

**STATEMENT OF CHRISTOPHER B. FRENCH
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U.S. FOREST SERVICE**

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

**October 21, 2021
Regarding**

**S.1734 – National Prescribed Fire Act of 2021
S.1964 – Ski Hill Resources for Economic Development Act
S.2404 – Western Wildfire Support Act of 2021
S.2436 – Forest Improvements through Research and Emergency Stewardship for Healthy
Ecosystem Development and Sustainability Act
S.2564 – Protect Collaboration for Healthier Forests Act
S.2650 – Wildfire Resilient Communities Act
S.2806 – Emergency Wildfire Act of 2021
S.2561
S.2836 – America’s Revegetation and Carbon Sequestration Act of 2021**

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

S.1734 – National Prescribed Fire Act of 2021

The objective of S.1734 is to substantially increase the number of acres of prescribed burning across all lands, especially in the western states. Prescribed burning would reduce wildfire risk to communities and improve forest health. Many sections of the bill build upon existing Forest Service programs. The bill addresses many of the Agency’s concerns regarding expansion of the use of prescribed fire. The bill proposes a broad range of actions and incentives over a ten-year period that would promote and increase the use of prescribed fire on Federal, State, and private lands. The Forest Service will need to increase the use of prescribed fire in order to attain performance targets and manage fuels loads that threaten our communities, infrastructure and natural resources with the potential for extreme wildfire behavior. We would like to work with the Committee and bill sponsors to revise the bill to achieve its intended purpose.

TITLE I—USE OF FUNDS

Sec. 101. PRESCRIBED FIRE ACCOUNTS – This section establishes a new Prescribed Fire Account within the Wildland Fire Management appropriation for both the Forest Service and Department of the Interior that is separate from the existing hazardous fuels management appropriation. The authorization of appropriations for the new Prescribed Fire Account is up to \$300 million. Funding could be used on activities to increase the total amount of prescribed burning done on both Federal and State lands, giving priority to prescribed burning on large contiguous areas that cross jurisdictional boundaries and address the wildfire risk to communities and essential infrastructure.

USDA is committed to collaboratively working at larger scales with our Federal, Tribal, State, and local government partners, as well as all members of the public to collectively and proactively use our resources to create resilient landscapes. These objectives are also the goals of the Prescribed Fire Account established in Section 101; however, the provision overlaps the existing hazardous fuels management program. We would like to work with the Committee and bill sponsors to address this issue while still meeting the objectives of the section.

Sec. 102. POLICIES AND PRACTICES – This section creates the minimum and maximum number of acres of prescribed burning to be carried out using funding in the Prescribed Fire Account. USDA agrees there is a significant need to increase the amount of prescribed burning and ensure that prescribed burns are completed on the highest priority areas. Requiring at least one prescribed burn on each unit that has a minimum of 100 acres in Fire Regimes I, II, or III and has not already burned by wildfire does not completely align with this need. USDA would like to work with the Committee and bill sponsor to discuss prioritization strategies.

Sec. 103. COLLABORATIVE PRESCRIBED FIRE PROGRAM – This section requires the Secretary of the Interior to establish a collaborative prescribed fire program without a clear role for USDA. USDA would like to ensure that the establishment of this program also complements and enhances existing programs within USDA. We would value working with the Committee to better understand how this can be accomplished.

Sec. 104. LARGE CROSS-BOUNDARY PRESCRIBED FIRE INCENTIVE PROGRAM – This section requires the Secretary of the Interior to create an incentive program to encourage the implementation of cross-boundary landscape level prescribed burning. USDA strongly believes partnering with State and county entities is essential to collectively engage in managing all lands and create greater wildfire resilience. We defer to the Department of Interior on this program.

TITLE II—FACILITATING IMPLEMENTATION AND OUTREACH

Sec. 201. COOPERATIVE AGREEMENTS AND CONTRACTS – This section enables Federal agencies to enter into cooperative agreements and contracts with States and local entities

to conduct prescribed burning on Federal lands. USDA supports strong collaborations with State and local entities and appreciates any efforts to create capacity to achieve wildfire resilience. However, the provisions in this section may duplicate and contradict existing USDA authorities and non-Federal financial assistance transactions, thereby resulting in potential interpretation challenges. We commit to working with the Committee to address these concerns.

Sec. 202. HUMAN RESOURCES – This section provides authority to hire additional personnel into permanent or permanent seasonal positions as prescribed fire practitioners, including veterans; qualified applicants; temporary employees converted to permanent positions; Job Corps qualified candidates; and formerly incarcerated individuals. This section authorizes additional training for prescribed fire practitioners and additional budget authority to fund overtime and other pay entitlements. The section also grants indemnity to Federal employees conducting prescribed burning. USDA believes some of these provisions warrant further consideration, and we look forward to working with the Committee and bill sponsors to consider adjustments to our fire management workforce into the future.

Sec. 203. LIABILITY OF CERTIFIED PRESCRIBED FIRE MANAGERS – This section encourages States to establish a covered law. USDA supports working with Governors on this important issue.

Sec. 204. ENVIRONMENTAL REVIEW – This section would provide significant support for smoke management issues the Forest Service has identified, specifically how to manage smoke from prescribed fire and balance air quality and land management objectives. This section also recognizes existing challenges in managing smoke from current levels of prescribed fire as well as issues imposed by the Clean Air Act and subsequent regulations. Based on the record number of wildfires and the heavy smoke impacts on millions of people in 2020 and 2021, the increased use of prescribed fire could allow for more effective smoke management practices to improve undesirable, long duration smoke impacts of wildfire to the public. To better meet the intent of Section 204(b), USDA would like to work with the Committee and bill sponsor to more closely align the requirements of this subsection with the guidance provided by the Council on Environmental Quality for the development of National Environmental Protection Act Categorical Exclusions.

Sec. 205. PRESCRIBED FIRE EDUCATION PROGRAM – This section is an expansion of public information under the “Burner Bob” program. USDA supports the expansion of this important program.

TITLE III—REPORTING; TERMINATION

No Comments.

Conclusion

USDA agrees more prescribed fire can help mitigate the risk of unplanned wildfire and looks forward to working with the Committee and bill sponsors to identify tools that help accomplish this goal.

S.1964 – Ski Hill Resources for Economic Development Act (“SHRED” Act)

The SHRED Act would amend the Omnibus Parks and Public Lands Management Act of 1996 to establish a ski area permit fee retention account and to authorize the Forest Service to deposit ski area permit fee revenues into that account and retain and spend the revenues for specified purposes.

USDA has previously testified in support of the establishment of a ski area permit fee retention account and continues to support the authority to retain and spend this type of permit fee. The authority to retain and spend ski area permit fees would improve customer service through improved ski area permit administration. The bill would increase efficiencies in administering ski area permits, Agency staff training, visitor information, signage, wildfire preparedness coordination, and enhanced avalanche-related safety education. We appreciate that this new version of the bill would provide for some of the retained permit fees to be used for administration of other types of commercial recreation permits, visitor services, and other purposes.

In 2019, \$57 million in ski area permit fees were submitted to the United States Treasury from National Forest System lands. The current ten-year average for annual ski area permit fees is \$40 million. Based on the formula in the bill, we expect approximately \$27.5 million in ski area permit fees would be retained by the Forest Service annually. Retained ski area permit fees would be used to improve administration of recreation opportunities that contribute to local economic activity across 122 ski resort communities operating on National Forest System lands, primarily in rural areas, in 14 states. These recreation opportunities spur industry growth and generate revenue for ski areas. It is important that ski area permit fees retained under the bill supplement, not supplant, cost recovery fees collected and retained under existing statutory authorities, including cost recovery fees charged for processing applications for new uses at ski areas. USDA would like to work with the Committee to ensure the bill language accomplishes this intent and that the financial mechanisms in the bill also achieve their intended purpose.

USDA appreciates the Committee’s interest in this issue and strongly supports efforts to foster recreational use of federal lands and further improve our ability to provide excellent customer service. We look forward to working with the bill sponsor and the Committee to promote these important goals.

S.2404—Western Wildfire Support Act of 2021

TITLE I— PREPARATION

Sec. 101. FIREFIGHTING ACCOUNTS – This section establishes a separate Firefighting Operations account under the Wildland Fire Management appropriation account for the U.S. Department of Agriculture (USDA) with separate subaccounts for ground-based firefighting operations and for aircraft use in firefighting operations. The authorization of appropriation for ground-based firefighting operations is up to \$3 billion and the authorization of appropriations for aircraft use in firefighting operations is \$5 billion. The legislation would require the Forest Service to submit monthly accounting reports.

The Forest Service currently receives appropriations for firefighting operations in the Wildland Fire Management account, which allows for flexibility in funding necessary actions throughout the fire year. The creation of additional subaccount would constrain flexibility in adjusting the program throughout the year.

Sec. 102. REIMBURSEMENT FOR WILDFIRES CAUSED BY MILITARY TRAINING – This section requires the Secretary of Defense to reimburse a State or Federal agency for the reasonable costs for services provided in connection with fire suppression. USDA defers to the Department of Defense on this section of the bill.

Sec. 103. STRATEGIC WILDLAND FIRE MANAGEMENT PLANNING – This section requires the creation of spatial fire management plans that incorporate risk, strategic plans, operational factors, and post-fire activities. The section also sets out requirements for fire ecology and fire management to be considered in the revision of land management plans and the involvement of specialized personnel to participate in the land management planning.

The Forest Service has already implemented spatial fire planning as part of its deployment of the interagency Wildland Fire Decision Support System (WFDSS) and the Interagency Fuels Treatment Decision Support System (IFTDSS). Unlike traditional planning approaches that result in a static plan with a limited shelf-life, spatial fire planning establishes a system of information in map-form suitable for rapid display and analysis to support decision makers with the best available information each time they either evaluate options during wildfire response in WFDSS or analyze fuel treatment options in IFTDSS. When new information becomes available, existing maps can be updated and new maps incorporated to provide decision makers better information. Forest Service supports continued efforts to advance and improve our spatial planning and we are working with the Office of Wildland Fire to use Wildfire Prevention Spatial Assessment and Planning Strategies (WPSAPS) software to create a spatial plan for wildfire prevention activities. We would like to work with the Committee on technical suggestions related to this section to reflect the full suite of our on-going spatial planning work and to ensure this program compliments and enhances existing programs within USDA and Department of the Interior.

Sec. 104. ACCOUNTS TO ASSIST COMMUNITIES IN PLANNING AND PREPARING FOR WILDFIRES – This section establishes a Community-Supported Land-Use Planning Assistance account in the Wildland Fire Management account for USDA with an authorization of appropriation of up to \$200 million per year for community-supported land-use planning assistance.

The Forest Service has established cooperative agreements with a variety of partners and state forestry agencies that support community wildfire protections programs. Currently, the Agency does not have the capacity in fire planning, wildfire prevention, and community wildfire mitigation programs to successfully implement this section of the bill. We would like to work with the Committee on technical assistance related to this section to ensure the establishment of this program complements and enhances existing programs within USDA and Department of the Interior.

Sec. 105. COMMUNITY SUPPORT DURING DISASTER RESPONSE – This section requires the establishment of a program to train and certify citizens to volunteer during a wildland fire incident, excluding direct suppression actions. Local fire departments serve in this capacity currently. USDA supports the engagement and education of volunteers to support wildland fire operations and would like to work with the Committee on technical assistance related to this section to ensure the goals of this provision are implemented correctly.

TITLE II— WILDFIRE DETECTION AND SUPPRESSION SUPPORT

Sec. 201. WILDFIRE DETECTION EQUIPMENT – This section encourages expedited placement and permitting of wildfire detection equipment and expanding the use of satellite data. USDA supports this section.

Sec. 202. GRANT PROGRAM FOR SLIP-ON TANK UNITS – This section establishes a program to award cost-share grants to a State or unit of local government to acquire slip-on tank and pump units for a surge capacity of resources for fire suppression.

Clarification on whether this is meant for the Forest Service or the Department of Interior is needed. The Forest Service has existing programs that provide funding to state and volunteer fire departments. This section would provide funding for all fire departments for slip-on tank and pump units. USDA would like to work with the Committee to better understand the intent of this section and looks forward to working with the Committee and bill sponsors on technical assistance to accomplish the goals of this section.

Sec. 203. ASSISTANCE TO STATES FOR OPERATION OF AIR TANKERS – This section allows for funding to be provided to States to operate single-engine airtankers for only initial attack. The Department of Interior contracts for single engine airtankers (SEATs) for the both the Forest Service and the Department of Interior. USDA defers to the Department of Interior on this section.

Sec. 204. RESEARCH AND DEVELOPMENT OF UNMANNED AIRCRAFT SYSTEM FIRE APPLICATIONS – This section authorizes the Department of Interior, through the Joint Fire Science Program, to work with covered unmanned aircraft test ranges to carry out research and development of unmanned aircraft system fire applications.

This section is directed at the Department of Interior and does not have a direct role for the Forest Service. However, the Forest Service shares oversight of, and receives funding for, the Joint Fire Science Program as well as has full oversight for the National Technology Development Centers, which have been instrumental in supporting the testing and evaluation of Unmanned Aerial Systems for wildfire fire applications. We would be interested in learning more about the intended use of covered unmanned aircraft test ranges and working with the Committee, bill sponsors and the Department of Interior on ways to step up the adoption of unmanned aircraft system technology, which holds tremendous potential to improve our fire management capabilities.

Sec. 205. STUDY ON EFFECTS OF DRONE INCURSIONS ON WILDFIRE SUPPRESSION – This section requires the Department of Interior, in consultation with USDA, to produce a report of the effects of drone incursions, over the past five years, on wildfire suppression on federal lands and to evaluate the feasibility and effectiveness of various actions to prevent drone incursions. USDA does not have enforcement capability to prevent drone incursions.

Sec. 206. STUDY ON WILDFIRE DETECTION EQUIPMENT AND INTEGRATION OF ARTIFICIAL INTELLIGENCE TECHNOLOGIES – This section requires USDA and Department of the Interior to produce a study, within two years, on the effectiveness and limitations of the deployment and application of each wildfire detection equipment technology, and the integration of artificial intelligence with real-time imagery and weather data.

TITLE III— POST-FIRE RECOVERY SUPPORT

Sec. 301. FUNDING FOR ONLINE GUIDES FOR POST-FIRE ASSISTANCE – This section amends Section 201(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and allows the Federal Emergency Management Agency to enter into cooperative agreement to provide funding to a State agency to establish and operate a website to provide information relating to post-fire recovery funding and resources to a community or an individual impacted by a wildland fire. USDA defers to the Federal Emergency Management Agency on this section of the bill.

Sec. 302. LONG-TERM BURNED AREA RECOVERY ACCOUNT – This section establishes a Long-Term Burned Area Recovery account, under the Wildland Fire Management appropriation account, for USDA with an authorization of appropriation of up to \$100 million per year for rehabilitation projects that prioritize downstream effects on water resources and public safety.

As the scale and severity of the wildfires has increased, costs for addressing the growing post-fire recovery and restoration needs continue to grow and currently far outpaces the Forest Service's available resources. Timely and effective restoration of lands is critical for restoring ecosystem sustainability and protecting public safety. Without dedicated resources to address post-fire recovery needs, the impacts of these wildfires will continue to be felt long after they are contained. Vital ecosystem functions may be depleted or reduced. Drinking water and public safety may be at risk due to increased flooding and erosion. Critical habitat may be lost for sensitive, threatened, or endangered species, key pollinators, and important game species.

USDA supports dedicated funding for post fire recovery, which will help us implement essential recovery actions on and off National Forest System lands, restore resilient native ecosystems, and protect public safety following wildfires. USDA also notes that the Infrastructure Investment and Jobs Act would create a long-term burned area recovery program for the Forest Service.

Sec. 303. PRIZE FOR WILDFIRE-RELATED INVASIVE SPECIES REDUCTION - This section amends Section 7001(d) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act and establishes the Theodore Roosevelt Genius Prize for Management of Wildfire-Related Invasive Species. The Department of the Interior will administer the prize competition. USDA defers to the Department of the Interior on this section.

Conclusion

USDA supports the intent of this bill and looks forward to working with the Committee and bill sponsors on technical assistance to accomplish the goals of the bill.

S.2436 – Forest Improvements through Research and Emergency Stewardship for Healthy Ecosystem Development and Sustainability Act (“FIRESHEDS” Act)

S.2436 amends the Healthy Forest Restoration Act (HFRA) of 2003, allowing for the establishment of fireshed management areas. While the Forest Service supports the goals of the bill, we would like to work with the Committee and bill sponsor to address technical concerns outlined below.

Section 2 of the bill requires the Secretaries of Agriculture and Interior to, no later than 90 days after receiving a request from a Governor of a State, enter into an agreement with that Governor to jointly designate fireshed management areas within the State. No later than 90 days after entering into an agreement, the bill also requires the Secretary and Governor to conduct a joint stewardship and fireshed assessment that identifies wildfire exposure risks within each of the fireshed management areas, at-risk communities and potential fireshed management projects to be carried out in the fireshed management areas. The assessment shall also include a strategy for reducing the threat of wildfire to at-risk communities in the Wildland-Urban Interface, recommend fireshed management project size limitations based on best available data, include a timeline for implementation of fireshed management projects, and include long-term benchmark goals for the completion of fireshed management projects in the highest wildfire exposure areas.

The bill also requires the assessment to be regularly updated based on the best available data, as determined by the Secretary.

USDA is committed to working with States, Tribes, fire associations, and non-government organizations 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. However, USDA has concerns about timelines and processes set forth in this bill. First, it is critical the processes and criteria for designating firehatched management areas result in work on the highest priority locations and projects across landscapes, ownerships and states. In addition, it may be difficult to jointly designate firehatched areas and finalize an agreement within the prescribed 90-day timeline. USDA would like to work with the bill sponsor to explore options for meeting the intent.

Additionally, Section 2(b) sets forth criteria for designating firehatched management areas under an agreement. USDA is concerned that these criteria are unnecessarily restrictive and may limit the ability to designate firehatched areas where they are needed. We would like to work with the bill sponsor to explore how to best meet the goals of this section. Finally, Section 2(d)(4) establishes a Categorical Exclusion for firehatched management projects. USDA opposes the broad categorical exclusion for firehatched management projects created by the bill. USDA does not believe this is the best management tool for reducing fuel loads and mitigating wildfire risk. USDA, in coordinating with the White House Council on Environmental Quality, would like to work with the sponsor to better understand concerns about addressing fire preparedness and hazardous fuels treatment.

S.2654 – Protect Collaboration for Healthier Forests Act

S. 2564 would require the Secretary of Agriculture to establish an arbitration pilot program through rulemaking within two years of the bill's enactment. The bill limits the types of projects the Secretary can designate for arbitration to those developed within a specified collaborative process, carried out under the Collaborative Forest Landscape Restoration Program, or that are part of a community wildfire protection plan. The bill also requires that projects designated for arbitration must be located in whole or in part in the Wildland Urban Interface and must have, as a purpose, reducing hazardous fuels or mitigating insect and disease infestation.

In keeping within the scope of a pilot program, this bill would be carried out only in the States of Idaho, Montana, and Wyoming, and would authorize two projects per year to be designated for arbitration. This program would be in effect for five years.

USDA is open to future discussions with the bill sponsor and Committee staff regarding the proposal for an arbitration pilot program.

S.2650 – Wildfire Resilient Communities Act

The objective of the bill is to fund and implement hazardous fuels reduction projects to further the National Cohesive Wildland Fire Management Strategy.

Sec. 2. FUNDING FOR HAZARDOUS FUELS REDUCTION PROJECTS ON CERTAIN FEDERAL LAND – This section creates a prioritization for hazardous fuels reduction projects for areas: within or adjacent to at-risk communities or watersheds; with a very high wildfire hazard potential; or in fire regime I, II, or III. This section provides mandatory funding: a one-time transfer of \$30 billion made by the Secretary of Treasury to the United States Department of Agriculture (USDA) and the Department of Interior for covered hazardous fuels reduction projects.

USDA is committed to collaboratively working at larger scales with our Federal, Tribal, State, and local government partners, as well as all members of the public to collectively and proactively use our resources to create resilient landscapes. To address the highest risk acres at the scale needed, we need to work collaboratively with States, Tribes, local communities, private landowners, and other stakeholders to strategically treat 20 million acres on priority National Forest System lands and 30 million acres of other priority Federal, State, Tribal, and private lands, in the west, over and above our current level of treatment. USDA agrees there is a significant need to increase the amount of hazardous fuels reduction and ensure they are completed on the highest priority areas. USDA would like to work with the Committee to discuss the Department’s existing prioritization strategies that recognize the key challenges of managing regulatory compliance while increasing prescribed fire activities to reduce the risk of wildfire on National Forest System and adjacent lands.

Sec. 3. COMMUNITY PLANNING ASSISTANCE FOR AT-RISK COMMUNITIES – This section requires the development of a map of at-risk communities, including Tribal at-risk communities, within 180 days of enactment. The section authorizes an appropriation of \$1 billion to USDA and the Department of Interior to provide financial and technical assistance to at-risk communities adjacent to Federal land, including through States, to assist at-risk communities in planning and preparing for wildfires.

USDA notes that the Infrastructure Investment and Jobs Act provides \$1 billion to the Forest Service to provide Community Defense grants. Moreover, the Forest Service, working with states, released a wildfire risk to communities map in April 2020 in response to the 2018 Omnibus Appropriations Act. The website provides maps and data to inform community leaders about their relative wildfire risk profile, learn about wildfire risk, and links to resource and partners to help communities to reduce wildfire risk (<https://www.fs.usda.gov/wildfirerisk>).

In addition, the Forest Service is currently working with the Department of Interior on a Community Adaptation database that demonstrates outcomes of federal assistance programs to the States. We also have cooperative agreements with a variety of partners and State forestry agencies that support community wildfire protection programs. We would like to work with the bill sponsor and the Committee on technical assistance to ensure that the establishment of this program compliments and enhances existing programs within USDA and Department of the Interior, as well as the goal of increasing wildfire prevention.

Sec. 4. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM – This section would permanently authorize appropriations for the Collaborative Forest Landscape Restoration Fund in the amount of \$100 million per year.

The agency works with partner organizations to achieve fuels reduction and conservation outcomes at landscape level by carrying out treatments under the Collaborative Forest Landscape Restoration Program. Without this permanent authorization, the program is set to expire at the end of fiscal year 2023. USDA supports this section.

Sec. 5. COUNTY STEWARDSHIP FUND – This section establishes a county stewardship fund and directs the Forest Service and the Bureau of Land Management to deposit an amount equal to 25 percent of the amounts collected as receipts through a stewardship contract or agreement into the Fund to be distributed to counties once a year for use for governmental purposes.

This change would make stewardship contracts more on par with our timber sale contracts, in terms of county funding. Currently, the timber receipts under a stewardship contract are used to offset payment for habitat improvement or restoration work. USDA would like to work with the committee and the bill sponsor to develop technical assistance to achieve the objective of this section.

Conclusion

USDA supports the intent of this bill and looks forward to working with the Committee and bill sponsor on technical assistance.

S.2806 – Emergency Wildfire Act of 2021

My testimony only pertains to provisions affecting the Forest Service and National Forest System lands.

The Forest Service carries out approximately three million acres of fuels reduction treatments annually. Unfortunately, this is not at the scale necessary to address the problem. Without a paradigm shift in the way we treat hazardous fuels on National Forest System and non-federal lands to address the impacts of climate change, we will remain in a wildfire crisis that will continue to threaten communities across the West. Under a new paradigm, we will work with partners to focus fuels and forest health treatments more strategically and at the scale of the problem, using the best available science as our guide.

The Forest Service is investing in the development of new finance models that leverage sources of capital beyond appropriations to support land management. In 2018, we established the Conservation Finance Program to lead the way in leveraging external capital through work with private and public sector partners. We are currently working with partner organizations in more than 25 landscapes across the country to scope and develop projects that leverage external capital, many of which focus on financing hazardous fuels reduction.

One example of our work in conservation finance is the Forest Resilience Bond (FRB), a public-private partnership model developed by our partner Blue Forest Conservation. The Forest Resilience Bond enables private capital to cover the upfront costs associated with forest health treatments that reduce wildfire risk. This model raises private investment to cover the full cost of activities like thinning and prescribed burning upfront, and then brings together stakeholders that benefit from project activities to repay investors. Our first pilot of the FRB on the Tahoe National Forest in California has been a success. The Yuba Project is bringing \$4 million in private investment to bear on implementation of activities that reduce fire risk across 15,000 acres. We are now partnering on a significantly larger project in the same watershed, which will bring \$11 million in FRB financing to support fire risk reduction treatments across 40,000 acres of the Northern Sierras and generate local jobs. As we develop FRBs on other national forests, our challenge is to unlock its potential at a scale that meets the challenges we face across National Forest System lands. However, doing so requires the ability to make long-term commitments to fund projects that leverage more upfront, external financing. We are grateful for the ongoing support of this Committee to secure the necessary long-term funding commitments needed for these types of projects.

S. 2806 provides new authority for conservation finance agreements and a new landscape-level program for management activities designed to improve forest conditions and reduce wildfire risk. USDA supports the intent and goals of the bill. Through our testimony we offer several comments and observations meant to improve the language of the bill, and we would like to work with the Committee and bill sponsor to address these issues.

TITLE I – LANDSCAPE SCALE FOREST RESTORATION

Sec. 103. SELECTION AND IMPLEMENTATION OF LAND-SCAPE SCALE FOREST RESTORATION PROJECTS – This section establishes a new landscape-level program for management activities designed to improve forest conditions and reduce wildfire risk. The bill requires the Secretary of Agriculture to select, during a five-year period, not more than 20 landscape-scale forest restoration projects in the western United States. Projects must be based on a landscape assessment, developed and supported by a collaborative group, and must meet specified purpose and need criteria as well as other eligibility criteria. The landscape assessment must cover not less than 100,000 acres, or in limited cases not less than 80,000 acres. Restoration treatments must emphasize the reintroduction of characteristic fire, and mechanical treatments are limited to those that restore reference conditions in areas that lack ecological integrity. Additionally, projects must maintain or contribute to restoration of old forest conditions and protect or increase the number and distribution of large old trees. The bill further specifies allowable approaches to landscape-scale analysis and decision making under the National Environmental Policy Act.

Sec. 104. CONSERVATION FINANCE AGREEMENTS – This section establishes a pilot program for conservation finance agreements between the Forest Service and partner organizations to plan, implement and monitor landscape-scale forest restoration projects selected under Section 103. A conservation finance agreement is defined in Section 101 as a mutual

benefit agreement with a term between one to twenty years in length where performance can be contingent upon subsequent appropriation of funds and may provide a cancellation payment if subsequent appropriations are not made. The bill allows the Secretary to obligate funds in stages to cover any potential cancellation or termination costs specified in the agreement.

Sec. 107. FUNDING – This section authorizes \$250,000,000 from fiscal years 2022 through 2026, to remain available until expended, for the planning and implementation of landscape scale forest restoration projects. These funds may be deployed through conservation finance agreements that allow Forest Service appropriations to leverage other sources of federal and non-federal funds. Federal cost share on agreements is limited to 75 percent for planning and development and 60 percent for implementation and monitoring.

USDA is committed to working at larger scales collaboratively with our Federal, Tribal, State, and local partners, as well as all members of the public to proactively create resilient landscapes; these are also the goals of the program established in section 103. USDA would like to work with the bill sponsor to make this pilot authority available in more areas. Treatment prescriptions within this section, while important components of overall resource management strategies, will not provide all the tools necessary to reduce wildfire risk on large landscapes. USDA would like to work with the Committee and bill sponsor to address these issues while still meeting the objectives of the section.

USDA supports the innovation provided in Sections 104 and 107 for conservation finance agreements in conjunction with no-year funding. Together, these provisions would provide the long-term certainty needed to guarantee the agency’s financial commitment to large-scale public-private partnerships that leverage external capital. They would position the Forest Service to maximize the amount of upfront financing we can leverage from investors as well as the cost-share commitments made by project beneficiaries who repay the investors. USDA would like to work with the Committee and bill sponsor to expand the range of projects envisioned in Section 103. USDA also welcomes the opportunity to work on technical amendments to clarify the new conservation finance agreement authority and verify that it is a separate and stand-alone authority from other contracting and agreement tools.

TITLE II – INCREASING COMMUNITY RESILIENCE TO WILDFIRE

Sec. 201 (CRITICAL INFRASTRUCTURE AND MICROGRID PROGRAM) and 202 (RETROFITS FOR FIRE-RESILIENT COMMUNITIES) – USDA defers to the U.S. Department of Energy on its programs affected by these provisions. The Forest Service collaborates with the Fire Adapted Communities Coalition; the Coalition has many partners including the Insurance Institute for Business and Home Safety and the National Fire Protection Association. This coalition has addressed issues related to material selection and codes and ordinances for home hardening, whether with new construction or retrofitting efforts. Reconstruction after fire events, such as the Camp Fire (CA), by partners as well as the National Institute of Standards and Technology (NIST) Engineering Laboratory also provide new

understanding of community vulnerabilities and highlights potential mitigation techniques. USDA recommends we continue to lean on these partners for their expertise and guidance.

Sec. 203. HAZARD MITIGATION USING DISASTER ASSISTANCE – This section amends section 404(f)(12) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(f)(12)) to allow hazard mitigation assistance to be used for installation of fire-resistant wires and infrastructure and the undergrounding of wires. USDA defers to the Department of Homeland Security and the Federal Emergency Management Agency on this provision.

Sec. 204. WILDFIRE DETECTION EQUIPMENT – This section amends the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591 et seq.) to require the Secretaries of Agriculture and Interior, to the extent practicable, to expedite the permitting and placement of wildfire detection equipment in areas at risk of wildfire and expand the use of satellite data to assist wildfire response. USDA supports the ability to permit and place wildland fire detection equipment on National Forest System land, where possible, in a timely manner.

TITLE III – RESEARCH, TRAINING AND CAPACITY BUILDING

Sec. 301. WESTERN PRESCRIBED FIRE CENTERS – This section directs the Secretaries of Agriculture and Interior to establish one or more training centers focused on prescribed fire and wildfire mitigation methods. The bill requires that the location for a new center must be in the Western United States. The Secretaries are directed to consult with the Joint Fire Science Program to solicit and evaluate proposals for the location of the center.

USDA believes that the National Wildfire Coordinating Group is the most appropriate group to provide input on expansion or establishment of these type of training opportunities. While the existing National Interagency Prescribed Fire Training Center is in Tallahassee, Florida, course work and experiential learning is conducted in a wide variety of locations across the United States. In addition, there are national interagency training centers in Tucson, Arizona and McClellan, California that offer a wide variety of learning opportunities. Together, these current training centers provide training for fire professionals across the nation.

We support the goal of Section 301 to increase training opportunities and augment Federal, Tribal, State, and local prescribed fire workforce capacity; however, we have concerns about the site selection requirements. USDA would like to work with the Committee and the bill sponsor to recognize existing efforts by the agency and its partners to provide prescribed fire training and to ensure the creation of additional training capacity is an enhancement to existing training systems.

Sec. 302. INNOVATIVE FOREST WORKFORCE DEVELOPMENT PROGRAM – This section directs the Secretary of Agriculture to establish a competitive grant program for workforce development in the forestry sector.

The Forest Service currently has authority to enter into cooperative agreements with public or private agencies, organizations, institutions, or persons to engage in job training and development programs. Further, the Forest Service provides workforce training and education to students through its U.S. Department of Labor authorized Job Corps Civilian Conservation Centers and is currently expanding its trade offerings in forest conservation and wildland firefighting. USDA supports forestry education and receives numerous benefits from the forest sector workforce. We would like to work with the Committee and the bill sponsor to ensure that any new authorities build on existing programs.

Sec. 303. NATIONAL COMMUNITY CAPACITY AND LAND STEWARDSHIP GRANT PROGRAM – This section authorizes the Secretary of Agriculture to issue grants for increasing community capacity for land stewardship, subject to specified criteria. \$50 million is authorized for this purpose in fiscal years 2022 through 2026. At least 10 percent of the funding would be allocated to Tribes. USDA supports the goals of this provision and would like to work with the Committee and bill sponsor on technical improvements.

Conclusion

Making communities and forests more resilient to large wildfires requires actions, treatment, and coordination undertaken at a scale that addresses the challenge. The Biden Administration’s American Jobs Plan calls for protecting and restoring nature-based infrastructure which includes our lands, forests, wetlands, watersheds, and coastal and ocean resources. The President has called on Congress to invest in protection from extreme wildfires. In addition, the USDA Climate-Smart Agriculture and Forestry Strategy calls for expanding the area of fuels treatments by two to four times nationwide to reduce wildfire risk.

S. 2806 sets forth similar objectives and we look forward to working with the Committee and bill sponsor to address the concerns outlined above.

S. 2561

S. 2561 provides that land resource management plans that have been approved, amended, or revised under the Forest and Rangeland Renewable Resources and Planning Act of 1974 (16 U.S.C. 1604), and land use plans approved, amended, or revised under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), are not considered continuing Federal agency actions. The bill provides further that land resource management plans or land use plans approved, amended or revised under those acts do not constitute a discretionary Federal involvement or control for a distinct Federal purpose.

This question about the status of plans as continuing agency actions was central to the Ninth Circuit’s decision in *Cottonwood Environmental Law Center v. United States Forest Service*, 789 F.3d 1075 (9th Cir. 2015), in which the court found the Forest Service retains discretionary involvement or control over a forest plan after its approval. The *Cottonwood* decision remains a source of litigation and continues to be an issue of concern for USDA.

USDA realizes this is an issue that needs to be addressed and is working together with DOI towards a solution. We would like to continue to work with the Committee and bill sponsors to resolve this issue and to address concerns with the bill.

S. 2836 – America’s Revegetation and Carbon Sequestration Act of 2021

My testimony today will provide an overview of the titles of the bill.

President Biden’s *American Jobs Plan* calls for restoring nature-based infrastructure to increase resilience and reduce the risks associated with extreme wildfires. USDA supports additional investments in ecosystem restoration, particularly post-fire. We believe such investments will help make significant progress in restoring functioning ecosystems.

TITLE I – REVEGETATION

Title I includes provisions to increase revegetation on both public and private lands. Provisions relating to both the Secretaries of Interior and Agriculture include:

- Direction to revise applicable regulations, within two years, to require the consideration and assessment of resiliency and adaptation factors in developing strategies and efforts for revegetation, including selecting species for planting.
- Direction to jointly develop or expand an existing, objective revegetation assessment tool for each Forest Service region that uses a point system or rating scale to establish baseline information and reforestation needs on federal land and use the tool to determine reforestation needs for both post-event and post-harvest. The Secretaries may also enter into a partnership with a non-Federal entity, including Indian Tribes, with data or expertise in Federal reforestation to assess the opportunity to restore forest or rangeland cover across non-Federal land in the United States or to share existing data.
- Requirement to publish a report within 18 months detailing the number of federal and nonfederal acres in need of revegetation.
- Direction to establish an interagency revegetation task force for each Forest Service region composed of federal and non-federal members, including Indian Tribes, to coordinate and carry out revegetation activities. Each task force will develop a 10-year comprehensive revegetation strategy and implementation plan that includes revegetating not less than 25 percent of the land identified as needing revegetation and achieving any additional goals or targets established by the task force. Each task force shall give priority to burned areas and any other destabilized lands that pose heightened risks to homes, roads, and public water supplies if not revegetated; areas at high risk of establishing invasive species; mined land; floodplains and riparian areas; and land with regionally significant carbon sequestration potential. In addition, for activities recommended to be carried out on non-Federal land, the task force will identify ways to address revegetation needs voluntarily by working with States, landowners, Indian Tribes, and other interested persons, and ensure that revegetation efforts will not adversely impact existing markets for timber and other forest materials produced from private working forests, among other

tasks, including conducting an inventory of nursery and seed capacity within each Forest Service region and determining how capacity would need to be increased to meet the plan.

- Allow for agencies to enter into a contract or cooperative agreement for re-establishing vegetation on Federal land for up to 10 years.
- Establish an eight-year pilot program, managed through the Secretary of the Interior, for the revegetation of abandoned mine lands on federal lands and to offer financial assistance to States and Tribes to establish native vegetation on eligible mined land located on State land, Tribal land, or land held in Trust for an Indian Tribe, as long as financial assistance is not provided to a person or entity with an ongoing legal obligation to revegetate the land.

Section 103 of this title formally authorizes the Forest Service's experimental forest and range network, which includes over 84 long-term research sites representing most of the vegetation types in the United States, including in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. Most of these sites were established in the late 1920s through the 1960s. Many are nationally and internationally significant due to their long-term data record and large-scale forest management studies, field-based interaction with land managers, and student training. This section also directs the agency to establish a network of experimental forests and rangelands that shall include each of the forest cover types that occur in the United States, forest cover types found in the State of Hawaii, and an experimental forest that contains forest cover types found in the territories of the United States. Within this network, the agency shall conduct research on seedling establishment, site suitability, and tree planting designs to inform and assist efforts undertaken in the United States to establish stands of trees that are resilient in future climate conditions and improve models of carbon responses to land management practices.

Section 105 of this title directs the Secretary of Labor to develop a career and technical education and training program focused on tree planting or tree maintenance and offer the program as part of the Job Corps program. Section 105 also directs the Secretary of Energy to establish a program to award grants to States, Indian Tribes, local governments, nonprofit organizations, and retail power providers to conduct tree planting projects, giving priority to tree planting projects that would provide the largest potential reduction in residential energy consumption. USDA defers to these two agencies on this section of the bill.

Section 107 of this title provides the Forest Service with authority to provide technical assistance to other countries on tree planting activities and to enter into partnerships to restore vegetation and sequester carbon through revegetation.

USDA supports additional investments and planning in revegetation and would like to work with the Committee on technical suggestions related to this section. However, these provisions would be difficult to implement within existing resources, particularly without the additional program funding included in the Infrastructure Investment and Jobs Act and the Budget Reconciliation bill. The Forest Service would also like to work with the Committee on technical assistance related to the current experimental forests and rangelands. While some of the Agency's experimental forests are located on non-Federal land, the bill focuses only on those located within the National Forest System and specifies their value in climate resiliency research. USDA would like to work with the Committee on this section of the title, especially as it relates to our

current authorities, the range of sites represented in the network, and our partnerships, infrastructure, and capacity.

TITLE II – CARBON SEQUESTRATION THROUGH FOREST MANAGEMENT AND INNOVATION

Section 201 of Title II addresses the accrual of carbon credits for work performed on National Forest System lands, including provisions authorizing the National Forest Foundation to receive and distribute funds from carbon credits for hazardous fuels reduction projects on National Forest System lands.

Section 202 also includes a provision directing the agency to identify units of the National Forest System that the Secretary determines to be at high or very high risk of experiencing a stand-replacing disturbance during the 10-year period following the date of enactment of this Act and establish a team to develop a model land and resource management plan amendment, establishing plan content for future site-specific project-level decisions if a stand-replacing disturbance occurs.

Section 203 requires the establishment of a pilot program under the Commissioner of the Food and Drug Administration to grant a nationwide food use authorization of biochar as a feed additive for cattle and directs the U.S. Geological Survey to develop and publish a national commercialization plan for the production, sale, and use of biochar as a soil amendment for plant growth improvement, including for commercial, agricultural, and residential use. USDA defers to these two agencies on these sections of the bill.

Section 204 directs the Secretary of Agriculture and the Secretary of the Interior to jointly develop and implement an action plan to map, treat, and control invasive grass in coordination with State and local governmental entities. The Action plan will establish goals, implementation actions, and targets, including acres to be treated annually. This section permits the Secretaries to accept non-Federal funds to implement this provision and allows the Secretaries to spend up to \$30,000,000 of any funding made available for invasive species control to implement this section.

USDA supports additional investments and planning in carbon-focused projects and understands the strong interest from a variety of our partners in demonstrating the carbon and climate benefits of sound forest management, including post-wildfire reforestation. The agency recently investigated this question internally and decided to focus on developing policy around rigorous carbon claims, starting with a focus on tree planting projects. USDA is willing to work with the Committee as we learn from our work with partners to develop technical assistance that supports a variety of projects that promote partners' interest and have a positive benefit for carbon sequestration on the national forests.

Section 202 requires development of a model amendment for Land Management Plans to provide direction for project-level actions following stand-replacing events, which would then be applied to pilot national forests. A model plan amendment is not necessary because many Land

Management Plans do not need to be amended in order to adequately allow for project-level actions following stand-replacing events. Section 202 would create an unnecessary workload. We also note that forest conditions vary considerably across national forests and there is variety in how post-disturbance activities are addressed in the various Land Management Plans, making a one-size-fits-all amendment difficult to draft and then adopt.

USDA supports increasing the treatment and control of invasive grasses; however, we would like to work with the Committee to ensure that we don't have duplicative and competing plans. USDA worked with partners to develop and implement the Western Invasive Weed Management Strategic Action Plan and the requirements in the bill would duplicate the planning and actions that were identified in that action plan.

USDA would like to work with the Committee on technical suggestions related to this title. In addition, many of the provisions in this title would be difficult to implement within existing resources, particularly without the additional program funding included in the Infrastructure Investment and Jobs Act and the Reconciliation bill.

TITLE III – MASS TIMBER

Title III contains provisions related to the use of mass timber in both federal and non-federal buildings. This title includes provisions directing the Secretary of Agriculture to:

- Work through the Director of the Forest Products Laboratory to establish a mass timber science and education program, including working closely with colleges and universities in administering the program. The purposes of the program are as follows: provide practical research that is responsive to the needs of architects, developers and the forest products industry, including assessments of carbon impacts and fire safety; engage and listen to clients then develop strategic lines of new research responsive to their needs; solicit proposals from scientists who compete for funding through a rigorous peer-reviewed process; disseminate research findings using a suite of communication tools; and develop and facilitate voluntary adoption of a curriculum for building structures using mass timber.
- Submit a mass timber plan to relevant Congressional committees that includes an assessment of the current state of knowledge about mass timber and tall wood buildings, an integrated approach to improve knowledge sharing, an approach for project monitoring and evaluation, and an approach for setting research priorities.
- Establish a stakeholder advisory group of technical experts that will meet at least annually to consider immediate and long-term science and information transfer needs and assist the secretary in drafting the mass timber plan.
- Provide technical assistance to the Secretary of Transportation and States relating to the use of wood bridges.
- Coordinate technical assistance with other Federal agencies and non-federal partners to improve the management and efficiency of constructing mass timber buildings and infrastructure.

This title also includes provisions directing the Secretaries of Interior and Agriculture to:

- Develop and maintain a database of mass timber buildings owned or leased by the Federal Government that are occupied primarily by employees of the Secretaries. The Secretary of Agriculture, acting through the Director of the Forest Products Laboratory, shall conduct an assessment of each mass timber building included in the database, which includes collecting data on embodied carbon.
- Prepare a plan to increase the quantity of carbon stored in buildings owned or leased by the federal government and occupied primarily by employees of the Secretaries. The plan, to the maximum extent practicable, should be material neutral.
- No later than September 30, 2025, procure facilities, buildings or structures, including not fewer than 100 single-occupancy restrooms, using domestic mass timber, unless they are not reasonably available or necessary, fail to meet reasonable performance standards, or are available only at unreasonable prices.

USDA supports additional investments to increase adoption of mass timber in construction, however we would like to work with the Committee through technical assistance to ensure effective coordination within Forest Service programs and across Federal agencies to ensure that the wide range of Forest Service expertise can be applied to these important issues. In addition, these provisions would be difficult to implement within existing resources, particularly without the additional program funding included in the Infrastructure Investment and Jobs Act and the Reconciliation bill.

TITLE IV – RESEARCH

Title IV contains provisions regarding research and climate-resilient forests. This title includes provisions directing the Secretary of Agriculture to:

- Publish a report that demonstrates Forest Service efforts to measure a consistent historical series of field plots using advanced technology, and to use advanced geospatial technologies to improve area and volume estimates.
- Consider use of remote sensing technologies and other technologies to develop more accurate and efficient methods to reduce costs to facilitate the measuring and monitoring of forest carbon in the United States.
- Consider accelerating or increasing the frequency of current inventories and data collection activities to ensure consistent nationwide estimates of forest carbon pools that can reflect short-term changes from disturbances.
- Expand research relating to the use of wood to facilitate the establishment of new markets for material produced from forest management projects that typically has little or no commercial value; to increase economic viability of manufacturing these products and including structural testing of hardwood species for use in mass timber.
- Establish an intragovernmental revolving fund to maintain adequate buffer reserves for a project implementing a covered activity (as defined by section 201 of this bill) to cover unforeseen losses in carbon stocks and address nonpermanence, and transfer amounts into and out of the revolving fund to serve as a buffer pool for covered activities.

- Seek to expand the services provided by the Western Wildland Environmental Threat Assessment Center and Eastern Forest Environmental Threat Assessment Center such that they become centers of excellence to inform large-scale climate-resilient forest management. In addition, the Secretary shall share the syntheses, models and application tools developed by these centers with the USDA Climate Hubs, and the Climate Adaptation Science Centers.

Additionally, section 401 directs the Secretary of Energy, in coordination with the Secretary of Agriculture, to develop more accurate and efficient methods and technologies to measure carbon stored in woody biomass energy feedstocks and building materials; publish estimates of the amount and average lifespan of carbon stored in different wood biomass energy feedstock and building materials; and publish an estimate of the total amount of carbon stored in short-lived forest products, building materials and other long-lived wood products. USDA defers to the Department of Energy on this section.

USDA supports additional research and technical transfer supporting climate-resilient forests and robust forest product markets and would like to work with the Committee on technical assistance related to this research title. More specifically, we would like to explore additional options for meeting the intent of the Forest Inventory and Analysis program-related provisions while maintaining our ability to implement our work effectively. As referenced earlier in the testimony, USDA is willing to work with the Committee as we learn from our work with partners to develop technical assistance related to section 404 of this title. In addition, the provisions in this title would be difficult to implement within existing resources, particularly without the additional program funding included in the Infrastructure Investment and Jobs Act and the Budget Reconciliation bill.

Thank you again for the opportunity to testify on these bills, and I welcome any questions.