

STATEMENT OF
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U.S. DEPARTMENT OF AGRICULTURE, U.S. FOREST SERVICE
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

S. 1462 – “FIX OUR FORESTS ACT”

May 6, 2025

Chairman Boozman, Ranking Member Klobuchar, Members of the Committee, thank you for inviting the U.S. Department of Agriculture (USDA) Forest Service, to discuss the Fix Our Forests Act. USDA defers to the Department of the Interior (DOI) on provisions pertaining to DOI.

S. 1462, “Fix Our Forests Act”

Our National Forests are in crisis due to uncharacteristically severe wildfires, insect and disease outbreaks, invasive species, and other stressors whose impacts have been compounded by too little active management. President Trump’s Executive Order 14225 and Secretary Rollins’ Secretarial Memo 1078-006 help the agency take immediate action to mitigate risk, protect public health and safety and critical infrastructure, support local and rural economies, and mitigate threats to natural resources on National Forest System lands.

The Senate bill, “Fix Our Forests Act” (FOFA) works to address these issues as well through a variety of new programs and amendments to existing authorities. The bill compiles several separate bills related to wildfire risks, forest health, forest management, and other provisions included in the following titles and subtitles.

TITLE I—LANDSCAPE-SCALE RESTORATION

Subtitle A—Addressing Emergency Wildfire Risks in High Priority Firesheds

Subtitle A would provide for the designation of certain areas as fireshed management areas (Sec 101), provide for a publicly accessible Fireshed Registry including interactive geospatial data (Sec 103), and establish a Wildfire Intelligence Center (Sec 102). This subtitle would also direct USDA to utilize existing shared stewardship agreements, or modify or create new ones, with States, Counties, or Indian Tribes to manage wildfire risks in areas designated as fireshed management areas (Sec 104). Fireshed assessments for each fireshed management area would be required within 120 days (Sec 105). Section 106 of this subtitle authorizes the Secretary to carry out fireshed management projects in designated fireshed management areas using expedited authorities including emergency NEPA authorities. This subtitle would also increase the maximum project size under the existing categorical exclusions for fuel breaks, insect and disease projects, and wildfire resilience to 10,000 acres, from 3,000 acres. It also would increase the area

for conducting vegetation management activities to protect the greater sage-grouse or mule deer habitats to 7,500 acres, from 4,500 acres.

USDA supports the use of firehosed data in helping set priorities for where to apply resources, recognizing that firehosed data is dynamic. The USDA supports the goals of the Wildfire Intelligence Center. USDA strongly supports streamlining procedures under NEPA and expanding existing categorical exclusions to reduce wildfire risk and improve forest health. USDA would like to work with the committee on technical changes to aid in their implementation.

Subtitle B—Expanding Collaborative Tools to Reduce Wildfire Risk and Improve Forest Health

Section 111 of Subtitle B would allow the Secretary to enter into a Good Neighbor Agreement with Special Districts in addition to States, Counties, and Tribes. This section would also allow the retained receipts by States, Counties, Tribes, and Special Districts to be used for the administration of the good neighbor authority program. Section 112 of Subtitle B would extend the maximum term for agreements and contracts executed under the Stewardship End Result Contracting Projects authority from 10 years to 20 years and would direct the Chief to pay a 10 percent cancellation or termination cost for any long-term agreements or contracts that are cancelled or terminated. Section 113 of this subtitle would direct the Secretaries to jointly establish intra-agency strike teams to address NEPA reviews, consultations under the National Historic Preservation Act and under the Endangered Species Act, site preparation work, and the implementation of firehosed management projects. Section 114 of this subtitle would raise the threshold at which timber sales must be advertised from a sale value of \$10,000 to \$55,000. This title also reauthorizes the Joint Chiefs Landscape Restoration Partnership Program (Sec 115), the Collaborative Forest Landscape Restoration Program (Sec 116), and the Water Source Protection Program (Sec 118). Section 117 would direct the Chief of the Forest Service to develop a strategy to increase opportunities to utilize livestock grazing as a wildfire risk reduction strategy, including completion of NEPA reviews to allow permitted grazing on vacant grazing allotments during drought, wildfire, or other natural disasters; use of targeted grazing; increased use of temporary permits to promote fuels reduction and reduction of invasive grasses; increased use of grazing as a postfire recovery and restoration strategy; and increased use of advanced technologies to dynamically adjust livestock management. Section 120 amends the 2018 Farm Bill by making permanent the authority for the tribal forest management self-determination demonstration projects by removing the pilot limitation for contracts with federally recognized Tribes and Tribal organizations (as defined by statute) and other technical additions. It also amends definitions and requires agencies to publicly list eligible projects.

USDA supports each of these provisions in Subtitle B and would like to work with the Committee on technical changes to aid in their implementation. In addition, we would like to point out that as compared to the House draft, the Senate draft of the section pertaining to Good Neighbor Agreements (Sec 111) removes a provision that would allow retained timber receipts to be used for construction of new permanent roads. USDA would support adding that House provision into the Senate draft as it would allow the Forest Service to facilitate better access for our forest management work.

Subtitle C – Addressing Frivolous Litigation

Section 121 of Subtitle C would prohibit a court from enjoining covered agency actions pertaining to fire management projects under this bill if the court determines that the plaintiff's claim is unlikely to succeed on the merits. Section 122 of this subtitle also addresses Endangered Species Act (ESA) consultation, stating that the agency is not required to reinstate consultation under the ESA on a land management plan when a new species is listed, critical habitat is designated, or new information becomes available.

USDA supports the proposed fix to the problematic Cottonwood decision and would like to work with the Committee and our federal partners on technical changes to address this issue once and for all. USDA also supports the proposed judicial reforms found in subtitle C and would like to work with DOI, Department of Commerce and the Committee on technical changes to aid in their implementation.

Subtitle D – Prescribed Fire

Sections 131-136 address various aspects of the Forest Service's prescribed fire operations. Section 131 authorizes and supports prescribed fire activities on federal and non-federal lands and prioritizes large, cross boundary projects. Section 132 addresses human resources needs by enhancing the ability of the workforce to work across boundaries and through partnership agreements. Section 133 clarifies liability protections for federal employees and offers training opportunities for employees to learn more about the scope and limits of liability protections. Section 134 facilitates coordination between land management and air quality agencies at all levels and collaboration on fire plans from scientific and cultural experts. Section 135 authorizes the Secretaries of Agriculture and Interior to enter into agreements with various entities to plan and conduct prescribed fire and training on federal lands. Section 4123 authorizes the USDA to enter into a contract or agreement with Tribes to conduct a prescribed burn demonstration project. Lastly, section 136 directs the USDA to conduct prescribed fires and update associated policies in accordance with the 2022 National Prescribed Fire Program Review recommendations.

USDA supports the provisions in this subtitle but would like to work with the committee on some technical changes to aid the implementation of some of these sections. Specifically, the USDA is concerned about the exclusion of pile burning in Section 131. Further clarification of liability coverage for qualified cooperators and Tribes under participating agreements in Section 133 would be beneficial, as well as clarification regarding projects on Indian lands currently overseen by the Bureau of Indian Affairs. Lastly, the USDA would like to work with the Committee to clarify the scope of prescribed fire planning in Section 134 and its nexus with regulatory compliance.

TITLE II: PROTECTING COMMUNITIES IN THE WILDLAND-URBAN INTERFACE

Subtitle A — Community Wildfire Risk Reduction

Section 201 of the second title of the bill would establish an interagency program to support coordination in reducing the risk of fires in the wildland-urban interface. Section 202 of this title would also establish a research program for the purpose of testing and advancing innovative

designs to create wildfire-resistant structures and communities. Section 203 would require the U.S. Fire Administration to submit biennial reports to Congress to improve accountability of the Community Wildfire Risk Reduction Program. Section 204 expands the types of projects eligible for Community Wildfire Defense Grants and limits administrative expenses to seven percent of the obligated funds. Lastly, Section 205 expands the definition of “at-risk community.”

USDA supports each of the above provisions in Title II and wants to work with the Committee on technical changes to aid in their implementation.

Subtitle B — Vegetation Management, Reforestation, and Local Fire Suppression

Additionally, Section 211 of this title would amend the Federal Lands Policy and Management Act of 1976 by increasing the required right-of-way for certain electric transmission and distribution facilities from 10 feet to 150 feet. Further, Section 212 of this subtitle would allow the Secretary to provide permission to cut and remove trees or other vegetation from within the vicinity of distribution lines or transmission lines without requiring a separate timber sale. Further, Section 213 of this title would direct the Secretary to develop a new 6,000-acre categorical exclusion for managing high priority hazard trees. Finally, Section 214 of this title would require the development of an interagency strategy to enhance the domestic supply chain of seeds. Section 216 creates grant opportunities for State, Tribal, and private nurseries and formally authorizes the Forest Service to broadly support the national reforestation supply chain.

USDA supports each of the above provisions in Subtitle B of Title II and wants to work with the Committee on technical changes to aid in their implementation. In order to expedite the implementation, we would encourage the Committee to establish the categorical exclusion outlined in Section 213 statutorily rather than directing the Secretary to do so within a year.

In addition, Section 217 requires the standardization of reciprocal fire suppression cost share agreements. It directs the Secretaries of Agriculture and Interior to establish standard operating procedures related to fire suppression cost share. This is to ensure they are aligned with Cooperative Fire Protection Agreements and that each agreement is reviewed and modified as necessary with State and local fire suppression organizations. The Forest Service already implements these requirements and has policy or handbook direction that accomplishes the elements of the bill. We remain committed to timely repayment of our state and local partners. In many cases, repayment involves a settlement process between USDA and State and local partners, particularly where large, multi-jurisdictional wildfires are involved, that can last beyond the one-year requirement in this section. Overall, this section would reduce flexibility to update agency policy based on efficiencies or changing conditions of the CFP program and partnership with State and Local government entities.

TITLE III: TRANSPARENCY, TECHNOLOGY, AND PARTNERSHIPS

Subtitle A – Transparency and Technology

Section 301 of the third title would establish a program for certain Federal agencies to enter into partnerships to carry out demonstration projects to support the development and commercialization of biochar. Section 302 of the title would require Federal agencies to publish

an annual report on the number of acres on which hazardous fuels activities were carried out in the previous year. Additionally, Section 303 would establish a demonstration pilot program for new and innovative wildfire prevention, detection, communication, and mitigation technologies. Further, Section 304 would require the Government Accountability Office (GAO) to conduct a study evaluating the effectiveness of Forest Service wildland firefighting operations and the suitability and feasibility of establishing a new Federal agency with responsibility for responding to and suppressing wildland fire on Federal lands. Section 305 would establish that the Secretary would not be in violation of the Forest and Rangeland Resources Planning Act of 1974 solely because more than 15 years have passed without revision of a land and resource management plan. This section would also require additional reporting to Congress regarding the status of land and resource management plans and establishment of a central, publicly accessible website with information on the plans. Section 307 would require the Secretary to carry out a study on the infestation of pine beetles in the Northeast.

USDA supports many of the provisions listed above in Subtitle A of Title III. We recommend that GAO review a broader range of options in terms of reorganizing programs to improve response and suppression of wildland fire on federal lands. We would like to work with the committee on technical changes to aid implementation of this subtitle.

Section 306 of this subtitle would require evaluation and reporting on the container aerial firefighting system (CAFFS) to assess the use of such system to mitigate and suppress wildfires. The agency, in coordination with National Interagency Aviation Committee, has previously studied this system and found significant operational and safety concerns to firefighters on the ground. While USDA appreciates the bill's intent to pursue new ideas in wildland fire suppression, USDA does not support the incorporation of containerized systems into our suppression response given firefighter safety and other operational concerns.

Subtitle B – White Oak Resilience

Subtitle B would establish activities to provide for white oak restoration including establishing a program to adopt a white oak restoration strategy, expand research on white oak, establish a formal USDA initiative on white oak restoration, and launch five pilot projects to restore white oak.

USDA supports this subtitle but would like to work with the Subcommittee on minor technical adjustments.

Conclusion

Chairman Boozman, Ranking Member Klobuchar, Members of the Committee, thank you for the opportunity to present USDA's views on this legislation.