

**Statement of
Jeffery Rupert
Director, Office of Wildland Fire
U.S. Department of the Interior
Before the
Senate Committee on Energy and Natural Resources
Legislative Hearing on
Bills to Address Wildland Fire**

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Chairman Manchin, Ranking Member Barrasso, and Members for the Committee, thank you for the opportunity to provide testimony on the wildland fire management bills the Committee is considering today. Together, these bills provide important tools and authorize additional funding to support the Department of the Interior's (Department) Wildland Fire Management program (WFM). We appreciate the Committee's interest in the Department's efforts to meaningfully address wildfire risk and mitigate the complexities of increasingly long and challenging wildfire seasons that span an entire year.

Background

Climate change leads to drier and hotter weather resulting in the accumulation of dead and dying vegetation that sparks larger and more intense wildfires. As a direct consequence, nearly every western state has a "high" or "very high" wildfire hazard potential according to the U.S. Forest Service's "Wildfire Potential Hazard Map." This means that approximately 159 million acres, or 17 percent, of all land in the western United States, and a total of 208 million acres, or 11 percent, of land across the entire nation, is in a condition where the relative potential for wildfire would be difficult for suppression resources to contain. Many of these areas are in the wildland urban interface where communities in the West are increasingly exposed to wildfires.

As communities continue to expand into the wildland urban interface, we are seeing an increasing risk of these devastating wildfires, which continue to broadly impact infrastructure, public health, firefighter mental wellness and our Nation's natural and cultural resources. The tragic destruction of entire western communities, such as Paradise and Greenville, California, and the heartbreaking losses of firefighters and civilians, are stark reminders of the severity of the current wildfire crisis and the inherent costs of climate change. This year, there have been 15 firefighter fatalities, including two Federal firefighters, and 33 civilian fatalities. Additionally, under these circumstances extreme measures are often needed to protect our Nation's natural and cultural resources. Recently, General Sherman, the world's largest tree by volume, was wrapped in protective aluminum material to minimize its exposure to wildfire at the KNP Complex Wildfire in the Sequoia and Kings Canyon National Parks in California.

While our partnerships with states, Tribal Nations, local governments, and other Federal agencies have never been stronger, our firefighters and firefighting resources are stretched to their limits by the need to operate at maximum response levels for months, rather than weeks, to respond to more frequent and severe wildfires. A wildland fire management workforce

framework that was established in the 1950's must be revised to more effectively manage current conditions.

Department of the Interior Wildland Fire Management Program Efforts

The President is committed to building a more responsive and resilient wildland firefighting workforce, to ensuring that firefighters are fairly paid for the grueling work they do, and to continue transitioning to a more permanent firefighting workforce that can meet the now year-round challenges of wildfire brought on by climate change. The President stressed his continuing commitment to wildland firefighters and to addressing the increasing threat of wildfires fueled by climate change in his October 1, 2021, Proclamation on Fire Prevention Week. DOI is carrying out an effort to transform its wildland fire workforce to a year-round workforce through position conversions and new hires.

In addition, DOI, USDA Forest Service and the Office of Personnel Management have established a working group to examine a number of issues related to the wildland fire workforce, including pay, benefits and classification in order to ensure that Federal firefighters are better positioned to meet the increasing challenges and complexities that it faces. We have also coordinated with the USDA Forest Service to identify firefighter and critical support positions making less than \$15.00 per hour and those at risk of leaving for jobs outside the Federal government, providing the basis for initial pay increases and retention bonuses to both firefighters and critical support personnel.

The Department is also maintaining its focus on priority work to reduce wildfire risk. In FY 2021, the Department completed over 1.6 million acres of fuels management treatments, an increase of 130,000 acres of treatments over the FY 2020 level. This represents a 38 percent increase in accomplishments over the past 5 years. The Department is requesting an increase in funding in the FY 2022 President's Budget that would facilitate collaborative efforts to complete an additional 360,000 acres of fuels treatments and hire 325 additional FTEs above the FY 2021 levels. The Department continues to aggressively develop its own framework to strategically target and better assess the efficacy of these efforts on wildfire risk reduction.

Through the Wildland Fire Leadership Council (WFLC) coordination, the Department is working with the Environmental Protection Agency, the Centers for Disease Control and Prevention and the USDA Forest Service (USFS) to assess the impacts of smoke on air quality and public health from wildfires and prescribed fires in an effort to inform future land management and wildland fire management strategies. Earlier this month, EPA released the initial interagency assessment of two specific case studies, which compare the air quality and public health impacts of smoke from prescribed fire and wildfire. Within the case study locations, the assessment shows that there are air quality and public health impacts from prescribed fire smoke, but smaller than wildfire smoke, and that well-designed prescribed fires targeted for specific locations have the potential to reduce the impacts from wildfire. More importantly, this work lays the foundation for future collaborative research and analyses by the partnering agencies to inform future land management and fire management strategies with the goal of reducing the air quality and health impacts due to wildland fire smoke. The Department and WFLC are also working on a plan to address the expansion of invasive grasses that are contributing to more frequent and larger wildfires in many places across the West.

2021 Fire Year

At the height of this year's fire season, every geographic area was experiencing large wildfires for extended periods. As of October 20, 2021, nearly 48,000 wildfires have burned over 6.5 million acres of land; this is in line with the number of wildfires that burned over the past 10 years and about 95 percent of the acres burned. However, what makes this year unique is how early the Nation reached Preparedness Level (PL) 4—June 22, 2021—and how long the Nation stayed at either PL 4 or PL 5—99 days—which is a record for the highest number of consecutive days at either PL 4 or 5.

While fire activity has now moderated in many geographic areas, we continue to experience extreme fire behavior in California with projected above normal significant fire potential across the State through October due to warmer than normal conditions and continued drought.

Additionally, mitigating the spread of COVID-19 before, during and after wildland fire operations continues to be a top priority for the interagency wildland fire management community. Many of the protocols that were adopted last year, consistent with CDC guidelines and recommendations, continue to remain in place. We are also implementing the Safer Federal Workforce Task Force requirements on vaccination and developing subsequent COVID-19 testing protocols to be used on wildfire incidents.

S. 1734, the National Prescribed Fire Act of 2021

The Department supports S. 1734, which would help to significantly change the status quo in the management of the Department's wildlands and aid in addressing the increasing frequency of large, destructive wildfires. The legislation mandates significantly increased use of prescribed fire, and provides some workforce reforms, smoke management direction, funding, National Environmental Policy Act direction, and overall policy direction to reduce wildfire risk on the landscape and ensure the success of the National Cohesive Wildland Fire Management Strategy. S. 1734 supports a unified approach among Federal agencies, Tribes, states and local governments to restoring the condition of wildland vegetation.

The Department appreciates the technical improvements made to the legislation to help make the policies more implementable. For example, the changes in prescribed fire education in section 205 provide flexibility to expand opportunities for training across the country, as needed. Changes in smoke management in section 204 allow for expanded use of prescribed fire, while appropriately placing greater responsibility on burn practitioners. Further to these modifications, the Department would like to work with the Committee on section 102(d) to ensure that we do not inadvertently increase the frequency of wildfire in those vegetation types that already experience more wildfire activity than in the past, due to flammable invasive species such as cheatgrass (*Bromus tectorum*) in the Great Basin.

S. 2404, the Western Wildfire Support Act of 2021

S. 2404 creates separate funding accounts that support aviation and ground-based firefighting resources and authorizes \$1 billion to the Department for ground-based firefighting and \$500 million for aviation. The bill also authorizes \$200 million to assist communities in planning and preparing for wildfires and establishes a mechanism to support local training and assistance to

states for aviation and firefighting resources. Finally, S. 2404 invests in important research and technology into unmanned aircraft systems and wildfire detection systems.

The Department supports the intent of S. 2404 and would like to work with the Committee on technical modifications to ensure effective implementation of the bill. For example, section 101 establishes separate ground-based and aviation accounts, which poses administrative and budgetary complications. The Department supports the concept of spatial fire management plans provided for in section 103 but notes the challenges associated with their development within the proposed timeframes considering the scope and alignment with other planning documents.

The Department would like further clarification of the intent and purpose of the training and certification program authorized in section 105. The Department also suggests that the grant provisions for slip-on tanks included in section 202 be expanded to include additional firefighting resources that could also benefit other local needs.

S. 2436, the FIRESHEDS Act

S. 2346 establishes emergency fireshed management areas on lands administered by the Secretary of the Interior and the Secretary of Agriculture that are at high risk of catastrophic fire. The bill institutes a framework for states and the Secretaries to enter into agreements to jointly designate fireshed management areas, conduct stewardship and fireshed assessments, and carry out fireshed management projects. The bill directs the Secretaries to enter into agreements with states within 90 days of the request of the governor and requires the completion of a stewardship and fireshed assessment within 90 days of entering into the agreement. The bill also directs fireshed management projects to be developed through a collaborative process and to prioritize public health and safety, protecting infrastructure, wildlife habitat, and water quality. Finally, it establishes a new categorical exclusion for fireshed management projects.

The Department supports the sponsor's goal to address the risk that catastrophic wildfires pose to our communities and our natural resources and remains committed to working with all our partners and stakeholders on reducing wildfire risk on public lands. Given the extent of wildfire risk across the Nation, the Department recommends that the bill be broadened to include all lands under its administrative jurisdiction.

In addition, the Department opposes the broad categorical exclusion for fireshed management projects created by the bill. The Department does not believe this is the best management tool for reducing fuel loads and mitigating wildfire risk. The Department, in coordination with the White House Council on Environmental Quality, would like to work with the sponsor to address the timeliness and efficiency of carrying out priority hazardous fuels treatments. .

The bill directs the Secretary of the Interior to enter into agreements with states within 90 days of a request from a governor and requires the completion of a stewardship and fireshed assessment within 90 days of entering into the agreement. The Department has concerns that these deadlines would be particularly challenging to meet if a state governor were to submit multiple fireshed management area designations under one agreement request. Further, it is unclear how the 90-day timelines would apply to additional fireshed management areas submitted after the Secretary

and a state governor enter into an agreement. The Department would like to work with the sponsor for additional clarity on how the required timelines would apply in such a scenario.

Finally, the bill would prohibit any court from issuing an injunction or restraining order when reviewing a decision to prepare or conduct a fire management project. The Administration opposes the broad limitation on judicial remedies available to stakeholders.

S. 2561, a Bill to Amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Federal Land Policy and Management Act of 1976

S. 2561, amends the Federal Land Policy and Management Act and the Forest and Rangeland Renewable Resources Planning Act so that an approved, amended, or revised land use plan would not be considered a continuing Federal agency action.

The Department appreciates the sponsor's intent to clarify the circumstances by which consultation on approved land use plans is required. We realize this is an issue that needs to be addressed and are working together with USDA towards a solution. We are concerned that the bill as currently written is overly broad and could have unintended consequences.

We are committed to finding a collaborative, science-based approach to conserving wildlife and managing our public lands and forests and would like to work with the sponsors and the Committee to address these issues.

S. 2650, the Wildfire Resilient Communities Act

S. 2650 authorizes \$30 billion for hazardous fuels reduction projects on Federal lands that have a very high wildfire potential and that are adjacent to at-risk communities or high value watersheds. All projects must help advance at least two of the goals of the National Cohesive Wildland Fire Management Strategy—restore and maintain landscapes, create fire adapted communities and improve wildland fire response. The bill also authorizes \$1 billion to support the development of Community Wildfire Protection Plans to support at-risk communities in planning and preparing for wildfire, and it would amend the Healthy Forests Restoration Act to establish a County Stewardship Fund to allow 25 percent of the receipts collected from Stewardship Contracts to go to the county in which the work took place to be used for discretionary spending.

The Department supports the objectives of S. 2650 with several technical modifications. The Department would like to ensure that the funding provided for hazardous fuels treatments in section 2 and the funding for planning and preparing at-risk communities for wildfires in section 3 is appropriated to the Department's Wildland Fire Management Account. The Department strongly supports efforts to increase hazardous fuels treatment work in collaboration with communities determined to be at greatest risk and would like to work with the Committee to improve the definition of fuels treatment activities to encompass a range of prevention, removal, and modification methods that are ecologically appropriate and cost-effective on a site-specific basis. Finally, we support the proposed amendment to HFRA in section 5 that establishes a County Stewardship Fund but recommends including clarifying language that directs counties to use a portion of the receipts that are deposited into the Fund to support community wildfire preparedness activities.

S. 2806, the Wildfire Emergency Act of 2021

The Department supports Title II, section 204 of S. 2806, which would amend the Healthy Forests Restoration Act of 2003 to expedite the permitting and placement of wildfire detection equipment and satellite data to assist with wildfire response.

Title III of the bill establishes centers to train individuals in prescribed fire and other methods to mitigate wildfire risk, advance science related to wildfire, conduct needs assessments and promote technology transfer. The Department supports these provisions but recommends that the Joint Fire Science Program (JFSP) play a larger role in planning and decisions related to advancing science, determining needs associated with the challenges to reduce wildfire risk and other wildland fire science related engagements, as appropriate. JFSP's existing Fire Exchange Network, which is a national collaborative that makes accessible the most relevant wildland fire science information, should be considered in end user identification and support and nationwide technology transfer efforts.

S. 2836, the America's Revegetation and Carbon Sequestration Act of 2021

S. 2836 requires the Secretaries of Interior and Agriculture to complete an assessment with non-Federal partners, including Tribes, of revegetation needs on Federal lands and establishes an interagency revegetation task force to develop a 10-year comprehensive revegetation strategy and implementation plan. The bill authorizes a pilot program for revegetation projects on abandoned mine lands. S. 2836 also requires the U.S. Geological Survey to develop a national commercialization plan for the production, sale and use of biochar as a soil amendment for plant growth for commercial, agriculture and residential use. Finally, S. 2836 requires the Secretaries of the Interior and Agriculture to work collaboratively with other Federal and non-Federal partners to develop an action plan to map, treat and control invasive grasses to promote resiliency, reduce wildfire risk and enhance forage.

The Department supports the bill's requirement for an action plan. We would like to work with the bill sponsors to ensure the action plan is aligned with and not duplicative of national plans for invasive species. Invasive species pose substantial threats to the ecological integrity of both public and private lands and can have impacts on the communities that depend on these lands. Additionally, we recognize the role that invasive annual grasses play in exacerbating the timing, frequency, and severity of wildfire on the landscape and the combined impact of wildfire and conversion to invasive annual grasses on carbon storage. Invasive species prevention and management activities necessitate interjurisdictional approaches, such as those described in the bill. Importantly, this bill would further efforts already in progress to promote strategic invasive annual grass management with our partners.

We look forward to working with the Committee to clarify some of the bill's language, such as the definitions, the scope and timelines of the plan, and other terminology. We also recommend that section 204 include language emphasizing the importance of collaboration with tribes, tribal governments, and other local and regional entities; broader restoration efforts beyond revegetation, including restoring ecosystem benefits; use of best practices to minimize the risk of introducing and spreading invasive grass through wildfire response efforts and other activities including restoration and invasive species management; and conducting early detection and rapid

response in areas that do not have a large quantity of invasive grass but are targeted high priority areas for reducing wildfire and promoting connectivity or migratory corridors.

Finally, the Department notes some of the bills considered today contain overlapping provisions and duplicate the nature of some provisions contained in H.R. 3684, the Infrastructure Investment and Jobs Act. Additional planning and resources would likely be needed to simultaneously implement the programs and provisions created by these bills, in addition to the substantial and wide-ranging wildland fire management and workforce provisions that are included in H.R. 3684, should they all become law.

Conclusion

Thank you for the opportunity to appear before you today to discuss these important wildland fire management bills that address climate change, reduce wildfire risk and help communities plan and prepare for wildfires through collaborative efforts. Engagement and cooperation with our Federal and non-Federal partners are keys to successful wildland fire management.

This concludes my written statement. I am happy to answer any questions.