

**TESTIMONY of
CHIEF, RANDY MOORE
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES**

May 10, 2023

Regarding

H.R. 2989, Save Our Sequoias Act

Chairman Westerman, Ranking Member Grijalva, and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) on the Save Our Sequoias Act under the jurisdiction of the USDA Forest Service (Forest Service).

The Save Our Sequoias Act 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, and the Tule River Indian Tribe to enhance coordination, conduct Protection Projects, and certify the Giant Sequoia Lands Coalition. This Coalition is directed to carry out 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 and signatories of the shared stewardship agreement 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 of the shared stewardship agreement, to establish a new grant program to advance, facilitate, or improve giant sequoia health and resiliency.

Additionally, the bill amends the good neighbor authority, (Section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a)), to add activities related to the Save Our Sequoias Act, including authorizing an Indian tribe to retain receipts from the sale of National Forest System timber to conduct additional authorized watershed restoration work. The bill also amends Section 604(a)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(c)), adding language to promote the health and resiliency of giant sequoias. Finally, the bill establishes the Giant

Sequoia Emergency Protection Program and Fund by amending Chapter 1011 of title 54, United States Code.

Since 2015, wildfires have caused significant destruction of the giant sequoia groves and have destroyed nearly one-fifth of all giant sequoias in two recent fire seasons. In July 2022, the Forest Service initiated emergency fuels reduction treatments under 36 CFR 220.4(b) to provide for the long-term survival of giant sequoia groves against immediate wildfire threats. These actions make use of a portion of the agency's existing flexible authorities under its National Environmental Policy Act (NEPA) implementing regulations 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. These emergency actions the agency is already taking to reduce fuels before a wildfire occurs will help protect unburned giant sequoia groves in high-severity wildfires.

The emergency fuels treatments encompass approximately 13,377 acres on National Forest System lands 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.

Thus far, work has been accomplished in 9 of the 12 groves; 4,442 Giant Sequoias have been treated for fuel reduction; approximately 1,531 total acres have been treated; and crews have begun to burn 7,600 piles, with over 2,200 piles already burned in 4 groves. Additionally, a Giant Sequoias Emergency Response Integrated Resource Service Contract has been awarded to three contractors for five groves.

Environmental reviews required under NEPA 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 earlier in most groves and years earlier in other groves. The intent is to complete most treatments by the end of 2023, but some may continue through the end of 2024. This work is made possible through funds from President Biden's Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, and appropriations from Congress and using existing NEPA flexibility.

In addition to the agency's work in the sequoia groves, the Forest Service is using the additional authorities found under Section 40807 of the Bipartisan Infrastructure Law to take emergency actions to protect public health and safety, critical infrastructure, and natural resources on other areas of the National Forest System. Six projects have already been approved under this authority. These vegetation management projects are focused generally on increasing the resiliency of communities and forest landscapes to wildfire, decreasing the impacts of wildfires within the wildland urban interface, and allowing for an effective and safe response to wildfires. The Forest Service expects to continue to strategically and thoughtfully use its suite of emergency authorities to accelerate fuels and forest health treatments across a variety of landscapes.

The emergency facing giant sequoias is unprecedented and USDA is already exercising our considerable flexibilities under the current suite of management authorities provided by Congress to reduce the risk to giant sequoias. While USDA has concerns with several aspects of the legislation as written, including concerns about duplication of existing authorities and timing requirements in certain provisions, 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.