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**Before the  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
Sept 29, 2022**

**Concerning**

**S.4729, Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act**

**S.4833, Save Our Sequoias Act**

**S.4835, Small-diameter Timber and Underutilized Material Act of 2022**

**S.4837, A bill to amend the Omnibus Public Land Management Act of 2009 to establish  
within the Mount Hood National Forest in the State of Oregon Indian Treaty Resources  
Emphasis Zones, and for other purposes.**

**S.4877, Civilian Conservation Center Enhancement Act of 2022**

**S.4884, Natural Infrastructure Act of 2022**

**S.4891, To Amend the Federal Land Policy and Management Act of 1976 to authorize  
certain construction activities on public lands, and for other purposes**

**S.4904 Promoting Effective Forest Management Act of 2022**

**S.4994, Firewood Banks Act of 2022**

**S.4945, Catastrophic Wildfire Prevention Act of 2022**

**S.4942, A Watershed Restoration Initiative Act of 2022**

**S.4935, More Hasty Response to Firefighting Act of 2022**

Chairman Manchin, Ranking Member Barrasso and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) on several bills under the jurisdiction of the U.S. Forest Service (Forest Service).

**S. 4729, Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act**

S. 4729 amends section 407 the Agricultural Credit Act of 1978, the Emergency Forest Restoration Program, to waive the cost share requirement for land damaged by the Hermit's Peak/Calf Canyon Fire.

The Emergency Forest Restoration Program, administered by the USDA Farm Service Agency, provides payments to eligible owners of nonindustrial private forest land to carry out emergency measures to restore land damaged by a natural disaster. The Forest Service provides technical assistance through states for the implementation of the Emergency Forest Restoration Program by providing reimbursement to those states for work accomplished.

USDA looks forward to working with the sponsors of the Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act to provide timely compensation to the victims of the Hermit's Peak/Calf Canyon Fire.

### **S.4833, Save Our Sequoias Act**

S.4833 provides the USDA and the Department of the Interior (DOI) administrative tools and procedures to help address threats facing giant sequoias. The bill directs DOI to enter into a shared stewardship agreement for giant sequoias with USDA, the State of California, Tribes, and local land managers to enhance coordination and establish (or designate) a Giant Sequoia Lands Coalition. This Coalition is directed to provide a Giant Sequoia Health and Resiliency Assessment to prioritize and inform forest management projects, track project implementation, and study giant sequoia health and resiliency over time. In addition, this bill provides for the establishment of Protection Projects to respond to the threat of wildfires, insects, and drought to giant sequoias, with the goal of expediting forest restoration projects by codifying and streamlining existing emergency procedures.

The bill directs USDA and DOI to jointly develop and implement the Giant Sequoia Reforestation and Rehabilitation Strategy to enhance the reforestation and rehabilitation of giant sequoia groves. The bill also establishes a Giant Sequoia Strike Team to assist USDA and DOI with the implementation of the giant sequoia emergency response and Giant Sequoia Reforestation and Rehabilitation Strategy. And finally, the bill directs DOI, in consultation with other parties, to establish a new grant program to support the implementation of hazardous fuels reduction treatments in and around giant sequoia groves.

The Forest Service recently initiated emergency fuels reduction treatments to provide for the long-term survival of giant sequoia groves against immediate wildfire threats. These actions make use of the agency's existing authorities under the National Environmental Policy Act (NEPA) to enter into alternative arrangements to complete NEPA analysis to conduct emergency fuels treatments as expeditiously as possible. The agency is working to do more to reduce risks to giant sequoias using all the tools and flexibilities available. This emergency action to reduce fuels before a wildfire occurs will help reduce risks to unburned giant sequoia groves in high-severity wildfires.

The emergency fuels treatments encompass approximately 13,377 acres that will reduce the wildfire risk to 12 giant sequoia groves by removing surface and ladder fuels. These treatments include hand cutting of small trees, mechanical removal of trees, application of borate on green stumps, pulling duff away from the base of large giant sequoias and prescribed burning.

Environmental reviews required under NEPA and other related environmental laws have already been initiated for most of the planned treatments. With the emergency action, giant sequoias could receive accelerated protection by as much as 9 to 12 months in most groves and years earlier in other groves. The intent is to complete treatments by 2023, but some may continue through the end of 2024. This work is made possible through funds from President Biden's Bipartisan Infrastructure Law and appropriations from Congress. Since 2015, wildfires have

caused significant destruction of the giant sequoia groves and have destroyed nearly one-fifth of all giant sequoias in the last two years.

The emergency facing giant sequoias is unprecedented. While USDA has concerns with several aspects of the legislation as written, we appreciate the intent of the Save Our Sequoias Act and looks forward to continued discussions with the Committee and bill sponsors on ways to expedite this important work.

### **S.4835, Small-diameter Timber and Underutilized Material Act of 2022**

S. 4835 would require the Forest Service to designate as a free-use area as any fire hazard area in the National Forest System that contains small-diameter tree. The bill would define the term “small-diameter tree” as a tree that has a diameter at breast height (DBH) of not greater than eight inches and a fire hazard area as an area that has a very high wildfire hazard potential on federal land and is located west of the 100<sup>th</sup> meridian.

The bill would place limitations on the Agency’s ability to charge fees for small-diameter tree removal in free use areas, unless the fee is deemed appropriate by the Forest Service and discloses this determination to the public. The bill also would preclude the Agency from requiring a volume determination or conducting a timber sale appraisal in these areas. In fire hazard areas, the bill seeks to minimize physical marking of a small-diameter tree for removal in favor of designating tree removal by written description.

Removal of small-diameter trees to mitigate fire risk in fire-prone areas and for other purposes, e.g., if they have become hazard trees, is already successfully implemented on a small scale on NFS lands under current Agency regulation and policy. This work supports the Agency’s goals to reduce fuels in high-risk areas and dispose of material that has little to no commercial value. This bill would expand this authority and be beneficial in areas where markets do not exist for small-diameter trees or for the volume of trees requiring removal.

The definition of small-diameter trees as not greater than eight inches DBH is a concern, as a tree of this size can still be made into marketable products in many locations. USDA recommends defining “small diameter” at the local level. This approach would support the Agency in meeting management objectives and would allow national forests to designate free-use areas consistent with National Environmental Policy Act (NEPA) requirements and existing regulations providing for environmental protection.

This bill would preclude the Agency from recovering its costs or charging a fee, including a fee for a free use permit, for small-diameter trees. Depending on their location, scale, and market, small-diameter trees could affect certain monetary calculations and could affect payments to states.

The Agency’s current policies that offer flexibilities for marking, applying appropriate silvicultural treatments, and protecting National Forest System resources could be adversely affected by restricting physical marking. Designation by description and physical marking are currently used case by case. Preserving the full suite of existing methods for timber designation would allow the Agency to continue to select the most appropriate tool and retain existing efficiencies.

USDA recommends additional dialog with the Forest Service regarding the Small-diameter

Timber and Underutilized Material Act of 2022 and looks forward to working with the Committee and the bill sponsors to provide technical assistance on the bill.

**S. 4837, A bill to amend the Omnibus Public Land Management Act of 2009 to establish within the Mount Hood National Forest in the State of Oregon Indian Treaty Resources Emphasis Zones, and for other purposes**

S. 4837 amends the Omnibus Public Land Management Act of 2009, establishing “Indian Treaty Resources Emphasis Zones” (Zones) within the Mount Hood National Forest where Tribes have treaty rights on National Forest System (NFS) Lands. Tribes and the Forest Service would enter into a memorandum of understanding (MOU) within 180 days of the enactment of this legislation allowing a co-management strategy within these Zones between the Forest Service and the Tribe, aimed at protecting and enhancing Treaty resources and to protect the Reservation from wildfire, drought, and insect and disease outbreaks. In addition, the MOU would ensure management priorities and access in the Zones are maintained and enhanced; recognize traditional ecological knowledge with the same importance with the best available scientific information; and improve the understanding of Forest Service employees in the Forest regarding the trust responsibilities of the Federal Government. The bill would place limits on new road building and withdraw areas to mineral exploration that are not already subject to valid and existing rights. Lastly, the bill authorizes \$3.5 million in a funding agreement and revenue retention to ensure the partnership with Forest Service established in the MOU can be carried out.

USDA is committed to fulfilling the trust relationship between the United States and Tribes, supports the spirit and intent of this bill and would like to work with Committee on technical clarifications.

**S.4877, Civilian Conservation Center Enhancement Act of 2022**

S.4877 amends Public Law 91–378 to authorize activities relating to Civilian Conservation Centers. These Centers are residential workforce development or training facilities for disadvantaged youth operated by USDA. This bill directs the USDA and DOI in coordination with the Department of Labor (DOL) to offer specialized training programs focused on forestry and rangeland management; wildland firefighting; and other topics relating to Agency missions or the public interest. The bill authorizes USDA, in coordination with DOL, to carry out experimental, research, or demonstration pilots to provide career and technical education curricula and course offerings to advance the missions of the DOI and the USDA at Civilian Conservation Centers.

In addition, the bill provides Direct Hire Authority for Civilian Conservation Center graduates, and authority to hire and pay Civilian Conservation Center students for their work. Finally, the bill requires the USDA and DOI establish a pilot program to employ covered students to improve and expand the housing stock owned by the Federal Government for the purpose of housing wildland firefighters and other Agency employees.

While the provisions in this bill support the Administration’s overall priorities in wildland fire management and workforce development, further policy and technical reviews are needed. As

written, the bill would significantly expand Forest Service capacity to train crews and interns engaged through partnerships, as well as Job Corps participants in support of workforce development efforts and hiring. The bill will permit Civilian Conservation Centers to become a base of operations that will increase capacity for training disadvantaged youth and other marginalized participants in firefighting, home construction and conservation trades. Authority to hire and pay Civilian Conservation Center students are priorities of the USDA and would significantly improve our youth workforce development efforts. The pilot opportunities to address training and housing for firefighters outlined in the bill address key needs of the Agency in achieving the Forest Service's 10-year strategy to confront the wildfire crisis.

The applicability of the bill to Civilian Conservation Centers operated under provisions of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197 (d)) is complex and would require coordination with the Department of Labor (DOL). This bill defines "Civilian Conservation Centers," however, this term is already defined and authorized under the Workforce Innovation and Opportunity Act (29 U.S.C. 3197 (d)), under which the Forest Service currently operates 24 Civilian Conservation Centers in partnership with the DOL Job Corps under an Interagency Agreement, with all funding provided by DOL. The proposed definition in Section 301 of this bill appears to encompass the existing Civilian Conservation Centers but also to potentially extend to other USDA or DOI-operated programs. The expanded emphasis to other programs will increase opportunities for marginalized youth beyond Job Corps but would require inter-departmental cooperation to determine jurisdiction and student eligibility.

Section 301 defines "Covered Student" and "Covered Graduate" in ways that would encompass existing Job Corps students enrolled through the DOL at Forest Service-operated Civilian Conservation Centers. However, the term "disadvantaged youth" is not defined in the bill and could also encompass youth not meeting eligibility criteria for Job Corps. In addition, Section 301 defines "Secretaries" for the purposes of this bill as including the Secretaries of Interior and Agriculture, but not the Secretary of Labor. We would like to work with the Committee and bill sponsors to clarify this language.

Section 302(b) applies specifically to the existing Civilian Conservation Centers operated under the Workforce Innovation and Opportunity Act. This bill directs the Secretaries of the Interior and Agriculture to prioritize conservation and firefighting training at centers operated under the policy jurisdiction of the Secretary of Labor. The Department of the Interior does not operate any such centers. The Forest Service already prioritizes conservation and firefighting training at these centers, within the overall policy direction and appropriations of the Department of Labor.

Section 304 authorizes recruitment goals and investments for covered graduates. These programs could significantly increase the Forest Service's ability to train and recruit disadvantaged youth for wildland firefighting work. Section 304(b) allows covered graduates to be appointed as Federal employees under special hiring rules. Section 304(d) provides authority to "employ or otherwise contract with" covered students (not yet graduates) and compensate them for necessary hours of work at "regular rates of pay." This would address a significant current barrier to engaging Forest Service Job Corps students in conservation work. However, we need to discuss with the bill sponsors the implications of employing versus contracting with

students. Section 305 authorizes a pilot program to employ covered students in improving and expanding government housing for wildland firefighters, addressing another significant Agency challenge in expanding wildland fire response and hazardous fuels reduction capacity. The USDA recommends expanding language in section 305(b)(1) to explicitly permit housing for volunteers, partner crew members, and interns while working on Forest Service projects.

The USDA strongly supports the intent of the Civilian Conservation Center Enhancement Act of 2022 and looks forward to working with the Committee and bill sponsors on technical changes to the bill to further support important workforce capacity needs.

#### **S. 4884, Natural Infrastructure Act of 2022**

S. 4884 directs the Forest Service and Department of the Interior to establish a joint natural infrastructure science program. This new program would respond to the emerging natural infrastructure research needs of civil engineers, local governments, developers, and the construction industry by developing focused, strategic lines of new research, competitively awarding funding to scientists, and disseminating research findings. Additionally, this program would be supported by a Stakeholder Advisory Group. The bill primarily focuses on research related to natural infrastructure. However, the conditions and factors limiting greater use of natural infrastructure primarily relate to concerns about the viability and cost of implementing projects. Investments in policy development, technical assistance, and economic incentives would help address barriers to the installation of natural infrastructure.

The proposed Stakeholder Advisory Group could be broadened to reflect a wider range of issues associated with current implementation of natural infrastructure. The agency recommends considering the inclusion of a professional hydrologist, a watershed protection specialist, or a municipal water system manager, ideally from an area where wildfires have affected or are likely to affect water supply and water quality. This inclusion would highlight the critical role of natural infrastructure in protecting and sustaining source watersheds for drinking water.

The research topics which Forest Service scientists and collaborators can primarily address include those involving wood building materials and the use of wood to enhance other building materials (e.g., strengthening concrete by incorporating cellulose nanomaterials) and research and knowledge of forest watershed systems, hydrology, soils, and disturbance. Increasing use of natural infrastructure is an important area, especially with the increasing amount of post-wildfire work needed to protect drinking water supplies, and particularly affects communities in the West.

USDA supports the goals of this bill and would like to work with the Committee on technical assistance on the bill to address several issues.

#### **S. 4891, To amend the Federal Land Policy and Management Act of 1976 to authorize certain construction activities on public lands, and for other purposes.**

S. 4891 amends Title VI of the Federal Land Policy and Management Act of 1976 requiring the USDA to develop a pilot program to establish and operate tree nurseries on National Forest System land. If enacted, the pilot program will use funds from the Infrastructure Investment and



Jobs Act (IIJA) and will locate nurseries in four of the eleven contiguous Western States; and one State, including the State of Vermont, that is not one of the eleven contiguous Western States. The pilot allows for establishing a tree nursery on Federal land as well as develop the necessary infrastructure to support that nursery and to address Federal and regional conservation tree planting needs. The bill would allow for the purchase of necessary equipment and for constructing the necessary facilities on Federal land to store material and equipment, enter into cooperative agreements with non-Federal entities to use trees produced in nurseries established under the pilot, and to conduct the necessary research on grazing and forest management on Federal land.

In July, the Administration announced a strategy for addressing a reforestation backlog of four million acres on national forests and to plant more than one billion trees over the next decade. With new resources made available through the IIJA, combined with support from state, local, and Tribal governments as well as other partners, the Forest Service aims to eliminate the backlog over the next ten years and develop the infrastructure, such as nurseries, to keep up with increasing needs. The Forest Service has invested more than \$100 million in reforestation this year – more than three times the investment in previous years – thanks to the Repairing Existing Public Land by Adding Necessary Trees (REPLANT) Act made possible by the IIJA. The reforestation strategy will serve as a framework to understand reforestation needs, develop shared priorities with partners, expand reforestation and nursery capacity and ensure the trees planted grow to support healthy resilient forests.

USDA supports the goals of S. 4891 to explore ways to increase nursery production and looks forward to working with the Committee and bill sponsors to on technical changes to the bill to address the nation’s replanting backlog.

#### **S. 4904, Promoting Effective Forest Management Act of 2022**

S. 4904 proposes several changes and updates to Forest Service policies and regulations with the intent of providing more effective management. Title I of the bill requires the Forest Service to determine annual averages of acres treated mechanically, commercially, and pre-commercially for Fiscal Years (FY) 2017 to 2021. The bill then sets annual targets above this average baseline, so that by FY 2027, the target would be four times this average. The bill proposes more detailed annual accomplishment reporting for a variety of activities, while reducing the need to report to Congress hazardous fuels accomplishments funded by the Infrastructure Investment and Jobs Act if an acre requires multiple treatments before the acre is effectively mitigated. While the intent of these provisions to ostensibly increase the pace and scale of the Agency’s treatments and improve accountability and accomplishment reporting is in line with the Agency’s current goals and efforts, the USDA would like to work with the Committee and bill sponsors to address multiple concerns with the language in these sections.

Title II of the bill would direct the Comptroller General to report estimates of the time required to issue revised land management plans if Forest Service plans were developed and revised under timelines used by the National Park System. Title II would also direct the agency adhere to existing regulatory definitions of “old growth forest”, if any, and establish procedures for revisions of such definition(s); as well as providing a statutory definition of “mature forest” and directing that the Agency shall only carry out timber harvests in mature forests, with specified

exceptions. It would also establish a wetland and riparian restoration pilot project and recognizes livestock grazing as a wildfire mitigation tool. Title II provides intervenor status to local governments for qualified projects in a civil action. USDA would like to work with the Committee and bill sponsors to better understand the intent of these sections and develop updated language that is better suited and in line with Forest Service laws and policies.

Title III of this bill appears designed to support the Agency's workforce. Section 301 proposes training for the timber harvest workforce. While USDA generally supports workforce training and proposals for the modernization of machinery, we have some concerns, particularly with the proposal to use timber receipts to fund training and wages. This would require additional examination and potential changes to associated legislation that dictates appropriate use of timber receipts. Section 302 requires USDA establish regulations to ensure a Federal wildland firefighter would not forfeit previously made contributions or eligibility for firefighter retirement when the wildland firefighter has a voluntary break in service of not more than nine months. This will require additional review as it would amend current Federal employee retirement policy and rules that currently apply government-wide for a variety of mission critical occupations. The USDA supports the objectives of the workforce reform provisions included in Title III but would like to work with the sponsor on how best to target support to the wildland firefighter workforce without creating new benefit inequities across the broader federal workforce.

Title IV of the bill mandates the use of specific streamlined authorities for environmental review. The list provided in the bill is only available for projects with specific purposes or scenarios and these authorities do not apply across the entire National Forest System. The agency's ability to increase the pace and scale of restoration on national forest lands continues to be one of competing demands on our capacity, rather than a lack of streamlined authorities for environmental review. Additionally, the Agency needs to retain the flexibility to choose the right National Environmental Policy Act (NEPA) authority for each proposed action across the national forests, rather than mandating the use of specific authorities.

The bill aims to reduce employee relocation and increase employment development and opportunities. While we understand the intention of this section, we have some concerns with the wording and impacts to employees. The bill proposes to repeal the requirement for the Federal Land Assistance, Management, and Enhancement (FLAME) Act reporting, which the Agency supports. This reporting requirement, just like the FLAME Act itself, has been functionally supplanted by the 'Fire Fix' included Public Law 115-141.

The USDA is working to increase our capacity, efficiencies, and effectiveness to support our goal of treating more acres for a variety of resource needs. While we support several of the goals of the Promoting Effective Forest Management Act, we would like to work with the Committee and bill sponsors to address the multiple concerns with the bill's language.

#### **S. 4994, Firewood Banks Act of 2022**

S. 4994 focuses on the development of grants, locating firewood banks on federal land, and providing trees for use in producing firewood. Firewood banks have provided emergency and seasonal wood for heating homes for decades. Modeled after food banks, firewood banks provide fuel assistance to many people in the United States. In 2016, it was reported that there were approximately 65 firewood banks, but it is now projected that there may be nearly 150, with the



potential for others to be implemented in the future. Firewood bank programs are diverse with a wide range of operating factors including organization type, source of wood, quantity of wood supplied, operations funding, and strategy for assistance. Most are very small and operated by non-profit organizations, for example, the Wood for Life program, which is also expanding to support Tribes.

This bill is similar to section 40803(c)(17) in the Infrastructure Investment and Jobs Act (IIJA), which provides \$8 million to the Forest Service to provide financial assistance for the operation of firewood banks and to support feedstock acquisition. The Forest Service is currently providing grants to support firewood banks through the IIJA. The IIJA program is expected to be effective in supporting firewood banks for those in need, including indigenous populations.

The bill directs the Forest Service to provide trees and make them available for firewood banks. It provides access through a permit process for harvesting trees. This may prove to be a challenge if the location does not have National Environmental Policy Act (NEPA) clearance, and if it requires Forest Service monitoring of harvest and processing. Many national forests also have commercial firewood programs, and this bill may create challenges in creating competition for commercial programs. The Forest Service would need clarification on what type of permitting or contract instrument would be required. Any permit or instrument should include best practices to prevent negative environmental impacts.

The USDA has concerns on the liability language. Not requiring a cooperative party to have liability insurance could open the door to claims against the government for damages due to operator accident or negligence.

The USDA supports the use of firewood banks for those in need of emergency heating. We would like to work with the Committee and bill sponsors to ensure the bill is in line with the IIJA provision 40803(c)(17), as well as address some concerns with the existing bill language.

#### **S. 4945, Catastrophic Wildfire Prevention Act of 2022**

This bill requires the Forest Service to work collaboratively with State and local forest management agencies to establish a pilot program to identify, research, and establish a pre-fire-suppression stand density index for certain areas of the National Forest System (NFS); evaluate how closely each pre-fire-suppression stand density index reflects current forest conditions and current published resource management objectives established by the Forest Service; and select at least eight areas of the NFS to use a pre-fire suppression stand density index as a benchmark for forest treatments.

The bill requires the Forest Service to conduct these treatments and update applicable land and resource management plans to include objectives and benchmarks, in accordance with that pre-fire-suppression stand density index no later than two years after enactment of this Act. In selecting areas for inclusion in the pilot program and conducting treatments, priority will be given to certain areas, including the wildland-urban interface, community watersheds, critical habitat, and other areas.

The USDA would like to work with the bill sponsor to adjust the terminology in the bill, such as the definition of “pre-fire-suppression stand density index,” and revisit the scale of the work within the bill. In addition, we encourage the revision of land management plans to be an

optional action rather than a requirement. We also recommend clarifying meaning of the word “southwest” to avoid confusion on locations within the NFS.

The USDA is generally supportive of efforts to increase forest health and resiliency. While we support several of the goals of the bill, we would like to work with the Committee and bill sponsors to address the agency concerns.

#### **S. 4942, A Watershed Restoration Initiative Act of 2022**

S. 4942 would provide for the establishment of a new Southwest Ecological Restoration Institute (SWERI) in the State of Utah. These university based SWERIs provide a collaborative approach to scientific inquiry, creating evidence based and locally relevant information aimed at reducing the risk of wildfires and restoring forest health in the Interior West.

The Interior West has experienced significant challenges in adapting forest and range systems to climate change. The most dramatic shift in the last decade has been increasing temperature and drought. There is a need across the southern states in the Interior West to increase dissemination of knowledge about current and future changes in environmental conditions to guide business decisions, increase the rate of adoption of climate adaptation practices, and to create a mechanism to learn as we trial new techniques to ensure forest and range sustainability under rapidly changing conditions. There is also a need to create a closer collaboration with Agency activities and capacity, to reduce redundancy of services, and to better leverage current capacity with USDA Climate Hubs.

While the USDA supports the goal of working closely with state universities to address the challenges facing the Interior West, especially with wildfire, we would like to work with the Committee and bill sponsors to make additional improvements to the underlying authority for the Southwest Ecosystem Restoration Institutes to facilitate closer engagement with Forest Service Research Stations and to implement lessons learned over the past 18 years and through new collaborative research ventures, such as the Climate Hubs.

#### **S. 4935, More Hasty Response to Firefighting Act of 2022**

S. 4935 requires the Forest Service and Department of the Interior (DOI) to build a cadre of local individuals to support initial attack of wildfires. This is accomplished through the notification of individuals who are authorized to carry out timber harvesting work or vegetation management work within the boundaries of a national forest or public land susceptible to wildfire.

Notification includes information about the strategic response zones in which the contractor is authorized to carry out the work and about the potential-fire response strategy developed for that strategic response zone. Notification includes information about one-day trainings, developed in coordination with the National Wildfire Coordinating Group (NWCG), in basic firefighting safety and resource protection, specifically for persons who routinely carry out timber harvesting work or vegetation management work. The bill requires the USDA and DOI to provide \$1,000 to certain qualified companies that complete timber harvesting work for the purposes of training.

This bill allows certain individuals that have taken certain training to undertake initial attack within the qualifying unit on the wildfire if: the size of the wildfire is approximately five acres or

less in size; and the initial attack on the wildfire is consistent with the potential-fire response strategy for the strategic response zone in which the wildfire is occurring. These individuals would not be eligible for reimbursement by DOI or USDA or subject to liability. In addition, the USDA or DOI would not be liable for an initial attack undertaken by these individuals. The bill does include circumstances where liability would be limited, such as for unauthorized individuals undertaking initial attack, the person responsible for the wildfire, or those not in compliance with other requirements. The bill outlines additional fire prevention measures when carrying out timber harvesting work or vegetation management work and authorizes state and local agency response.

The National Wildfire Coordinating Group (NWCG) has established standards for response resource configurations that are deemed appropriate, safe, and sufficiently redundant to be both effective in responding to wildland fires and provide an acceptable level of safety for all responders staffing that response resource. There is not currently a one-day course that is offered to provide rudimentary wildland fire response qualifications. The minimum training standard adhered to by the entirety of the interagency wildland fire response community is the S-130 Basic Firefighter course which is a 32-hour, multi-day classroom and field training course. Any training less than what is provided through S-130 is considered to not be sufficient to adequately prepare an individual to respond to a wildland fire without supervision. Additionally, we would like to work with the Committee and bill sponsors to review the language related to liability for initial suppression.

USDA supports the laudable intent of the bill to provide for more robust firefighting response but has flagged provisions where we would like to work with the Committee and bill sponsors to address some concerns with provisions in the bill.