

# Congress of the United States

## House of Representatives

Washington, DC 20515-0301

September 13, 2018

The Honorable Pat Roberts  
Chairman, Senate Committee on  
Agriculture, Nutrition, and Forestry  
328A Russell Senate Office Building

The Honorable Debbie Stabenow  
Ranking Member, Senate Committee on  
Agriculture, Nutrition, and Forestry  
328A Russell Senate Office Building

The Honorable Michael Conaway  
Chairman, House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Collin Peterson  
Ranking Member, House Committee on Agriculture  
1305 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairmen Roberts and Conaway and Ranking Members Stabenow and Peterson:

As you work to finish the Farm Bill conference report, we urge you to include active forest management provisions that will help reduce the threat and severity of catastrophic wildfires while also improving overall forest and watershed health.

More than 75 large active fires blaze across the country at the time of this letter. Wildfires this year have caused at least 12 deaths, the destruction of more than one thousand family homes, and untold harm to our air, water and atmosphere. Another 60-80 million acres throughout the country are considered at high risk of future wildfire. The country is in need of relief. Put simply: we cannot return home and tell our constituents that we had the opportunity to help stop catastrophic wildfires – but that Congress failed to act.

Statistics on the ballooning costs, growing damage and alarming severity of wildfires over the past several decades are well-known and frequently-cited. Because there is widespread political consensus on the urgency of this problem, we will only affirm our concern on the subject in lieu of reiterating such figures.<sup>1</sup> Rather, and in light of recent study, we find it more useful to discuss what can be done about it.

A common refrain is that dramatically worse wildfire seasons in the United States are an inevitable consequence of factors that can't be reversed. If true, this proposition would suggest that we can't do anything to ameliorate the rate at which wildfires occur. At the same time, the preponderance of well-studied scientific analysis which tries to approximate multi-factor wildfire causation is deconstructing those bleak narratives that recent wildfire trends are inevitable, and bound only to get worse. Rather, the

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<sup>1</sup> Up-to-date statistics and other information on the 2018 wildfire season can be found at <https://www.nifc.gov/fireInfo/nfn.htm> .

thrust of contemporary scientific inquiry is carving out significant space for eminently flexible *human land management decisions* as primary determinants of the type and amount of catastrophic wildfires.

Wildfires are in fact getting worse in the United States just as they get better in most similarly advanced nations. A [study published in Science](#) last year found that **the amount of acreage burned globally has declined by ~25% over the past 18 years**, irrespective of climate and temperature variability. The study's findings point to day-to-day human factors, especially land management, as the most consequential determinants of wildfire acreage burned. E&E News [summarized the results](#): "The study suggests that, worldwide, the amount of land being burned by wildfires is affected more strongly by human land practices than by the climate. That doesn't mean wildfires in individual regions aren't increasing in response to climate change. It just depends on the region."

Substantial research and common sense continue to suggest that an imprudent combination of prematurely extinguishing spontaneous small burns, preventing controlled burns, and limiting brush, hazardous fuels and timber thinning to near-negligible amounts is producing tinderbox-like conditions in our forests – conditions that overdetermine the eventual outcome of catastrophic wildfire. Our misguided land management assumptions, practices and policies have ended up as a highly significant factor in ensuring our country's experience of wildfires is worse than that of similarly-situated peers.

The research-driven takeaway therefore is not that wildfire conditions of recent years represent a necessary "new normal." Rather, such conditions are new and abnormal, insofar as the federal approach of the last several decades – best described as forestry austerity – deprives forests of thinning which otherwise takes place through naturally-occurring small fires. Nor is that natural component of a healthy forest cycle being replaced with any human-driven activities to compensate. As a consequence, when fires break out now, they do so in a relative tinderbox, picking up oversaturated fuels and eventually engulfing whole forests. Rather than supplementing the forest cycle, our longstanding federal policy of forestry austerity guarantees that most fires we don't immediately control actually upend the forest cycle itself. With each artificial prevention of forest thinning we engage in, our forests incur a 'fire debt' that at some point can only be paid under catastrophic terms.

We accordingly recommend these policy adjustments be included in the forestry title of the Farm Bill of 2018 Conference report in order to reverse course on counter-scientific forest management policies:

- Allow existing and any new *Healthy Forests Restoration Act* authorities to be used within Fire Regimes IV and V. See Section 8321 of H.R. 2.
- Facilitate the use of Good Neighbor Authority by expanding it to counties and tribes and codifying existing practices concerning the flow of contributions and receipts associated with these projects. See Section 8331 of H.R. 2 and Section 8624 of H.R. 2 EAS.
- Accelerate post-fire restoration and reforestation projects through either a new categorical exclusion or, at the very least, by applying Sections 104 and 106 of HFRA to post-fire projects carried out under the Forest Service's existing Emergency Situation Determination authority. See Sections 8312 and 8334 of H.R. 2.

- Establish an Action, No-Action authority for Environmental Impact Statements and Environmental Assessments to reward, incentivize, and protect projects that are developed through a collaborative process with diverse stakeholders. See Section 8335 of H.R. 2.
- Apply Section 106 of HFRA (“balance of harms” and other policies related to injunctions) to all forest management projects, and expressly clarify that courts must find that plaintiffs are “likely to succeed on the merits” before enjoining a forest management project. See Section 8336 of H.R. 2.
- Establish and expand categorical exclusions for projects that restore watersheds, protect water quality, improve forest health, allow for critical response, address insect and diseases, and reduce the risk of wildfire. See Section 8107 and Sections 8311-8321 of H.R. 2 as well as Section 8611 of H.R. 2 EAS.
- Streamline approval of, and afford tribes greater authority in, implementing projects under the Tribal Forest Protection Act. See Section 8401 and 8402 of H.R. 2.
- Establish pilot arbitration authority and include litigation reform to more swiftly resolve disputes over important forest management projects. See Sections 301, 311, 811 and 812 of H.R. 2936 and (g) of Section 8339 of H.R. 2.
- Update extraordinary circumstances regulations in order to allow expedited response. See Section 8503 of H.R. 2.
- Improve consultation under the Endangered Species Act. See Section 8303 of H.R. 2.
- Establish a voluntary pilot program that would allow a participating utility to conduct limited, proactive vegetation management work outside of its right-of-way on federal lands. This mitigation work should be conducted at the expense of the participating utility in order to better protect critical energy infrastructure from passing wildfires that start outside of the right of way. See Section 8502 of H.R. 2.
- Fully remove what the Obama Administration called the potentially “crippling” impacts of the *Cottonwood* decision by applying to the “new information” trigger under the *Endangered Species Act* the same reforms that recent appropriations legislation established for the listing of species and designation of critical habitat. See H.R. 6567.
- Fully Empower states to have a greater role in cross boundary management and codify the Landscape Scale Restoration program. See S. 962 as well as Sections 8104 and 8509 of H.R. 2.
- Exempt Alaska from the 2001 '[Roadless Rule](#)' and thereby boost forestry in several National Forest System units in which it has been artificially suppressed. See Section 8337 of H.R. 2.
- Allow new opportunities to conduct hazardous fuel removal on landscapes that cross federal, state, county and private property. See Section 8332 of H.R. 2.

Taking these steps to expand the federal, state and local toolkit for managing forests and encouraging forward-thinking, active management is an approach that bases its fundamental premises on the findings of comprehensive scientific study. Such findings show that we have the option to save our forests, watersheds, communities and homes from worsening wildfire. Here, we simply present the uncontroversial stance that the underlying conditions of our forests affect the frequency and severity of wildfires. The above recommendations take that premise and convert it into actionable policies. We trust the Conference Committee will consider those closely as it considers the proper response to the wildfire crisis. Our constituents, and the citizens of this nation demand as much from us. They are holding our feet to the figurative fire, but only because they are facing the real thing.

Sincerely,



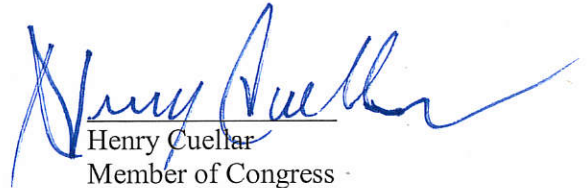
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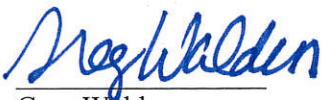
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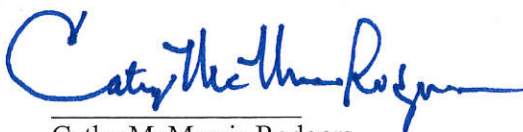
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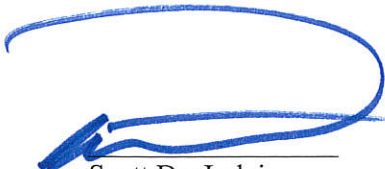
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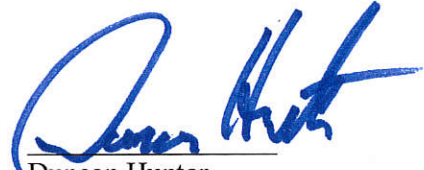
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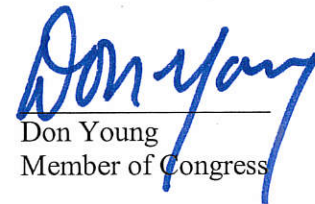
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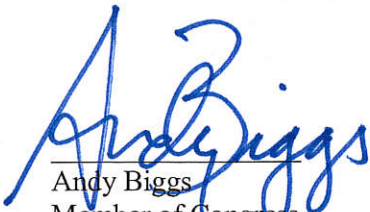
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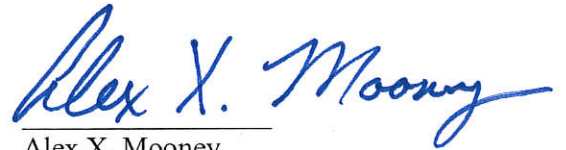
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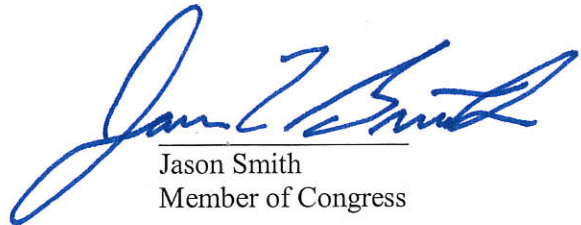
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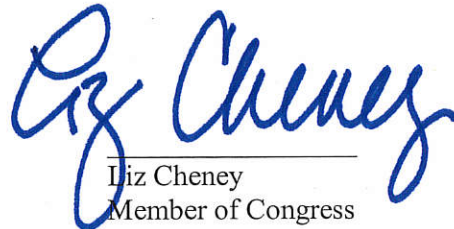
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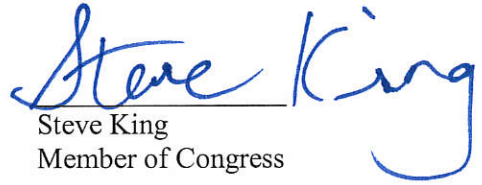
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Cc: House and Senate Farm Bill Conference Committee Members