 85 percent of our NEPA decisions are made through categorical exclusions. That is about 1,400 a year, and that is up from 70 percent around 10 years ago. All of those categorical exclusions comply with all statutory, regulatory, and policy requirements to implement that work on Federal lands.

Mr. TIFFANY. Do you believe that categorical exclusions undermine bedrock environmental laws?

Mr. HEITHECKER. They do not. They have to comply with all of those environmental laws. They are just another category of NEPA decisions. It is just excluded from analysis due to the fact that they have been determined with CEQ to not have a significant impact to the human environment.

Mr. TIFFANY. With your first answer, this is something this Committee and Subcommittee is going to be watching very closely, that we are getting the treatments done because that is something that is very concerning, with all the additional money that has been going out, that there are a significant number of treatments that are getting done.

One more question. Is the 10,000-acre categorical exclusion that is currently only available for the Tahoe Basin an example of where the Forest Service has been able to move quickly while respecting environmental laws?

Mr. HEITHECKER. Yes. I think if we look across our landscapes and how we operate, the size of our decisions is often in excess of 10,000 acres, 30,000 or 40,000, where we find that there are no significant impacts. And having tools to help us do that work at scale faster is a benefit to us.

Mr. TIFFANY. Mr. Desautel, you commented about how the drafting error in regards to the Good Neighbor Authority, I believe it was in the 2018 Farm Bill, it is my understanding you were forced to abandon a project on the Colville National Forest. Is that accurate?

Mr. DESAUTEL. That is accurate. Congress expanded the authority for tribes and counties to enter into the agreements, but later in the Act, in the section that would have allowed them to expend revenues generated from forest products, the tribes and counties were not included in that section, and this bill would address that.

Mr. TIFFANY. How many acres of fire-prone Federal lands do you estimate you would have been able to treat if that would have been in place?

Mr. DESAUTEL. That project area was roughly 40,000 acres. But the west quarter of that burned in the 2015 fire season for us. So, that is something we are currently working on under a Tribal Forest Protection Act Agreement. But we have seen significant fires all around that area since the 2015 fire season.

Mr. TIFFANY. So, if the 2018 law would have allowed that treatment, how many acres would that have helped not succumb to fire?

Mr. DESAUTEL. It is hard to predict how much we would have stopped it because 2018 was a significant year, worst fire behavior than I had seen at any point in my career. But almost certainly it would have reduced the fire effects. And I think it falls into one

of those scenarios where we just aren't moving fast enough, that we are seeing projects burn during the planning process because the planning processes are lengthy.

Mr. TIFFANY. Mr. Johansson, can we address this wildfire crisis without some reforms of NEPA?

Mr. JOHANSSON. Well, I mean, I think—

Mr. TIFFANY. Can you do it solely with funding, or is it going to take some reforms?

Mr. JOHANSSON. No, it does take reforms. I mean, in California, we enjoyed a \$100 billion surplus in our state budget. It is easy to throw money at a project, and we have thrown a lot of money at trying to address this in California. But as I have said before, just throwing money at a problem such as wildfire and forest thinning doesn't work unless you are actually doing the project and the project gets finished. It has to be expedited.

We see, locally, if you are doing a mechanical thinning project, it can take up to 3 years to get approval in the forest, 4 years if it is a controlled burn. But, theoretically, those are averages. We hear stories and I get phone calls of frustrations from people in Murphys, California and Calaveras County who are on their 7th and 8th year.

So, the expedited process has to go into effect in terms of how we rely on those forest plans that our foresters put together, and they are thorough and extensive, and take a very long time. That should ultimately be what drives and moves forward projects, and not just—

Mr. TIFFANY. Yes, thank you very much. My time is expired, and I would like to recognize the Ranking Member for 5 minutes.

Mr. NEGUSE. Thank you, Mr. Chairman.

Deputy Chief, as I mentioned in my opening statement, I have introduced the Forest Service Flexible Housing Partnership Act, along with my colleague, Senator Bennet in the Senate, which extends an existing authority that I know is being utilized right now in my district in Colorado, in the White River National Forest. That particular project, as you may know, plans to develop 163 affordable housing units in a community adjacent to the country's most visited national forest. The project includes a set-aside for Forest Service employees.

In your testimony, you mentioned that the lack of affordable housing is a major barrier to recruiting and retaining your workforce, including the wildfire workforce. And I wonder if you might be able to provide some insight or perhaps expound a bit on how your agency works with project proponents to strike an appropriate balance between supporting both Federal employees and the general housing needs.

Mr. HEITHECKER. Yes, thank you for the question. I am familiar with that project. I have worked closely with the forest supervisor, Scott Fitzwilliams, down there on the White River, and we do appreciate the authority given to us in that Act.

It has given us an opportunity that, while it has taken some time to figure out the nuances, as you can imagine, it is a complicated process, but the ability to partner in areas, especially in neighboring national forests, where in Summit County, for instance, the housing prices are exorbitant, there is not land available to develop

homes—we have the land, we are able to work with these partners and through this leasing authority, provide affordable housing to their employees and our employees. It is a great opportunity, and we are looking forward to working on expansion of it and continuing to build more in the housing world.

Mr. NEGUSE. Well, I thank you for your remarks, and I couldn't agree more. And it underscores why the Forest Service Flexible Housing Partnership Act is so important in terms of ensuring that the Forest Service has these authorities into the future.

Ultimately, the bill is about collaboration and cooperation, and that is something that we take great pride in in Colorado. And I think this is an example of a way in which the Forest Service can apply that same model perhaps in other communities across the country.

I suspect the Agency has given some thought internally as to what other potential sites might exist, to the extent that this legislation is enacted and the authority is extended.

Mr. HEITHECKER. Yes, absolutely. We have. As you know, affordable housing and firefighter pay are two of the biggest barriers to getting more firefighters on, retaining firefighters, investing in their health and well being. And as I mentioned earlier, the number of communities that are in or adjacent to National Forest Systems that have housing costs that are just not affordable to people is a challenge that we are trying to overcome.

And we have a couple other pilot opportunities that we are looking at, and really looking forward to successfully implementing the project on the White River.

Mr. NEGUSE. Again, I thank you for your testimony. I think this is a program worth supporting and extending, so I am hopeful that my colleagues will support it.

With that, I will yield back, Mr. Chairman.

Mr. TIFFANY. Thank you to the Ranking Member. I would like to turn to the gentleman from California, Mr. McClintock, for his 5 minutes of questioning.

Mr. MCCLINTOCK. Thank you, Mr. Chairman.

Mr. Dugan, the provisions of H.R. 188 have been in place for nearly 8 years now in the Tahoe Basin Management Unit. And it has already been noted that when the Caldor Fire hit a treated tract as it barreled down on the city of South Lake Tahoe, it laid down, and the firefighters were able to stop it. Meanwhile, in the adjacent El Dorado Forest, U.S. foresters had been trying to treat the trestle project for more than a decade. They knew it was critical to protecting the town of Grizzly Flats, but the laws and the litigation arising from those laws had stalled the project, and it was still pending when the Caldor Fire hit the tract, exploded, and utterly destroyed the entire town.

So, I guess the first question is, why shouldn't we extend that to the 193 acres of the U.S. Forest Service? Can you think of any reason not to?

Mr. DUGAN. Well, I would submit to you this reference. There are significant sufficient environmental safeguards, even under a categorical exclusion, where we have compliance built in. So, I see no reason why we wouldn't want to expand that categorical

exclusion to all of these areas that we need to treat. We have shown it works. Environmentalists are happy.

Mr. MCCLINTOCK. As soon as possible, before we lose another town of Grizzly Flats or, a few years back, a town of Paradise.

Have you observed a difference between the private forests in the Sierra and those under the care of the Federal Government?

Mr. DUGAN. Well, the reality is, yes, the private forests are able to respond. The private forests are also able to reforest quicker. There are a lot of issues there. But when it comes to the topic for today's hearing, absolutely, and that is why we need the categorical exemptions because we know the system works so slow in permitting.

Mr. MCCLINTOCK. Mr. Johansson, what have you observed regarding the condition between the private forests and the Federal forests in the Sierra?

Mr. JOHANSSON. I mean, I agree with Mr. Dugan. It can be quite obvious, even traveling on Interstate 80 there in California, going into Nevada, into the Tahoe Basin, and you can definitely tell there is a difference in terms of active management of those private forest grounds.

Mr. MCCLINTOCK. You know, when they say, well, it is climate change, I think how clever of the climate to know exactly the boundary line between the private and Federal lands, and only devastate those on the Federal side of the boundary line.

Mr. Heithecker, I am wondering about something. Half of California's forests are privately owned, the other half are administered by the Forest Service. And as has just been pointed out, you can tell the boundary lines between the private and Federal lands just by the condition of the forests. Private lands are usually healthy. They are well managed. Tree density is matched to the ability of the land to support it, and they actually make money doing that. The Federal lands, the lands that you are responsible for, are densely overgrown, stressed, and dying, and you lose money doing that.

Five years ago I toured the footprint of the of the King Fire. The private lands owned by Sierra Pacific Industries, in this case had been completely salvaged, and the funds generated from that salvage had been used to suppress brush growth, and you could see new, young, healthy trees that were already planted and growing. The Federal lands—again, the lands that you are responsible for—had been abandoned. Six feet of brush had grown up on those forest lands. No trees had been salvaged. All you could see was dry brush and dry, rotted trees falling on top of that dry brush, a perfect fire stack. In fact, the firefighters in the Caldor Fire told me when the fire hit the King Fire footprint, it literally exploded because of the neglect of your agency.

So, private landowners make money keeping their forests in healthy condition, and you somehow manage to lose money keeping our forests in decrepit condition. Would you care to explain yourself?

Mr. HEITHECKER. I will give it a shot. Thank you for that.

I would say that we are working currently with the National Alliance of Forest Owners on a couple of agreements to help

streamline some of that work across boundaries. We recognize the importance of that.

Mr. MCCLINTOCK. How do you explain the difference? You lose money keeping our forests in decrepit condition. Private land-owners make money keeping their forests in healthy condition.

I mean, why should anybody listen to your agency on matters of forest management, given that record?

Mr. HEITHECKER. Well, I would like to think that the Agency has a very stout and educated group of scientists supporting—

Mr. MCCLINTOCK. Well, would you like to explain why the difference?

Mr. HEITHECKER. Well, our agency is guided by different rules and standards than those private lands, I think you are aware of that, which is National Forest Management Act, Multiple-Use Sustained Act, the National Environmental Policy Act, and others.

Mr. MCCLINTOCK. Well, those laws were supposed to improve the condition of the forest. We have lived with them for 50 years now. I think we are entitled to ask how are the forests doing? And the answer is absolutely damning. And for your agency to stand in the way of any legislation designed to remediate that problem I find appalling.

I yield back.

Mr. TIFFANY. The gentleman yields. I turn to the Subcommittee Chairman, Mr. Stauber, for 5 minutes.

Mr. STAUBER. Thank you very much, Mr. Chair.

St. Louis County, Minnesota is the largest county east of the Mississippi River, as well as my home county. St. Louis County is a checkerboard of Federal and non-Federal land. It is also one of the best examples of an area where all parties need to work together, be it the Bureau of Land Management or the U.S. Forest Service that manage our Federal lands, or the local tribes and counties that manage our non-Federal lands.

Given this necessary collaboration that I have seen in northern Minnesota, I support enabling our leaders to work together and expanding Good Neighbor Authority. I am proud to support H.R. 1450, the Treating Tribes and Counties as Good Neighbors Act, which has been introduced by my good friend and colleague, Congressman Fulcher.

Congressman Fulcher has been a leader in our conference on forest management, and I want to thank him for introducing this important piece of legislation that builds upon the success of Good Neighbor Authority.

Mr. Heithecker, in 2018, Congress expanded the Good Neighbor Authority in the Farm Bill, expanding the program to counties and federally recognized Indian tribes. Can you speak to how participation in Good Neighbor Authority agreements increased following the changes made in the 2018 Farm Bill?

Mr. HEITHECKER. Yes, thank you. I think, as it has been pointed out here, it is important to note that it was an oversight or an omission from that language to not have revenues retained by the tribes and the counties has been a barrier.

With that said, we still have worked with numerous states, including the state of Arkansas, where I came from, to leverage that capacity to work across boundaries to implement restoration

treatments that do include timber value, as well as prescribed fire. Critical to collaborate with multiple agencies within each of those states, whether it is Fish and Wildlife to protect critical habitat, to work with them on administering the timber sales, allow them to generate the revenue to help them do that work and build capacity to support that work.

So, I absolutely think that we will benefit if we can get the retention of revenues for tribes and counties and allow us to expand that opportunity, as was already shared today. And as you know, the opportunities exist. And where we can make those more effective and more accessible, it is going to benefit all of us.

Mr. STAUBER. I appreciate your comments.

Mr. Desautel, you represent over 60 tribes that make up the Intertribal Timber Council. And in your testimony, you noted the benefits that you have seen under the Good Neighbor Authority program. Would you say that the tribes that you represent have missed out on the potential added benefits of Good Neighbor Authority since the 2018 Farm Bill only allows states to utilize funds from timber sales?

Mr. DESAUTEL. Yes, sir. I think if the authority had been expanded or the language had been corrected early, that tribes would have utilized that authority early to take advantage of the funding that is available in the infrastructure bill to help support Good Neighbor Agreements. Because for the states that I am familiar with, Washington State, where I live, being one of them, the state had to put in, essentially, seed money to stand up the program to establish staffing and develop the project planning and NEPA analysis on the first projects to generate enough revenue to support that work going forward.

So, with this funding, it would have given tribes the opportunity to generate that revenue, stand up that program, build that capacity, to utilize that authority for an extended period of time to do that treatment that is needed on adjacent Federal land.

Mr. STAUBER. With the hopeful passage of this legislation, they will be able to do exactly what you just stated: invest more, and the money comes directly to them.

It is clear that since its introduction over two decades ago, the Good Neighbor Authority program has facilitated co-stewardship of our Federal and non-Federal lands, and has brought Federal land managers, states, counties, and our tribes together. Over these past two decades, Congress has taken great steps to improve and expand Good Neighbor Authority, and I commend the provisions in the 2018 Farm Bill.

However, we have a great opportunity right now to continue this success story and make changes that fully take advantage of the Good Neighbor Authority in Mr. Fulcher's legislation. I strongly support allowing counties and tribes to utilize proceeds from timber sales to take additional steps to work together and protect our Federal and non-Federal lands. And I look forward to supporting Mr. Fulcher's bill that will make this fix.

It is important to recognize that the three entities, states, counties, and tribes can take advantage of this and allow healthy forests and conservation along with financial security, with those funds returned back to those same entities.

Mr. Chair, I yield back.

Mr. TIFFANY. Thank you, Mr. Stauber. Next, I would like to turn to the gentlewoman from New Mexico for 5 minutes for questions.

Ms. LEGER FERNÁNDEZ. Thank you so much, Chairman Tiffany and Ranking Member Neguse, and the Members on this conversation.

As you know, I always look forward to it when we have the bipartisan support for, including tribes, recognizing them as sovereign nations, and that we must include them in our various legislation to ensure that they are able to take care of and participate as sovereign nations in our many programs that we have on the Federal level. Thank you so very much for your testimony.

I am also really pleased to have in today's hearing the inclusion of the Ranking Member's Forest Service Flexible Housing Partnership Act because affordable housing is important everywhere I go in my district. As we know, the issue of affordable housing is important across this country. Workforce housing is very, very important. I focused on that both before I got to Congress and then, when I am able to, through our community projects, through our congressionally-supported projects.

And in places that are really gorgeous and beautiful, it is sometimes even harder because the market prices regular folks out of the market. So, in places like Santa Fe and Taos, we really see that as very important.

Mr. HEITHECKER, can you discuss a little bit more about the ability to lease administrative sites that would benefit the Forest Service, and what that looks like on the ground?

Mr. HEITHECKER. Yes, thank you for the question. It is a unique authority for us. I mean, just think about it. If you are a private landowner and you want to lease part of your property, let somebody else build a house for you, have other people live there, the complexities of working that out, it is an interesting arrangement. So, the authorities given within that Act are new. We are trying to figure those out, and we are learning as we go.

But that exact situation is what we are working on in Dillon, Colorado, which is we have a chunk of administrative land that is being under-utilized. We have both the city, the county, the state, and the Forest Service who have employees that can't afford housing there. So, through that authority we are allowed to lease the land to the city, in this case, and have them build housing. To basically offset the cost of that lease, they allow us to have our employees stay there. So, it is a really beneficial, mutually agreeable arrangement that provides affordable housing to both the city of Dillon and the Forest Service.

And also in Colorado we are working with another group to look at another model to work directly with the state on how we can accomplish that in other communities throughout that area and others in the country.

Ms. LEGER FERNÁNDEZ. Right, and I look forward to you looking at sites in New Mexico because I think the ability to utilize lands that are available to their best purpose is part of that.

Mr. HEITHECKER. Absolutely.

Ms. LEGER FERNÁNDEZ. You talked about the complexities of doing it. What does it do in terms of being able to recruit and

retain employees to know that they will have housing close by? Because if they don't have it there, what would a commute look like?

Mr. HEITHECKER. Well, that is really one of the biggest challenges we have, as I mentioned, in addition to firefighter pay. But if you are a firefighter coming in, you are working these really long and grueling shifts, really risking your life in many cases, and folks can't afford, I mean, folks live in their cars. That is what they are up against in some of these communities.

The community of Dillon in itself, Summit County in general, is one of the more expensive areas that we have employees. And the fact that we can create at least some solution to allow folks across these other sectors to live there and be able to afford to live there, I mean, it is a night-and-day experience for them, a game-changer, from my perspective.

Ms. LEGER FERNÁNDEZ. And I think that touching upon that, we are asking somebody to risk their lives to help protect our forests because there are lots of important reasons to suppress, to address wildfires. But they are sleeping in their cars?

Mr. HEITHECKER. Yes.

Ms. LEGER FERNÁNDEZ. Right. And this is the same thing in terms of when we were looking at pay, right, and making sure that we have presumptions with regard to the illnesses that they cover.

So, I think that recognizing there is a wide range of needs that those who are put at greatest risk need, ranging from housing, to pay, to the presumptions with regards to illness is very important. So, thank you for answering those questions, and thank you for introducing the bill.

With that, I yield back.

Mr. TIFFANY. The gentlewoman yields. Next, the gentleman from Oregon, Mr. Bentz, for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair, and thank you, witnesses, for being here. I will start with Deputy Chief Heithecker.

H.R. 934 proposes to require the Secretary of Agriculture to carry out the activities to suppress wildfires. In meeting with various timber companies back in Oregon, they asked me if I would just do one thing when I got here, and that is to convince the Forest Service to put out the fire the moment they see it, as opposed to allowing it to burn. This legislation would do exactly that. Would you suggest that this legislation is not necessary right now?

Mr. HEITHECKER. Yes, thank you for the question. As we stated in our testimony, the concerns that we would have is that we would lose tools that are critical for us fighting fires.

And if you look at our data, it is 96 or 98 percent of all of our fires are caught within the first 24 hours. So, you have a very small percentage that are not, and I think it is 1 percent that we currently either monitor or manage for resource—

Mr. BENTZ. Let me just suggest that when I was out on the side of the various mountains, we drove around spending a couple of days looking at where the fires had not been put out as soon as they could have been. I will share with you that the damage was horrific, and it wasn't just the forest public land that was damaged. So, I think the bill is absolutely necessary.

Let's go to another question. I know that there in your budget for this year, 2023, there is \$321 million allocated to management of hazardous fuels. And I am very happy for the effort to clean up, if you will, the forests that under your 10-year plan you are working on. But I just want to know who is doing the work. Who is out there actually reducing fuel loads in the forest?

Mr. HEITHECKER. Yes, thank you for the question. It is going to be a mix. I mean, we are approaching this as all-lands, all-hands approach. And as you know, we work with the states, as I mentioned before, Good Neighbor Authority. We hopefully work with counties and tribes on—

Mr. BENTZ. Let's stop there.

Mr. HEITHECKER. OK.

Mr. BENTZ. When I have gone out and looked and seen who is doing the work, I see contract laborers doing the work. Most speak Spanish, and it looked to me like they were doing great work, working pretty hard, but they were working under a labor contractor, generally, or someone else of like nature. And I am happy they are out there doing the work. I just want to know, is that your observation? Is that who is actually out there doing the work?

Mr. HEITHECKER. In some cases, that is an observation, yes. It is not an observation I have made. Again, I came from Arkansas, working on the Ouachita National Forest. That was primarily Forest Service employees out there, both full-time firefighters, as well as what we call the militia, reserve firefighters, working hand-in-hand with the state and counties to do that work.

Mr. BENTZ. That would not be the case on the West Coast. And we have 90 million acres of forest now. It is not all Federal, but the work that is getting done in significant part is being done by folks that are not what I will call anxious to do that kind of work. There is the problem.

I have fought fire before very badly, very poorly. And I realized really quickly it was hard, dangerous, dirty work.

Mr. HEITHECKER. It is.

Mr. BENTZ. I have also gone out and cleaned up forests, believe it or not, when I was in high school. And it is hard, boring, hot, and most people don't want to do it. That is why I became a lawyer, so that I wouldn't have to do it. And I am just saying that it appears to me that the actual work that is being done to clean up the forest right now is primarily being done by immigrants. And I just wanted you to comment on that one more time. But if you don't know, that is fine for you to say.

Mr. HEITHECKER. I don't have that in front of me. And I could talk to you about our wildland firefighter hiring numbers and those sorts of things, but I would just offer that it is a mix of contracts. It is partners through agreements and our own employees.

Mr. BENTZ. The last thing I will mention, and sorry to have focused on you this entire time, but a huge part of Oregon is controlled by the Forest Service. There was a prescribed burn done not too far from where one of my brothers has a ranch and has a grazing permit. And it was badly managed, and there was an absolutely clear lack of respect by the Forest Service for the private landowners. Can you comment on that?

Is there someone overseeing these folks' activities? Because there seems to be an arrogance level and a lack of respect that does not bode well for prescribed fires.

Mr. HEITHECKER. I am surprised to hear that. Certainly, there is a level of oversight. The District Ranger is a local line officer. You have your burn bosses that are qualified through our rigorous process, as well as forest supervisor, and on up from there. So, if that is the case, we have, escapes in New Mexico drove us to pause our prescribed fire activities, do a comprehensive review of that program, and have made changes as a result of that.

Mr. BENTZ. Thank you.

Mr. Chair, I yield back.

Mr. TIFFANY. Thank you, Mr. Bentz. Next, I would like to recognize Mr. Moylan for 5 minutes.

Mr. MOYLAN. Thank you, Mr. Chairman.

Mr. Heithecker, it is good to see you again. I hope you enjoyed the informational trip we had to the Yale School of Forestry and the Yale Forest as much as I did. Of course, it was very interesting to hear about the Yale forest managers and the response to this complex challenge they have in their forest.

And for yourself, Troy, as someone who has spent time in a lot of different national forests across the country, can you just expand and talk about how important it is to empower individual Forest Service units to meet the unique needs facing their forests?

Mr. HEITHECKER. Yes, thank you for the question. It is good to see you again, too. It was a great trip. I enjoyed just the time together to talk forest policy and think about where we are heading with how we manage these great public lands that we are entrusted to steward.

Trying to answer any question in the Forest Service with one answer is really challenging. I mean, we have forests from Florida all the way up to central Alaska. So, having the ability to shape management and activities based on those specific ecosystems, what the local public and the communities need in terms of resource management and benefits is, I wouldn't say it is a challenge, it is an opportunity for us. We have to be flexible. We have to understand what each of those ecosystems, each of those forest types needs. And like I said, working across boundaries with the partners and being as collaborative as we can is really critical for us to get that work done.

Mr. MOYLAN. Thank you for that. The next question is for Mr. Johansson.

I believe the best solutions come from the ground up and are locally led. The FIRESHEDS Act allows states and local entities to address firesheds on both Federal and non-Federal land. How would this state and local knowledge help the Forest Service in treating more wildfire-prone areas?

Mr. JOHANSSON. I think it just comes from local knowledge and the history of the forest. And as I said before, it is true in politics, even, right? The most responsive is always how far down you can get to local, whether that is politics or whether that is managing a forest or a fireshed.

When you bring in the counties and the tribes who live there, because it is their home you are going to have a much more respon-

sive push to address the situation that the forests need, in terms of managing them.

I think, ultimately, too, you have another partner, you have another partner at the local level to assist because we know that the Forest Service, in terms of acreage that they have to manage, is overwhelmed. We can see that in terms of even after a fire we can only re-seed up to 8,000 acres a year.

So, I think it is imperative that you start looking locally and look down for more assistance for the Forest Service, and then even at the state level.

Mr. MOYLAN. Thank you for your response.

Mr. Chairman, I yield back my time. Thank you.

Mr. TIFFANY. Thank you, Mr. Moylan. Now, I would like to recognize Mr. Westerman, the Chairman, for 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Tiffany, thank you to the witnesses for being here today. It seems like I have been out in the field with all of you at some point, and I appreciate your commitment to forest stewardship and the good things that come from that.

Troy, thank you and Under Secretary Wilkes for joining us on the field trip last week. And we saw how difficult managing that forest in Connecticut can be with the various species and the management objectives. But they don't have to do NEPA, they don't have any regulatory requirements they have to go through. They are not concerned about litigation. Throw all that on top of what your folks at the Forest Service experience, and it makes your job very difficult.

And that is why, as policy makers, we get frustrated because what we are looking at are results. We want to see results on the ground. We want to see acres treated. We want to see CEs like Mr. McClintock got passed that show great results on the ground. We want to expand those policies.

I just have to ask, did CEQ review your testimony before you were able to submit it?

Mr. HEITHECKER. Our testimony goes through a review process, yes.

Mr. WESTERMAN. Yes, that is enough said about that. I have been around you in the field. I know you know how to manage forests. You did a great job on the Ouachita National Forest, and I know that you are a forester and you understand what needs to happen on the ground. But you are also working in this framework and this environment that we have created here in Congress, and that is why we want to change that.

Can you speak a little bit about how, when you can do your job, how successful it can be? I know the Ouachita has been one of the most productive forests in the country. It still needs a lot of work done on it, but talk about the short leaf pine bluestem grass restoration project, and how that has benefited the red cockaded woodpecker, plus generated timber revenues to do more work on the forest.

Mr. HEITHECKER. Yes, thank you, Chairman, and thank you for the trip. It was a great opportunity, as I previously mentioned, for us to talk about those shared interests and how we can help better steward these lands.

And in my opening remarks I did refer to the Ouachita as being one of the most productive and actively managed forests in the country, and I was surprised that Chairman Tiffany didn't come back at me with Chequamegon-Nicolet or one of those others. It is always a back and forth.

But I think the work in the pine bluestem is just a shining example. If you look at how we accomplish the work through CFLRP, a collaborative process, looking across landownerships and working with partners literally hand-in-hand on prescribed fire, and also being able to deliver commercial timber products to restore critical habitat for a threatened and endangered species.

As a result of that work and the ability to do that work at pace and at scale, it led, I believe, in no small part to the downlisting of the red cockaded woodpecker. And just again, balancing the needs of those ecosystems, the frequency of the treatments that is needed out there, while delivering commercially viable products—

Mr. WESTERMAN. I am going to have to cut you off there. It is a great example of how you can have a healthy environment and a strong economy at the same time. The two go hand-in-hand. And it is a great example of how the intent of the Endangered Species Act was followed. When you read the Endangered Species Act, it talks about conservation, conservation, and conservation. And that is how the Forest Service and other agencies get their hands tied by Fish and Wildlife when they start listing species and saying leave their habitat alone. But we need to do more projects like that.

Cody, I had a chance to spend some time on the Colville Forest last summer, and I know the great work the tribes are doing all across the country, and I am a huge supporter of more Good Neighbor Authority. We talked about New Mexico earlier. I was down on the Lincoln National Forest. The Mescalero Apache Tribe has some of the most beautiful Ponderosa pine stands that you will see anywhere. And just down the road in Lincoln National Forest, it is a moonscape, where tens of thousands of acres burned and they don't even regenerate. It is so bad.

But talk about how important it is to grow Good Neighbor Authority to get tribes more involved, and what we can do to help make that happen.

Mr. DESAUTEL. Right. The legislation proposed today, I think, will accomplish that.

But, I mean, tribes are a great proving ground. We have the ecological knowledge, traditional ecological knowledge of what the landscape should look like, and how we accomplish that. And I think because we fall under different regulatory frameworks, we can be examples and testing grounds for land management policies. And I think most folks that work with tribes recognize the great work that happens in Indian Country, and we can use that blueprint in our adjacent Federal lands and partner with them to make sure we accomplish those same management goals.

Mr. WESTERMAN. Well, I look forward to working with you, and all the tribes are doing great work to hopefully greatly expand that Good Neighbor Authority.

I am out of time, Mr. Chairman. I yield back.

Mr. TIFFANY. Thank you, Mr. Chairman, for your questions.

And I want to thank the witnesses for your testimony today. It is greatly appreciated. And we are going to move on to our third panel now.

And while the Clerk resets our witness table, I will remind the witnesses that are coming for our third panel that under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record.

I would also like to remind our witnesses of the timing lights, which will turn red at the end of your 5-minute statement, and to please remember to turn on your microphone.

As with the first panel, I will allow all witnesses to testify before Member questioning.

Our witnesses for the third panel are Ms. Riva Duncan, Mr. Rick Goddard, Mr. Laurence Crabtree, and Mr. Jonathan Godes.

We are going to start with Ms. Riva Duncan, who is the Vice President of Grassroots Wildland Firefighters.

We look forward to your testimony in the next 5 minutes.

STATEMENT OF RIVA DUNCAN, FIRE CHIEF, UMPQUA NATIONAL FOREST, U.S. FOREST SERVICE (RETIRED), VICE PRESIDENT, GRASSROOTS WILDLAND FIREFIGHTERS, ASHEVILLE, NORTH CAROLINA

Ms. DUNCAN. Thank you, Chairman Tiffany, Chairman Westerman, Ranking Member Neguse, and distinguished members of the Subcommittee for allowing me to appear here today. My name is Riva Duncan, and I am currently the Vice President of the Grassroots Wildland Firefighters advocacy non-profit, which is made up of current and former Federal wildland firefighters.

On December 31, 2020, I retired from the U.S. Forest Service after 31 years with the agency. My position upon retirement was Fire Chief for the Umpqua National Forest and Roseburg and Coos Bay BLM districts in southwest Oregon. Over the course of my career, I worked in five Forest Service regions, on seven national forests in Pennsylvania, Florida, Utah, California, North Carolina, and Oregon. I was an official supervisor and directly involved in hiring from 1998 until my retirement.

Most of you know by now that the Forest Service and the four land management agencies under the Department of the Interior are struggling to recruit and retain wildland firefighters. Over the last few years, this has become a critical issue that affects most communities in the U.S.

Wildfires are not just a California problem, nor are they a Western problem. This past spring, numerous areas in Wisconsin, New Jersey, and others in the East experienced serious wildfires that threatened homes, businesses, infrastructure, and the health of citizens. Federal wildland firefighters are being called upon to leave their families earlier and earlier to fight these destructive fires.

While I could go on and on about numerous issues facing our workforce, I am here today to discuss hiring and the proposed bill, Direct Hire to Fight Fires.

The entire hiring system needs to be critically reviewed and modernized for the next 50 years of recruiting, hiring, retaining,

and promoting Federal wildland firefighters. The protracted and convoluted Federal hiring process typically affects entry-level firefighters the most, who are trying to get their first job as a Federal wildland firefighter. However, there are other systemic issues associated with Federal hiring which negatively affect long-term career employees who are denied promotions and detail assignments who, out of frustration, stop trying to obtain different positions within the Forest Service and DOI, or end up resigning their Federal jobs.

Hiring became considerably more difficult and cumbersome with the centralization of Human Resources in the Forest Service, creating the Albuquerque Service Center (ASC) and the Bureau of Land Management, creating the National Operations Center (NOC). In our opinion, critical effort needs to be made to take an objective look at these decisions and consider whether decentralization of HR in the Forest Service and DOI makes the most sense, moving forward.

This is not to disparage the employees working in HR for these agencies. They are also struggling to keep up with the workload, which is telling in the amount of turnover at both ASC and the NOC.

Codifying direct hire authority would certainly provide shorter hiring timelines for critical wildland fire positions. Anything that helps expedite current hiring processes is a step in the right direction. As data shows, DHA reduces the amount of time from authorization to employee entry on duty. This bill, if it becomes law, would continue to streamline the Federal hiring process as it gives greater flexibility and timeliness to hire more wildland firefighters in rural and hard-to-recruit areas.

The bill also states it will address and eliminate redundancies in the Federal hiring process for wildland firefighters and support personnel, streamline the process for hiring wildland firefighters and support personnel who are employed by the agency in prior years, and reduce barriers for wildland firefighters transferring between agencies.

One stark example of hiring redundancy is the Forest Service does not recognize the DOI agency's employee background checks, and the DOI does not recognize the Forest Service's. This unnecessary barrier leads to significant delays in hiring firefighters between agencies and departments, and is often the last piece of red tape in the way of onboarding wildland firefighters.

In the Forest Service and DOI, employees must still attach a specific Standard Form 50 Notification of Personnel Action to their resume that proves they are a current Federal wildland firefighter. In the Forest Service, if they attach the wrong SF-50, their application is discarded and they are disqualified. Conversely, in the National Park Service, if an employee attaches the wrong SF-50, they are notified to provide the correct form and their package goes on to be evaluated against the other factors. These are just a couple of examples where different processes in the different land management agencies affect pools of qualified candidates.

We would ask Congressman Issa and the rest of the Committee to include a provision in the bill to waive the age requirement for veterans and others, as did the Land Management Workforce

Flexibility Law. Currently, there is an age limit for permanent employees into the special retirement system for Federal wildland firefighters and law enforcement officers, which makes hiring veterans over the age of 37 extremely difficult.

On behalf of Grassroots Wildland Firefighters, thank you for allowing me to be here today. I look forward to answering the Committee's questions.

[The prepared statement of Ms. Duncan follows:]

PREPARED STATEMENT OF MS. RIVA DUNCAN, VICE PRESIDENT,
GRASSROOTS WILDLAND FIREFIGHTERS;
FOREST FIRE CHIEF, US FOREST SERVICE, UMPQUA NATIONAL FOREST (RETIRED)
ON H.R. 3499

Opening Remarks

Thank you, Chairman Westerman, Chairman Tiffany, Ranking Member Grijalva, Ranking Member Neguse, Congressman Issa, and members of the subcommittee for allowing me to appear before you today. My name is Riva Duncan and I am currently the Vice President of the Grassroots Wildland Firefighters advocacy non-profit. On December 31, 2020, I retired from the US Forest Service after 31 years with the agency. My position upon retirement was Fire Chief for the Umpqua National Forest and Roseburg and Coos Bay BLM Districts in Southwest Oregon. Over the course of my career, I worked in five Forest Service regions on seven national forests in Pennsylvania, Florida, Utah, California, North Carolina, and Oregon. I was an official supervisor and directly involved in hiring from 1998 until my retirement.

Most of you know by now that the Forest Service and the four land management agencies under the Department of Interior are struggling to recruit and retain wildland firefighters. Over the last few years, this has become a critical issue that affects most communities in the US. Wildfires are not just a California problem, nor are they a Western problem. This past spring numerous areas in Wisconsin, New Jersey, and others in the East experienced serious wildfires that threatened homes, businesses, infrastructure, and the health of citizens. Federal wildland firefighters are being called upon to leave their families earlier and earlier to fight destructive fires.

While I could go on and on about numerous issues facing our workforce, I'm here today to discuss hiring and the proposed bill "Direct Hire to Fight Fires."

The entire hiring system needs to be critically reviewed and modernized for the next 50 years of recruiting, hiring, retaining and promoting federal wildland firefighters. The protracted and convoluted federal hiring process typically affects entry-level people the most who are trying to get their first job as a federal wildland firefighter. However, there are other systemic issues associated with federal hiring which negatively affect long term career employees who are denied promotions and detail assignments who, out of frustration, stop trying to obtain different positions within the Forest Service and DOI or end up resigning their federal jobs.

Hiring became considerably more difficult and cumbersome with the centralization of Human Resources in the FS, creating the Albuquerque Service Center (ASC), and the Bureau of Land Management, creating the National Operations Center. In our opinion, critical effort needs to be made to take an objective look at these decisions and consider whether decentralizing HR in the FS and DOI makes the most sense moving forward.

This is not to disparage the employees working in HR for these agencies. They are also struggling to keep up with the workload which is telling in the amount of turn-over at both ASC and the NOC.

Codifying Direct Hire Authority would certainly provide shorter hiring timelines for critical wildland fire positions. Anything that helps expedite current hiring processes is a step in the right direction. As data shows, DHA reduces the amount of time from authorization to employee entry on duty. This bill, if it becomes law, would continue to streamline the federal hiring process as it gives greater flexibility and timeliness to hire more wildland firefighters in rural and hard to recruit areas.

The bill also states it will address and eliminate redundancies in the Federal hiring process for wildland firefighters and support personnel, streamline the process for hiring wildland firefighters and support personnel who were employed by the agencies in prior years, and reduce barriers for wildland firefighters

transferring between agencies. These are extremely important points that will reduce hiring timelines.

One stark example of hiring redundancy is the FS does not recognize the DOI agencies' employee background checks, and the DOI does not recognize the Forest Service's. This unnecessary barrier leads to significant delays in hiring firefighters between agencies/departments, and is often the last piece of red-tape in the way of onboarding wildland firefighters.

In the FS and DOI, employees must still attach a *specific* Standard Form 50 Notification of Personnel Action to their resume that proves they are "current" federal employees. In the FS, if they attach the wrong SF 50, their application is discarded and they are "disqualified" as they cannot "prove" they are a current federal employee, which I believe ASC can verify in less than a couple minutes. Conversely, in the National Park Service, if an employee attaches the wrong SF 50, they are notified to provide the correct form and their package goes on to be evaluated against the other factors.

These are just a couple of examples of where different processes in the different land management agencies affect applicant pools of qualified wildland firefighters and support personnel.

We would ask Congressman Issa and the rest of the committee to include a provision in the bill to waive age requirements for veterans, and others, as did the Land Management Workforce Flexibility Law, PL 114-47. Currently there is an age limit for permanent employees into the special retirement system for federal wildland firefighters and law enforcement officers which makes hiring veterans over the age of 37 extremely difficult. As the agencies stand up more "veterans" fire crews, it's important we honor their service in this way.

On behalf of Grassroots Wildland Firefighters, thank you for allowing me to be here today. I look forward to answering the committee members' questions.

Other Hiring Observations and Challenges

Positive Education Requirements in the 401 Series

Many of the wildland fire support positions, namely fire ecologists, fire planners, and fuels specialists are in the 401 General Biology series. This series is "professional" and so has positive education requirements. Across the FS, numerous wildland fire employees in this series have been disqualified from lateral reassignments, temporary promotions, and permanent promotions into the same series by HR because they "do not meet" the positive education requirements. Again, they are already in this series, and yet somehow don't meet those requirements when seeking other 401 positions. Some employees are just too overloaded or too frustrated to appeal these decisions, and many who seek to appeal often don't find out about this oversight until it's too late.

Antiquated Payment Processing System (tied to HR)

The FS's pay system, housed at the National Finance Center in New Orleans, and is directly tied to the HR system, is also seriously antiquated and in need of reform. We recently discovered that only one personnel action can be processed at the same time. Many temporary firefighters, those in the Not To Exceed (NTE) 1039 hours category, are being onboarded and requiring three distinct personnel actions: 1. actually being put into hire/pay status, 2. provided the pay supplement authorized in the Bipartisan Infrastructure Law (BIL), and 3. Being placed into government housing and having their "rent" deducted from their paycheck. These temporary employees do not see their first paycheck for two to four weeks, their supplement isn't included until their second or third paycheck, and often their rent isn't deducted for several more pay periods (it is not unusual for a temporary to get a large "backpay" deduction toward the end of their employment period). We also have examples of other significant issues with the BIL supplement for a few hundred wildland firefighters and support personnel due to this ineffective and inefficient system.

Other Observations Regarding Centralized HR (FS)

Centralization of the Forest Service's HR at the Albuquerque Service Center (ASC) has been a monumental failure. Yet the agency fails to acknowledge this and seriously look at decentralization. There are few HR specialists left who actually worked at unit and/or remember what that was like. Those who haven't, struggle to understand the work of all employees, not just wildland firefighters. Employees at the field units (including the regional offices and Washington Office) are just a "number" or a "name." During the early days of the transition to ASC, while I was Deputy Forest Fire Chief on the Klamath National Forest in CA, I sent one of the dispatchers to ASC to give presentations on what the wildland firefighter workforce

was and what they did. This was eye-opening for the HR specialists. However, the turnover rate is so high that if someone were to do that again, they'd have to go nearly every month in order to reach the constantly new group of HR employees. The FS publishes a monthly report of disciplinary actions across the agency and it is staggering to see how many employees at ASC are receiving disciplinary action, some of them for violating personnel practices. These extreme examples of job dissatisfaction and poor performance/behavior have a ripple effect down to the units. Decentralization would allow HR employees to serve directly with the employees with whom they work every day. They would know them as people and not just as names on a list or a voice over the phone. We are convinced this would solve a multitude of HR issues. But the highest level of managers within the FS seem reluctant to admit that while centralization seemed like a good idea it has been a massive failure since it started over 15 years ago. We would like to see an outside, objective group take a critical look at ASC and make recommendations on what it would take to fix the most glaring of issues affecting efficiency and efficacy.

Grassroots Wildland Firefighters Advocacy Group Background

The Grassroots Wildland Firefighters were formed in 2019 by active and retired federal wildland firefighters. The intent of the group is to address the issues surrounding the everyday world of the wildland firefighter, including: pay and classification, comprehensive health and well-being, and OWCP claims.

The Grassroots Wildland Firefighters are focused on bringing our diverse group of voices to bear on leadership in the land management agencies and our elected officials, at the local, state and federal level. Our mission is to advocate for proper classification, pay, benefits and comprehensive well being.

We acknowledge these are complex and multifaceted issues spanning several government agencies. Our overarching goal is to create a better quality of life for those who sacrifice so much of themselves to protect life, communities, and natural resources.

Mr. TIFFANY. Thank you, Ms. Duncan. Next, I would like to recognize Mr. Rick Goddard, Managing Director of Caylym Technologies of Fresno, California.

Mr. Goddard, you have 5 minutes.

STATEMENT OF RICK GODDARD, MANAGING DIRECTOR, CAYLYM TECHNOLOGIES INTERNATIONAL, FRESNO, CALIFORNIA

Mr. GODDARD. Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to testify in support of H.R. 3389, the Emergency Wildfire Fighting Technology Act of 2023.

I currently serve as the Managing Director of Caylym Technologies, a veteran-owned, California-based company that has developed an aerial delivery system to fight the ever-increasing destruction of wildfires globally. Prior to joining the civilian business community, I served as an officer of Marines specializing in aviation, and particularly close air support and air defense missions.

Our innovative technology and a strong private partnership have proven successful in mitigating catastrophic wildfires in several countries. But, unfortunately, we cannot help in fighting wildfires here in our own country due, I believe, to bureaucracy and red tape.

Here in the United States, we are all witness of the terrifying trend, the fact that wildfire season is now year-round and more catastrophic. With this year's heavy rainfall that has accelerated vegetation growth which will fuel this year's wildfires, we are looking to another brutal and potentially deadly year. Just look at

the situation in Alberta and British Columbia, Canada now. They have lost millions of acres already, and it is not even summer yet.

The smoke and air pollution of these fires is already reaching our Midwest. In California, we have already seen high 90-degree temperatures in this past week. The Forest Service alone does not have the necessary resources to handle what is to come. They are severely understaffed and, pending on the ongoing court decision, the Forest Service could lose the ability to deploy retardant from the air altogether, until the EPA issues a Clean Water Act permit, which could take years. Simply put, our state and Federal fire agencies need better technologies now, more than ever.

We are here today advocating for putting another tool in the tool-box for combating and preventing the mass destruction we experience from wildfires today. Containerized Aerial Firefighting Systems, or CAFFS, has already been adopted across the globe. Currently it is being used in Romania, Peru, Greece, Uruguay, Bulgaria, and now Israel. Still, because of the Forest Service's refusal or inability to complete the necessary evaluation, CAFFS is not currently approved for use in the United States.

In 2015, the United States Air National Guard highlighted and recommended the use of container delivery system-based capability, and today we call that CAFFS. The Air Guard noted that the air-drop-capable disposable containers with liquid payloads dramatically increases the number of airlift assets available to respond to wildfire emergencies, providing a 24-hour capability to attack wildfires.

CAFFS can be dropped from any rear-loading cargo aircraft, transforming the thousands of cargo planes and helicopters currently in our inventory into aerial firefighting platforms, and that is without any modifications to the airframes. These systems are affordable and immediately available, and they effectively support our country's ability to fight wildfires day and night.

It is important to note that a CAFFS airdrop eliminates the need, potentially, of those most harmful chemicals in traditional airdrop retardants, and those are the anti-corrosion chemicals currently required for direct contact with cartons. And this is because the CAFFS-based alternative does not require the liquid payload to come in contact with the aircraft. This CAFFS benefit, also significantly, by orders of magnitude, reduces the post-mission maintenance costs and downtime on aircraft that is currently required in order to clean off the retardant residue after each mission.

H.R. 3389 provides an opportunity for the latest aerial firefighting technology like CAFFS to be evaluated, and the operational protocols to be updated based on the results of the evaluation.

California has a long history of large wildfires, which is why the California Department of Forestry and Fire Protection has the largest and most advanced wildfire fighting operations in the nation, and yet they are still having to make the tragic decision as to which homes and communities to save and which are left to the ravages of a wildfire.

H.R. 3389 would provide fire crews with new wildfire-fighting technologies like CAFFS, thus providing a rapid surge response as they are able to battle to save lives, homes, and businesses while

battling to stop the awful destruction of our forests and the environment.

Chairman Tiffany, Ranking Member Neguse, and members of this Subcommittee, I am thankful for this opportunity, and look forward to your questions.

[The prepared statement of Mr. Goddard follows:]

PREPARED STATEMENT OF MR. RICK GODDARD, MANAGING DIRECTOR,
CAYLYM TECHNOLOGIES

ON H.R. 3389

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to testify on H.R. 3389, the Emergency Wildfire Fighting Technology Act of 2023.

Introduction

I currently serve as the Managing Director of Caylym Technologies, a veteran owned California-based company that has developed an aerial delivery system to fight the ever-increasing destruction of wildfires globally. Prior to joining the civilian business community, I served as an Officer of Marines specializing in aviation and particularly the close air support and air defense missions.

California-based Caylym is helping minimize the destruction of wildfires across the world. Our innovative technology and strong public-private partnerships have proven successful in mitigating catastrophic wildfires in several countries, but unfortunately, we cannot help in fighting wildfires here in our own back yard in California and the United States due, I believe, to bureaucracy and red-tape.

Caylym has made many efforts to introduce and share the immediate benefits of Containerized Aerial Fire Fighting Systems (CAFFS) to the United States Forest Service (Forest Service) and to top elected officials as an additional tool for firefighters but was told by the Forest Service that their “current capabilities align well with [their] requirements and modernization strategy.” We are here today advocating for adding another tool in the toolbox for combatting and preventing the mass destruction we experience from wildfires. CAFFS has already been adopted across the globe including Romania, Peru, Greece, Uruguay, Bulgaria and Israel, but because of the Forest Service’s refusal or inability to complete necessary evaluation, it is not currently approved and used in the United States.

Background

Here in the U.S., we are all witness to a terrifying trend—the fact that wildfire seasons are now year round and more catastrophic. With this year’s heavy rainfall leading to high yield of vegetation growth, that will fuel this year’s wildfire season, we are looking at another brutal potentially deadly year. Just look at the situation up in Alberta and British Columbia Canada now. They have lost millions of acres already and it is not even summer yet. In California we have already seen high 90 degree temperatures this past week.

The Forest Service alone does not have the necessary resources to handle what’s to come. They are severely understaffed, and pending a court decision in *FSEEE v. USFS*, Forest Service could lose their ability to deploy aerial fire retardant altogether until the EPA issues a Clean Water Act permit, which could take years. If the Forest Service cannot deploy an aerial fire retardant, state agencies like CAL FIRE will be spread far too thin to be effective.

The result of this delay of potential aerial firefighting payload delivery alternatives would be so catastrophic it is hard to let your mind go there, but in order to protect lives, property, businesses, and our beautiful land, it is imperative that we do so. If the Forest Service cannot deploy retardant from aircraft, this will leave state agencies alone in the skies and wildfires will burn longer and hotter. vCommunities will be ravaged by flames just like we witnessed happen in Paradise California, in the deadly Camp Fire. Families will have empty seats at their dinner tables because those vulnerable and less mobile will struggle to evacuate before it is too late. People, especially children, will suffer from asthma due to the incredibly poor air quality as a result of prolonged smoke exposure. This will have a generational climate impact. Mr. Chairman, the list goes on, but my time is limited.

As we stare down the barrel of the next wildfire season, state and federal fire agencies need better technology and private support now more than ever.

In 2015 the United States Air National Guard released a report highlighting the domestic-response equipping priorities forged across the Air National Guard. They emphasized the need for a robust domestic-response capability to support homeland emergency operations. From their lessons learned in California Wildfires in 2008, 2010, and 2012, particularly the Yosemite Rim Fire in 2013, there was a clear need for new technology to allow for around the clock capability to directly attack and extinguish wildfires and expand the number of air assets fighting wildfires.

The United States Air National Guard highlighted and recommended the use of a Container Delivery System (CDS) based capability which today they call CAFFS. They noted that the airdrop capable disposable containers with liquid payloads for aerial firefighting “dramatically increases the number of airlift assets available to respond to wildfire emergencies”.

Our team has found that countries such as Romania, Peru, Uruguay, Bulgaria, Greece and recently Israel are committed to a 24/7 rapid response or surge in aerial firefighting capability and have adopted CAFFS because of that commitment. If available for domestic use, these additional resources would provide our ground crews and the Incident Commanders with more resources and tools to protect communities, the environment and put out wildfires more swiftly.

In 2021, the EU and Mediterranean basin experienced the 2nd worst fire season since 2000 with 2.7 million acres burned across 39 countries, 25% of which were agricultural lands. I raise this aspect of the global nature of what we are dealing with regarding wildfires as this problem is not unique to the United States. We have found that predominantly the European and Latin American view is that almost any major wildfire could have been prevented with a bucket of water if you were there fast enough.

H.R. 3389—Emergency Wildfire Fighting Technology Act of 2023

This legislation provides an opportunity for the latest aerial firefighting technology, including CAFFS, to be evaluated, and deployment protocols to be updated based on the results of the evaluation. With the continuous escalation of wildfires as our new reality, the need for increased investment in new firefighting systems that provides Incident Commanders with the ability to respond to the ground crews calls for air.

Technologies such as CAFFS enable scores of additional aircraft to come alongside and be responsive to wildland firefighters. Providing a rapid surge of the full spectrum of payloads as a direct attack on the active wildfire. This helps attack the wildfires at early detection, even in remote areas. Using these types of systems, aircraft can operate and drop payloads from higher altitudes and in higher wind conditions without sacrificing safety or accuracy.

CAFFS can be dropped from any rear-loading cargo aircraft, transforming the thousands of cargo planes currently in our inventory into firefighting platforms. A commonly used cargo aircraft, the C-130H & J, can carry 16 CAFFS boxes which totals over 4,000 gallons of firefighting payload onto the target. With no aircraft modifications needed, these systems are an affordable and immediately available tool that effectively supports California's and our country's ability to fight wildfires.

The CDS based CAFFS went through and passed a 2-year evaluation by the Air National Guard at Yuma Proving Grounds Arizona. Allowing agencies to utilize CAFFS through the standardized and proven US Air Force CDS protocol would drastically increase the number of planes available to combat wildfires safely and effectively.

It is important to note that using a CAFFS based system eliminates the need for potentially the most harmful chemicals in traditional air drop retardants. That is the “anti-corrosion” chemicals currently required. This is because the CAFFS based alternative does not allow or require the liquid payload to come into contact with the aircraft. This CAFFS benefit also significantly, by orders of magnitude, reduces the post mission maintenance costs and downtime on the aircraft that is required to clean fire retardant residue from the aircraft.

Conclusion

It's well known that California has a history with destructive wildfires, which is why the California Department of Forestry and Fire Protection, as well as the Forest Service have some of the largest and most advanced firefighting operations in the nation. And yet, they are still having to make the tragic decision as to which homes or communities to save and which are left to the ravages of the wildfire.

While their dedication to this vital mission is unmatched, their available resources have been stretched so thin that fire officials are still being forced to make this choice. Regrettably, more and more often the urgent calls from ground crews for aerial support are unable to be filled due to lack of air resources.

According to federal data, two of California's largest wildfires in 2021 cost fire agencies more than \$500 million each to suppress, and a third of these fires cost more than a quarter-million dollars each to fight. This doesn't include the costs in personal losses, the cost to rebuild or the long-term costs to our environment.

H.R. 3389, the Emergency Wildfire Fighting Technology Act of 2023 would provide the evaluation path and timeline for new technologies like CAFFS to our firefighters and incident commanders. Thus, providing fire crews with dependable cover from the air, providing a rapid surge response as they battle to save lives, homes and businesses, and the prevention of the profound and awful destruction of our forests and environment.

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you again for the invitation to appear today. I look forward to your questions and the continued partnership to address the pressing crisis of out-of-control wildfires.

Mr. TIFFANY. Thank you, Mr. Goddard.

And will the gentlelady from Colorado introduce our next witness?

Mrs. BOEBERT. Yes. Thank you, Mr. Chairman. I am honored to introduce the President of Colorado Association of Ski Towns and former Mayor of Glenwood Springs, Colorado, Jonathan Godes.

Thank you so much for being here today.

As a mayor, he and I worked together on several issues to address challenges with living in the Western Slope, from securing emergency funding after a mudslide in the Glenwood Springs Canyon that closed interstate I-70 to supporting the South Bridge project, and today discussing the critical housing needs for firefighters and other communities containing Forest Service land.

I am excited to continue to work with now-President Godes in his new role, along with the gentleman and Ranking Member from Colorado, to find creative solutions to address community housing needs like the Forest Service Flexible Housing Partnerships Act.

And I am also thrilled that today's legislative hearing includes numerous pieces of legislation to advance active forest management.

Mr. Mayor, Mr. President, I am so honored that you are here in Washington, DC with us today, and thank you so much. You are now recognized for your 5 minutes.

STATEMENT OF JONATHAN GODES, PRESIDENT OF COLORADO ASSOCIATION OF SKI TOWNS (CAST), GLENWOOD SPRINGS CITY COUNCILOR, GLENWOOD SPRINGS, COLORADO

Mr. GODES. Thank you very much, Congresswoman Boebert. Good afternoon, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. My name is Jonathan Godes, and I am the President of the Colorado Association of Ski Towns, representing 41 municipalities and counties that are largely dependent on tourism and the ski industry. I am also the former Mayor and current City Councilor of Glenwood Springs, Colorado. I am sincerely grateful for the opportunity to be here today to share the Association's robust support of the Forest Service Flexible Housing Partnership Act.

Colorado's mountain communities such as Steamboat Springs, Vail, Breckenridge, and my community of Glenwood Springs have long been known for their natural beauty, unparalleled outdoor

recreational opportunities, and vibrant tourism industry. A decade-long housing crisis threatens all sectors of our economy and workforce, including seasonal and permanent employees of the United States Forest Service.

Many essential workers, including outdoor recreation industry professionals, healthcare workers, teachers, firefighters, and service industry employees struggle to find housing. This forces large proportions of our workforce to far-flung bedroom communities up to 90 miles away, requiring long daily commutes over high mountain passes, often during major snowstorms, resulting in increased traffic congestion, decreased quality of life, and a diminishing sense of community. Businesses of all sizes and sectors struggle to fill a long list of open positions, and high turnover depletes public and private sector organizations of critical talent as employees relocate elsewhere in search of an affordable place to raise their families.

Our housing crisis is driven in part by lack of private land available for residential development. Federal lands make up more than 80 percent of our region's land mass. Forest Service parcels located in or adjacent to town centers have the potential to serve as incredibly valuable re-development opportunities in our mountain communities. The reauthorization of the enhanced leasing authority in the Farm Bill would allow for continued partnership among local governments, private industry, and the Forest Service as we work together to cut red tape on very complicated but much-needed workforce housing projects.

For example, Steamboat Springs, Routt County, and the Routt National Forest are exploring residential development options for vacant administrative parcels that could be home to 100 units of affordable housing. The town of Dillon and Summit County, Colorado are making progress on the re-development of an under-utilized and dilapidated work center into a 163-unit housing project. In Eagle County, there is the potential to build an additional 300 affordable housing units over six parcels.

Projects like this are critical to our ability to address a severe shortage of labor that threatens the profitability of our small businesses and large ski industry partners alike.

They would furthermore provide sorely-needed housing options for the U.S. Forest Service, where unfilled positions hinder important work related to wildfire mitigation, natural resource protection, and the administration of recreational permits by private businesses.

For CAST member communities to pursue affordable housing projects under this Act, in partnership with the U.S. Forest Service, there are two elements of particular importance I would like to speak about.

(1) and probably the most important, is the ability to do a 100-year lease term. Given the extremely high cost of development in resort communities, this time frame on the lease term is very necessary to secure the financing required by the developers.

And then (2), to allow credit for off-site accommodation of U.S. Forest Service needs. As an example, for a U.S. Forest Service site in Aspen, construction of a warehouse, workshop, visitor center, and administrative offices would be incompatible with residential

neighborhoods. The needs could be better met on separate land owned by project partners, potentially outside city limits. By receiving credit for making these improvements for the Forest Service through a mutual lease, the partners would have greater flexibility to develop multiple parcels in the most efficient and effective ways.

We request that the local communities be granted the ability to bring non-Federal lands to the table, and that credit for U.S. Forest Service use of those lands be included in the calculation of the local community contributions.

The Forest Service manages dozens of administrative sites in Colorado that are vacant, under-utilized, neglected, and in need of significant capital improvements for the purposes of employee housing. By pursuing this renewed leasing authority, we hope to better utilize Federal lands to address a crisis that hobbles the public and private sector employers throughout the region.

We respectfully request the Subcommittee's support in the Forest Service Flexible Housing Partnership Act of 2023.

[The prepared statement of Mr. Godes follows:]

PREPARED STATEMENT OF JONATHAN GODES, PRESIDENT,
COLORADO ASSOCIATION OF SKI TOWNS;
CITY COUNCILOR, GLENWOOD SPRINGS, COLORADO

ON H.R. ____, "FOREST SERVICE FLEXIBLE HOUSING PARTNERSHIPS ACT OF 2023"

Good afternoon, Chairman Tiffany, Ranking Member Neguse, and members of the subcommittee. My name is Jonathan Godes and I am the President of the Colorado Association of Ski Towns, representing 41 municipalities and counties that are largely dependent on tourism and the ski industry. I am also the former Mayor and a current City Councilor of Glenwood Springs Colorado. I am sincerely grateful for the opportunity to be here today to share the association's robust support for the Forest Service Flexible Housing Partnerships Act.

Colorado's mountain communities, such as Steamboat Springs, Vail, Breckenridge, and my community of Glenwood Springs, have long been known for their natural beauty, unparalleled outdoor recreational opportunities, and vibrant tourism industry. A decades-long housing crisis threatens all sectors of our economy and workforce, including seasonal and permanent employees of the United States Forest Service.

Many essential workers, including outdoor recreation industry professionals, healthcare workers, teachers, firefighters, and service industry employees, struggle to find housing. This forces large proportions of our workforces to far-flung bedroom communities up to 60 miles away, requiring long daily commutes over high mountain passes, often during major snowstorms, resulting in increased traffic congestion, decreased quality of life, and a diminished sense of community. Businesses of all sizes and sectors struggle to fill long lists of open positions, and high turnover depletes public- and private-sector organizations of critical talent, as employees relocate elsewhere in search of an affordable place to raise their families.

Our housing crisis is driven in part by a lack of private land available for residential development. Federal lands make up more than 80% of our region's land mass. Forest Service parcels located in or adjacent to town centers have the potential to serve as incredibly valuable redevelopment opportunities in our mountain communities. The reauthorization of the enhanced leasing authority in the Farm Bill would allow for continued partnerships among local governments, private industry, and the Forest Service as we work together on very complicated but much-needed workforce housing projects.

For example, Steamboat Springs, Routt County and the Routt National Forest are exploring residential development options for a vacant administrative parcel that could be home to 100 units of affordable housing. The Town of Dillon and Summit County, Colorado, are making progress on the redevelopment of an underutilized and dilapidated work center into a 163-unit housing project. In Eagle County, there is the potential to build an additional 300 affordable housing units over six parcels. Projects like these are critical to our ability to address the severe labor shortages

that threaten the profitability of our small businesses and large ski industry partners alike. They would furthermore provide sorely needed housing options for the U.S. Forest Service, where unfilled positions hinder important work related to wildfire mitigation, natural resource protection, and the administration of recreational permits by private businesses.

For CAST member communities to pursue affordable housing projects under this Act in partnership with the USFS, two elements are of particular importance:

1. A 100-year lease term. Given the extremely high cost of development in resort communities, this timeframe on the lease term is necessary to secure the financing required by developers.
2. Allow credit for off-site accommodation of U.S. Forest Service needs. As an example, for a USFS site in Aspen, construction of a warehouse, workshop, visitor center, and administrative office would be incompatible within a residential neighborhood. These needs could be better met on separate land owned by project partners. By receiving credit for making these improvements for the Forest Service through a mutual lease, the partners would have greater flexibility to develop multiple parcels in the most efficient and effective ways. We request that local communities be granted the ability to bring non-federal lands to the table, and that credit for U.S. Forest Service use of those lands be included in the calculation of local community contributions.

The Forest Service manages dozens of administrative sites in Colorado that are vacant, underutilized, neglected, and in need of significant improvements for the purpose of employee housing. By pursuing this renewed leasing authority, we hope to better utilize federal lands to address a crisis that hobbles public- and private-sector employers throughout the region. We respectfully request this subcommittee's support of the Forest Service Flexible Housing Partnerships Act of 2023.

Mr. TIFFANY. Thank you, Mr. Godes.

And next, Mr. McClintock, will you introduce our final witness?

Mr. MCCLINTOCK. Well, thank you, Mr. Chairman. I am very honored to introduce Laurence Crabtree, who has devoted 50 years of his life, fully a half a century, to the U.S. Forest Service.

He has a forestry degree from the University of Idaho, with additional courses in advanced forest ecology from UC Berkeley. He has worked in line positions as District Ranger in Nevada and California, as Deputy Forest Supervisor, and as Forest Supervisor in California. He has held every conceivable position: Firefighter, Dozer Boss, Felling Boss, Logistics Section Chief, Incident Commander, and was an Agency Administrator on some of the largest fires in California.

I will simply say this: It was my pleasure to work with him when he managed the El Dorado National Forest in California, and he is the best damned forester I have ever met. Just saying.

[Pause.]

**STATEMENT OF LAURENCE CRABTREE, U.S. FOREST SERVICE
(RETIRED), BIEBER, CALIFORNIA**

Mr. CRABTREE. Thank you, Chairman Tiffany and Ranking Member Neguse. I will try to make comments that substantiate some of those warm introductory comments.

I did submit a written testimony, and I think I am just going to try to visit for a bit. And if that gets a little too difficult, I am going to tell some fire stories that I think will illustrate the point I am trying to make.

For me, it isn't that hard to believe that we should be putting out fires. I started doing that in 1971, and I pretty well stuck with it for the next 50 years. I understand the need to introduce fire into

the forests. I have a solution for that. My message is now is not the time to play around with fires. And I am serious about saying that. I worked and lived in California for many years, but I have also fought fire in many, many other states, including some here in the East.

So, I think I need to say this, too. In preparation for coming here I talked to a number of people both inside the agency and outside the agency. And I think that is why I am glad I am not a decision-maker here, I am a witness. This is a kind of a divisive issue.

If you talk to a lot of Forest Service people, particularly in the fire service, oh, we have to have all the tools, we might need to make a resource decision here to let this fire go until we get in a place where we can deal with it. I understand that. But if I talk to people who are outside the forest boundary, who maybe own land, or cabins, or ski areas, or power lines, they are not so down with managing a fire for resource benefits, and not even sure what that means, but it means that we are not suppressing it.

And it wasn't that hard to do. I was doing it in the 1970s, when I was a Forest Supervisor on the El Dorado. We met and said with our partners, our Cal Fire partners, "We are going to put fires out on this forest. We have enough smoke in the air in California. We have contributed enough carbon. We are going to put fires out, all of them." And even with that, we weren't entirely successful. So, I think that is an important point.

My other point is there are people in the agency, and it came up here earlier, "Well, the Forest Service owns this land." And part of my experience with the Congressman is it is not Forest Service land, we manage it for the people. And if you have that in your mind, that it isn't ours as a Forest Service official, yes, we have responsibility, a lot of responsibility on what to do there. But we have to keep our eye on the people who own it around us. And right now, I haven't talked to many people that think, oh, we will use alternative suppression tactics and you might be at risk, we hope not. We are successful 99 percent of the time. Well, we have a lot of fires. One percent of a whole lot of fires isn't a good number.

So, what I am going to conclude with here really is now is not the time to do anything but suppress fires, at least in the West, I think. And if you want to have a resource benefit from burning, then you can do the planning for it, and you can tell the public why you are doing it, and you can tell the public where the money is coming from to do it, and then you can have a prescribed fire.

This idea that you would let a lightning strike decide where on your forest was a priority is really hard for me to grasp. And after 50 years of service, I should understand why that is important. I think it is because it is natural, and the forests really respond well to natural things like lightning. And I am going to say that the forests aren't natural right now, and this isn't the time to choose alternative strategies.

That is, I think, what I really wanted to say.

[The prepared statement of Mr. Crabtree follows:]

PREPARED STATEMENT OF MR. LAURENCE CRABTREE,
 RETIREE, USDA FOREST SERVICE,
 PRESIDENT/OWNER CRABTREE FORESTRY CONSULTING, LLC
 ON H.R. 934 AND H.R. 188

Introduction

Thank you, Chairman Tiffany and Ranking Member Neguse and members of the Subcommittee, for the opportunity to testify regarding federal wildland fire suppression reform and Forest Service, and forest management, specifically fuel reduction and thinning in California.

I serve as President/Owner of Crabtree Forestry Consulting LLC and am a retired Forest Supervisor.

Body of the Testimony

I fully support H.R. 934 as it provides a clear message from the elected officials in this body to the agencies regarding the urgency and appropriateness of suppressing all wildfires. I can share numerous examples of wildfires I was personally involved in where we chose to allow the fires to burn under Control/Containment Guidelines. In most cases these fires burned as planned, but in other cases they did not. When fires escape their control lines the risk is transferred to surrounding properties and the additional men and women who are assembled to fight the, now larger, wildfire. I submit the following eight points for support for this bill:

1. Firefighting resources are limited and valuable. Committing personnel to monitoring fires that are not being actively suppressed is unwise at this time.
2. Fires are more extreme across this country than has been historical. Often I heard "I have never seen wildfire behavior like I saw on this fire". Things are different now. It is now particularly important now to put out wildfires when they are small.
3. Fire behavior and prediction models are being refined but in some cases did not accurately predict the observed behavior. This is not the time to be managing unplanned ignitions.
4. I am very aware that at times this bill would put a burden on firefighting resources.
5. The forests have had fire excluded for many decades. The condition of the forests, particularly in the West is very different than it was when the Forest Service began managing public land. Many stands are overstocked and contain numerous dead trees. This is not a reasonable place to manage unplanned ignitions when in CA 8 of the 20 largest fires have occurred since 2020.
6. This bill simply directs the Forest Service to do what they used to do, to direct resources to suppress wildfire and to do prescribed burning with a higher level of planning.
7. Line officers can find themselves trying to find a balance between the desires of forest fire restoration advocates and fire suppression when there may not be the time and information necessary to make a reasoned decision. I have been in that position and I fully understand the importance of returning fire to the landscape. It is essential.
8. The agencies have used many terms and phrases to communicate what they are doing is exhausting and confusing. Fire Use, Alternative Containment strategy, Confine/Control, Managed for Resource Benefits are all used to describe to the public what is going on. It may appear to most people that the fire is being "let burn".

I fully support H.R. 188 as it provides a clear message from the elected officials in this body to agency officials regarding the urgency and appropriateness of fuel treatment. The bill is fully supportive of the mission of the Forest Service. I submit the following four points for support for this bill:

1. The agency appears to be struggling to deliver fuel treatment expectations even though they have received millions of dollars from Congress. This bill will provide additional encouragement by giving them expanded use of Categorical Exclusions.
2. It is critical that the work of fuel treatment be pursued aggressively. Wildfires are depleting the public's fiber resources and putting the agency's mission at risk.

3. The condition of the nation's forests is in urgent need of fuel treatment and thinning. It is especially critical where public lands are adjacent to communities and private lands, particularly industrial forest lands.
4. Requiring the agency to consult with impacted parties, representatives of local governments and interested entities should not be an excessive burden to the agencies.

Mr. TIFFANY. Thank you, Mr. Crabtree. You are going to have some questions here, so I would like to recognize Mr. Westerman for 5 minutes of questioning.

Mr. WESTERMAN. Thank you, Chairman Tiffany, and thank you to the witnesses again.

And Mr. Crabtree, I just want to follow up with a hearty amen on what you just said, from one forester to the other. There is a proper time and place for fire, but it is not when your forests are overgrown, overstocked, dried out, and bug-infested. And I think that the data shows we are in that situation, especially in California and in a lot of the dry forests.

And, unfortunately, the thing the Forest Service needs to be doing is putting these fires out as soon as they start. We have seen a lot of data where this is not only destroying Forest Service property, it is also burning private property, as well on backfires that they set.

But Ms. Duncan, good to see you again. And kind of in light of what I was just saying about Mr. Crabtree's testimony, I think we all want to see better pay for our wildland firefighters, but we also want to see our forests managed better. We want to keep these firefighters safe, and the best way to keep them safe is keeping them from having to fight so many fires. So, can you please talk about why it is important for us to comprehensively address the challenges that wildland firefighters face, including better pay, but also better management on the ground?

Ms. DUNCAN. Thank you, Chairman Westerman. Yes, a lot of the things we are talking about today, a lot of people have left out the wildland firefighters on the ground who are doing the difficult work. And I want to thank Congressman Neguse for once again reintroducing Tim's Act that has a comprehensive package to take care of our Federal wildland firefighters who show up every day.

Federal pay has lagged far behind much of the municipalities and state agencies in the West, some in the East, as well, and certainly even private, like PG&E and some insurance companies are luring away Federal wildland firefighters for better pay and benefits. So, in order for us to retain and recruit Federal wildland firefighters, we really need to look at comprehensive reforms in pay, housing, benefits, both mental health benefits and physical health benefits, that we are talking about here today. So, thank you for that question.

Mr. WESTERMAN. In your opinion, has the Forest Service been transparent about its hiring practices with wildland firefighters?

Ms. DUNCAN. Yes, we struggle sometimes with them providing their numbers of actually who has been onboarded, because they tend to look at how many offers are made. But because the system takes so long to onboard people, a lot of them give up and take positions other places because it just takes too long and they need

a job. So, anything we can do to streamline and expedite Federal hiring will greatly affect recruiting new firefighters into the workforce.

Mr. WESTERMAN. And it is embarrassing that I even have to talk about this in this Committee, but you may be aware that the Committee passed legislation last week that would allow the use of aerial fire retardant. It is hard to imagine that we live in a world where people want to outlaw aerial fire retardant. As a former firefighter, can you please talk about the importance of aerial fire retardant as a tool in protecting the health and safety of wildland firefighters? And you can be brief on that one.

Ms. DUNCAN. Currently, I am an emergency hire. I still go out and fight fires. It is a valuable tool in the toolbox. I know there are concerns with some of the issues in the retardant that can affect aquatic animals, but firefighters take those into account, and we still need every tool in the toolbox, and it does help keep firefighters and communities safer.

Mr. WESTERMAN. And Mr. Crabtree, as a former Forest Service official, how far behind is the Forest Service in treating our forests at the pace and skill necessary?

Mr. CRABTREE. They are way behind. It is going to take millions and millions of dollars, which are now coming into the agency. I don't know in a number of years how far behind, but it took 100 years to get where we are at, and I am not going to say it is going to take 100 years to get out of it, but it is going to take a while.

Mr. WESTERMAN. Yes, and it really took probably the past 30 years to get in the more devastating position that we are in. But I agree with you, it is going to take time to undo the damage that has been done. But it is possible to do it, if we can just let the forestry professionals do their job.

I yield back.

Mr. TIFFANY. Thank you for your questions. I would like to recognize the Ranking Member now for his questions.

Mr. NEGUSE. Thank you, Mr. Chairman. And I will be brief.

I know votes were called, so I will skip the questions that I had planned and just simply say, first, thank you to Mr. Godes for being here, for your support of the Forest Service Flexible Housing Partnerships Act of 2023 and, of course, for the work that you do at the Colorado Association of Ski Towns.

And as a Representative who represents many of the communities, of course, that are members of your organization, and home, in my view, the 2nd District, to the best ski resorts and ski resort communities in the country, it is a pleasure to be able to have you before this Committee.

And this bill, I think, couldn't be more important for the reasons that you stated during the course of your testimony. The ability to provide affordable housing options for our Forest Service workers, for our wildland firefighters, for first responders is very important, and I think this bill is a common-sense way to accomplish that, and a way for us as a Congress on a bipartisan basis to support those efforts at the local level. So, proud of the bill, and again, grateful for you being here.

And then, to Ms. Duncan, thank you for being here. It is wonderful to see you again. Certainly, we are grateful for the work that

you are doing on behalf of wildland firefighters. And I couldn't agree with you more in response to Chairman Westerman's question. We all know there is a serious pay cliff approaching. The clock is ticking, we have limited time to address it. And I have been beating the drum here in Congress, of course, for years with respect to the comprehensive reforms that I think we need to get done, as described and articulated in my bill, the Tim's Act, that we have spoken about and, of course, you all have advocated for.

But in addition to that bill, we have to get this pay cliff resolved. And I just hope that we can work on a bipartisan basis, Mr. Chairman, both within this Subcommittee, within the larger, Full Committee, and of course, with our partners in the Government Oversight and Reform Committee to get this done, because a lot of wildland firefighters across the country who bravely sacrifice so much on our behalf are counting on us to get it done, and to get it right.

So, no questions. But again, I just want to thank you, Ms. Duncan, Mr. Godes, and all of the witnesses for their testimony.

I yield back.

Mr. TIFFANY. I would like to recognize Mr. McClintock for 5 minutes.

Mr. MCCLINTOCK. Thank you, Mr. Chairman.

Mr. Crabtree, you are familiar with the Tamarack Fire in the Humboldt-Toiyabe National Forest. How difficult would it have been to put that fire out during the 10 days that it smoldered on a quarter acre?

Mr. CRABTREE. I couldn't quite hear that.

Mr. MCCLINTOCK. Oh, I am sorry. How difficult would it have been to put out the Tamarack fire during the 10 days that it smoldered on a quarter acre?

Mr. CRABTREE. So, I wasn't there, and it is kind of hard for me to say, but I would say it wouldn't have been that hard.

Mr. MCCLINTOCK. How much do you think it would have cost?

Mr. CRABTREE. A few thousand dollars.

Mr. MCCLINTOCK. For a helicopter drop or two.

Mr. CRABTREE. Bring a couple of people in.

Mr. MCCLINTOCK. What is the cost of fighting a 17,000-acre fire, which is what the Tamarack became?

Mr. CRABTREE. Well, yes, it is going to be millions.

Mr. MCCLINTOCK. Obviously, what would be cheaper, restoring the 10 a.m. Rule and applying resources to put out a lot of small fires immediately, or waiting until one of those fires explodes out of control?

Mr. CRABTREE. Yes, I think that is the issue here is the risk is not high. The probability of an escape is not high. But the risk can have a very, very significant price, particularly for people and property owners outside the agency boundaries.

Mr. MCCLINTOCK. Right. What role do local fire departments have in combating incipient fires on Federal lands?

Mr. CRABTREE. Well, we try to have agreements up front and before the season starts to sort of match their capabilities and their, I guess, interest in attacking fires.

But in California, there is a local closest responder kind of rule. We will send the closest resources, normally, to the fire that are

available. And that should mean, if it is a Cal Fire engine closest to the fire and it is on the forest, they will send a Cal Fire engine.

Mr. MCCLINTOCK. Have you heard of instances when local firefighters were warned off initial attacks on fires on Federal lands?

Mr. CRABTREE. I have heard stories like that. But I can say from my background, I can say no specifics that I know about that that happened.

Mr. MCCLINTOCK. Well, we heard about that on the Tamarack fire. We heard about that on the Dufur Fire, which preceded it in the same area by 20 years. And I have had local firefighters make bitter complaints about that, not in the El Dorado National Forest, but in others.

You tried for years to get the trestle project completed. What obstacles did you face?

Mr. CRABTREE. Well, it is almost difficult for me to go back and visit the trestle fire because a few days ago I visited the aftermath of the Caldor Fire, and it is just sobering to see that much country, very productive timber land, some of the most productive timber lands in California, and there won't be a forest there for 400 years at least. And it is as far as you can see. I mean, it is really unbelievable.

Mr. MCCLINTOCK. And the trestle project would have prevented that, would it not?

Mr. CRABTREE. Well, it would have definitely—what it would have done is given firefighters a more likely chance to be successful. That is how I like to put it.

Mr. MCCLINTOCK. And what obstacles did you face in trying to get that—

Mr. CRABTREE. Well, one of the obstacles of the trestle project that took years to get through was it was one of the hotspots or highest densities area for California spotted owls. So, if you are an agency decision maker, you don't want to start making decisions that lead a species toward being endangered, so you want to leave the habitat—

Mr. MCCLINTOCK. How is that spotted owl habitat today?

Mr. CRABTREE. That is the thing. It is gone, and—

Mr. MCCLINTOCK. Along with the town, I mean, I was there in the downtown section. There is no point of reference. Everything is leveled to the ground. Even folks that have lived there their entire lives tell me they don't know their way around because they can't find a single point of reference to orient.

Mr. CRABTREE. I agree. It is—

Mr. MCCLINTOCK. Let me just very quickly put one final question to you that I did to Mr. Heithecker. Why is it that private landowners make money keeping their forests in healthy condition, and today the Forest Service ends up losing money and our forests are in terrible condition?

Mr. CRABTREE. Oh, gosh, that is a difficult question.

Let's say the Forest Service can't harvest any tree over 30 inches in diameter is an example, without a lot of rationale behind it. And that is just one thing that comes to mind.

Mr. MCCLINTOCK. So, they don't have the freedom that private landowners have to properly manage their lands because of the laws that we have passed. Is that essentially it in a nutshell?

Mr. CRABTREE. It is, but I like to say also the Forest Service has a little bit different mission than the private landowners. They can harvest and make money and then turn that land into something else, which is not uncommon. Our mission is future generations.

Mr. MCCLINTOCK. Right.

Mr. CRABTREE. The needs of current and future generations. So, we are just going to be a little different. Maybe we should be a little closer together.

Mr. MCCLINTOCK. Yes, well, I mean, we used to make a lot of money on Federal timber auctions and keep the forest healthy and resilient for generations to come. And, as you point out, nature doesn't mind waiting centuries for a forest to regrow. We mere mortals don't have that luxury.

Anyway, thank you very much, Mr. Chairman. I yield back.

Mr. TIFFANY. The gentleman yields. I just have a couple of questions, then we have to break. All of us have to get down and cast a vote.

Mr. Goddard, you referenced the smoke that is coming. I live in the upper Midwest. And boy, we are seeing it all over Wisconsin, Minnesota, and the Upper Peninsula of Michigan.

The Forest Service, in the previous testimony, I had the impression they expressed reservations about CAFFS. What is going on there?

Mr. GODDARD. Well, quite frankly, I would say what is going on is they don't want to take the time to evaluate the system. Certainly, we have experienced great success overseas. The question about safety was answered in probably the most detailed form by the Israeli Air Force.

I recall that back in 2018, tragically, we had a firefighter killed from an air drop, a low air drop, and it caused a revamp of all of the safety parameters for BLAT air drops, or the large tanker air drops. And what we found is with the CAFFS systems, less than ½ of 1 percent of the drop zone is considered risk, whereas 100 percent of the drop zone is considered risk with the tankers. And that is because the payload is moving laterally by 80 to 100 miles an hour. So, the CAFFS system is falling like rainfall, and you do have the containers that come down, but they are well within the drop zone area.

So, the great question is, why don't you want to look at it if other countries around the world are using it, it is produced in California? Why don't you just want to take a look?

Mr. TIFFANY. Some of us think that there is this movement to not suppress fire. Might that be part of it?

Mr. GODDARD. Yes, sir. That is a great question. When I was interviewed down in South America for Defensa, which is a large defense magazine that covered our system going to Peru and Uruguay and now into Chile, they asked that question. They said, "You make it in California. Why aren't you using it?"

And the commander that was with me said, "Oh, I have that answer. It is because we want to put fires out, and we want to put them out quickly." And that was one of the aspects of our system is a rapid response 24 hours a day, converting either—

Mr. TIFFANY. So, you are selling these around the world, but not in California.

Mr. GODDARD. Correct.

Mr. TIFFANY. And not in the United States.

Mr. GODDARD. Correct.

Mr. TIFFANY. OK. I just want to ask one final question.

Mr. Crabtree, you received the ultimate compliment when Mr. McClintock said, "You are the best damn forester." I used to be a dam man. I used to think of myself as the best dam man managing the Willow Reservoir in northern Wisconsin. So, I have a little bit in common with you.

I can only take about a minute here. What has changed? I always view 1988 as a watershed year for the United States Forest Service and Federal Land Management. What happened? What changed?

Mr. CRABTREE. OK, I think the culture changed in the agency, the climate has changed, and the public's tolerance for forest management has changed. And now maybe that is going to shift, but that is my answer to your question.

Mr. TIFFANY. So, in other words, as a result of saying we are going to make all these changes, now the American public has, as so often happens, the pendulum swings, and as a result we have seen these devastating fires. You said 400 years before we are going to see forest back there.

Mr. CRABTREE. Yes.

Mr. TIFFANY. Is that just the sterilization of the ground?

Mr. CRABTREE. No, it is 400 years before you see a forest. You will find trees there in 100 years. Forests are complicated, and they have large trees and small trees. And there are a lot of things going on in a forest. When I think of a forest, it is not just a row of pine that is 80 years old.

Mr. TIFFANY. Sure.

Mr. CRABTREE. I mean, that was what I was thinking there.

Mr. TIFFANY. Yes. We have to wrap this up. I would like to thank all the witnesses.

Thank you so much for taking the time to come here. We really appreciate it.

Members of the Committee may have some additional questions for you, and we will ask that you respond to those in writing.

Under Committee Rule 3, members of the Committee must submit questions to the Committee Clerk by 5 p.m. on Friday, May 26. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee on Federal Lands stands adjourned.

[Whereupon, at 4:28 p.m., the Subcommittee was adjourned.]