

**Testimony of Jonathan Houck**  
**Commissioner, Gunnison County, Colorado**  
**United States Senate Committee on Agriculture**  
**Subcommittee on Conservation, Climate, Forestry, and Natural Resources**  
**Legislative Hearing to Review H.R. 471, the Fix Our Forests Act,**  
**and Options to Reduce Catastrophic Wildfire**  
**March 6, 2025**

Chairman Marshall, Ranking Member Bennet, and members of the subcommittee, thank you for the opportunity to testify today, especially at this key moment of crisis for our Federal land management agencies.

I am a county commissioner for Gunnison County, Colorado, a former public school teacher, and—as many residents of Gunnison County—dedicated to the stewardship of our cherished Federal public lands.

Gunnison County comprises 2.1 million acres, 1.7 of which are Federal public lands managed by the Forest Service, Bureau of Land Management, and National Park Service. To put that in perspective, we are 1 1/2 times the size of the State of Delaware, and 80% is Federal public lands. Gunnison County public lands are home to the state's largest body of water, largest coal mine, a ski area and the source of the marble that was used for the Lincoln Memorial and the Tomb of the Unknown Soldier. In Gunnison County, our public lands are everything to us: they are the foundation of our economy, our culture, our values and our way of life.

We take seriously our commitment to working with our Federal land management agency partners to support the stewardship of these public lands, not only for the residents of Gunnison County today, but also for all Americans, all of whom have a stake and many of whom come to visit, as well as for the future generations of locals and visitors to come.

We are the headwaters of the Gunnison River, the second largest tributary to the Colorado River and the 40 million people throughout the West that depend on it for survival. So we appreciate and respect that what we do here affects our neighbors as well. About two-thirds of the county's private lands, as well as a large portion of the Federal lands, are used for ranching operations. Outdoor recreation is a driver of our economy and our culture. We have an active timber program in our national forest and on other public lands, as well as considerable hazardous fuels, insect and disease management, grazing, recreation, and wildlife management programs. As have other communities around the country, we have seen dramatic wildfire activity in recent years, increasing challenges associated with invasive species, severe drought, growing pressures on our wildlife populations, and, especially since COVID, an explosion in recreation pressures on Federal public lands in Gunnison County.

The Fix Our Forests Act, H.R. 471, is a compilation of provisions making technical amendments to a variety of forest laws, codifying existing programs, granting new authorities, fine-tuning directions, and calling for new studies, many of which have the potential to be helpful improvements.

Unfortunately, it also includes a variety of NEPA categorical exclusions, restrictions on judicial review, and limitations on consultations under the ESA that would be harmful to the science-based, community-collaboration that has been the hallmark of our success in public land decision-making in Gunnison County. We depend on NEPA to guarantee that our community has a seat at the table to work in an informed and cooperative manner with the Forest Service to generate the best alternatives for achieving desired conditions in our forests. We depend on proactive approaches to conserving species so we can avoid listing them and, when we can't, recover and delist them. And while litigation is an extremely rare occurrence, we know that none of that is possible if the rule of law and the potential for its enforcement by the courts is not respected.

Our situation in Gunnison County is both illustrative and not unusual. As just two examples, we have collaboratively developed in recent years two significant science-based, landscape-scale projects to increase forest resilience, reduce the risk of large-scale fires, and provide wood products. The Taylor Park Vegetation Management Project<sup>1</sup> and the Spruce Beetle Epidemic and Aspen Decline Management Response project,<sup>2</sup> known locally by its acronym, SBEADMR. Both are projects that are designed to be implemented over a decade and cover tens of thousands of acres of national forest lands. They were collaboratively developed under NEPA and in accordance with the ESA, and collaboration is a critical part of their adaptive implementation.<sup>3</sup>

NEPA and the ESA have not been a problem in developing and implementing those projects. Forest Service capacity to implement them is the problem, with key portions of the project having failed to be implemented because of staff vacancies. Those who know the Forest Service know that the agency has been in a staffing crisis for years. The firing of hundreds of staff in Colorado over the last few weeks has exacerbated that crisis dramatically.

### The Wildland Fire Mitigation and Management Workforce Crisis

For those who have been paying attention to the serious workforce challenges of our Federal land management agencies, combined with the rapidly growing wildfire activity and risks to

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<sup>1</sup> See Taylor Park Vegetation Management Project; <https://www.centerforpubliclands.org/cpl/taylor-park>; see also <https://www.fs.usda.gov/project/?project=53662>.

<sup>2</sup> See Spruce Beetle Epidemic & Aspen Decline Management Response (SBEADMR); <https://cfri.colostate.edu/projects/sbeadmr/>; see also <https://www.fs.usda.gov/detail/gmug/landmanagement/resourcemanagement/?cid=fseprd497061>.

<sup>3</sup> In addition to annual field trips and public participation, both projects are advised by Adaptive Management Groups that provide opportunities for community members and other stakeholders to get involved in their implementation.

landscapes and communities, the growing wildland fire management and mitigation workforce crisis has been apparent for years.

Overall, the Forest Service workforce declined nearly 30% since 1995.<sup>4</sup> The strains on our wildfire mitigation and management workforce represent “a system on the brink”, “a system under strain—widespread resource scarcity, critical resource shortages, fatigue, and burnout” — that, especially given that “climate change, expanding human development, and other factors will undoubtedly increase extreme wildfire activity and exacerbate strains on the system”,<sup>5</sup> was not sustainable even before the recent indiscriminate firings and deferred resignations. As the Forest Service testified before the House Committee on Natural Resources in 2021, “[t]hese and other factors have caused our Federal wildland firefighting workforce to be stressed like no time in our history.”<sup>6</sup>

The workforce crisis has been well-documented, including by the recent report by the national Wildfire Mitigation and Management Commission, which was chartered by Congress to make recommendations to Congress “to improve Federal policies relating to—(1) the prevention, mitigation, suppression, and management of wildland fires in the United States; and (2) the rehabilitation of land in the United States devastated by wildland fires.”<sup>7</sup>

Although the Commission was not specifically tasked with addressing workforce issues,<sup>8</sup> it—on its own initiative—identified building a comprehensive workforce as a “cornerstone” for successfully confronting the wildfire crisis.<sup>9</sup> As the Commission summarized, “increased workforce capacity is essential for sustaining fire response, risk reduction (including the use of

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<sup>4</sup> See Westphal, L.M., et al., (2022), *USDA Forest Service Employee Diversity During a Period of Workforce Contraction*, *Journal of Forestry*, v. 120 (No. 4) at 436 (describing decline in Forest Service staffing from 49,249 employees in 1995); [https://www.fs.usda.gov/nrs/pubs/jrnl/2022/nrs\\_2020\\_westphal\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2022/nrs_2020_westphal_001.pdf); USDA Forest Service, “About the Agency” (“approximately 35,000 employees working across the country” at the agency); <https://www.fs.usda.gov/about-agency#:~:text=We%20have%20approximately%2035%2C000%20employees.out%20how%20to%20contact%20us>

<sup>5</sup> Thompson, M. P., et al. (2022). *Wildfire response: A system on the brink?*, *Journal of Forestry*, 121(2), at 121. [https://www.fs.usda.gov/rm/pubs\\_journals/2023/rmrs\\_2023\\_thompson\\_m001.pdf](https://www.fs.usda.gov/rm/pubs_journals/2023/rmrs_2023_thompson_m001.pdf).

<sup>6</sup> USDA Forest Service, Testimony of Jaelith Hall-Rivera, Deputy Chief, State & Private Forestry, USDA Forest Service, Before the United States House of Representatives Committee on Natural Resources – Subcommittee on National Parks, Forests, and Public Lands, October 27, 2021; [https://www.fs.usda.gov/sites/default/files/fs\\_media/fs\\_document/20211027-fs-hnrc-npfpl-wildland-ff-workforce-jhrivera.pdf](https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/20211027-fs-hnrc-npfpl-wildland-ff-workforce-jhrivera.pdf); see also, USDA Forest Service, Testimony of Jaelith Hall-Rivera, Deputy Chief, State & Private Forestry, USDA Forest Service, Before the United States Senate Committee on Natural Resources, June 8, 2023 (“it is imperative to ensure a robust year-round workforce available to respond at any time and also be available to undertake preventive actions like hazardous fuels management treatments during periods of low fire activity” and noting that “the USDA, DOI, and the Office of Personnel Management developed a comprehensive legislative proposal that would provide solutions to these challenges”); [https://www.fs.usda.gov/sites/default/files/fs\\_media/fs\\_document/20230608-senr-wildland-fire-testimony-jaelith-hall-rivera.pdf](https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/20230608-senr-wildland-fire-testimony-jaelith-hall-rivera.pdf).

<sup>7</sup> Pub. L. No. 117-58; § 40803, 135 Stat. 1097 (2021).

<sup>8</sup> See Pub. L. No. 117-58; § 40803, 135 Stat. 1097 (2021).

<sup>9</sup> “On Fire: The Report of the Wildland Fire Mitigation and Management Commission” (Sept. 2023) at 157 (hereinafter “Wildfire Commission Report”); <https://cdn2.assets-servd.host/material-civet/production/images/documents/wfinmc-final-report-09-2023.pdf?dm=1696280375>.

beneficial fire) and recovery.”<sup>10</sup> And while this certainly includes the wildland firefighting workforce, the Commission recognized that “numerous agency staff, at all levels of government, are vital to planning and implementing various aspects of wildfire mitigation and management work, from planning specialists to contract administrators.”<sup>11</sup>

“From a land management perspective, the Federal workforce that supports mitigation activities has seen years of declining investment, due in part to increases in wildfire size and severity that required Federal spending to be shifted to response functions. For the Forest Service, for example, not only have overall staffing levels declined, but staff dedicated to non-fire land management duties have become a much smaller share of that agency’s workforce.”<sup>12</sup>

To address this workforce “crisis”, the Commission recognized that “recruiting must be scaled up to meet both short-term needs and the longer-term goal of creating a fire-related workforce that remains viable and robust in the decades to come”, stating that “strategies should target roles across sectors (i.e., not solely Federal hiring needs and not solely focused on wildfire response) and across the career arc, including entry level positions and mid-career roles that may be better filled by professionals from related but complementary fields.”<sup>13</sup>

The Fix Our Forest Act does nothing to address the workforce crisis highlighted by the Commission and many others.

### The Recent Indiscriminate Layoffs of Federal Land Management Agency Employees

In late January, the Administration announced an indiscriminate effort to “buyout” Federal employees who opted immediately to resign from Federal employment. I have been able to gather very little information on how these deferred resignations will affect agency capacity in and around Gunnison County, which is not surprising given the rapid, chaotic, and secretive nature of the program, but it is clear that it will have significant adverse effects. As described above, even before these deferred resignations, the Federal wildfire mitigation and management workforce was already “facing a demographic attrition crisis as more skilled personnel retire or resign without a pipeline of workers to replace them.”<sup>14</sup>

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<sup>10</sup>Wildfire Commission Report at 157.

<sup>11</sup> Wildfire Commission Report at 158. *See also id.* at 162 (“Federal land management agencies have a significant body of work focused on proactive wildfire mitigation on lands they manage, which involves a wide variety of staff including foresters, engineers, managers, range managers, biologists, botanists, and others.”) and 172 (“Because of the interdisciplinary nature of community resilience, the Commission’s recommendations are focused on facilitating workforce development and retention across a broad range of fields and include those who are not exclusively tied to wildfire suppression but support integrated program delivery.”).

<sup>12</sup> Wildfire Commission Report at 171.

<sup>13</sup> Wildfire Commission Report at 169.

<sup>14</sup> Wildfire Commission Report at 169.

For example, the Deferred Resignation Program resulted in the loss of the top two staff in our White River National Forest, which includes lands in northern Gunnison County, as well as dozens of others.<sup>15</sup> Those officials played critical wildfire mitigation and management planning and operations roles, representing many decades of agency experience in leading the White River, which “ranks as not just the busiest, but the largest economic engine of any forest in the country.”<sup>16</sup> They had planned to lead an important effort to revise the forest management plan for the White River beginning this year. As a result of the deferred resignation program, it is a safe bet that that process will be delayed indefinitely, likely for many years.

The recent indiscriminate firings of probationary employees of the Federal land management agencies, including long-tenured experts in fire mitigation and management, have dramatically amplified the devastating impact on capacity.<sup>17</sup> While the administration has been secretive about the details, reports indicate that 3,400 employees at the Forest Service alone were summarily fired.<sup>18</sup>

To state the obvious, the recent deferred resignations and firings of probationary employees are inconsistent with the Commission’s findings and recommendations, inconsistent with the efficient management of our Federal wildfire mitigation and management workforce, and inconsistent with our preparedness for the growing wildfire threat. What should also be obvious is that the way these public servants have been treated is simply un-American. Those fired and those seasonal employees who have had their upcoming contracts rescinded are hardworking Americans who mark timber sales, clear trails, perform fire patrol, issue grazing permits, prepare mineral leases, clean bathrooms and assist visitors. They are the stewards of our nation’s public lands. They deserve a thank you, not a mass e-mail falsely claiming they are being summarily fired for poor performance.

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<sup>15</sup> See, e.g., John LaConte, “Top official for White River National Forest takes Federal buyout offer: Scott Fitzwilliams opts into deferred resignation early buyout program for Federal workers”, Post Independent (Feb. 28, 2025) (“within the White River National Forest, as many as 20 employees are suspected to have taken the deal,” including the Forest Supervisor and Deputy Supervisor, “although official numbers have not been announced”); <https://www.postindependent.com/news/top-official-in-americas-most-visited-national-forest-takes-Federal-buyout/#:~:text=Fitzwilliams%2C%20the%20top%20official%20for,the%20fiscal%20year%20this%20September.>

<sup>16</sup> Jason Blevins, “White River Forest Supervisor Scott Fitzwilliams resigns amid slashing of agency workforce: Fitzwilliams guided the 2.3 million-acre forest for 15 years, helping manage soaring visitation and an annual \$1.6 billion impact in Colorado”, The Colorado Sun (Feb. 28, 2025); <https://www.postindependent.com/news/top-official-in-americas-most-visited-national-forest-takes-federal-buyout/#:~:text=Fitzwilliams%2C%20the%20top%20official%20for,the%20fiscal%20year%20this%20September.> See also Jason Blevins, “Colorado’s White River is the country’s busiest national forest, with a \$1.6B impact. But can it keep it up?”, The Colorado Sun (Dec. 20, 2022).

<sup>17</sup> Isabelle Crow, Wide U.S. Forest Service layoffs leave projects delayed, Fire & Safety Journal Americas (Feb. 24, 2025) (“A spokesperson with the USDA Department of Agriculture confirmed that 2,000 mostly probationary workers were fired in the Forest Service, though the union representing them estimates 3,400 are being laid off”); <https://fireandsafetyjournalamericas.com/wide-u-s-forest-service-layoffs-leave-projects-delayed/>

<sup>18</sup> Marcia Brown & Jordan Wolman, “Forest Service fires 3,400 people after ‘deferred resignation’ deadline passes: The cuts amount to about a 10 percent reduction in the agency’s workforce”, Politico (Feb. 14, 2025); <https://www.politico.com/news/2025/02/13/forest-services-fires-3400-employees-00204213#:~:text=The%20U.S.%20Forest%20Service%20will,them%20to%20be%20let%20go.>

In Gunnison County alone, between the probationary firings and the hiring freeze for both open positions and seasonal employees, the Forest Service’s Gunnison Ranger District alone is short more than 50 employees who are critical to carrying out the most basic operations. This is a substantial portion of the agency’s total capacity in just one of Colorado’s 64 counties.

The loss of thousands of Federal land management agency civil servants threatens public safety, local economies, and resource damage, and it will no doubt result in dramatic long-term costs.<sup>19</sup> Most Forest Service workers who do not occupy official firefighter positions still have firefighting certifications (known as “red cards”), and they are called up by the thousands to help fight fires every season. These red card staff are integral to wildfire fighting efforts, from direct fire suppression and containment efforts to incident command and the many logistical demands of rapidly setting-up a large fire camp in a rural area.

Many non-firefighters are also involved in removing fuels and other projects aiming at lowering a future wildfire’s intensity. Meanwhile, trail crews keep trails free of fallen trees and other debris, trails that firefighters need to fight fires. And without planners, none of that work can be done efficiently and effectively. The Administration claims firefighters were “exempt” from recent firings, but the reality is they eliminated hundreds, if not thousands, of employees who play critical fire mitigation and management roles.

We need to invest in our public lands and the agencies that maintain them, not dismantle the very institutions that are on the front lines of keeping our forests healthy and our communities safe. Whether in the context of hazardous fuels reduction, ecological restoration, facilities maintenance, or good, proactive planning, it is clear that the efforts to indiscriminately cut the workforce from our Federal land management agencies will prove very costly to taxpayers, public lands communities, and our public lands themselves. If not stopped, these efforts will destroy our four Federal land management agencies—the Forest Service, National Park Service, Bureau of Land Management, and Fish and Wildlife Service—and, ultimately, our communities that depend on them to manage our Federal public lands. If Congress is serious about addressing the threat of forest fires, start with these firings.

Debating the merits of the Fix Our Forest Act is only a distraction from the real crises at hand. The Fix Our Forest Act does nothing to address the significant exacerbation of the wildland fire mitigation and management workforce crisis that was caused by the recent deferred resignations and firings of probationary employees. It doesn’t even include appropriations to support the implementation of its provisions, in one case unnecessarily going out of its way to declare that “no additional funds are authorized to carry out the requirements” in the bill.<sup>20</sup>

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<sup>19</sup> See Mackenzie Bodell & Savannah Eller, “Federal layoffs could impact firefighting, recreation on Colorado public lands”, *The Gazette* (Feb. 28, 2025); [https://gazette.com/colorado-state-parks/federal-layoffs-could-impact-firefighting-recreation-on-colorado-public-lands/article\\_a2556c86-f088-11ef-96de-bf8cccb017c3.html](https://gazette.com/colorado-state-parks/federal-layoffs-could-impact-firefighting-recreation-on-colorado-public-lands/article_a2556c86-f088-11ef-96de-bf8cccb017c3.html).

<sup>20</sup> H.R. 471, § 302(e), 119<sup>th</sup> Congress, 1<sup>st</sup> Session (Engrossed in the House).

## Restrictions on Seeking Judicial Review

Section 121 of the Fix Our Forests Act includes problematic “limitations” on judicial review, one of which would limit potential litigants to filing claims within 120 days. In our experience in Gunnison County and Colorado, litigation over forest projects is a rare, but essential, tool for local communities. After all, it is the rule of law—including its potential enforcement—that makes collaboration possible and maintains the social license that is essential to efficient land management by the Federal land management agencies. Especially at this moment, when faith in our institutions of government is being challenged and the basic tenets of adherence to the rule of law are being tested, we should not be adding limitations on judicial enforcement of the law.

We should also be clear that the limitations on the public seeking judicial review proposed in section 121 would be just the beginning—not the end. As should be obvious from the repeated expansions of categorical exclusions exemplified by section 106 of the bill, we can fully expect that the proposed path to limiting claims to 120 days begun in section 121 today, for example, will be subject to a proposal to further restrict it to 90 days in the next session, 60 days in the following, etc.

## NEPA Categorical Exclusions

Today, the Forest Service categorically excludes about 87% of its projects from NEPA analysis.<sup>21</sup> If the categorical exclusions proposed in the Fix Our Forests Act were enacted, public participation and environmental analysis for vegetation management projects could effectively be excluded entirely. For reference, of the 20,515 total hazardous fuels treatments completed by USDA and DOI across Colorado since 1984, only 23—or about 0.1%—exceeded the 10,000-acre limitations of a number of the categorical exclusions proposed in the bill.<sup>22</sup>

This is despite the fact that the Wildfire Mitigation and Management Commission was “in general agreement that planning, including robust public engagement and effective analysis of environmental impacts, is critical to wildfire mitigation and management.”<sup>23</sup> But to the contrary, categorically excluded projects generally exclude meaningful public participation in the development of the project.<sup>24</sup>

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<sup>21</sup> Examining the President’s Fiscal Year 2024 Budget Request for the U.S. Forest Service: Oversight Hearing before the Subcommittee on Federal Lands of the Committee on Natural Resources, U.S. House of Representatives, Serial No. 118-20, at 30 (Apr. 26, 2023) (Forest Service Chief Randy Moore).

<sup>22</sup> Calculation based on data compiled by the [SWERI ReSHAPE project](#). The actual number is almost certainly a small fraction of the 0.1%, as most of the large projects in the data cited above did not include mechanical treatments. In addition, numerous hazardous fuels treatment projects are often approved in the same NEPA decision, so the implications of 10,000-acre categorical exclusions is likely to be underestimated.

<sup>23</sup> Wildfire Commission Report at 82.

<sup>24</sup> 36 C.F.R. §218.23 (“the legal notice and opportunity to comment procedures of this subpart do not apply to: (a) Any project or activity categorically excluded from documentation in an environmental assessment or environmental impact statement.”).



To be clear, I am not opposed to the use of categorical exclusions. When thoughtfully developed and implemented, they are an important tool for efficient land management. But NEPA analyses are not the main barrier to timely forest management. Indeed, in most cases, “the Forest Service takes as long or longer to award first contracts and roll out initial activities than to comply with the 1970 National Environmental Policy Act (NEPA), and that NEPA compliance accounts for approximately one-fifth of planned implementation time”<sup>25</sup> Multiple observers, including the GAO, CRS and the Forest Service itself, have concluded that many delays associated with NEPA compliance are caused by factors external to NEPA, “including permitting or legal compliance with other statutes, unstable funding, and inadequate staffing.”<sup>26</sup> As a result, “[a] surprising number of CEs take longer to complete than the median completion time for an EA.”<sup>27</sup>

And when arbitrarily established or used inappropriately, CEs exclude the public from productive engagement in Federal land management, they erode the agencies’ social license, and they can lead to inefficient, ineffective, and shortsighted management activities.<sup>28</sup> In sum, legislatively-established categorical exclusions are “a politically convenient strategy with high risks under a changing climate future, historic inequity and government mistrust.”<sup>29</sup>

As far as I am aware, no analyses have been conducted to determine whether the categorical exclusions that would be established by the Fix Our Forests Act would in fact “not significantly affect the quality of the human environment,” as specifically required by the amendments to NEPA passed by Congress in 2023.<sup>30</sup> It seems dubious that they would, as they would legislatively establish multiple categorical exclusions for logging and other vegetation management across up to 10,000 acres—15.6 square miles—of National Forest System lands at a time.<sup>31</sup>

And this is all proposed as the Administration recently issued an interim final rule to revoke CEQs NEPA regulations,<sup>32</sup> upon which agency NEPA practice has been based for some 45 years. And on March 1<sup>st</sup>, the president issued an executive order directing that “[w]ithin 180 days of the date of this order, the Secretary of the Interior and the Secretary of Agriculture shall consider and, if appropriate and consistent with applicable law, adopt categorical exclusions administratively established by other agencies to comply with the National Environmental Policy Act and reduce unnecessarily lengthy processes and associated costs related to administrative

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<sup>25</sup> Struthers, C.L., et al. Environmental impact assessments not the main barrier to timely forest management in the United States, *Nature Sustainability*, v. 6, at 1542 (Oct. 5, 2023); <https://www.nature.com/articles/s41893-023-01218-1>.

<sup>26</sup> Ruple, J. C., et al., Evidence-Based Recommendations for Improving National Environmental Policy Act Implementation. 47 *Columbia Journal of Environmental Law* 273, 299-310 (2022); <https://doi.org/10.52214/cjel.v47iS.9479>.

<sup>27</sup> Ruple, J. C., et al., *supra* at 280.

<sup>28</sup> Holly Parker Curry, Swallowing the Rule: Exploring Categorical Exclusions in National Forests, 102 *J. Land Use* 101, 115 (2021).

<sup>29</sup> Struthers, et al., *supra*, at 1544.

<sup>30</sup> 42 U.S.C. 4336e(1) (as amended by Public Law 118-5).

<sup>31</sup> H.R. 471, § 106, 119<sup>th</sup> Congress, 1<sup>st</sup> Session (Engrossed in the House).

<sup>32</sup> Council on Environmental Quality, Removal of National Environmental Policy Act Implementing Regulations: Interim Final Rule, 90 *Fed. Reg.* 10,610 (Feb 25, 2025).



approvals for timber production, forest management, and wildfire risk reduction treatments.”<sup>33</sup> As a result of these actions, the real-world implications of legislatively establishing these categorical exclusions, including their impacts to our national forests and our communities, remain very unclear. And the context in which these dramatic proposals were drafted and debated in the House has itself changed dramatically, calling for the Senate to take a wholesale reevaluation of the bill.

There are other ways to increase the speed and efficiency that hazardous fuels projects are carried out. As mentioned above, it typically takes the Forest Service as long to award a first contract as it does to carry out a NEPA analysis. The same goes for contractors to actually begin conducting activities under a contract once it is awarded.<sup>34</sup>

According to the Wildfire Mitigation and Management Commission, “lack of capacity and staff turnover are major contributing factors to delays in planning and implementation.”<sup>35</sup> “Between 1992 and 2018, the number of Interdisciplinary Team leads positions decreased by 45 percent, with other positions involved with planning and analysis also declining, including foresters (74 percent decrease), forestry technicians (49 percent decrease), and engineering technicians (72 percent decrease).”<sup>36</sup> Of course, this lack of capacity has been dramatically exacerbated by the recent deferred retirements and firings, as described above.

The Commission also recommended, for example, “the development and funding of employee training, use of performance measures that value collaboration, and the explicit inclusion of collaborative activities in employees’ programs of work and job descriptions. Collaboration with communities during environmental planning and analysis is especially essential in places with a history of low trust between the Federal government and the public.”<sup>37</sup>

As one set of expert commentators concluded (consistent with others) after an exhaustive study, “[f]orcing a project that merits analysis in an EIS into an EA may not result in a faster decision, and CEs are not synonymous with swift decisions. Reforms should focus on identifying efficient strategies for analyzing complex and controversial projects rather than forcing analyses into a lower level of review.”<sup>38</sup> “[R]educed agency capacity, inadequate funding, and low prioritization of NEPA-related activities like planning and monitoring cause delays. Without stabilizing agency capacity and providing secure agency funding for NEPA-related activities, even the most elegantly drafted NEPA reforms will falter.”<sup>39</sup>

The Fix Our Forests Act does little or nothing to address these more critical needs and opportunities.

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<sup>33</sup> Executive Order, “Immediate Expansion of American Timber Production” (Mar. 1, 2025); <https://www.whitehouse.gov/presidential-actions/2025/03/immediate-expansion-of-american-timber-production/>.

<sup>34</sup> Struthers, *et al.*, *supra*, at 1543.

<sup>35</sup> Wildfire Commission Report at 80.

<sup>36</sup> Wildfire Commission Report at 80.

<sup>37</sup> Wildfire Commission Report at 81 (reference omitted).

<sup>38</sup> Ruple, J.C., *et al.*, *supra*, at 332.

<sup>39</sup> Ruple, J.C., *et al.*, *supra*, at 332.

## Endangered Species Act Consultations

Section 122 of the Fix Our Forest Act would override requirements for reinitiating ESA consultations on land management plans when new species are listed or critical new information is available. Congress clarified these requirements in 2018,<sup>40</sup> and the applicable regulations have since been amended to further address the issue.<sup>41</sup>

As far as I am aware, this has not been an issue in Colorado, and, according to the Congressional Research Service (CRS), the significance of this issue elsewhere remains unclear because the Forest Service has provided limited data on the subject (despite 10 years of scrutiny).<sup>42</sup> From data that is available, CRS “was unable to identify any noticeable difference in the overall volume of timber sold or harvested across the entire NFS and between the NFS units covered by the Ninth Circuit relative to other NFS units.”<sup>43</sup> CRS suggested that “[a] robust statistical analysis may reveal trends and identify the related causal factors. This may be an area of interest to academic researchers. Alternatively, Congress could consider requesting the Government Accountability Office conduct an official audit.”<sup>44</sup> As far as I am aware, Congress has not done so. The Fix Our Forests Act does not.

What I can say from our experience in Gunnison County is that proactive approaches to conserving species so we can avoid listing them, and, when we don’t, recover and delist them, are critical. While cutting corners may seem expedient in the short-term, in the long-term that can erode species conservation, resulting in greater restrictions for communities and for longer periods of time. The focus should be on what consultation and planning processes will lead to proactive approaches that will efficiently and effectively result in species recovery and delisting, while avoiding unnecessary restrictions and negative impacts on communities. The broad waivers in section 122, unlike the more balanced approaches reflected in the 2018 legislation and the recent amendments to agency regulations, do not seem to strike that balance.

## Conclusion

In other times, the issues compiled in the Fix Our Forests Act would be of significant interest to Gunnison County. But right now, there are critical things we need from Congress regarding our

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<sup>40</sup> Pub. L. 115-141, § 208, 132 Stat. 1065 (2018).

<sup>41</sup> Congressional Research Service, *supra*, at 14.

<sup>42</sup> Congressional Research Service, Legal and Practical Implications of the Ninth Circuit’s Cottonwood Environmental Law Center v. U.S. Forest Service Decision Under the Endangered Species Act at 16 (Aug. 2, 2022); <https://crsreports.congress.gov/product/pdf/R/R47201/3>. See also Testimony of Susan Jane M. Brown, Western Environmental Law Center, U.S. House of Representatives Natural Resources Committee, Subcommittee on Federal Lands Legislative Hearing on H.R. 200, H.R. 1473, H.R. 1567, and H.R. 1586 (Mar. 23, 2023) (concluding, based on available data summarized in the testimony, that “[t]he ‘problem’ allegedly posed by *Cottonwood* is, in fact, much ado about very little and does not warrant congressional intervention involving the nation’s premier wildlife conservation law”); [https://naturalresources.house.gov/uploadedfiles/testimony\\_brown.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_brown.pdf).

<sup>43</sup> Congressional Research Service, *supra*, at 17.

<sup>44</sup> Congressional Research Service, *supra*, at 17.

public lands, and the Fix Our Forests Act simply is not among them. My list of things we desperately need from Congress for our public lands right now is short, but critical.

Numbers one, two, three, and four: stop the destructive, arbitrary, and inhumane firings of our Federal land managers at the Forest Service, the National Park Service, the Bureau of Land Management, and the Fish and Wildlife Service. We can and should, as always, work with experts, state and local governments, and others to identify areas for increased efficiency *and* needed increases in capacity. But we cannot ignore the reality that climate change, population and development growth in the wildland-urban interface, the increasing cost of living, the growing challenges from invasive species, and other factors are *increasing* the need for agency capacity to steward our public lands.

And I will add two more that are on our list for Gunnison and other counties across Colorado. Pass the Colorado Outdoor Economy and Recreation Act. The CORE Act represents the culmination of 50 years of work by our community to protect our watershed and our economy. It has broad support across the state (including by every county where its provisions touch down), was reported with bipartisan support from the Senate Energy and Natural Resources Committee, and has passed the House, with bipartisan support, multiple times. And we are anxious for the Gunnison Outdoor Resources Protection Act, newly introduced in the last Congress, to follow closely behind. That, too, represents many years of local collaboration among diverse stakeholders to advance critical public land management in and around Gunnison County. Thank you, Senator Bennet, for continuing to champion the CORE and GORP Acts.

Finally, please continue to fully fund the PILT and the Secure Rural Schools programs, which provide essential resources to counties like mine across the country to help sustain essential county services and their critical roles in public land stewardship.

This, not the Fix Our Forests Act, is the critical work that desperately needs attention. This is the work that supports communities and protects landscapes. None of it should be controversial or partisan—it certainly isn't in Gunnison County.