



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands, Brandon Miller and Taylor Wiseman –
Brandon.Miller@mail.house.gov and Taylor.Wiseman@mail.house.gov, x6-7736
Date: Tuesday, May 23, 2023
Subject: Legislative Hearing on Nine Forest Management and Fire Suppression Bills

The Subcommittee on Federal Lands will hold a legislative hearing on nine forest management and fire suppression bills:

- H.R. 188 (Rep. McClintock), “*Proven Forest Management Act of 2022*”;
- H.R. 934 (Rep. McClintock), To require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes;
- H.R. 1450 (Rep. Fulcher), “*Treating Tribes and Counties as Good Neighbors Act*”;
- H.R. 1726 (Rep. Tokuda), “*Continued Rapid Ohia Death Response Act of 2023*”;
- H.R. 3522 (Rep. Moore of Utah), “*FIRESHEDS Act*”;
- H.R. 3499 (Rep. Issa), “*Direct Hire to Fight Fires*”;
- H.R. 3389 (Rep. Valadao), “*Emergency Wildfire Fighting Technology Act of 2023*”;
- H.R. 3396 (Rep. Harder), “*Fire Department Repayment Act of 2023*”; and
- H.R. _____ (Rep. Neguse), “*Forest Service Flexible Housing Partnerships Act of 2023*”

The hearing will take place on Tuesday, May 23, 2023, at 2:00 p.m. in Room 1324 Longworth House Office Building.

Member offices are requested to notify Sophia Varnasidis (sophia@mail.house.gov) by 4:30 p.m. on Monday, May 22, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The bills on today’s hearing would streamline bureaucracy that is preventing active forest management, the adoption of new firefighting technologies, and the hiring of wildland firefighters.
- The forest management legislation would expand the use of streamlined authorities with proven track records of success, increase the co-stewardship of fire-prone lands with tribes and counties, and provide land managers with the tools necessary to finally address the wildfire crisis at a larger scale.
- The fire suppression legislation would address key barriers for wildland firefighters, including the cumbersome hiring process and lack of affordable housing options. The

bills would also improve fire suppression policies and the coordination with local fire departments.

- These are all examples of longstanding Republican priorities to confront the wildfire crisis by improving the pace and scale of forest management, responsibly suppressing catastrophic fires, and addressing challenges facing wildland firefighters in a fiscally responsible manner.

II. WITNESSES

Panel I:

- *To Be Announced*

Panel II [Forest Management Bills]:

- **Mr. Troy Heithecker**, Associate Deputy Chief, U.S. Forest Service, Washington, D.C. [All bills]
- **Mr. Robert Dugan**, Chairman, Placer County Water Agency, Auburn, CA [H.R. 188]
- **Mr. Cody Desautel**, President, Intertribal Timber Council, Portland, OR [H.R. 1450]
- **Mr. Jamie Johansson**, President, California Farm Bureau, Sacramento, CA [H.R. 3522]

Panel III [Fire Suppression Bills]:

- **Ms. Riva Duncan**, Fire Chief, Umpqua National Forest, U.S. Forest Service (Retired), Vice President, Grassroots Wildland Firefighters, Asheville, NC [H.R. 3499]
- **Mr. Rick Goddard**, Managing Director, Caylym Technologies International, Fresno, CA [H.R.3389]
- **Mr. Laurence Crabtree**, U.S. Forest Service (Retired), Bieber, California [H.R. 934]
- **Mr. Jonathan Godes**, President of Colorado Association of Ski Towns (CAST), Glenwood Springs City Councilor, Glenwood Springs, CO [H.R. ____ (Neguse), “Forest Service Flexible Housing Partnerships Act of 2023”], [Minority Witness]

III. BACKGROUND

[H.R. 188 \(Rep. McClintock, R-CA\), “Proven Forest Management Act”](#)

In 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act enacted a 10,000-acre categorical exclusion (CE) for the U.S. Forest Service (USFS) to expedite forest management projects in the Lake Tahoe Basin Management Unit.¹ The CE was originally proposed in the Lake Tahoe Restoration Act, which was led by Congressmen McClintock of California and Amodei of Nevada (whose districts surround Lake Tahoe, on the California/Nevada border).² The expedited forest treatments made possible by this CE have been literal lifesavers. Just two years ago, the Caldor Fire was bearing down on South Lake Tahoe

¹ Water Infrastructure Improvements for the Nation (WIIN) Act, S. 612, 114th, <https://www.congress.gov/bill/114th-congress/senate-bill/612/text>.

² Lake Tahoe Restoration Act of 2015, H.R. 3382, 114th, <https://www.congress.gov/bill/114th-congress/house-bill/3382/text>.

when it reached fuel treatment areas that had been treated under that special CE.³ That megafire, which had been moving rapidly as a crown fire, began to slow and the 150-foot flame lengths dropped to a more manageable 15-feet when it entered the treatment area.⁴ According to Incident Commander Rocky Oplinger, this allowed hand crews and engines to take an “active and aggressive approach to suppress the fire, and prevent any structural loss.”⁵ The prior fuels reduction treatments that gave wildland firefighters an opportunity to fight against an out-of-control wildfire likely saved roughly 600 homes from destruction.

The success story that saved South Lake Tahoe is regrettably an outlier in this tragic wildfire that burned 221,835 acres and destroyed 1,005 structures.⁶ The Town of Grizzly Flats, which was completely decimated, offers a sobering contrast. That community, which is surrounded by the Eldorado National Forest, had been warned in the early 2000’s that a wildfire could destroy their town.⁷



Source: U.S. Forest Service, 2021.

Unfortunately, despite being geographically close, the Eldorado Forest was not permitted to use the same 10,000-acre CE. Without the same streamlining tools as had been provided to the neighboring Lake Tahoe Basin Management Unit, the planned hazardous fuels treatments to mitigate this threat suffered consistent delays for decades.⁸ The fates of Grizzly Flats and South Lake Tahoe, that are less than 100 miles from one another, offers a sobering illustration of the need to expand streamlining authorities.

³ Wildfire Today, “Examining how fuel treatments affected suppression of the Caldor Fire in California”, Bill Gabbert, October 8, 2021, <https://wildfiretoday.com/2021/10/08/examining-how-fuel-treatments-affected-suppression-of-the-caldor-fire-in-california/>.

⁴ Wildfire Today, “Firefighters work to secure the Caldor Fire near South Lake Tahoe”, Bill Gabbert, September 2, 2021, <https://wildfiretoday.com/tag/caldor-fire/>.

⁵ *Id.*

⁶ Cal Fire, “Caldor Fire Incident Report”, <https://www.fire.ca.gov/incidents/2021/8/14/caldor-fire/>.

⁷ Rodd, Scott, “Stalled U.S. Forest Service project could have protected California town from Caldor Fire destruction,” CapRadio, August 16, 2022, <https://www.capradio.org/articles/2022/08/16/stalled-us-forest-service-project-could-have-protected-california-town-from-caldor-fire-destruction/>.

⁸ *Id.*

H.R. 188, the “Proven Forest Management Act,” offered by Congressman McClintock, seeks to rectify this imbalance by expanding the use of this CE to landscapes outside of the Lake Tahoe Basin. This legislation would make the Tahoe Basin CE available throughout the entire National Forest System, as well as all public lands managed by the Bureau of Land Management (BLM). This would empower land managers with the same critical tool that helped saved South Lake Tahoe from devastation during the Caldor Fire. Under this CE, land managers, in coordination with local governments and in consultation with interested stakeholders, can develop projects of up to 10,000 acres in order to reduce forest fuels.

H.R. 934 (Rep. McClintock, R-CA), To require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes.

While fire can be a valuable tool to manage forests and reduce the buildup of hazardous fuels (i.e., prescribed fire), catastrophic wildfires devastate landscapes and degrade air, water, and soil quality. USFS carries out wildfire response and management across 193 million acres.⁹ USFS often faces tough decisions on how to manage, suppress, and monitor wildfires. When a wildfire occurs on National Forest System (NFS) lands, the USFS can choose from a range of activities from immediate and aggressive measures to suppress a wildfire to less intense measures such as monitoring (this is commonly referred to as “managing a fire for resource benefits”). The determination is often subjective based on available resources, direction of the fire, weather conditions, and location (proximity to populated areas), among other factors.¹⁰



Caldor Fire. Source: NPR, 2021.

During the monitoring phase of fires, there is often critique about the lack of immediate response from USFS. In 2020, a Government Accountability Office (GAO) report documented concern from USFS officials and stakeholders about the USFS’s response to the Chetco Bar Fire.¹¹

The 2017 Chetco Bar Fire in Oregon rapidly spread from 8,500 acres to over 90,000 acres due to strong, hot winds. Some Forest Service officials and stakeholders lamented if USFS responded

⁹ Congressional Research Service, Federal Assistance for Wildfire Response and Recovery, December 2, 2022, <https://www.crs.gov/Reports/IF10732>.

¹⁰ Congressional Research Service, Federal Interagency Wildfire Response Framework, April 21, 2023, <https://www.crs.gov/Reports/IF12384>.

¹¹ Government Accountability Office, Information on Forest Service Response, Key Concerns, and Effects of the Chetco Bar Fire, April 2020, <https://www.gao.gov/assets/gao-20-424.pdf>.

more aggressively, it might have kept the fire from growing.¹² Similarly, as mentioned above, the 2021 Caldor Fire quickly spread, mapping at roughly 781 acres around 29 hours after it started.¹³ After another 44 hours, it had grown to over 55,000 acres.¹⁴ Many criticized USFS's initial response when the agency pulled all crews off the fire 7 hours after ignition and later dismissed some of the CAL FIRE (California state wildfire fighting agency) firefighters.¹⁵

Recently, the agency has also come under criticism for its prescribed fire policy after several high-profile examples of prescribed fires escaping containment. Notably, the Hermits Peak Fire in New Mexico in 2022, which began as a prescribed fire ignited by the Forest Service, became the largest and most destructive wildfire in the state's history.¹⁶ The fire burned over 340,000 acres, destroyed more than 900 structures, and racked up over \$278 million in suppression costs.¹⁷ An additional \$3.95 billion was spent by the federal government compensating victims of the fire.¹⁸ While there are many factors that contributed to this fire, lack of management was a large contributing factor. The fire escaped containment once it reached a wilderness area which had not been actively managed.¹⁹

In response to these concerns about USFS's fire suppression policies, Congressman McClintock introduced H.R. 934. This bill would give clear direction to USFS to immediately suppress wildfires on certain lands identified as being under certain drought conditions or at high-risk of wildfire, in addition to times when the wildfire response is at its highest level (Preparedness Level 5) and resources are strained. Within 24 hours of detecting a wildfire on NFS lands, the agency must use all available resources to extinguish the wildfire. Additionally, USFS may not inhibit the firefighting activities of state and local agencies authorized to respond to wildfires on NFS lands. The bill also limits the service's use of prescribed fires and clarifies when fire may be used as a fire suppression strategy, such as backfire or burnout.

H.R. 1450 (Rep. Fulcher, R-ID), "Treating Tribes and Counties as Good Neighbors Act"

Roughly 47 percent of Western lands are managed by the federal government, with USFS and the BLM as the primary managers.²⁰ Western states, tribes and counties all have a significant stake in how federal lands are managed for wildfires, which continue to pose a significant threat to western communities. Congress developed the Good Neighbor Authority (GNA) in order to give states the ability to assist in active forest management. The GNA program allows the BLM and USFS to authorize states, counties, and federally recognized Indian tribes to undertake

¹² *Id.*

¹³ 60 Minutes Investigates the Initial Attack on Caldor Fire, *Wildfire Today*, October 23, 2022, <https://wildfiretoday.com/2022/10/03/60-minutes-investigates-the-initial-attack-on-caldor-fire/>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ USFS, "Gallinas-Las Dispensas Prescribed Fire Declared Wildfire Review Santa Fe National Forest, Southwestern Region," April 2022, <https://wildfiretoday.com/documents/Las%20Dispensas%20Review.pdf>.

¹⁷ InciWeb – Incident Information System, "Hermits Peak Fire," <https://inciweb.nwcg.gov/incident/8049/>.

¹⁸ FEMA, "Hermit's Peak/Calf Canyon Fire," <https://www.fema.gov/disaster/current/hermits-peak#:~:text=On%20Sept.,%2C%202023%2C%20that%20passed%20Dec.>

¹⁹ *Id.*

²⁰ New York Times, "Why the Government Owns So Much Land in the West", Quoc Trung Bui and Margo Sanger-Katz, January 5, 2016, <https://www.nytimes.com/2016/01/06/upshot/why-the-government-owns-so-much-land-in-the-west.html#:~:text=The%20United%20States%20government%20owns,owned%20by%20the%20federal%20government.>

specific projects on federal lands for land management purposes.²¹ The GNA promotes collaboration between these entities and the federal agencies to carry out restoration work across jurisdictions. Under GNA, states, counties, and tribes can enter into agreements with USFS or BLM, known as Good Neighbor Agreements, to conduct restoration projects such as tree treatment, fuel reduction, habitat improvement, and road restoration.

GNA was originally authorized as a pilot program for USFS land in Colorado.²² In 2014, Congress passed the GNA permanently into law.²³ The new permanent authority was only available to states. The 2018 Farm Bill expanded this authority to counties and federal recognized Indian tribes.²⁴ States also became authorized to retain funds from timber sales to fund additional restoration activities on the land under the existing GNA agreement. GNA has been a successful program with over 490 projects that have started in 34 states since 2014.²⁵ While States GNAs have flourished, the participation of counties and tribes has been limited thus far.²⁶ The primary reason for this lack of participation has been the fact that tribes and counties have not been given the same authority that states have to retain timber receipts for use on additional conservation and restoration work.²⁷ This removes a significant incentive to partner on these projects.

H.R. 1450, the “Treating Tribes and Counties as Good Neighbors Act” seeks to address this problem by extending the ability to retain timber receipts from GNA projects to counties and tribes for additional restoration projects. This legislation will also improve cross-boundary restoration work by allowing restoration projects to occur not just on federal lands, but also on lands approved under the project’s GNA, including state and tribal lands. This bill will increase coordination and buy-in from counties and tribes and lead to more active forest management. This legislation, which is also referred to the House Agriculture Committee, passed in that Committee earlier this month by a unanimous vote.

H.R. 1726 (Rep. Tokuda, D-HI), “Continued Rapid Ohia Death Response Act of 2023”

Rapid Ohia’ Death (ROD) is a fungal disease devastating Hawaii’s Ohia’ tree population.²⁸ The disease is caused by two species of fungi, *Ceratocystis lukuohia* and *Ceratocystis huliohia*. Both were unknown to science before 2018 and are believed to have been introduced to Hawaii from other parts of the world.²⁹ ROD spreads rapidly and kills trees within a matter of weeks or months, causing significant ecological and economic impacts.³⁰

²¹ Congressional Research Service, The Good Neighbor Authority on Federal Lands, January 11, 2023, <https://crsreports.congress.gov/product/pdf/IF/IF11658>

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ National Association of State Foresters, “Good Neighbor Authority”, <https://www.stateforesters.org/state-defined-solutions/good-neighbor-authority/#:~:text=It%20is%20simply%20good%20government,more%20than%20490%20GNA%20projects>.

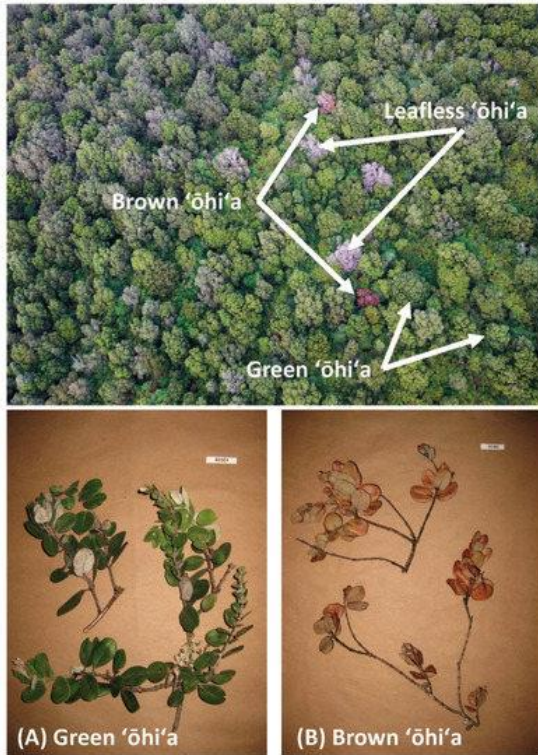
²⁶ Congressional Research Service, The Good Neighbor Authority, October 5, 2020, <https://crsreports.congress.gov/product/pdf/IF/IF11658/3>

²⁷ *Id.*

²⁸ National Park Service, “Rapid ‘Ohia’ Death” March 24, 2023, <https://www.nps.gov/havo/learn/nature/rapid-ohia-death.htm>.

²⁹ *Id.*

³⁰ *Id.*



Top: Mapping of the Rapid Ohia Death (ROD) Pathogen in Hawaiian Forest.
 Bottom: Side by side image of healthy and infected plant. **Source:** Multi Digital Publishing Institute, 2018.

The Ohia tree is a very important species in Hawaii, playing a vital role in the island’s ecosystems. It provides habitat for numerous endemic species, regulates water flow, and helps prevent soil erosion. The spread of ROD not only impacts the natural beauty of Hawaii, but also has the potential to cause long-term damage to the island’s ecosystems and water supply.³¹ The loss of Ohia trees can also have significant economic impacts, including loss of tourism revenue and increased costs for water treatment and erosion control.³² Efforts are underway to contain the spread of ROD through a combination of measures, including restricting the movement of potentially infected plant material and implementing sanitation protocols. Unfortunately, there is currently no cure for trees which have been infected.³³

H.R. 1726, the *Continued Rapid Ohia Death Response Act of 2023*, introduced by Representative Takuda, requires the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address Rapid Ohia Death. It also directs continued detection, prevention, and restoration efforts to combat Rapid Ohia Death, including financial assistance and staff for the necessary research.

[H.R. 3522 \(Rep. Moore, R-UT\), “FIRESHEDS Act”](#)

Currently, community wildfire mitigation plans are organized around individual community boundaries “rather than spatial containers that delineate the scale of wildfire risk to [the community] ... Mitigation plans are thus decoupled from landscape efforts to manage fuels and ignitions on the larger landscape of public and private wildlands, creating a scale mismatch.”³⁴ This creates issues for reducing overall fire risks as reducing risk “is a multiscale, cross-boundary problem that requires spatial planning frameworks to organize location-specific mitigation measures and efficiently allocate finite resources.”³⁵ Utilizing a Scenario Investment Planning Tool, USFS developed ways to target treatments to control and alleviate fire growth

³¹ NPR, Rapid ‘Ōhi’a Death: The Disease That’s Killing Native Hawaiian Trees, April 7, 2016, <https://www.npr.org/2016/04/07/473384008/rapid-hia-death-the-disease-thats-killing-native-hawaiian-trees>.

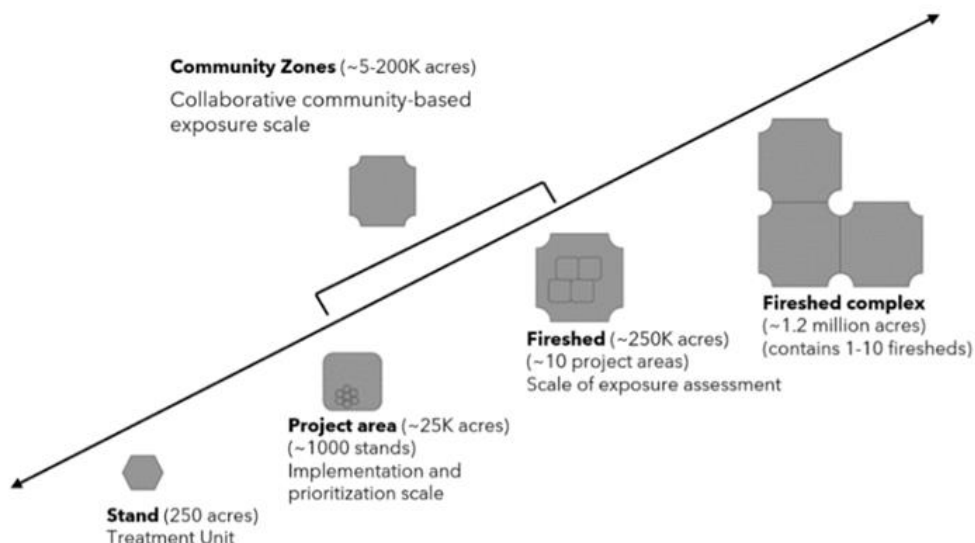
³² *Id.*

³³ College of Tropical Agriculture And Human Resources, University of Hawai’i at Manoa, “Frequently Asked Questions” <https://cms.ctahr.hawaii.edu/rod/THE-DISEASE/FREQUENTLY-ASKED-QUESTIONS>.

³⁴ U.S. Forest Service Rocky Mountain Research Station, “Development and Application of the Fireshed Registry”, Alan Ager et al, https://www.fs.usda.gov/rm/pubs_series/rmrs/gtr/rmrs_gtr425.pdf.

³⁵ *Id.*

and intensity near these at-risk communities.³⁶ These planning tools enable strategic treatments over limited areas in order to reduce the size and severity of wildfires and increase the resiliency of the overall landscape.



Source: Tania Ellersick and Alan Ager, 2020.

In an effort to better track and manage wildfire risk, USFS scientists developed a Fireshed Registry that tracks “risk trajectories on lands where destructive wildfires are likely to originate.”³⁷ This geospatial mapping framework identified 7,688 firesheds that are on average about 250,000 acres in size and include planning areas that are roughly 25,000 acres each.³⁸ This cutting edge technology is able to show the firesheds that are most at risk across the nation of experiencing a catastrophic wildfire that would affect nearby communities. The results are very concerning, with hundreds of Western communities being identified with higher predicted wildfire risk than the horrific wildfire tragedy that took place in 2018, when the Camp Fire leveled the towns of Concow and Paradise.³⁹ In total, USFS researchers identified 1,812 communities in the Western United States that could be significantly impacted by future wildfires, exposing an estimated 4,000 structures to wildfire on average annually.⁴⁰ Sobering fire models even predicted plausible extreme fire scenarios in the near future where almost 500,000 buildings could be lost to wildfire in a single fire season.⁴¹ Other scenarios identified the probability of wildfires igniting on USFS lands and burning over 1.5 million acres in Southern California, destroying 100,000 structures and putting thousands of lives at risk.⁴²

³⁶ Information provided by the Forest Service.

³⁷ U.S. Forest Service Rocky Mountain Research Station, “Development and Application of the Fireshed Registry”, Alan Ager et al, https://www.fs.usda.gov/rm/pubs_series/rmrs/gtr/rmrs_gtr425.pdf.

³⁸ A fireshed is a landscape-scale area that faces similar wildfire threats where a fire management strategy could affect fire outcomes. U.S. Forest Service, “The Fireshed Registry: Prioritizing forest and fuel management investments to reduce wildfire risk to developed areas”, <https://www.iawfonline.org/wp-content/uploads/2020/12/BP2-Fireshed-Registry.pdf>.

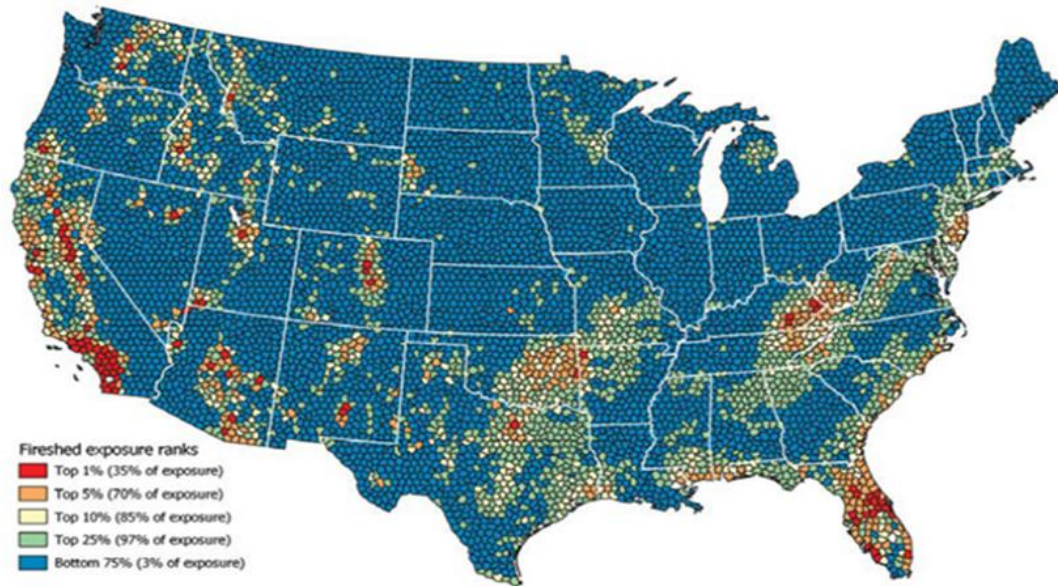
³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Finney MA, McHugh CW, Grenfell IC, Riley KL, Short KC. A simulation of probabilistic wildfire risk components for the continental United States. *Stochastic Environmental Research and Risk Assessment*, 2011; 25:973–1000. Short KC, Finney MA, Vogler K, Scott JH, Gilbertson-Day JW, Julie W, Grenfell IC. Spatial datasets of probabilistic wildfire risk components for the United States (270m) 2020. Available at: <https://doi.org/10.2737/RDS-2016-0034>.

⁴² Eliza Barclay, “This is a worst-possible wildfire scenario for Southern California,” *Vox*, <https://www.vox.com/2019/9/10/20804560/climate-change-california-wildfire-2019>.

Across the United States, there are now 1 billion acres at risk of wildland fire. As shown on the fireshed map, there are many Western communities in the 10 percent highest risk firesheds, which account for 85 percent of nationwide wildfire exposure:



National map of the 7,688 firesheds. **Source:** Alan Ager, 2021.

The “Forest Improvements through Research and Emergency Stewardship for Healthy Ecosystem Development and Sustainability (FIRESHEDS) Act” seeks to utilize this new science as an innovative blueprint to target the top 10 percent of high-risk firesheds, where so many of these threatened communities are located. This bill creates a fireshed management concept based on the fireshed risk maps developed by the USFS researchers as well as the principles of shared stewardship, which is similar to the approach currently being used in USFS’ 10-year “Confronting the Wildfire Crisis Strategy.” This would allow USFS to target treatments in the highest risk areas with the most degraded forest health conditions. Working together across boundaries and utilizing tools like Good Neighbor Authority, the federal government and state partners would designate Fireshed Management Areas and perform assessments that rely on the latest science to design forest management projects. These projects would be categorically excluded under the NEPA and subject to the same judicial review standards under the Healthy Forests Restoration Act of 2003 (Public Law 108-148).⁴³ This new tool, which the Forest Service can immediately implement and use, will truly allow the agency to increase the pace and scale of necessary forest management projects to improve the health and resiliency of our nation’s forests.

⁴³ Instead, the Forest Service and states will set recommended acreage limits for projects in Stewardship and Fireshed Assessments based on the best science specific to the applicable fireshed.

H.R. 3499 (Rep. Issa, R-CA), “Direct Hire to Fight Fires”

Each year, wildfire suppression agencies, such as USFS and the Department of the Interior (DOI), hire thousands of wildland firefighters. These firefighters battle the intensifying wildfires on federal lands primarily throughout late spring, summer, and early fall. Failing to adequately staff our wildland firefighting workforce has incredibly detrimental and cascading effects on effectively fighting wildland fires and the health and safety of wildland firefighters. The USFS aspires to hire 11,300 wildland firefighters for 2023. As of mid-May 2023, they have reached 82 percent of their goal with 9,319 firefighters.⁴⁴ With the President’s budget proposals, the USFS would like to increase their capacity to 12,270 operational firefighters.⁴⁵ Similarly, DOI plans to hire 5,800 federal and 500 Tribal wildland firefighting and support positions for the 2023 fire year.⁴⁶ As of mid-May, DOI has reached 71 percent of their goal with 4,140 federal DOI firefighters hired.⁴⁷

Due to the seasonal nature of the job, the agencies have to undergo intense recruiting and retention practices. Once a person decides to join the wildland firefighting workforce, the federal government application process can be burdensome, lengthy, and cumbersome. The federal employee hiring process often takes weeks to complete. To streamline the process, USFS and DOI have received limited, temporary direct hire authority (DHA) from the Office of Personnel Management (OPM) in past years. DHA is authority granted by OPM on a temporary basis to a federal agency when there is a critical need for hiring or a severe shortage of candidates exists.⁴⁸ DHA expedites hiring by removing competitive rating and ranking, preferences for certain candidates, and requirements to consider the top three candidates.⁴⁹ In fiscal year 2022, the use of the Fire DHA was on average 58 days to hire compared to non-use of Fire DHA at 96 days.⁵⁰

The “Direct Hire to Fight Fires Act” has two main sections. First, the bill would give the Secretary of Agriculture and the Secretary of the Interior permanent DHA to hire qualified candidates on an expedited basis. This would apply broadly to several roles that serve in firefighting or firefighting support personnel capacities. Second, the bill directs USFS and DOI to identify policies and propose changes to reduce the time and complexity of hiring wildland firefighters and support personnel. This section also requires the agencies to regularly report to Congress on the status of their wildland firefighting hiring efforts.

H.R. 3389 (Rep. Valadao, R-CA), “Emergency Wildfire Fighting Technology Act of 2023”

As the wildfire season continues to increase in severity, it is critical firefighting agencies have all tools and methods available to them to fight fires and protect lives. In addition to on the ground crews, agencies have air support as well. For example, for the 2023 fire year, USFS will have up

⁴⁴ Wildland Firefighting Workforce, Forest Service, March 25, 2023, <https://www.fs.usda.gov/managing-land/fire/workforce>.

⁴⁵ Testimony of Deputy Chief Jaelith Hall-Rivera, Forest Service, May 16, 2023, https://naturalresources.house.gov/uploadedfiles/testimony_rupert.pdf.

⁴⁶ Testimony of Director Jeffery Rupert, Office of Wildland Fire, Department of the Interior, May 16, 2023, https://naturalresources.house.gov/uploadedfiles/testimony_hall-rivera.pdf.

⁴⁷ Data provided to Committee by Department of the Interior, May 18, 2023.

⁴⁸ Direct Hire Authority, Office of Personnel Management, Accessed May 18, 2023, <https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/#url=Fact-Sheet>.

⁴⁹ *Id.*

⁵⁰ Data provided by the Forest Service to Committee Staff via email.

to 24 airtankers, more than 200 helicopters, and more than 900 engines available to fight the wildfire crisis.⁵¹ One important method is the aerial drop of water and fire retardant. Between 2012 and 2019, USFS dropped approximately 102 million gallons of fire retardant on NFS lands.⁵² In order to drop water or fire retardant from a plane or helicopter, the aircraft must be specifically designed or retrofitted for such purpose.

One solution to provide more aircrafts for fighting wildland fires is using a boxed delivery system of water or fire retardant. This method is known as container aerial firefighting system (CAFFS) or Containerized Delivery System (CDS). This system involves disposable containers that are airdropped with water or fire retardant.⁵³ Since the water or retardant is dropped via a container, rarely, if any, outfitting of an aircraft is needed to



Source: Caylym, 2023.

accommodate the containers. This technology could increase the response time and number of aircrafts available. This technology is not new, but has not been actively studied by the wildland firefighting agencies. The Air National Guard Air Force Reserve Command Test Center provided a favorable report on the use of CAFFS, although it did not specifically test the system's firefighting effectiveness.⁵⁴

The “Emergency Wildfire Fighting Technology Act of 2023” would require USFS and DOI to conduct an evaluation on the use of CAFFS in response to the wildfires. The evaluation will focus on effectiveness, cost, ease of delivery, and safety. Based on the results of the evaluation, the protocols for the use of container aerial firefighting systems could be updated.

⁵¹ Testimony of Deputy Chief, Jaelith Hall-Rivera, Forest Service, May 16, 2023, https://naturalresources.house.gov/uploadedfiles/testimony_hall-rivera.pdf.

⁵² Defendant United States Forest Service's Response in Opposition to Plaintiff's Motion for Summary Judgment, *Forest Service Employees for Environmental Ethics vs. U.S. Forest Service*, Case 9:22-cv-00168-DLC, Filed October 11, 2023, United States District Court of Montana.

⁵³ Domestic Capability Priorities 2015, Air National Guard, 2015, report on file with Committee.

⁵⁴ USDA Forest Service, Letter from Patricia A. Grantham to Members of Congress discussing CAFFS, July 17, 2020, letter on file with Committee.

H.R. 3396 (Rep. Harder, D-CA), “Fire Department Repayment Act of 2023”

The federal government is responsible for wildfires beginning on federal lands and states are responsible for suppressing wildfires on non-federal lands.⁵⁵ Since wildfires know no bounds, the response is often managed jointly as the fire spreads across multiple jurisdictions. The National Multi-Agency Coordination Group, located at the National Interagency Fire Center in Boise, Idaho, coordinates and allocates federal, state, and private forces.⁵⁶ The cost of these resources is then reimbursed under preexisting agreements.⁵⁷ These agreements are designed to help ensure resources are used efficiently and firefighting efforts are coordinated effectively across multiple jurisdictions.

Reciprocal Fire Suppression Cost-Share Agreements are agreements between federal, state, and local governments to share the costs of suppressing wildfires that occur across multiple jurisdictions. These agreements allow fire departments to access resources and assistance from neighboring jurisdictions during large fires, such as personnel, equipment, and supplies, while ensuring that the costs associated with these resources are shared fairly.⁵⁸ Under these agreements, each entity agrees to share the costs of providing firefighting resources. The current reimbursement process for local fire departments by the federal government has several shortfalls.⁵⁹ First, reimbursements can be delayed, causing financial burdens for departments and impacting their ability to respond to emergencies. Second, the available funding may be insufficient, leaving departments with inadequate resources to fight fires and other emergencies.⁶⁰ Additionally, the application process for federal reimbursements is complex and time-consuming, which can be challenging for local departments with limited staff and resources.

The “Fire Department Repayment Act of 2023,” introduced by Representative Harder, aims to standardize reciprocal fire suppression cost-share agreements and align them with cooperative fire protection agreements.⁶¹ The bill would require the Secretaries of Agriculture, the Interior, Homeland Security, and Defense to establish standard operating procedures for fire suppression cost-share agreements within one year of the enactment. Additionally, this legislation attempts to require the Secretaries to complete reviews of fire suppression cost-share agreements, including second-level reviews, as soon as practicable after a wildfire. The agencies must consult with state and local fire suppression organizations when completing these reviews.

⁵⁵ Federal Assistance for Wildfire Response and Recovery, Congressional Research Service, December 2, 2020, <https://www.crs.gov/Reports/IF10732>.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Federation of American Scientists, Funding the Fight Against Wildland Fire, February 17, 2023, <https://fas.org/publication/funding-the-fight-against-wildland-fire/>.

⁶⁰ USDA, Fact Sheet: Supporting the Wildland Firefighting Workforce, <https://www.usda.gov/media/press-releases/2022/06/21/fact-sheet-supporting-wildland-firefighting-workforce>.

⁶¹ Representative Josh Harder, Harder Leads Wildfire Emergency Bill, Wildfire Emergency Act would reduce fire risk, protect critical infrastructure & train new fire professionals, May 26, 2021, <https://harder.house.gov/media/press-releases/harder-leads-wildfire-emergency-bill>.

H.R. _____ (Rep. Neguse, D-CO), “Forest Service Flexible Housing Partnerships Act of 2023”

One of the most pressing issues affecting wildland firefighters is the lack of available and affordable housing. There are many concerning examples of “firefighters liv[ing] out of their cars and trailers and camp[ing] out on the side of the road, even when they’re not actively fighting a fire.”⁶² This, along with other factors like pay and increasingly severe on-the-ground conditions, has contributed to the recruitment and retention challenges facing agencies like USFS and DOI when it comes to hiring a sufficient number of federal wildland firefighters. These hiring challenges are exacerbated by hiring competition from state agencies and private firefighting operations that can outcompete the federal government in terms of pay and non-monetary incentives. For example, certain states, like California, often provide their firefighters with hotel rooms when they are on fire assignment. While this issue has affected firefighters primarily, it also affects other USFS employees working in remote locations that lack affordable housing.

The “Forest Service Housing Partnerships Act of 2023” aims to address this issue by providing additional authority for the Forest Service to lease underutilized NFS lands for housing partnerships. This bill amends the “Agricultural Improvement Act of 2018,” or the Farm Bill, by adding additional clarification about the leasing authority of the Forest Service. It specifies leases can be 100 years and renewed if needed. This is similar to other innovative solutions offered by Republicans, such as the “LODGE Act,” which applies to NPS lands.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

H.R. 188 (Rep. McClintock, R-CA), “Proven Forest Management Act”

Section. 2. Forest Management Activities for National Forest System Land.

- Directs the Department of Agriculture, when conducting a forest management activity on NFS land, to coordinate with impacted parties to increase efficiency and maximize the compatibility of management practices across such land.
- Requires the Secretary of Agriculture to conduct such an activity on NFS land in a manner that attains multiple ecosystem benefits, including reducing forest fuels and maintaining biological diversity.
- Requires the Secretary of Agriculture to 1) establish any post-program ground condition criteria for a ground disturbance caused by a forest management activity required by the applicable forest plan, and 2) provide for monitoring to ascertain the attainment of relevant post-program conditions.
- Categorically excludes certain forest management activities for reducing forest fuels from certain environmental impact requirements. The CE cannot exceed 10,000 acres and can only include 3,000 acres of mechanical thinning.
- The Department of Agriculture (USDA) or DOI, as appropriate, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with a

⁶² Montana Public Radio, “Firefighting is a tough job. It's even tougher when you're living out of your car.” May 27, 2022, <https://www.ypradio.org/regional-news/2022-05-27/firefighting-is-a-tough-job-its-even-tougher-when-youre-living-out-of-your-car>.

qualified entity to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on federal lands and nonfederal lands within such programs.

H.R. 934 (Rep. McClintock, R-CA), To require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes.

Section 1. Suppression of Wildfires.

- Directs the Chief of USFS to use all available resources to carry out wildfire suppression with the goal of extinguishing fires within 24 hours of detection.
- Directs the Chief of USFS to immediately suppress any prescribed fires that exceed its planned area.
- Prevents USFS from interfering with suppression efforts of state or local firefighting agencies responding to wildfires as authorized.
- Clarifies prescribed fires may only be used as a management tool if applicable with laws and regulations.
- Provides parameters around the use of backfires or burnouts when they are:
 - Only initiated by order of the indecent commander;
 - Initiated when necessary to protect firefighting personnel; and
 - Directs all available resources to control the fire until it is extinguished.
- Details these protocols and directions only apply to national forest system lands with a U.S. Drought Monitor rating of D2 (severe) to D4 (exceptional), when the National Wildland Fire Preparedness level is at Level 5, or if USFS has identified the fireshed where the fire is occurring in the top 10 percent of wildfire exposure.

H.R. 1450 (Rep. Fulcher, R-ID), “Treating Tribes and Counties as Good Neighbors Act”

Section. 2. Modification of the treatment of certain revenue and payments under good neighbor agreements.

- Revises the GNA program to modify the treatment of revenue from timber sale contracts under good neighbor agreements with the USDA and DOI.
- Requires Indian tribes and counties to retain revenue generated from timber sales under a good neighbor agreement and allows states, counties, and Indian tribes to use such revenue for authorized restoration projects on nonfederal lands under a good neighbor agreement.

H.R. 1726 (Rep. Tokuda, D-HI), “Continued Rapid Ohia Death Response Act of 2023”

Section 4. Collaboration.

- Directs the Secretary of the Interior, the Secretary of Agriculture, and the State of Hawaii to collaborate to address ROD.

Section 5. Sustained Efforts.

- Directs the Secretary of the Interior, acting through the Director of the United States Geological Survey, to continue research on ROD vectors and transmission.

- Directs the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, to partner with the State and with local stakeholders to manage ungulates, or a hooved mammal like a deer, in ROD control areas.
- Directs the Secretary of Agriculture, acting through the Chief of the Forest Service, to provide financial assistance to prevent the spread of ROD, restore native forests, and support the staffing and infrastructure needs of the Institute of Pacific Islands Forestry to conduct research on ROD.

Section 5. Authorization of Appropriations.

- Authorized to be appropriated \$5 million to carry out the act for fiscal years 2024 through 2034.

H.R. 3522 (Rep. Moore, R-UT), “FIRESHEDS Act”

Section 2. Emergency Fireshed Management.

- Directs USDA, with respect to NFS lands, and DOI, with respect to public lands, no later than 90 days after receiving a request from a state, to enter into an agreement with such state to jointly 1) designate one or more fireshed management areas within such state, and 2) conduct fireshed management projects in such fireshed management areas.
- Not later than 90 days after entering into an agreement, the USDA or DOI, as appropriate, and such state shall jointly conduct a stewardship and fireshed assessment.
- USDA and DOI shall carry out fireshed management projects in accordance with the timeline and project size limitations included in the stewardship and fireshed assessment.
- Fireshed management projects shall be categorically excluded from the preparation of an environmental assessment or an environmental impact statement and exempt from the special administrative review process.

Section. 3. Good Neighbor Authority.

- Adds Emergency Fireshed Management to the list of activities that can be performed as part of a Good Neighbor Authority Agreement.

H.R. 3499 (Rep. Issa, R-CA), “Direct Hire to Fight Fires”

Section 3. Direct Hire Authority to Appoint Individuals to Federal Wildland Firefighting and Firefighting Support Positions in the Forest Service or the Department of the Interior.

- Provides the Secretaries of Agriculture and the Interior authority to hire qualified candidates on an expedited basis.
- DHA applies to a specific list of occupations directly involved in wildland firefighting.

Section 4. Streamlining and Transparency in Federal Wildland Firefighting Hiring at the Forest Service and the Department of the Interior.

- Directs the Secretaries, in consultation with the Director of the Office of Personnel Management, to implement recruiting and retention policies.
- These policies shall reduce the time to hire wildland firefighters and support personnel by addressing redundancies, streamlining processes, and reducing other barriers that impede the hiring of wildland firefighters.

- Requires a report to relevant Congressional committees with the number of wildland firefighters needed, hiring events, barriers, and the implementation of these hiring policies.

H.R. 3389 (Rep. Valadao, R-CA), “Emergency Wildfire Fighting Technology Act of 2023”

Section 2. Container Aerial Firefighting System (CAFFS).

- Requires the Secretaries of the Interior and Agriculture, in consultation with the National Interagency Aviation Committee and the Interagency Airtanker Board, to evaluate the effectiveness of the container aerial firefighting system to respond to wildfires within 60 days after enactment.
- Based on the results of the evaluation, the Secretaries of the Interior and Agriculture, the National Interagency Aviation Committee, and the Interagency Airtanker Board shall update their protocols.
- Reports on the evaluation and protocols are required to be sent to appropriate committees of Congress.

H.R. 3396 (Rep. Harder, D-CA), “Fire Department Repayment Act of 2023”

Section 2. Requirements Relating to Certain Fire suppression Cost Share Agreements.

- Requires the Secretaries of the Interior, Agriculture, Homeland Security, and Defense to establish standard procedures related to fire suppression cost share agreements within one year of enactment of bill.
- Directs that each fire suppression cost share agreement already in operation be reviewed and modified as necessary to conform to new standard operating procedures.
- Aligns fire suppression cost share agreements with cooperative fire protection agreements.
- Standard operating procedures shall include requirements the Secretaries complete reviews quickly and consult with state and local fire suppression organizations.

H.R. _____ (Rep. Neguse, D-CO), “Forest Service Flexible Housing Partnerships Act of 2023”

Section 3. Authorization for Lease of Forest Service Sites.

- Adds to USFS’s ability to lease land on additional areas of national forest system land for the benefit of the NFS.
- Provides a lease term of 100 years for the site and the option for renewal.

V. COST

None of the bills on today’s hearing have received a formal cost estimate from the Congressional Budget Office (CBO).

VI. ADMINISTRATION POSITION

The administration position is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 1450](#)

[H.R. 3522](#)

[H.R. 3499](#)

[H.R. _____ \(Rep. Neguse, D-CO\)](#)