



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: Wednesday, June 26, 2024
Subject: Markup of “*Fix Our Forests Act (FOFA)*”

The Committee on Natural Resources will hold a markup on **Wednesday, June 26, 2024, at 2:00 p.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 8790 (Rep. Westerman), “*Fix Our Forests Act (FOFA)*.”

Member offices are requested to notify Madeline Kelley (madeline.kelley@mail.house.gov) by 4:30 p.m. on Tuesday, June 25, 2024, to confirm their Member’s attendance at the mark-up.

I. KEY MESSAGES & TOP LINE ACTIONS

- The Fix Our Forests Act will revolutionize the way we manage our forests and support active and responsible management of federal lands with the best available technology and science, leaving them more resilient for generations to come.
- The bill will:
 - Simplify and expedite environmental reviews for forest management projects
 - Promote federal, state, tribal and local collaboration
 - Deter frivolous litigation that delays essential projects
 - Create a framework for prioritizing treatments in the forests at highest risk of wildfire
 - Encourage the adoption of state-of-the-art science and techniques for federal land managers
 - Encourage active management to improve the safety of powerlines and other infrastructure
 - Strengthen tools like Good Neighbor Authority and Stewardship Contracting
- H.R. 8790, “*Fix Our Forests Act*” is expected to move by regular order. H.R. 8790 will have an amendment in the nature of a substitute (ANS). Members should ensure that amendments are drafted to the ANS.

II. EXPECTED LEGISLATION

[H.R. 8790](#) (Rep. Westerman), “*Fix Our Forests Act*”

The bipartisan “Fix Our Forests Act” (FOFA), championed by Chairman Bruce Westerman (R-AR) and Congressman Scott Peters (D-CA), is a comprehensive package that would restore forest health, increase resiliency to catastrophic wildfires, and protect communities in the wildland-urban interface (WUI). The bill would accomplish these goals by expediting environmental analyses, reducing frivolous lawsuits, and increasing the pace and scale of forest restoration projects. The legislation would give federal land managers, including the U.S. Forest Service (USFS) and Bureau of Land Management (BLM), the critical tools they need to implement forest restoration treatments immediately.

Title I of FOFA utilizes fireshed mapping as an innovative blueprint to target the top 20 percent of high-risk firesheds. With this scientific approach, land managers can prioritize landscape treatments in firesheds with a high risk of wildfires threatening communities or municipal watersheds or causing forest stand conversion. To increase the pace of treatments, Section 106 of the bill codifies existing emergency authorities, a successful tool that allows agencies to conduct critical forest management work concurrently with producing an environmental analysis under the National Environmental Policy Act (NEPA), streamlining processes without waiving NEPA.¹ This section allows forest management projects to be completed faster and at a larger scale by encouraging the use of existing categorical exclusions (CEs) under NEPA and increasing the limitations on those CEs from 3,000 to 10,000 acres. The Title will also establish a brand-new Fireshed Center to reduce fragmentation across agencies and inform suppression and management decisions. Recognizing the important role of non-federal partners, Title I also strengthens existing collaborative tools, such as Good Neighbor Authority, Stewardship Contracting, and Shared Stewardship. Finally, the Title reduces frivolous litigation by including commonsense limitations on injunctions and addressing litigation stemming from *Cottonwood Environmental Law Center v. United States Forest Service (Cottonwood)*.²

Title II of FOFA focuses on protecting communities in the WUI from wildland fire risks. Like much of H.R. 8790, this title contains several provisions that directly align with the recommendations of the Wildland Fire Mitigation and Management Commission’s most recent report.³ These provisions include creating a new “Community Wildfire Risk Reduction Program” to advance scientific research on wildfire resilience and land management in the WUI. They also support the adoption of fire-resistant building methods and standards. Title II strengthens existing expedited authorities with respect to rights-of-way to allow for the clearing of hazard trees within 150 feet of utility lines. This proposal also requires automatic approval of vegetation management plans submitted by electric utility companies after a certain period and creates a new categorical exclusion to fast-track activities under a vegetation management, facility inspection, and operation and maintenance plan. These policies will help utility companies

¹ 43 U.S. Code § 1638.

² *Cottonwood Environmental Law Center v. U.S. Forest Service*, No. 13-35624 (9th Cir. 2015).

³ Wildland Fire Mitigation and Management Commission, “On Fire: The Report of the Wildland Fire Mitigation and Management Commission”, September 2023, <https://www.usda.gov/sites/default/files/documents/wfmmc-final-report-092023-508.pdf>.

address hazardous fuels in rights-of-ways to significantly reduce the threat of a catastrophic wildfire threatening a nearby community.

Title III of the bill focuses on fostering greater transparency and accountability at the agencies, creating new markets for low-value materials, and encouraging technological innovations. To improve accountability, Title III would require USFS and the Department of the Interior to produce yearly hazardous fuels reduction reports based on the actual number of acres that the respective agencies treated over the past year, without double counting any acreage. This bill would also create demonstration projects in each USFS and BLM region to test biochar, a product that could create markets for low-value timber from hazardous fuels reduction projects. Finally, the title encourages innovation across technologies, such as drones, artificial intelligence, and machine learning, to lower suppression costs, protect communities, and improve firefighting efficiencies.

The bill has twelve bipartisan [cosponsors](#), including seven Republicans and five Democrats. Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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III. CBO SCORES

Not available.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 8790](#)