

Testimony of Kelly Norris, Wyoming State Forester On Behalf of the Wyoming State Forestry Division Submitted to the U.S. Senate Committee on Energy and Natural Resources Friday March 8, 2024

Good morning, Chairman Manchin, Ranking Member Barrasso, and Members of the Committee. Thank you for holding this hearing today and for the opportunity to testify on behalf of the Wyoming State Forestry Division. My name is Kelly Norris, and I am the Wyoming State Forester and member of the National Association of State Foresters (NASF). It is an honor to have an opportunity to speak with you today and submit written testimony as the Committee examines the findings and recommendations of the Wildland Fire Mitigation and Management Commission detailed in its final report to Congress that focused on the complex issues surrounding wildland fire management.

Priority Recommendations from the Wildfire Commission Report

The Wildfire Mitigation and Management Commission (WMMC) issued its final report (the report) to Congress in September of 2023. The report, which contains 148 specific recommendations over 340 pages, outlines the urgent need for developing new approaches to address the wildfire crisis, supporting collaboration to include partner involvement at every scale, and shifting from reactive to proactive planning for mitigating and recovering from wildfire. The report highlights the importance of enabling beneficial fire, including prescribed fire and cultural burning to reduce the risk of catastrophic wildfire. It also provides support for expanding the workforce through hiring and retention of the wildland firefighting staff needed to address the crisis, modernizing tools for informed decision making, and leveraging available technology and information, and investing in resilience to better match the immense scale and scope of the crisis and reduce costs long term.

The report stands out for its comprehensive assessment of the nation’s wildfire management system. Today, I want to address a few key items from the report that if implemented, would help state forestry agencies, such as mine, and our partners and the communities we work with, drive the significant change needed at a national scale.

Recommendation #47:

Congress should help advance efforts by the Alliance of Forest Fire Compacts, State Foresters, and others to update regional compacts to meet modern fire management needs and to submit the updated compacts for congressional approval.

Interagency coordination is key.

This recommendation can make an immediate difference in addressing the wildfire crisis and does not require additional funding to complete, only coordination and support from Congress.

The Weeks Act of 1911 gave states the authority to enter into interstate compacts, or agreements to protect forests and watersheds across state lines through greater sharing and coordination of wildland fire management resources, information, and training. Forest Fire Compacts allow member states and Canadian Provinces to share wildfire suppression resources through mutual aid agreements across state and national lines to respond to wildfire emergencies.

States have access to substantial wildfire suppression resources, which can include local fire services, that can be quickly mobilized, through our Forest Fire Compacts and state-to-state compacts. Compacts are set up for quick response to a call for help, with the sending unit typically initially covering the costs of their resources they send for assistance to later be reimbursed.

There are eight existing Forest Fire Compacts in the US, four of which are unable to share life-saving resources with other compacts due to lack of liability coverage for inter-compact resource exchanges. Additionally, five states, California, Arizona, Nevada, Utah, and Hawaii are not members of a Forest Fire Compact. These factors limit the availability of state and Canadian firefighting resources which could be mobilized at any given time to respond to wildfire emergencies on federal lands.

With more efficient mobilization of resources, the overall federal cost for fire suppression can be reduced. In any given year, roughly 75% of state agency resources mobilized through the National Interagency Coordinating Center (NICC) respond to wildfires on federal lands. Modernizing and reducing the number of compacts could greatly improve the availability of state resources across the United States.

My association, the National Association of State Foresters (NASF) is leading efforts to develop and enact federal legislation that would provide a new standard of liability that states could adopt, as well as exploring opportunities to increase Tribal participation in the Forest Fire Compacts. Additionally, NASF is leading conversations amongst state foresters from the five southwestern states and Hawaii, and exploring options for joining existing Forest Fire Compacts that are able to send and receive resources under inter-compact exchanges.

Recommendation #55:

Create and fund more training opportunities for the mitigation and management response workforce.

The utilization of State Fire Assistance (SFA) and Volunteer Fire Assistance (VFA) programs are essential to maintaining and building wildfire mitigation and management capacity.

The US Forest Service, State, Private, and Tribal Forestry, State Fire Assistance (SFA) and Volunteer Fire Assistance (VFA) programs are important federal mechanisms for assisting states and local fire departments in responding to wildland fires and in conducting land management activities that mitigate fire risk on non-federal lands. These programs help train state and local

initial attack responders who are often first to arrive at a wildland fire incident, as well as equip them with the tools they need to put wildland fires out efficiently and safely.

For example, in fiscal year (FY) 2023 alone, the SFA program provided over \$17 million in funding for hazardous fuels treatments, which resulted in states directly treating 67,740 acres and allowed partners to treat an additional 233,660 acres. Another \$4.7 million in SFA assistance was provided to conduct 6,858 wildfire risk assessments and fire management planning projects in 3,197 communities. In FY 2023, the VFA program provided assistance to 10,492 communities, trained 20,571 firefighters, expanded or organized 135 fire departments, and purchased, rehabilitated, or maintained over \$12 million in firefighting equipment. State forestry agencies helped train over 60,000 firefighters and helped over 25,000 communities manage wildfire risk via funding from the SFA and VFA programs in FY 2023.¹

Under the Infrastructure Investment and Jobs Act (BIL/IIJA), SFA received a total of \$88M available over five years (FY22-FY26), with \$17.6 million allocated annually, and VFA received a total of \$20 million over five years (FY22-26), with \$4 million allocated annually. State Foresters are concerned with the potential for a drop-off in funding when the BIL/IIJA funding expires in FY 2026 and are working with partners like the International Association of Fire Chiefs, the National Volunteer Fire Council, and the Congressional Fire Services Institute, and members of Congress to ensure positive growth and momentum for these critical programs.

We need to continue to fund these essential wildfire risk reduction and protection programs, as they have proved to be an investment that pays dividends. The important work accomplished through SFA and the VFA programs helps decrease total federal emergency wildland fire suppression costs and reduce the threat of fire to communities on public and private lands. Attacking wildfires when they are small is the key to reducing fatalities, injuries, loss of homes and other infrastructure, and cutting federal fire-fighting costs. The need for increased funding for fire suppression on federal lands has broad support. *The need to increase fire suppression funding for state and private lands, is just as urgent.*

State and Local Contribution to Wildfire Response

Last year (2023) was a relatively light fire year in terms of overall acres burned, in which 56,580 wildland fires burned roughly 2.5 million acres, while on average over the last ten years, 61,407 wildfires burned approximately 7.2 million acres per year.² As of March 5th, we have already seen

¹ Congressional Research Service Forest Service Assistance Programs, Updated June 30, 2023 pg. 28. Accessed March 6, 2023 <https://crsreports.congress.gov/product/pdf/R/R45219>

² National Interagency Fire Center (NIFC) Wildland Fire Summary and Statistics Annual Report pg. 11. Accessed March 5, 2024 https://www.nifc.gov/sites/default/files/NICC/2Predictive%20Services/Intelligence/Annual%20Reports/2023/annual_report_2023_0.pdf

nearly 1.5 million acres burned almost entirely on state and private lands in 2024, with that figure rapidly increasing as active wildfires persist across the United States.

Wildfire management is inherently a partnership effort between federal, state, local, and volunteer agencies and departments. State and local agencies respond to the majority of wildfires across the country; in 2023 state and local agencies were responsible for responding to 46,176 (82%) of the 56,580 reported wildfires across all jurisdictions. State forestry agencies like the Wyoming State Forestry Division contribute a significant portion of the overall wildland fire suppression effort nationally in terms of resources, personnel, capacity, coordination, and funds.

State and local resources are critical partners that are worth investing in. As the wildfire crisis has confirmed, wildfire doesn't just occur on federal forestlands. On March 1st, 2024 the Happy Jack Fire started just west of Cheyenne and made a run directly east, over six miles into the City of Cheyenne. With hundreds of Cheyenne homes, F.E. Warren Air Force Base, and a historically significant arboretum being threatened and evacuated, all resources within reach responded. Responders included resources from the City of Cheyenne, three Wyoming counties, five Wyoming state agencies, Colorado state and county entities, the US Forest Service, and F.E. Warren Air Force Base, all of which assisted to contain the Fire Management Assistance Grant (FMAG) wildfire. Due to the quick response and interagency support by numerous local, state, and federal entities, the wildfire was stopped before ruining a single Cheyenne home, the indispensable infrastructure on the Base, or a single historically significant tree.

There are two additional programs vital for supporting the capacity of state and local agencies; the Federal Excess Personal Property (FEPP) program and the Firefighter Property Program (FFP). On average these programs deliver over \$170 million annually in equipment used to fight wildfires.

The FEPP Program loans federally owned property to state forestry organizations and their cooperators for use in responding to wildfire. This includes equipment such as trucks, fire tools, hoses, vehicle parts, nozzles, generators, air compressors, fire protection clothing, aircraft, and aircraft parts. While FEPP gives firefighters access to Department of Defense property for use in firefighting and other emergency services, the FFP allows ownership to pass from the federal government following a specified period of use. These two programs are crucial to rural communities and for many small fire departments as federal excess equipment may be the only affordable equipment available to them.

Wyoming State Forestry Division operates a maintenance and fabrication facility that employs five mechanics and an equipment ordering manager. Their main mission is to prepare the FEPP and FFP equipment with fire packages for our county cooperators who utilize these engines for wildfire response. Local fire departments often utilize the equipment these federal excess property programs provide to keep wildfires small and contained, which provides major cost-savings to states and their cooperators, and offer the critical protection to communities. Continued federal assistance is needed so that all these programs will continue to help the many thousands of communities at risk to prepare for and mitigate the risks associated with wildland fire.

Recommendation #24:

Increase the flexibility of federal funds to move across boundaries.

Recommendation #25:

Congress should allow a certain percentage of hazardous fuels funding above agency base levels to be used across ownership boundaries.

Wildfire risk and mitigation needs do not stop along property boundaries.

Neither of these recommendations require extra funding, but can make a difference in getting the most crucial acres treated within our wildfire prone landscapes by allowing cross boundary application. Not allowing the use of federal funds across all ownerships leaves states and counties to find additional fundings sources, slowing down progress, and limiting efficiencies that can be accomplished through one funding source.

Congress has provided opportunities for using federal funds across boundaries, but they are limited in scope and scale. Increased flexibility of federal funding to cross boundaries is essential to ensuring an all-lands, all-hands approach to reducing wildfire risk.

In all cases, treating landscapes at high risk of wildfire in and around communities holistically, regardless of jurisdictional boundaries, is more effective at reducing wildfire risk.

Rather than establishing arbitrary thresholds—as stated in recommendation #25—state agencies believe it is more important to focus on expanding and broadening existing authorities to allow for more flexible use of federal funds across boundaries.

The US Forest Service is looking to partners like the Wyoming State Forestry Division to help the agency reach its Wildfire Crisis Strategy goals of treating 30 million acres of non-NFS lands. Increasing the flexibility of federal funds to move across boundaries is a way to help the agency and partners achieve those goals. There are lessons to be learned from 2018 Farm Bill, which offered solutions and was successful in promoting cross-boundary wildfire mitigation.

The 2018 Farm Bill amended section 103 of the Healthy Forests Restoration Act (16 U.S.C. § 6513), providing a new authority for the Forest Service to spend up to \$20 million on grants to state foresters for hazardous fuel reduction projects that cross land ownership boundaries, particularly in priority landscapes as identified in State Forest Action Plans.

While section 8401 of the 2018 Farm Bill is working well, there remains a need to increase the authorization for this provision to meet the demand and capacity to accomplish this work. Increasing the authorization would not require new funding as this funding is derived from the Forest Service’s Hazardous Fuels budget line item (BLI).

Recommendation #26

Expand Good Neighbor Authority to more federal entities, including the U.S. Fish & Wildlife Service and National Park Service.

The Good Neighbor Authority Program is a highly effective program that should be supported and expanded to accomplish more work, faster.

The Good Neighbor Authority (GNA) program has allowed the Forest Service and Bureau of Land Management to partner with states on federal forest restoration and management projects, facilitating critical work to improve species habitat, enhance watersheds, reduce hazardous fuels and mitigate wildfire risks. GNA is a great tool and has been Wyoming's answer to getting more work done on our federal forested lands.

Since GNA was first authorized by Congress with the 2014 Farm Bill, at least 38 states have broken ground on over 380 GNA projects. Through these GNA projects, states are contributing to the restoration of federal forests on an unprecedented scale. According to the Congressional Research Service, the amount of Forest Service timber sold under GNAs has increased from 14.4 million board feet in FY 2016 to 182.6 million board feet in FY 2019.

Wyoming State Forestry Division currently has 19 active US Forest Service agreements across six National Forests and two US Forest Service Regions. We also have three active BLM agreements. These agreements total eight million in project funding. Since 2017, State Forestry has contracted over 11,000 acres of projects on federal lands and sold about 32 million board feet of federal timber.

State agencies are thankful to Congress for recently expanding the GNA authority to the US Parks Service and US Fish and Wildlife Service and support further expanding GNA to all federal land management agencies, as well as authorizing the reconstruction, repair, and restoration of roads which are vital to wildfire response and mitigation. Allowing GNA revenue and/or the value of Forest Service timber to be used for reconstruction, repair, and restoration of non- National Forest System (NFS) roads necessary to implement GNA projects on federal lands would be greatly beneficial.

Additionally, Wyoming State Forestry Division and NASF supports making all aspects of the authority permanent. Wyoming and many other States have invested significant resources in the Good Neighbor Authority Programs because we know addressing the wildfire crisis requires a long term, all-lands all-hands approach. While the recently passed FY 2024 appropriations bill extended State's ability to retain revenue until 2024, it is insufficient assurance for states to conduct the necessary long-range planning to continue these investments. We need consistency and predictability within in the Good Neighbor Authority Program. Lastly, we recommend removing

the requirement that GNA project revenues be spent solely on federal lands, as this limitation can result in reduced effectiveness and benefits.

Our Nation's Forests and Wildfire

Federal, State, and local fire managers have learned the critical role hazardous fuels management plays in mitigating wildfire impacts. Solely focusing on wildfire suppression and ignoring proactive forest management does not lead to fewer wildfires in the long run; the fuel continues to build up and eventually wildfires become unmanageable. The task for wildfire managers is to manage the risk to communities and ecosystems in both the short- and long-term by implementing a coordinated program of fuels reduction, fire suppression, and community planning.

Hazardous fuels reduction has two main components: prescribed fire and silvicultural treatments, such as “thinning.” Both activities have a beneficial impact on mitigating wildfire emissions by reducing combustible material in the forests and allowing fire to play its natural role in the ecosystem. In many parts of the country, especially on federal lands which have not seen regular management, forest stands are too dense to conduct prescribed fire and thus active management activities such as forest thinning is a crucial first step in managing hazardous fuels. Following a harvest treatment, prescribed fire can be an important tool for maintaining the investment in healthy and resilient forests and minimizing the risk of catastrophic wildfire.

As a State Forester, I believe we need to be doing significantly more hazardous fuels reduction across all ownerships, public and private, across this country. My fellow State Foresters are also committed to continue working towards this goal. Such treatments allow us to put fire on the landscape at times and under conditions that minimize impacts, including smoke emissions. These treatments reduce fuel loading in the forests, so that when wildfires inevitably occur, they burn with less intensity, reduced spread, and fewer smoke impacts on communities and firefighters. Where forests of different ownerships exist in close proximity to each other, it is critical that decisions about suppression and fuels treatments get made in a collaborative and cooperative way. This is especially true for federal lands on which fire management often has a direct impact to adjacent state and private lands.

Fuel Treatments and Active Forest Management

Substantial increases in active forest management and fuel treatments across all landscapes and ownership boundaries are needed in the areas of greatest risk for wildfire. Without an increase in coordinated forest management, wildfires will continue to pose a threat to the nation's forests, destroy our cherished communities, and irrevocably alter American landscapes. The scale of wildfires and their community impacts far outpace current efforts to prevent them and mitigate the damage they cause. Fire threats are best addressed by a holistic all-lands approach to wildfire response and proactive forest management across federal, state, and private lands.

America's federally managed forests face serious threats. Entire landscapes are experiencing deteriorating health and uncharacteristic ecological change as a result of insects and disease, catastrophic wildfire, and other forest health stressors. Forest health threats know no boundaries and there is an urgent need for more active management on these landscapes in order to protect both public and privately-owned forests and the communities that depend upon them. State Foresters are responsible for protecting the health and socio-economic benefits of forest resources within their jurisdictions and what happens on federal forests has a direct bearing on their ability to fulfill those responsibilities.

Intentional management is necessary to improve the resilience of federal forest lands. In regions with a mixture of ownerships, the prerequisite for success is landscape-level coordination, which includes the full participation of federal partners. State agencies must be a part of the solution of getting more work done on our forested lands.

Old Growth Initiative

Keep the US Forest Service focused on the Wildfire Crisis Strategy!

In the November 2023 Mature and Old-Growth Forest Threat Analysis Update Webinar, Forest Service staff detailed the initial findings that the greatest threats to old-growth are wildfires, insects, and disease. Wyoming Division of Forestry Division and NASF agrees, and would add that these threats are prevalent for forests of all ages and across all ownerships. The management of federal forest lands greatly influences not only NFS lands but also the 66% of America's forestland that is not federally owned. These lands provide benefits to society as a whole, and their health and resilience can be put at risk when nearby NFS lands are inadequately managed.

Well-planned, science-based, and deliberate forest management activities, including commercial timber harvest, are necessary to limit these threats. We are concerned that this national-level, old growth initiative will limit the US Forest Service's ability to increase the pace and scale of active forest management needed to implement the wildfire crisis strategy and improve forest conditions.

With wildfire being the leading cause in the loss of old growth forests, it is imperative that the US Forest Service continues to prioritize addressing the wildfire crisis. Focusing staff's limited resources and time on addressing the wildfire crisis and implementing current land management plans will get the US Forest Service much farther along in protecting, maintaining, and recruiting old growth.

Conclusion

Thank you for the opportunity to appear before the Committee today on behalf of the Wyoming State Forestry Division. Wildland fire response and management is one of the most challenging facets of my job as State Forester. I appreciate the work of this committee to address these issues today and for its continued support of wildland firefighters across the nation. The suite of federal programs discussed today support state and local capacity that is critically important to the nation's wildland fire response capability.

State Foresters and our association, the National Association of State Foresters (NASF) stand ready to assist the Committee in finding ways to address the challenges we all face as the wildland fire problem continues to grow and consume larger and larger portions of our state and federal budgets.

Finally, I would like to thank the Committee for its continued leadership and support of efforts to both respond to wildland fire and to take the necessary actions to address the underlying causes of catastrophic wildfire with more active forest management on all ownerships.