

**TESTIMONY of
CHRISTOPHER FRENCH
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
JUNE 24, 2021
Concerning
INFRASTRUCTURE NEEDS, WESTERN WATER AND PUBLIC LANDS, AND THE
DISCUSSION DRAFT OF THE ENERGY INFRASTRUCTURE ACT**

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee, thank you for the opportunity to appear before you today to discuss the discussion draft of the Energy Infrastructure Act (EIA). My testimony today will discuss the role of forests as nature-based infrastructure, the threat wildfire poses to maintaining this infrastructure, and funding provided by the EIA to improve forest conditions and other natural resource-based infrastructure.

Forests as Nature-based Infrastructure

The USDA Forest Service manages over 193 million acres of national forests and grasslands across 44 States and territories. These lands amount to approximately 30 percent of all federally managed lands and comprise approximately 8 percent of the land area in the United States. Infrastructure forms a physical link between Americans and their National Forest System (NFS) lands, strengthening communities by providing safe access to the many ecological, economic, and social amenities NFS lands provide. Infrastructure on NFS lands affords access to ranching, farming, logging, outdoor recreation, tourism, and energy production, all of which support thriving small businesses, particularly in rural communities. In addition, people depend on the Forest Service road network to get to schools, stores, hospitals, and their homes.

NFS lands are themselves critical infrastructure supporting the nation's drinking water supply. Approximately 20 percent of the nation's fresh water originates on national forests and grasslands. An estimated 180 million people in over 68,000 communities rely on these lands to capture and filter their drinking water. Major U.S. cities that may seem distant from forests also rely on water flowing from NFS lands. Los Angeles, Portland, Denver, and Atlanta all receive a significant portion of their water supply from national forests.

National forests are also part of the nation's network of public and private forests that serve as the most efficient carbon capture infrastructure mitigating the effects of climate change. Taken together, the nation's forests and harvested wood products capture the equivalent of more than 14 percent of economy-wide CO₂ emissions in the United States annually.

Wildland Fire Threat to Forests

Devastating wildfires are the most critical threat to the ability of our forests to sequester carbon, support local economies, and provide clean water and other important resources upon which we rely. In the United States, there are over a billion acres at risk of wildland fire. This is, in part, a result of 110 years of fire suppression policies that have led to unhealthy forests. Forest Service research has identified hundreds of communities at high risk of wildland fire.

About 63 million acres, or 32 percent, of the NFS lands are at high or very high hazard for wildfires that would be difficult to contain. The Forest Service carries out approximately 3 million acres of fuels treatments annually. Unfortunately, this is not at the scale necessary to address the problem. Without a paradigm shift in the way we treat hazardous fuels on federal and non-federal land, and addressing the impacts of climate change, we will remain in this current wildfire crisis and destruction from wildfires will continue to threaten communities across the West.

Forest Service research indicates we need to dramatically increase the extent and impact of fuels treatments such as thinning, harvesting, planting, and prescribed burning across all landscapes. To make progress, we estimate that two to four times more acres than are currently treated each year need to undergo fuels reduction treatments. Our scientists have developed scenario planning tools to help target fuels treatments in strategic locations that will reduce fire size and severity. Our estimates suggest approximately 20 million acres of NFS land and 30 million acres of other federal, State, Tribal and private lands in the West need treatment over the next ten years in order to significantly reduce wildfire exposure to communities. USDA included these estimates among recommendations for decreasing the risk of severe wildfire in the Climate-Smart Agriculture and Forestry Strategy provided in response to *Executive Order 14008: Tackling the Climate Crisis at Home and Abroad*.

President Biden's *American Jobs Plan* calls for restoring nature-based infrastructure to increase resilience and reduce the risks associated with extreme wildfires. USDA supports additional investments in wildfire risk reduction and ecosystem restoration. We believe such investments will help make significant progress in reducing the threat of wildland fire to communities across the West.

Section 8003: Wildfire Risk Reduction

Section 8003 of the EIA would provide \$3.5 billion to USDA and the Department of the Interior (DOI) for activities that involve responding to and mitigating the threat of wildland fire. These provisions include increased funding for: salaries and expenses of hardworking and dedicated federal wildland firefighters; mapping hazardous fuels treatments and their relation to wildfires; technology related to detecting and managing wildfires; the Collaborative Forest Landscape Restoration Program (16 U.S.C. 7303); mechanical thinning and timber harvesting focused on small diameter trees; community wildfire defense grants; increasing use of prescribed fire and implementation of fuel breaks; modifying and removing flammable vegetation on Federal land; post-fire restoration; and other important provisions that would greatly assist federal agencies, States, and local communities in reducing the threat of wildland fire. If funding through these provisions is not obligated within five years of enactment it would be returned to the Treasury. USDA supports additional investments in each of these areas and would like to work with the Committee on technical suggestions related to this section.

This section also directs USDA and DOI, in coordination with the Office of Personnel Management, to establish a new "wildland fire manager" occupational series. The new series would not affect hazardous duty differential pay and would provide current wildland firefighters with the option to either remain in their current occupational series or convert to the new "wildland fire manager" series. Starting in Fiscal Year 2022, USDA and DOI will seek to convert no fewer than 1,000 seasonal wildland firefighters to permanent, full-time, and year-round wildland fire managers who hold responsibilities for reducing hazardous fuels on federal

land. Section 8003 also increases the base salary of wildland firefighters and wildland fire managers in cases where their hourly pay is below the state minimum wage or their position is in a location where recruitment or retention is difficult. The Forest Service shares the Committee's concerns about ensuring competitive pay for wildland firefighters. We are engaging with the Office of Personnel Management and the wildland firefighter community in seeking solutions that address this need.

Section 8003(c) provides an additional \$100 million for implementing Collaborative Forest Landscape Restoration Program (CFLRP) projects established under 16 U.S.C. 7303. Section 8003(e) requires USDA to solicit new proposals, allows planning costs to be included, discontinues funding of any proposal selected prior to September 2018, and creates new selection criteria for projects, including consideration of acres in the wildland-urban interface or a public drinking water source area and costs per acre to be treated. USDA supports additional funding for the CFLRP. We would like to work with the Committee, as the new criteria would likely affect projects that have been submitted and approved for funding, projects that were eligible for extension under the 2018 Farm Bill provision, and the types and locations of projects eligible for future CFLRP funding.

USDA supports the concept of a Community Wildfire Defense Grant Program, however we would like to work with the Committee to ensure that we don't have duplicative and competing programs for community defense. Implementing community defense projects consistent with Community Wildfire Protection Plans (CWPP), in areas with high or very high hazard potential, that are low-income, or in a community impacted by a severe disaster is an important component of a national effort to reduce risk to life and property from wildfire.

Section 8003(g) amends Section 10 of the Cooperative Forestry Assistance Act (16 U.S.C. 2106) by limiting funding to any city, town, or unincorporated area that has a population of not more than 10,000 inhabitants. Further, this section changes eligibility for assistance by requiring States to seek to improve fire data submitted to the National Fire Incident Reporting System and requiring a county in which a volunteer fire department is located to adopt an ordinance or regulation that requires the construction of new roofs on buildings before State Fire Assistance or Volunteer Fire Assistance funds can be disbursed. USDA would like to work with the Committee to ensure there are no unintended consequences to existing program delivery should these provisions be enacted.

Section 8004: Ecosystem Restoration

Section 8004 provides \$2 billion to USDA and DOI for various activities designed to improve ecosystem health. If the funding is not obligated within five years of enactment it would be returned to the Treasury. Of the funding provided to USDA, this section would be used to:

- Enter into landscape-scale contracts, including stewardship contracts, to restore ecological health on federal land;
- Provide funds to States for implementing restoration projects on federal land through the Good Neighbor Authority (16 U.S.C. 2113a);
- Provide financial assistance to establish or improve sawmills and wood processing facilities that process byproducts from restoration projects;
- Award grants to States to establish rental programs for portable skidder bridges that minimize stream bed disturbance on federal and non-federal land;

- Detect, prevent and eradicate invasive species at points of entry and grants for eradication of invasive species on non- federal land and on federal land;
- Restore, prepare or adapt recreation sites that have or may likely experience use beyond their carrying capacity;
- Restore native vegetation and mitigate environmental hazards on federal and non-federal previously mined land; and
- Establish a collaborative-based, landscape scale restoration program to restore water quality or fish passage on Federal land.

USDA supports additional investments in each of these areas. We would like to work with the Committee on technical suggestions related to this section, and look forward to working with the Committee to explore other areas where further investment is warranted.

Other Natural Resources-Related Provisions

There are several other provisions in the EIA that relate to natural resources managed by the USDA Forest Service including:

Civilian Climate Corps

Section 8003(c)(15) of the EIA provides \$200 million for removing flammable vegetation on federal land and, to the extent practicable, producing biochar through the use of the Civilian Climate Corps established pursuant to E.O. 14008. USDA supports the use of the Civilian Climate Corps under this provision, and also would like to work with the Committee to make further investments that will mobilize the next generation of new, diverse conservation and resilience workers in restoring our public lands as proposed in the *American Jobs Plan*.

Legacy Roads and Trails Program

Section 8001 would require the Secretary to establish the Legacy Roads and Trails Remediation Program. This program supports restoring fish passages, road decommissioning, preparing roads for long-term storage, relocating National Forest System roads, and converting NFS roads to trails. If enacted, the program will require the Forest Service to establish an annual process for selecting long-term storage and road and trail decommissioning projects, and to solicit public comment on these projects. The program prioritizes projects that: protect or improve water quality; restore habitat of threatened, endangered, or sensitive species; and maintain future access for the public, permittees and firefighters. In implementing the program, the Forest Service is required to ensure that the system of roads and trails is adequate to meet any increasing demands, provides for multiple use and sustained yield of products and services, does not damage adjacent resources, and reflects long-term funding expectations. USDA supports reestablishment of the Legacy Roads and Trails program.

Orphaned Well Site Plugging, Remediation, and Restoration Program

Section 6001 of the EIA includes the “Revive Economic Growth and Reclaim Orphaned Wells Act of 2021” (S. 1076). USDA provided written testimony to the Committee on S. 1076 on June 16, 2021. USDA appreciates the Committee's attention to this important issue and supports the goal of S. 1076, the “Revive Economic Growth and Reclaim Orphaned Wells Act of 2021,” to remediate the thousands of orphaned oil and gas wells on federal and non-federal lands.

S. 1076 directs the Secretary of the Interior in cooperation with the Secretary of Agriculture to establish a program to identify and permanently plug and remediate orphaned wells located on federal lands. Additionally, the bill requires the DOI to establish a Tribal grant program administered by the Bureau of Indian Affairs and a State program administered by the DOI that would enable qualifying Tribes and States to undertake the same type of activities.

As noted in USDA's June 16th testimony, most orphaned wells on NFS lands originated in areas of split estate and non-federal development before the federal government acquired the land. S. 1076 does not specifically address the issue of split estate and how non-federal development before the federal government acquired the land would be addressed under the federal program or under the State grant programs. If the intent is to manage these wells under the federal program, we would welcome the opportunity to work with the Committee to clarify the definition of federal land and the mechanisms for addressing these wells under the bill. In addition, the administration supports the strengthening of federal bonding regulations to ensure that proper financial assurances are in place before development occurs to avoid exacerbating the issue of orphaned wells in the future.

Tree Planting

Tree planting is a critical component of ecosystem restoration given its role in mitigating climate change, increasing carbon storage in forests, providing resilience in the face of invasive pests, and creating and maintaining ecological services vital to this nation. The National Forest System has planned reforestation activities on over 1.3 million acres of forestlands. These plans represent only about one third of NFS reforestation needs, which are estimated at four million acres. Wildfires create over 80 percent of reforestation needs, including approximately one million acres that burned with high severity in 2020 alone. The Forest Service currently addresses only 6 percent of post-wildfire replanting needs per year, resulting in a rapidly expanding list of reforestation needs from wildfire and other natural disturbances. To meet this challenge, we must dramatically increase the rate of reforestation on the national forests. Current funding, provided through the Reforestation Trust Fund, is capped at \$30 million per year. Therefore, USDA recommends adding a provision to eliminate the cap on the Reforestation Trust Fund, as has been proposed in the REPLANT Act. This additional provision would close the funding gap and enable national forests to address reforestation needs now and into the future.

This concludes my testimony. I welcome any questions the Committee may have.