

**Statement of  
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**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
S. 4431, Emergency Wildfire and Public Safety Act  
September 16, 2020**

Thank you for the opportunity to testify on S. 4431, the Emergency Wildfire and Public Safety Act. The bill seeks to reduce wildfire risk and improve forest management by establishing wildfire mitigation projects, providing expedited review of certain fuel break projects, promoting the development and use of biomass, and easing certain timber export restrictions. The bill also includes provisions concerning the re-initiation of consultation on land management plans under the Endangered Species Act, as well as other provisions.

The Department of the Interior (Department) recognizes the importance of reducing wildfire risk and protecting our communities. This is an issue that impacts the whole country, and under the Trump Administration the Department has prioritized identifying and implementing ways to reduce wildfire risk. Alongside the President's Budget, the Administration has submitted to Congress a package of legislative reforms to improve forest management and reduce wildfire risk. The proposals, copies of which are included with this statement, are intended to support healthy forests and rangelands and aid in efforts to protect homes and infrastructure from catastrophic wildfires. The Department supports enactment of these proposals and recommends that they be included in S. 4431.

With regard to S. 4431, the Department supports the goals of the legislation but, as discussed below, certain critical improvements to the bill are necessary, including the addition of language that ensures the Department receives the same active management and wildfire risk reduction authorities under the bill that are provided to the USDA Forest Service, as discussed below.

**Background**

Effectively managing the risk of and response to wildfires is vitally important to protect people, communities, and the natural environment. In most areas, the window in which wildfires traditionally occur has grown from five to seven months of the year. Wildfires are also becoming larger in scale. From 2000 to 2019, the average number of acres burned was double the number burned between 1980 to 1999.

One of the primary factors driving wildfires is the accumulation of vegetation that acts as fuel. Dense undergrowth and invasive annual grasses have increased across much of the nation's public lands, providing fuel for catastrophic wildfires and worsening insect infestation, invasive species, and disease. These conditions adversely affect the Nation's forests and rangelands and contribute to increased wildfire risk to surrounding communities.

Of the total acres burned over the past 19 years in the continental U.S., 56 percent burned in rangelands and 44 percent burned in forests. Within the Department's jurisdiction, 73 percent of all acres burned in the West over the last 19 years were on rangelands, and most of those acres burned in cheatgrass-invaded landscapes. Cheatgrass, an invasive grass species, is rapidly altering rangelands throughout the western United States. As little as one percent of cheatgrass cover can double the risk of wildfire in sagebrush. Cheatgrass-dominated lands burn every 1 to 5 years, as opposed to the natural 50 to 100-plus year wildfire cycle. Invasive grasses fuel wildfire ignitions and are a range-wide, multi-jurisdictional challenge that react quickly to disturbance and threaten infrastructure. Impacts from rangeland fires are often just as devastating as forest fires – long-term impacts are felt by communities, ranchers, hunters, and recreationists.

To address this threat, in 2018, President Trump issued Executive Order (EO) 13855, directing active management of America's forests and rangelands to reduce wildfire risk. The EO includes specific targets to reduce accumulated vegetation and increase active forest management. In January 2019, the Secretary signed Secretary's Order 3372, *Reducing Wildfire Risks on Department of the Interior Land through Active Management*, to implement EO 13855 and directed the Department's agencies to implement policies to improve forest and rangeland management practices by reducing hazardous fuel loads, mitigating fire risk, and ensuring the safety and stability of local communities through active management on forests and rangelands.

The Department has implemented an aggressive strategy to more effectively manage, treat, and prevent wildfires – resulting in the completion of fuels management treatments on more than 1.4 million acres of Federal lands in 2019. This was the largest fuel load reduction on Federal lands in a decade, and BLM analysis shows that the treatments helped control wildfire and changed fire behavior.

That tremendous success is due to the hard work and dedication of Department and its agencies' wildland fire employees. So far in Fiscal Year 2020, the Department has completed over 900,000 acres of fuels management treatments, prioritizing areas with the highest wildfire risk, which is approximately three quarters of all planned treatments for the year and exceeds the benchmark established in the EO.

#### **S. 4431, Emergency Wildfire & Public Safety Act**

S. 4431 aims to reduce wildfire risk and improve forest management on Federal lands through a variety of provisions outlined below. We would like to work with the sponsor to include provisions to also address fire risk in rangelands.

#### ***Wildfire Mitigation Projects***

The bill (Section 101) directs the Secretaries of the Interior and Agriculture to jointly select three forest landscape projects to reduce fire risk and restore forest health. The forest landscape projects must be selected in coordination with the governor of each state. In selecting proposals, the Secretaries are to consider the strength of the collaborative process in developing the proposal, the potential to achieve reductions in long-term wildfire management and ecological restoration costs, and the potential to provide energy from woody biomass and small-diameter trees. In carrying out activities under the forest landscape projects, the Secretaries must

maximize the retention of old-growth, consider the best available science, and may not establish a permanent road.

The Department currently plans fuels management projects with multiple partners, including other Federal agencies, tribes, states, counties, local organizations, and private landowners. The Department notes that Section 101 is consistent with various existing practices of the Department and we support these efforts. However, the Department notes that the bill, as drafted, could add some administrative complications, and we would like to work with the sponsor on modifications to promote efficiency.

#### ***Satellite Data & Wildfire Detection Technologies***

Section 102 of S. 4431 instructs the Department and the USDA to expand the use of satellite data to assist wildfire response and expedite placement of wildfire detection to the extent practicable. The Department supports maximizing development and use of technology to assist in wildfire response.

#### ***Streamlining Fuel Break Projects & Emergency Fuels Reduction Actions***

S. 4431 (Section 103) provides a categorical exclusion under the National Environmental Policy Act (NEPA) to streamline the establishment and maintenance of fuel breaks near roads, trails, transmission lines, and pipelines. Categorical exclusions allow for expedited application review under NEPA, while including the appropriate level of analysis, and ensuring compliance with all other Federal laws. Under the bill, the proposed fuel breaks are not to exceed 3,000 acres and must be located primarily in an area described in section 605(c)(2) of the Healthy Forests Restoration Act of 2003 (HFRA). Because section 605 of HFRA was limited to designations on National Forest System lands, the categorical exclusion provided under S. 4431 would not be available for projects on Department lands. The Administration's forest management legislative reforms contain a similar provision that is applicable to Department lands, and we would like to work with the sponsor to incorporate all of the Administration's proposals into S. 4431.

The bill (Section 104) authorizes the Secretary of Agriculture to conduct certain emergency actions to mitigate the harm to life, property, or important natural or cultural resources. Permitted emergency actions include the removal of salvage timber, the harvest of damaged trees, sanitation harvest for the control of disease or insects, and reforestation and reconstruction of utility lines and underground cables. As written, the language does not extend these same authorities to the Department, and we recommend the inclusion of the Department in these new forest management authorities provided by the bill.

#### ***ESA Consultation on Land Management Plans***

The bill includes provisions (Section 105) concerning the re-initiation of consultation on land management plans under the Endangered Species Act. Under S. 4431, plan-level consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act would not be required following the finding of new information unless the new information is peer reviewed, printed in a publication that is publicly accessible, or influential information (as defined by the Office of Management and Budget guidance document, "Final Information Quality Bulletin for Peer Review" and dated December 16, 2004).

Consistent with the sponsor's goals, the Department seeks a permanent, comprehensive solution for re-initiation of consultation on land management plans resulting from new information revealing effects to a listed species or critical habitat. Project-specific consultations under Section 7 of the ESA currently ensure consideration of newly listed species, newly designated critical habitat, and new information on effects of plan implementation on these species and critical habitats. These consultations allow federal agencies to engage in timely and efficient land management activities, fulfil their conservation mandate, and further the goals of the ESA. The Department would like to work with the sponsor on modifications needed to implement the sponsor's objectives.

### ***Biomass***

The bill (Title II) would authorize the Department of Energy (DOE) to promote the development and use of conversion facilities in western states to utilize biomass generated from preventive and wildfire fuel treatments. Notably, Title II would direct the DOE to establish a program to make grants, direct loans, and guarantee loans available for the removal and transportation of woody biomass from Federal land. The Department notes that biomass rarely has enough value to pay for its harvest and transportation to a biomass conversion facility.

### ***CA Timber Export Restrictions***

Title III of S. 4431 seeks to ease timber export restrictions for dead and dying trees from U Forest Service lands in California for five years. As written, these provisions do not apply to Department-managed lands in California. The Department recommends expanding these provisions to apply to Department lands in California as well.

### ***Western Prescribed Fire Center***

Title IV, Section 402, directs the Secretaries of Agriculture and the Interior to establish a center – located in the western United States – to train individuals in prescribed fire methods to mitigate wildfire risk. The Department currently provides such training through the Prescribed Fire Training Center in Tallahassee, Florida. Florida ecosystems and weather allow for prescribed training opportunities in the Fall, Winter, and Spring months when most wildland fire personnel are available for training. Prescribed fire training is best done with on-the-ground field work, but western states, particularly California, restrict prescribed burns based on air quality conditions to mitigate smoke impacts on public health. The Department recommends examining augmentation of the capabilities of the existing Prescribed Fire Training Center and increasing its accessibility rather than establishing a new western training center that would subject on-the-ground training to potential limitations due to off-season weather conditions.

### **Conclusion**

Thank you again for the opportunity to testify on S. 4431. We look forward to working with the sponsors and the Committee on effective ways to reduce wildfire risk on public lands.