



Statement of the California Farm Bureau

**BEFORE THE
SUBCOMMITTEE ON FEDERAL LANDS
HOUSE COMMITTEE ON NATURAL RESOURCES**

**LEGISLATIVE HEARING ON MULTIPLE BILLS; TESTIMONY ON
THE FOREST IMPROVEMENTS THROUGH RESEARCH AND
EMERGENCY STEWARDSHIP FOR HEALTHY ECOSYSTEM
DEVELOPMENT AND SUSTAINABILITY (FIRESHEDS) ACT**

MAY 23, 2023

**Presented By:
Jamie Johansson
President
California Farm Bureau**



INTRODUCTION

Thank you Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. My name is Jamie Johansson, and I am a first-generation farmer producing olives and citrus fruit in Oroville, California. I also serve as President of the California Farm Bureau, California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 30,000 members. I appreciate the opportunity to testify today before the Subcommittee on the FIRESHEDS Act on behalf of the California Farm Bureau and our members across the state of California. California's wildfires are very personal to me. As President of my organization, I have witnessed and heard the numerous stories of loss and frustration from my membership. In addition, I myself, my employees and have been wildfire evacuees.

WILDFIRE IMPACTS ON CALIFORNIA AGRICULTURE

Wildfires have caused numerous direct and indirect impacts on California's \$50 billion agriculture industry. In addition to being a significant public safety threat, many farms, ranches, wineries, employee housing, equipment, livestock, and commodities have been directly damaged or completely destroyed. For those only partially impacted, they are faced with the reality of rebuilding what remains of their operation. Because many farmers and ranchers live on their farming operation, some have also lost their home simultaneous to losing their farm.

Wildfire Smoke & Ash

California agriculture has faced many challenges related to wildfire smoke and ash. For example, the 2020 LNU Complex Fires that burned over 360,000 acres, covered much of Northern California's wine region in a weeks-long blanket of smoke and ash. The Glass Fire, which burned over 65,000 acres in Napa and Sonoma counties immediately following, resulted in such severe smoke taint that many wineries looking to produce a 2020 vintage were unable to harvest their crop. Monterey County, and many of California's central coast counties, as well as the winegrape growing regions of the Central and Sacramento Valley, also experienced weeks of smoke and ash coverage.

Wildfire smoke and ash has also affected availability, and at times exacerbated shortage, of Personal Protective Equipment (PPE) needed by farmers and agricultural employees. According to California Division of Occupational Safety and Health (Cal/OSHA) workplace regulations, employers are required to protect outdoor workers with N95 masks or respirators when the Air Quality Index is 151 or greater. Particularly during the COVID-19 pandemic, our producers were faced with significant challenges related to providing our employees with Personal Protective Equipment (PPE). Prior to the 2020 wildfires, California Farm Bureau and other groups worked with the California Department of Food and Agriculture to acquire about 1.5 million respirators that were released to county agricultural



commissioners from state supplies. But, as the wildfires began, people who needed the respirators couldn't get them. This prevented even the most usual agricultural activities such as harvest, plantings, and cultivation at a time when domestic food production was exceedingly critical.

Insurance Availability and Affordability

Wildfire has also created many residual impacts for California farmers and ranchers in the areas of insurance, energy certainty, and livestock safety and evacuation. In addition to homeowners' inability to renew policies or affordably insure their homes due to wildfire risk, California farmers and ranchers have experienced the same challenges. In one instance, a member reported their premium had increased from \$8000 to \$36,000. Meanwhile, many southern California counties, as well as Napa, Sonoma, El Dorado, Calaveras, Placer, Nevada, Shasta, Trinity, Mendocino, San Benito, Santa Cruz, and San Luis Obispo counties, have seen policies terminated entirely due to wildfire risk.

Until California State Senate Bill 11 was signed into law in 2021, California farmers and ranchers did not have access to California's insurer of last resort, the California FAIR Plan, which provided basic property insurance only to homes and commercial properties at highest risk. This left commercial agricultural infrastructure, wineries, farm equipment and other components uninsured. SB 11 authorized these operations to access the California FAIR Plan for basic property coverage and provided a necessary property insurance backstop for agricultural infrastructure. Currently, California Farm Bureau is sponsoring state legislation that would allow for commercial insurance policies under the FAIR Plan to move back to the admitted commercial market, therefore providing opportunities for agricultural producers to move back to the competitive market with affordable commercial policies protecting farming and ranching operations.

Public Safety Power Shutoffs

With utility infrastructure in California found to have caused some of the most catastrophic damage in California history, the California Legislature and California Public Utilities Commission have required California's investor-owned utilities to better safeguard their infrastructure to prevent those catastrophes. One tool that has been implemented is the use of public safety power shutoffs (PSPS). These shutoffs simply de-energize electrical grids when certain climatic risks, such as wind and low humidity, could potentially result in a wildfire should the infrastructure fail or an object come into contact with the infrastructure sparking fire. While PSPS implementation can serve as a valuable public safety tool, farms and ranches can be greatly impacted by these wildfire mitigation efforts as lack of energy availability creates added uncertainties for agricultural operations.



Livestock Evacuation Protocols

Our farmers and ranchers need the ability to safely and responsibly cross into evacuation zones to relocate imperiled animals during a wildfire incident. Historically, hired vendors working with CALFIRE or the United States Forest Service on an active wildfire incident, including water tender operators, heavy equipment and dozer operators, crew bus drivers, vehicle drivers, mechanics, fallers, swamper, and chain saw operators, have been required to complete the Fireline Safety Awareness course, a one-day, 8-hour course of instruction. Farmers and ranchers have the resources and experience to safely, humanely, and efficiently transport livestock to safety. Wanting the same opportunity as incident vendors, agriculture organizations supported state legislation, Assembly Bill 1103, which established a statewide framework for county “Livestock Pass” programs to safely provide livestock producers access to their ranches during wildfires and other emergencies. While prior to the legislation some counties had already developed emergency ranch access programs, other counties lacked the resources to develop and implement Livestock Pass programs. AB 1103 required CAL FIRE to establish a statewide training program for Livestock Pass holders, codified a requirement that law enforcement and emergency responders grant ranch access to Livestock Pass holders, and established certain minimum standards for administration of the programs, facilitating and streamlining adoption of county Livestock Pass programs throughout the state.

INCREASING FOREST MANAGEMENT CAPACITY

With the presence of eighteen National Forests in California, nearly half of the 100 million acres in our state are managed by the federal government. Given the extensive number of wildfire-related impacts California farmers and ranchers are facing, California Farm Bureau has a vested interest in the quality, and quantity, of forest management activities. Recognizing the need for robust financial resources, California Farm Bureau strongly supported the \$1.4 billion included in the Infrastructure Investment and Jobs Act (IIJA), providing the Forest Service with implementation resources for the Wildfire Crisis Strategy, a 10-year strategy for confronting the western wildfire crisis. Two California landscapes, the North Yuba and the Stanislaus, were included within the ten initial landscapes. California Farm Bureau also supported the additional \$1.8 billion in funding provided in Inflation Reduction Act (IRA) for hazardous fuels funding in the wildland-urban interface. Within the additional eleven landscapes for treatment that were identified, three California landscapes were included in the second round of investments. These include the Southern California Fireshed Risk Reduction Strategy, the Trinity Forest Health and Fire-Resilient Rural Communities project, and the Plumas Community Protection project.

While recent funding provided by Congress in the IIJA and IRA to address fire risk should be celebrated, we remain concerned about the expediency, or pace and scale, in which treatments on federally owned lands are being performed given the quantity of treatment work that needs to be done and the fire threat our state is facing. We also remain concerned



about whether or not the necessary financial resources will continue to be allocated so that current forest health investments are maintained in the longer-term.

To address management backlog and achieve landscape scale management, we must do more to enhance capacity and modernize technical expertise. To accomplish this, we must find a way to speed up the collaborative process and empower multiple jurisdictions and partners. Partnerships that assist the Forest Service with permitting and National Environmental Policy Act (NEPA) processes, as well as on the ground work, should be expanded. Private industry, including foresters and ranchers within our own membership, are highly skilled, trained, and operate equipment that can assist the Forest Service with vegetative removal as well as fire suppression activities. In many cases, these individuals are also personally knowledgeable about the local communities and landscapes, bringing additional contributions to a project. We strongly believe that by leveraging such partnerships, more treatments would be able to be performed on federal land, around rural communities, and along shared property lines resulting in a more wildfire resilient environment.

Additionally, both the federal government and the State of California have expressed interest in seeking ways to boost investment in new facilities where capital investments serve as a driver for forest treatments. However, given the significant presence of federally owned land, the challenge with this approach is that stewardship agreements do not include an obligation that guarantees forest material to private industry. Without some level of certainty surrounding supply agreements with the Forest Service, it will continue to be very difficult to spur new infrastructure investment because existing infrastructure is set up based on the landscapes in which they serve. In California, industry infrastructure and markets for low to no-value wood products is a significant challenge in need of solutions. We must work to collectively find ways to complete the NEPA processes for forest management and low to no-value wood products, affordably transport these materials out of the forest, and incentivize companies that can work on biomass or develop new, marketable products out of these forest materials.

THE FIRESHEDS ACT

As private landowners who work and live on and near forested lands, our members also recognize that implementing forest management that utilizes the best available data, employs strong and effective collaboration across jurisdictional boundaries, and engages in partnerships with industry and other partners is necessary to ultimately change fire behavior and achieve large landscape forest management. Including these facets in forest management will best utilize the recent influx of federal funding while also addressing capacity barriers. For these reasons, we are pleased to offer comments in support of the Forest Improvements through Research and Emergency Stewardship for Health Ecosystem Development and Sustainability (FIRESHEDS) Act. The FIRESHEDS Act would allow a governors



to enter into joint agreements with federal land management agencies to designate landscape scale emergency firehatched management areas identified in the top 10% of wildfire exposure on the date of designation. We especially like that the bill also allows for such agreements to be updated as new wildfire threats emerge. The bill would also recognize previously signed stewardship agreements as an agreement are defined under the bill. The Act also smartly allows these firehatched areas to contain Federal and non-Federal land which would further collaboration and partnership.

For each emergency firehatched management area, the Secretary and the governor would then jointly conduct a stewardship and firehatched assessment that would include, but not be limited to:

- An exposure risk assessment including scenario planning, mapping, and modeling,
- A strategy for reducing the threat of at-risk communities in the wildland-urban interface within an emergency firehatched,
- Identification of firehatched management projects to be carried out, and
- A timeline and long-term benchmark goals for the completion of projects in the highest exposure areas.

The bill prioritizes projects that seek to address the highest threats to public health and safety with second priority given to projects that protect critical infrastructure, habitat, watersheds or improving water yield, or a combination. The bill also smartly authorizes the Secretary to enter into Memorandums of Understanding with additional partners so that assessments are continually updated using the best available data including data from private entities, research or education institutions, State forest action plans, state wildfire risk assessments, and other State sources.

Following a commonsense approach, projects identified within designated firehatched management areas would then be carried out by the Secretary in accordance with the firehatched assessment. We are also appreciative that the bill seeks to align these projects in accordance with the applicable forest management plan, would develop projects collaboratively, and prioritize the creation of fuel breaks, reducing hazardous fuels, conducting prescribed burns, and removing dead or high-risk trees. Firehatched management projects could also utilize existing statutory and administrative authorities including a Good Neighbor Agreement.

The FIRESHEDS Act also correctly recognizes livestock grazing as a hazardous fuels reduction strategy within the firehatched management projects included in the bill. Livestock grazing not only benefits ranchers and rural communities, but it also provides important management, environmental, and infrastructure benefits that should be more fully recognized. Grazing can be an effective management tool for the Forest Service to improve range condition, manage for fire, and control invasive species. Livestock grazing permittees also often provide



additional services to public lands such as facility maintenance, road maintenance (culvert clearing), and trash removal. Additionally, livestock grazing on public lands is an essential social, economic, and ecological component of many forested rural communities.

PRESCRIBED FIRE

One of the most vital components of reducing wildfire fuels in overgrown forest lands is prescribed fire, a tool that has been used by generations to promote culturally important vegetation and reduce forest density. However, in the past century, due to altered fire suppression practices and a hesitance to mechanically thin forest stands, our forested landscapes are now subjects to excessive fuel accumulation.

Prescribed fire is a crucial component in forest resilience efforts, as properly managed burns can provide numerous ecosystem benefits including reducing excess brush, shrubs and small-diameter trees, encouraging new growth of native vegetation, and maintaining plant and animal species whose habitats depend on natural, episodic fire. Additionally, when used as part of a larger fuels reduction treatment plan, regular, planned use of prescribed fire has also been shown to prevent the kinds of catastrophic wildfires that can set back particulate matter (PM) emissions reductions goals.

Due to California's tremendous fuels treatment needs, we must express our concern with the U.S. Environmental Protection Agency's (EPA) Reconsideration of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter as proposed. Currently, the proposal seeks to reduce the primary annual average PM_{2.5} NAAQS from 12 micrograms per cubic meter of air (ug/m³) to between 8-10 ug/m³. This proposed change would significantly limit the number of windows available in California for land managers to conduct essential prescribed burns to prevent future catastrophic wildfires at a time when state and federal land managers, including the Forest Service, are acknowledging the dire need to increase prescribed fire on the landscape.

While we understand that EPA considers prescribed burns covered under the Exceptional Events Rule, the 2016 regulatory process that codified the conditions under which prescribed fires could qualify as exceptional events is not sufficient enough to enable a robust prescribed fire program. Exceptional Events filings are also resource-intensive and often denied by local air boards. Without explicit regulatory allowances for prescribed fire to cause NAAQS exceedances, we fear that the proposal could reduce potential burn windows by as much as 80 percent. For this reason, we have written EPA urging them to develop regulations that enable greater use of prescribed fire in tandem with the NAAQS in order to prevent future emissions from high severity wildfires. Should EPA finalize the proposed rule as written, we urge Congress to consider legislation that creates an exception to EPA's requirements.



2023 FARM BILL

The 2023 Farm Bill presents an opportunity to build upon the successes of the 2014 and 2018 Farm Bills in a way that better equips federal agencies to manage forests, incentivize more public-private partnerships, grow new markets for forest products, and support rural communities. The 2023 Farm Bill should also encourage the Forest Service to utilize all of its authorities, including new authorities provided in the Infrastructure Investment and Jobs Act (IIJA). As work on the 2023 Farm Bill continues, we urge Congress to consider the following:

Good Neighbor Authority

Consider amendments to the Good Neighbor Authority that will leverage more partnerships that increase landscape-scale restoration projects.

- Allow States, Counties, and federally recognized Tribes to retain revenues generated through Good Neighbor projects for reinvestment in conservation and management activities.
- Allow for restoration activities to take place on non-Federal lands pursuant to conditions specified in Good Neighbor agreements. Direct the Forest Service to update existing Good Neighbor Master Agreements and Project Agreements to use revenue from existing projects for this work.
- Allow for both new road construction and reconstruction under Good Neighbor Authority contracts on a limited basis for the purposes of water quality, vegetation removal, and safe and efficient use.

Market Investments

The work being done on both federal and private lands to reduce catastrophic wildfire risk creates a large amount of low-value woody material. Unfortunately, there are not adequate markets and infrastructure currently available to remove this material from the forest and put into the marketplace. Depending on truck availability and infrastructure locations, transporting this material can also be very expensive.

- Expand current programs, such as the Wood Innovations Programs and Community Wood Grant Program, to encourage more market development for woody, low-value material.
- Consider cost share mechanisms to assist with transport of low-value woody materials to processing facilities.

Enhance Fuel Break Cross-Boundary Collaboration

Connected fuel breaks provide multiple benefits, including naturally reducing the wildland fire behavior, providing safer opportunities for firefighters, and providing tactical advantages for aerial deployment of fire retardant. Fuel breaks near roads can also improve egress for those evacuating from wildfire and ingress for first responders. Although there has been significant federal investment in such work, it is essential that similar work conducted on



private lands is coordinated and connected so that the benefits of these actions is maximized for forest health and public safety.

- Authorize and fund wildfire reduction actions to assist private landowners in connecting, completing, and maintaining fuel breaks on their land with priority given to projects that link with fuel breaks on other lands in high-priority areas.
- Authorize and fund the Forest Service to enter into agreement with private sector entities to construct and maintain connected fuel breaks on federal lands in coordination with State and private landowners.
- Provide authorities, including cost share instruments, that enable USDA to partner with adjacent landowners to reduce wildfire risk.
- Seek ways to connect fuel breaks on federal lands with similar activities on state and private lands.

Remove Barriers to Increasing Pace and Scale of Forest Management

The 2018 Farm Bill added a new “rural” requirement to the Forest Service’s Landscape Scale Restoration Program, greatly restricting the ability to conduct hazardous fuels reduction projects in areas with populations greater than 50,000, including areas within the Wildland Urban Interface.

- Amend the Landscape Scale Restoration Program to remove the rural requirement established in the 2018 Farm Bill.

The National Association of State Foresters reports that the USDA Forest Service has designated approximately 74 million acres nationwide as insect and disease treatment areas yet only a fraction of those acres has been treated.

- Amend the existing Forest Service Categorical Exclusion to increase the number of acres which can be treated for fuels reduction and pest treatment from 3,000 to 15,000+ acres or larger.

Each National Forest is governed and guided by a legally binding Forest Plan. Plans are developed through a collaborative process with many opportunities for public involvement and specifically designate which acres within a national forest are suitable for timber production. In addition, when a management action is proposed, the Forest Service must also initiate a separate National Environmental Policy Act process. Currently, there is lack of legal clarity about whether individual Forest Plans are an ongoing action under federal law.

- Clarify that Forest Plans are not ongoing actions under federal law and that consultation under Endangered Species Act Section 7 is not required at the forest plan level. Additionally, clarify that projects on acres deemed suitable for timber



production in individual forest plans, be subjected to reduced analytical requirements.

Ranchers who graze livestock on federally managed lands serve as a primary caretaker of those lands in many ways. Grazing permittees should be empowered as partners in conservation and leveraged as a landscape management tool to help address buildup of wildfire fuels.

- Recognize grazing as a wildfire management tool in fuels management programs, the Collaborative Forest Landscape Restoration Program, and other collaborative stewardship programs.

Despite dozens of additional authorities intended to increase the pace and scale of restoration, there are still millions of NEPA-ready acres waiting for implementation. While significant increases in funding should increase implementation, challenges with the Forest Service utilizing existing authorities to their fullest extent still remain. There should be a path of recourse for stakeholders, or Congress, to compel options such as management, long-term stewardship contracts, Good Neighbor Authority, and others.

- Create an avenue where stakeholders and Congress can elevate and/or approve specific actions on NEPA-ready projects, especially on lands identified as priority watersheds, high risk fireheds, or identified in a wildfire crisis implementation plan.

Increase Flexibility And Efficiency Of Contracting And Procurement

Inflexibility in Forest Service contracting, procurement processes, and rules continues to be an impediment to forest restoration at the pace and scale needed to address the problem. Shorter-term contracts or longer contracts that are interruptible, request for proposals (RFPs) that have minimum bids, or other conditions that don't reflect current realities or the cost of doing business, issues with liability for participating agencies, and prohibitions on allowing knowledgeable stakeholders having interaction during RFP development are among the issues that are commonly slowing progress.

- Direct the Forest Service to revise contracting and procurement policy, guidance, and implementation of existing authorities.

Prioritize Reforestation And Post-Fire Rehabilitation Of Federal Lands

Millions of acres of forestland have been lost to wildfire. According to American Forests, a substantial portion of the over 4 million acres of potential reforestation needs on national forests stems from 2020-2021 wildfires when more than 2.5 million acres burned at high severity, adding to the 1.54 million acres of previously identified needs. While the recent passage of the REPLANT Act is expected to provide significant resources, more will need to



be done. The current rate of loss is outpacing the nation's public and private nursery capacity and seedling supply.

- Prioritize reforestation of federal lands and increase investment for public and private nurseries for the purposes of reforestation.

In addition to investing in wildfire prevention, post-fire reforestation and recovery investments are also critically important for the health of our national forests and rural communities. While wildfire causes the majority of reforestation needs on national forest lands, extreme weather conditions including drought and insect and disease infestations also drive reforestation needs.

- Direct agencies to utilize all tools for post-fire rehabilitation, including livestock grazing, and provide funding for prompt post-disturbance forest recovery and restoration activities to prevent the spread of invasive species and protect water quality. Authorize agencies to utilize post-fire recovery funds for rebuilding of operational infrastructure, including federal and non-federal facilities, and direct agencies to allow streamlined access, approval, and clearing and removal of wildfire damaged trees impacting the recovery of infrastructure function.

CONCLUSION

With the presence of eighteen National Forests in California and significant land ownership from other federal and state entities, California's private landowners are unable to solely increase the pace and scale of forest management. The reality is we are playing catch-up with a situation that has been worsening for decades and has been exacerbated by drought, disease, and even climate change. Collectively and collaboratively, we must remain committed to finding solutions to change fire behavior and achieve fire resilient landscapes. Thank you for the opportunity to provide testimony on these critical issues. I am pleased to respond to questions.