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# United States Senate

COMMITTEE ON  
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

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July 25, 2023

Dr. Homer Wilkes  
Under Secretary for Natural Resources and Environment  
United States Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250

Chief Randy Moore  
United States Forest Service  
Mailstop 1108  
201 14<sup>th</sup> St., SW  
Washington, DC 20250

Dear Under Secretary Wilkes and Chief Moore:

As the Chairman and the Ranking Member of the United States Senate Committee on Energy and Natural Resources, we write in response to the Forest Service's solicitation of comments for the agency's recent advance notice of proposed rulemaking. On April 21, 2023, the Forest Service published an advance notice of proposed rulemaking for adapting its current policies, or developing new policies, in an effort to address "climate resilience." We have significant apprehension about this rulemaking initiative.

As you know, America's western forests are in the midst of a wildfire crisis. On average, roughly eight million acres have burned annually over the past five years—more than double the annual acreage burned in the 1990s. Many recent wildfires on National Forests have been unnaturally large, consuming hundreds of thousands of acres, destroying homes and communities, and leaving billions of dollars in damages in their wake. Massive portions of our National Forests remain unnaturally fire prone and in poor health. While intensifying drought and warmer conditions are aggravating the situation, State and Federal agency officials, scientists, and industry experts have time and again testified at our Committee that active forest management projects—*e.g.*, thinning and prescribed burn projects—need to be significantly increased and hastened to make our National Forests healthier and more resilient to unnatural disturbances.

Two years ago, we wrote to President Biden that the Forest Service must "increase the pace, scope, and scale of this work, not incrementally, but by orders of magnitude." Since then, Congress has significantly increased the Forest Service budget, and given the agency billions of dollars in additional funding for its forest management and wildfire mitigation efforts. Unfortunately, the agency is currently nowhere close to achieving a badly needed paradigm shift in wildfire risk reduction. To rectify this, the Forest Service must accelerate agency processes.

Unfortunately, we worry that the advance notice of proposed rulemaking will only serve to create more barriers to success. Specifically, we are concerned that "develop[ing] new policies and actions to better anticipate, identify, and respond to rapidly changing conditions associated

with climate-amplified impacts” will add difficult-to-implement and litigation-prone complexity to internal processes that the Forest Service must undertake when preparing vital forest management projects. Likewise, it could serve to lengthen project preparation times, lead to policies that will tie the hands of land managers, and generally create more barriers to critical active management projects.

Moreover, much of the terminology used in the advance notice of proposed rulemaking is perplexing. For example, it is unclear how “climate resilience” differs from the Forest Service’s working definition for “ecosystem restoration,” which the Forest Service developed regulations for in 2016. Specifically, Forest Service Manual 2020.50 establishes a policy requiring the Forest Service to give consideration for the “recovery, maintenance, enhancement, and the resilience of carbon stocks” associated with National Forest System lands. The ecosystem restoration chapter in the Forest Service Manual already spells out that “[r]esilient ecosystems have greater capacity to survive disturbances and large-scale threats, especially under changing and uncertain future environmental conditions, such as those driven by climate change.” It is therefore entirely unclear why a new policy for climate resilience is needed.

Further, the words included in the advance notice of proposed rulemaking (*e.g.*, “protect”, “conserve”, etc.) leave your intentions with this rulemaking vague. Over the past year, we have seen the execution of President Biden’s Executive Order (EO) 14072—which in part directed the Forest Service and DOI to “define, identify, and complete an inventory of old-growth and mature forests on Federal lands”—develop in troubling ways. For example, instead of using one of the long-established biological or economic definitions of “mature”, the Forest Service created a novel definition of the word and used it as the basis for its inventory. Given this recent history, we wonder whether proposed policies to “protect” National Forests will be to protect them from unnatural wildfires and insect outbreaks, or from timber management practices.

Lastly, we are concerned with how this initiative starkly displays the agency’s inability to prioritize. In the midst of repeated calls to quick action on improving forest health and mitigating wildfire risk, the Forest Service appears to be wasting time on this initiative that, at best, distracts from this critical forest management work; and, at worst, may make forest management goals even more difficult to achieve. Again using the implementation of Executive Order 14072 as an example, the Forest Service diverted a year’s worth of time and resources to defining and inventorying old-growth and mature forests across America’s diverse array of forests. Now the Forest Service is partnering with the Department of the Interior to conduct a “threat analysis” for old-growth and mature forests on Federal lands, and issuing an advance notice of proposed rulemaking that not only includes potential policies for old-growth and mature forests, but is even more nebulous and wide-ranging in scope.

In conclusion, we urge you to recognize the wildfire crisis as the paramount threat to our National Forests (including old-growth and mature forests), and to focus your efforts accordingly. Again, we request that you not adapt current policies or develop any new policies that would hinder or curtail important forest management practices.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Joe Manchin, III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joe Manchin, III  
Chairman

A handwritten signature in blue ink that reads "John Barrasso". The signature is cursive and clearly legible.

John Barrasso, M.D.  
Ranking Member