



# Alliance for Wildfire Resilience

## Legislation Analysis

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### Fix Our Forests Act - SENATE

Bill Number	TBD
Chamber	Senate (House version passed 1/23/2025)
Sponsors	Sen. Curtis (R-UT), Sen. Hickenlooper (D-CO), Sen. Padilla (D-CA), Sen. Sheehy (R-MT)
Key Links	<p><b>Text:</b> <a href="https://www.padilla.senate.gov/wp-content/uploads/ARP25243.pdf">https://www.padilla.senate.gov/wp-content/uploads/ARP25243.pdf</a></p> <p><b>Press Release:</b> <a href="https://www.curtis.senate.gov/press-releases/curtis-western-senators-introduce-bipartisan-fix-our-forests-act/">https://www.curtis.senate.gov/press-releases/curtis-western-senators-introduce-bipartisan-fix-our-forests-act/</a></p> <p><b>House version</b> <a href="https://www.congress.gov/bill/119th-congress/house-bill/471">https://www.congress.gov/bill/119th-congress/house-bill/471</a> and <b>AWR analysis</b> <a href="https://drive.google.com/file/d/1GSrjEzVXu_k1_oEVnbsh7k6Ex18Pv9Jr/view?usp=drive_link">https://drive.google.com/file/d/1GSrjEzVXu_k1_oEVnbsh7k6Ex18Pv9Jr/view?usp=drive link</a></p>
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## Summary

### *The Bill*

This bill addresses forest management and wildfire risk reduction, primarily by increasing the pace and scale of forest restoration through expedited planning and permitting, improving science and technology delivery to practitioners, establishing a community wildfire risk reduction program, modifying existing forestry authorities, improving post-fire rehabilitation, and improving wildfire response.

Amongst the more significant elements are provisions that would:

- Expedite environmental reviews for forest restoration projects.
- Create a “Wildfire Intelligence Center” for the coordination of decision support and modelling functions across federal agencies working in wildfire.
- Limit standing for lawsuits seeking to challenge forest risk reduction projects.
- Modify existing programs for forest restoration, including the Collaborative Forest Landscape Restoration Program, Good Neighbor Authority, and Joint Chiefs.
- Prioritize landscapes for forest restoration.
- Incentivize adoption of technologies to address forest health and suppress wildfires.
- Coordinate existing grant programs for community risk reduction
- Streamline permitting in utility rights-of-way.
- Create a new Casualty Assistance Program for the Department of the Interior.

### *The Commission*

This bill touches upon several major themes the Wildland Fire Mitigation and Management Commission (the Commission) also identified in discussions of the wildfire problem facing the nation. Specifically, the Commission noted the need to expand and speed wildfire risk reduction efforts on public lands and built environments, improve delivery of decision support and modelling tools to fire practitioners, and improve post fire recovery.

In total, the bill contains provisions that touch on 50 recommendations of the Commission. The bill is in strong alignment with 17 Commission recommendations, partial alignment with 24 additional Commission recommendations, and in weak alignment with nine more recommendations. Importantly, some components of the bill are largely outside of the Commission discussions (e.g., litigation reform and ESA consultation). Overall, the bill addresses some of the changes the Commission sought to make in speeding and expanding mitigation efforts in the natural environment, centralizing decision support functions, and includes critical emphasis on community risk reduction.

### *Additional notes*

This bill is a Senate version of a bill that passed the House on January 23, 2025 with strong bi-partisan support. You can find the vote tally (279-141) [here](#).

The Senate version of FOFA is the product of lengthy bi-partisan negotiations among the co-sponsors.

**Notable changes have been highlighted throughout the document in red.** These changes include:

- Expanded Community Wildfire Risk Reduction Program, with more emphasis on program structure, accountability, and the built environment (see [Title II](#)).
- Addition of home hardening as an eligible activity under the Community Wildfire Defense Grant program (see [Sec. 204](#)).
- More robust Fire Environment Center (known as a Wildfire Intelligence Center within the bill; see [Sec. 102](#)).
- Addition of provisions relating to prescribed fire including increased accessibility of training and assignments for non-federal burners (see Title I, [Subtitle D](#)).

#### **About the Commission**

In response to the urgent and growing threat of wildfire, Congress established the Wildland Fire Mitigation and Management Commission in the 2021 Infrastructure Investment and Jobs Act to create a nonpartisan group of experts and impacted parties to review nearly every facet of the wildfire system, from fire preparedness and mitigation through emergency response to wildfire recovery. With 50 members, the commission brought together a rare diversity of backgrounds, experiences, and expertise to address the wildfire crisis, reaching full consensus on a sweeping set of 167 policy recommendations for congressional action to address the rising risk of wildfire. The Commission delivered its two reports back to Congress in 2023 to provide an important roadmap for changing our wildfire outcomes.<sup>1</sup>

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<sup>1</sup> See *On Fire: the final report of the Wildland Fire Mitigation and Management Commission* (September 2023) and *Aerial Equipment Strategy Report* (January 2023)

Looking across the whole of the Commission’s work, policy recommendations can be loosely grouped into seven key themes. These themes include the need for urgent new approaches to wildfire, the importance of collaboration, the essential shift from reactive to proactive action, the critical nature of beneficial fire, the fundamental role of expanding and supporting the wildfire workforce, the need to modernize wildfire-related science and technology, and the importance of investing in wildfire resilience as a nation. Some Commission recommendations are very specific, recommending changes to existing statute, while others are more directional in nature, recommending shifts in the approach to wildfire while leaving the technical details as to how these shifts should occur to Congress.

## Methodology

AWR provides a summary of both the bill text and Commission recommendations, evaluating bill alignment with Commission recommendations. Based upon this analysis, AWR uses specific terminology to indicate how draft legislative text aligns with Commission recommendations in both direction and execution. Definitions of terms are shown in the table below.

	Direction	Execution
<b>Strong</b>	✓	✓
<b>Partial</b>	✓	Not all elements of the recommendation included, or additional pathways for execution will be needed.
<b>Weak</b>	On-topic but direction and/or execution is poorly aligned	
<b>Oppositional</b>	Component of the bill is antithetical to a specific recommendation or theme of the Commission report in either direction or execution.	

## Recommendations at a Glance

Rec.	Recommendation Topic	Reference	Alignment
R1	<a href="#">Community Risk Reduction Program</a>	<a href="#">Title II, Sec. 201</a>	Strong
R2	<a href="#">Community risk reduction technical assistance</a>	<a href="#">Title II, Sec. 201</a>	Partial
R3	<a href="#">Land use planning incentives</a>	<a href="#">Title II, Sec. 201</a>	Strong
R4	<a href="#">Wildfire hazard datasets</a>	<a href="#">Title I, Sec. 102</a>	Partial
R6	<a href="#">Ignition-resistant structures and communities innovation</a>	<a href="#">Title II, Sec. 202</a>	Strong
R8	<a href="#">Consistent processes for utility rights-of-way</a>	<a href="#">Title II, Sec. 211</a>	Weak
R11	<a href="#">Tort protections for prescribed fire</a>	<a href="#">Title I, Sec. 133</a>	Weak
R12	<a href="#">Prescribed fire strategic plans</a>	<a href="#">Title I, Sec. 131</a>	Partial
R14	<a href="#">Interagency resource ordering for prescribed fire</a>	<a href="#">Title I, Sec. 132</a>	Partial
R20	<a href="#">Biomass research</a>	<a href="#">Title III, Sec. 301</a>	Strong
R21	<a href="#">Value added wood products</a>	<a href="#">Title III, Sec. 301</a>	Strong
R22	<a href="#">Targeted grazing</a>	<a href="#">Title I, Sec. 117</a>	Partial
R23	<a href="#">Grazing and invasive grasses</a>	<a href="#">Title I, Sec. 117</a>	Strong
R24	<a href="#">Cross-boundary funding</a>	<a href="#">Title I, Sec. 131</a>	Partial
R26	<a href="#">Good Neighbor Authority</a>	<a href="#">Title I, Sec. 111</a>	Partial
R28	<a href="#">Coordination with Tribes</a>	<a href="#">Title I, Sec. 104</a>	Strong
R29	<a href="#">Co-management with Tribes</a>	<a href="#">Title I, Sec. 135</a>	Partial
R32	<a href="#">Funding and staffing for planning teams</a>	<a href="#">Title I, Sec. 113</a>	Partial
R33	<a href="#">Effective and efficient planning</a>	<a href="#">Title I, Sec. 106</a>	Weak
R35	<a href="#">Source water protection</a>	Title I, <a href="#">Sec. 115</a> , <a href="#">Sec. 116</a> , <a href="#">Sec. 118</a>	Strong

Rec.	Recommendation Topic	Reference	Alignment
R41	<a href="#">Beneficial fire and public health</a>	<a href="#">Title I, Sec. 134</a>	Partial
R42	<a href="#">Smoke exceptional events</a>	<a href="#">Title I, Sec. 134</a>	Partial
R43	<a href="#">Smoke preparedness</a>	<a href="#">Title I, Sec. 134</a>	Partial
R44	<a href="#">Smoke monitoring and alert system</a>	<a href="#">Title I, Sec. 134</a>	Weak
R45	<a href="#">Consistent methods for evacuation</a>	<a href="#">Title II, Sec. 201</a>	Weak
R50	<a href="#">Rapid reimbursements</a>	<a href="#">Title II, Sec. 217</a>	Partial
R51	<a href="#">Improvements to reimbursements</a>	<a href="#">Title II, Sec. 217</a>	Partial
R53	<a href="#">Accessible resource ordering</a>	<a href="#">Title I, Sec. 132</a>	Strong
R54	<a href="#">Access to training for partners</a>	Title I, <a href="#">Sec. 131</a>	Partial
R56	<a href="#">Training and support for the non-federal fire service</a>	<a href="#">Title II, Sec. 203</a>	Partial
R77	<a href="#">Watershed rehabilitation</a>	<a href="#">Title I, Sec. 115</a>	Partial
R78	<a href="#">Post-fire seed capacity</a>	Title II, <a href="#">Sec. 214</a> , <a href="#">Sec. 216</a>	Strong
R82	<a href="#">Collaborative post-fire planning</a>	<a href="#">Title II, Sec. 215</a>	Weak
R87	<a href="#">Casualty Assistance Program</a>	<a href="#">Title IV, Sec. 401</a>	Strong
R90	<a href="#">Improved contracts, grants, and agreements</a>	<a href="#">Title I, Sec. 137</a>	Partial
R104	<a href="#">Fire Environment Center establishment</a>	<a href="#">Title I, Sec. 102</a>	Strong
R105	<a href="#">Fire Environment Center services</a>	<a href="#">Title I, Sec. 102</a>	Strong
R106	<a href="#">Common operating environment</a>	<a href="#">Title I, Sec. 102</a>	Strong
R107	<a href="#">Data management</a>	<a href="#">Title I, Sec. 102</a>	Strong
R108	<a href="#">Built environment data</a>	<a href="#">Title I, Sec. 102</a>	Partial
R109	<a href="#">Research for beneficial fire use and public health</a>	Title <a href="#">Sec. 102</a> , <a href="#">Sec. 134</a>	Partial
R112	<a href="#">Private sector research and development</a>	<a href="#">Title III, Sec. 303</a>	Strong

Rec.	Recommendation Topic	Reference	Alignment
R114	<a href="#">Post-fire research and monitoring</a>	<a href="#">Title I, Sec. 102</a>	<b>Partial</b>
R116	<a href="#">Improved research-to operations</a>	<a href="#">Title III, Sec. 303</a>	<b>Partial</b>
R117	<a href="#">Procurement and contracting improvements</a>	<a href="#">Title I, Sec. 102</a>	<b>Strong</b>
R124	<a href="#">Balanced funding</a>	<a href="#">Title II, Sec. 204</a>	<b>Weak</b>
R126	<a href="#">Partnership funding</a>	<a href="#">Title II, Sec. 201</a> <a href="#">Title III, Sec. 303</a>	<b>Weak</b>
R142	<a href="#">Accessibility of federal grants</a>	<a href="#">Title II, Sec 201</a>	<b>Partial</b>
R143	<a href="#">Matching funds waiver</a>	<a href="#">Title I, Sec. 118</a>	<b>Weak</b>
R147	<a href="#">Land management performance metrics</a>	<a href="#">Title III, Sec. 302</a>	<b>Partial</b>

## Section-by-Section Analysis

The bill is divided into four titles: landscape-scale restoration; protecting communities in wildland-urban-interface; transparency, technology and partnerships; and ensuring casualty assistance for firefighters. **New sections and key changes in the Senate version have been highlighted throughout the document in red.**

The bill defines *fireshed* as a landscape-scale area, delineated using methods developed through Forest Service research, that represents similar source levels of community exposure to wildfire. *Forest plan* is defined to include Bureau of Land Management plans, Forest Service land and resource management plans, and forest management plans as defined by the National Indian Forests Resources Management Act. *Governor* is defined as the executive officer of either an affected State, Tribe, or the Commonwealth of Puerto Rico. *Hazardous fuels management* is defined as any vegetation management activity or combination of activities that reduces the risk of wildfire, including mechanical thinning, mastication, prescribed burning, cultural burning (as determined by the applicable Indian Tribe), timber harvest, and grazing. The Healthy Forest Restoration Act (HFRA) is used to define a *community wildfire protection plan* and the *wildland-urban interface*. The National Indian Forest Resource Management Act is used to define *Indian Forest Land or Rangeland* and the Indian Self-Determination and Education Assistance Act is used to define *Indian Tribe*.

### Title I

The landscape-scale restoration title (Title I) is divided into four subtitles: Subtitle A focuses on the designation, management, assessments, and registry of firesheds and the creation of a wildfire intelligence center, and this subtitle sunsets after seven years; Subtitle B creates or expands tools for natural environment management; Subtitle C focuses on litigation; and the **new Subtitle D (in the Senate version) focuses on prescribed fire.**

#### **Subtitle A**

Subtitle A includes seven sections related to the establishment and management of firesheds.

#### **Sec. 101 - Fireshed Management Areas**

*What the Bill Does:* This section authorizes the establishment of fireshed management areas which be made up of both federal and non-federal land and may include Forest Service Wildfire Crisis Strategy high risk firesheds and those firesheds in the top 20 percent of the Rocky Mountain Research Station firesheds 2019 listing. Fireshed management areas are updated every five years based on the fireshed registry and the discretion of the Secretary (see Sec. 103). During the update process, the Secretary of Agriculture, in consultation with the Secretary of the Interior, can designate additional fireshed management areas should they be in top 20% for wildfire exposure (based on wildfire exposure to communities and municipal watersheds, as well as risk of vegetation conversion due to wildfire). **Upon request of a state governor, the Secretary of Agriculture, in consultation with the Secretary of the Interior may combine firesheds in one fireshed management area. The Secretary of Agriculture will make updated fireshed maps available to the public through the fireshed registry (see Sec. 103).** The designation of fireshed management areas are not subject to National Environmental Policy Act (NEPA) requirements.

*What the Commission Said:* The Commission spoke to the need to conduct risk reduction projects in the natural environment through use of beneficial fire, mechanical thinning, and grazing. The Commission recommended improved performance measures to help guide agency decisionmaking (R147) and the creation of a strategic plan for the implementation of prescribed fire at a national scale (R12). The Commission did not, however, speak to the existing Forest Service “fireshed” model.

## Sec. 102 - Wildfire Intelligence Center

*What the Bill Does:* **The Senate version of this section incorporates much of the language from the Wildfire Intelligence Collaboration and Coordination Act of 2025 (S. 453).** It establishes the Wildfire Intelligence Center jointly between the Department of Agriculture, Interior, and Commerce. The duties of the Center will be to study, plan, coordinate, and implement the joint wildfire concerns of the USDA and DOI. In particular, it will serve as the development and operational center for the assessment and prediction of fires in the wildlands and built environment to support land management, community risk reduction, post-fire recovery and rehabilitation, and fire response activities carried out across multiple jurisdictions. Importantly, the Center will facilitate collaboration and information sharing across the federal, state, tribal, academic, and private sectors. Some functions of the Center include providing technical, analytical, and predictive services; assessing and monitoring wildland fires; modeling wildfire behavior and risks; and providing and procuring data, mapping, technology, and consulting services. The Center will be governed by a Board that will be 16 members from the DOI, BLM, BIA, NPS, FWS, USGS, USDA, USFS, USFS Fire & Aviation, NOAA, NWS, FEMA, USFA, DOD, **NSF, and NASA**. The Board will appoint an Executive Director of the Center, and the Executive Director will have the authority to enter into contracts, agreements and MOUs to carry out the functions of the Center. The Board will select a physical headquarters for the Center within 1 year of enactment.

*What the Commission Said:* The Commission recommended the creation of a “fire environment center” to provide comprehensive assessment and prediction services in both the built and natural environment, and across all phases of wildfire (R104). The Commission saw this “joint office” as providing scientific and analytic services (R105) and developing a “technological common operating environment” (R106). The Commission did not identify an agency home for the effort but did note the need to see centralized, rather than shared, leadership and budget authority for the office. To incorporate multiple perspectives, the Commission envisioned a board structure similar to that proposed within the bill, though the Commission specifically called for the inclusion of non-federal representation on such a board.

Specific Relevant Commission Recommendations: Title I, Sec. 102	
R4	<b>Recommendation 4:</b> <i>Provide dedicated funding to evaluate, build and maintain existing federal, state, and local wildfire hazard data sets and identify a use case to refine and, if necessary, expand national datasets.</i>
	<b>Addressed In:</b> Title I, Sec. 102
	<b>Analysis:</b> The Commission identified a need to evaluate wildfire hazard data and tools and to refine those tools if necessary, with an eye toward compatibility of federal and non-federal datasets. The Fire Intelligence Center created in the bill includes provision of data and mapping services in the pre-fire environment. The focus on data interoperability within the bill is well



	aligned with the Commission’s intent, though dedicated funding is lacking.
	<b>Alignment:</b> <b>Partial</b>
<b>R104</b>	<p><b>Recommendation 104:</b> <i>Congress should establish an interagency joint office with dedicated and separate funding to fulfill the mission of comprehensive assessment and prediction of fire in the wildland and built environment interface through data aggregation and science-based decision support services.</i></p> <p><b>Addressed In:</b> Title I, Sec. 102</p> <p><b>Analysis:</b> The proposed “wildfire intelligence center” is very close to the Commission proposal for a “fire environment center.” The changes to this section in the Senate version of the bill added specificity around the center’s governance.</p> <p><b>Alignment:</b> <b>Strong</b></p>
<b>R105</b>	<p><b>Recommendation 105:</b> <i>The fire environment center should provide real-time, science-based, and data-rich scientific and technical analytic services, decision support, and predictive services to inform land and fuels management, community risk reduction, and fire management and response.</i></p> <p><b>Addressed In:</b> Title I, Sec. 102</p> <p><b>Analysis:</b> The Senate version of the bill invests the proposed wildfire intelligence center with most of the functions described in this recommendation, including prediction services in the built and natural environments.</p> <p><b>Alignment:</b> <b>Strong</b></p>
<b>R106</b>	<p><b>Recommendation 106:</b> <i>The fire environment center should provide real-time, science-based, and data-rich scientific and technical analytic services, decision support, and predictive services to inform land and fuels management, community risk reduction, and fire management and response.</i></p> <p><b>Addressed In:</b> Title I, Sec. 102</p> <p><b>Analysis:</b> The bill calls for the wildfire intelligence center to provide such data and analytic services to managers.</p> <p><b>Alignment:</b> <b>Strong</b></p>
<b>R107</b>	<p><b>Recommendation 107:</b> <i>Land management, wildland fire, and built environment data should be managed through a decentralized, integrated data and modeling collaboration environment.</i></p> <p><b>Addressed In:</b> Title I, Sec. 102</p>

	<p><b>Analysis:</b> The bill calls for the Center to develop data standards and architecture for data management. Given the Center’s focus on the built as well as natural environment, this is strongly aligned with the recommendation.</p>
	<p><b>Alignment:</b> <b>Strong</b></p>
<b>R108</b>	<p><b>Recommendation 108:</b> <i>Support data procurement and analytic systems that enable intelligence-informed decision-making to inform building codes and standards, and promote ignition-resistant construction and defensible space.</i></p>
	<p><b>Addressed In:</b> Title I, Sec. 102</p>
	<p><b>Analysis:</b> One of the functions identified for the wildfire intelligence center is the provision of data, mapping, technological, and consultation services to support mitigation measures in the built environment.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>
<b>R109</b>	<p><b>Recommendation 109:</b> <i>Invest in existing and new data collection, data availability, advanced technologies, and research to support use of beneficial fire while protecting human health and documenting emissions levels.</i></p>
	<p><b>Addressed In:</b> Title I, Sec. 102</p>
	<p><b>Analysis:</b> One of the functions identified for the wildfire intelligence center is to assist with the use of prescribed fire. Another function of the Center is to consolidate air quality monitoring and forecasting data to help inform risks to the public. This dual benefit, the expanded use of fire and the protection of public health, is aligned with the intent of the Commission, though some of the more research-focused components of the recommendation are lacking.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>
<b>R114</b>	<p><b>Recommendation 114:</b> <i>Expand support for the development and application of scientific research into, and monitoring of, post-fire ecological recovery and compounding disturbances, especially for wildfires featuring large high- severity patches where ecosystem type conversion is likely in absence of management interventions.</i></p>
	<p><b>Addressed In:</b> Title I, Sec. 102</p>
	<p><b>Analysis:</b> The Commission called for increased research, monitoring, and information sharing in the post-fire recovery phase. While this bill does not include the research component, the wildfire intelligence center explicitly identifies providing real-time, science-based decision support across all phases of fire, including post-fire recovery.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>

<b>R117</b>	<b>Recommendation 117:</b> <i>Procurement and contracting should allow for more flexible partnerships with private industry and non-governmental partners.</i>
	<b>Addressed In:</b> Title I, Sec. 102
	<b>Analysis:</b> The bill centralizes procurement with the Center Director, which is well aligned with the Commission recommendation. Furthermore, the Director is required to provide Congress with a report within 180 days on any needed contracting and procurement authorities to carry out the functions of the Center.
	<b>Alignment:</b> <b>Strong</b>

### Sec. 103 - Fireshed Registry

*What the Bill Does:* Requires the Center to develop and maintain a Fireshed Registry– a publicly available, interactive, and searchable dataset on firesheds. This dataset must include: wildfire exposure by ownership; hazardous fuel reduction treatments; percentage of the fireshed burned; spatial patterns of wildfire exposure; and planned hazardous fuel reduction treatments. Data is required to be made available to communities developing a Community Wildfire Protection Plan (CWPP). The Registry also must include a searchable database of Federal environmental reviews, permits, and authorizations, including a permitting timetable with current status and annotations regarding any deviation from the timetable. Information about opportunities for public engagement (e.g., meetings, hearings, and comment periods) related to specified projects must also be included. Finally, the Registry must include information on project cost and the effectiveness of completed projects in reducing wildfire exposure to firesheds. The creation and maintenance of the fireshed registry is not subject to NEPA requirements.

*What the Commission Said:* The Commission did not discuss development and maintenance of a fireshed registry.

### Sec. 104 - Shared Stewardship

*What the Bill Does:* In each state that contains a fireshed management area, the Secretary of Agriculture or Interior shall either use existing agreements or enter into new agreements with the state governor or Indian Tribe. These agreements are to promote the reduction of wildfire exposure in the fireshed management area and conduct fireshed assessments (see Sec 105). **A state governor or Indian Tribe can request that the Secretary update such agreements to address new wildfire threats and can request to adjust the boundaries of fireshed management areas. The Secretary of Agriculture or Interior may also enter into other cooperative agreements with other parties, such as local governments, special districts, end-water users, non-governmental organizations, academic institutions, etc.**

*What the Commission Said:* In general, the Commission called for greater inclusion of states, tribes, local government, and communities in federal decisionmaking and project implementation. More specifically, the Commission called for greater coordination with Tribes in land management planning (R28).

Specific Relevant Commission Recommendations: Title I, Sec. 104	
R28	<b>Recommendation 28:</b> <i>Congress should reinforce federal agency requirements for coordination with Tribes when engaging in land management planning.</i>
	<b>Addressed In:</b> Title I, Sec. 104
	<b>Analysis:</b> This bill treats Tribes on equal footing with states regarding the selection of priority fireheds. In general, consultation with Tribes is woven throughout the bill.
	<b>Alignment:</b> <b>Strong</b>

### Sec. 105 - Fireshed Assessments

*What the Bill Does:* Requires an assessment of fireheds designated within a fireshed management area under a shared stewardship agreement with a state. Assessments are to evaluate wildfire exposure risks, identify projects for the fireshed management area, include an implementation timeline, and be regularly updated and publicly available. Strategies for reducing wildfire threat to communities, improving the effectiveness of firefighting; reducing the threat to endangered species habitat; and maximizing the retention of late-successional forests must also be included in the assessments. **Fireshed assessments will incorporate and build on existing state and federal forest, watershed, community wildfire protection, and other locally-led landscape-scale plans. The Secretary of Agriculture or Interior will coordinate with states, tribes, local government, and other entities in agreements (see Sec. 104) in producing fireshed assessments. The Secretary will provide opportunity for public participation via online information sharing and at least one public meeting.** The Secretary of Agriculture or Interior may also enter into MOUs to improve the use of remote sensing, statistical modeling, or any other technology that will benefit the assessment. The fireshed assessments themselves are not subject to NEPA requirements.

*What the Commission Said:* The Commission did not discuss the creation of fireshed assessments.

### Sec. 106 - Emergency Fireshed Management

*What the Bill Does:* Directs the Secretary of Agriculture or Interior to carry out fireshed management projects within designated fireshed management areas. Management activities must be implemented in accordance with applicable forest plans, laws, and regulations, including NEPA. **Management activities cannot be applied until an emergency is determined to exist, and such an emergency determination will not apply to any fireshed management project unless it will achieve a land management goal listed in the Healthy Forests Restoration Act (HFRA).** Once an emergency determination is made, the allowable management activities to be carried out in the fireshed management areas are those listed in HFRA. Such activities include, hazardous fuels management—including prescribed and cultural burning and grazing—fuel break creation, hazard tree removal, routine maintenance under Federal Land Policy and Management Act, stand density reduction, chemical treatments, and any activity recommended in a state-specific fireshed assessment or Community Wildfire Protection Plan. As in the HFRA, these projects are categorically excluded (CE) from the preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under NEPA. **The use of a CE must be in accordance with its establishing statute, NEPA, forest/resource management plans, and any other applicable laws and policies.**

The maximum acreage for a CE under the HFRA is expanded from 3,000 acres to 10,000 acres. The Secretary of Agriculture or Interior is also directed to use additional authorities, such as good neighbor agreements, stewardship contracting, self-determination contracts, and agreements under the Tribal Forest Protection Act to the maximum extent possible in the fire-shed management areas.

*What the Commission Said:* The Commission called for exploration of mechanisms to make planning more effective and efficient. The Commission identified insufficient staffing as a major barrier (R32) but also noted the value of other efficiencies (R33). The Commission did not, however, reach agreement on what those efficiencies should entail, merely noting increased use of categorical exclusions, programmatic environmental analysis, large landscape planning, and conditions-based analysis as some of many possible pathways.

Specific Relevant Commission Recommendations: Title I, Sec. 106	
R33	<b>Recommendation 33:</b> <i>Explore mechanisms to make planning more effective and efficient, such as improved information gathering, training, staffing, collaboration, and programmatic analyses for restoration and hazardous fuels reduction activities.</i>
	<b>Addressed In:</b> Title I, Sec. 106
	<b>Analysis:</b> While the Commission did support more effective and efficient permitting, it did not reach consensus on the expansion of categorical exclusions, nor any of the other possible approaches noted as possible efficiencies.
	<b>Alignment:</b> <b>Weak</b>

## Sec. 107 - Sunset

All provisions under this subtitle expire seven years after the date of enactment.

## Subtitle B

Subtitle B creates or expands tools for natural environment management. Sec. 111 and 113 are most relevant in terms of their connection to the Commission.

## Sec. 111 - Good Neighbor Agreements

*What the Bill Does:* This section modifies the Good Neighbor Authority (GNA) to enable retention of funds from forest product sales by Tribes and special districts for the purpose of undertaking restoration actions. A *special district* is defined as a political subdivision of the state with significant budgetary autonomy or control, that was created for the purpose of performing certain government functions primarily related to forest or rangeland management, and is distinct from other local government units. **The Senate version of FOFA removes the permanent road language from the amendments to the GNA.**

*What the Commission Said:* The Commission saw Good Neighbor Authority as an important tool in reducing the risk of wildfire in the natural environment and called for the expansion of the existing authority to the U.S. Fish & Wildlife Service and National Park Service (R26). The Commission also noted and was supportive of expanding management of revenue from timber sales to Tribes (R26).

Specific Relevant Commission Recommendations: Title I, Sec. 111	
R26	<b>Recommendation 26:</b> <i>Expand Good Neighbor Authority to more federal entities, including the U.S. Fish &amp; Wildlife Service and National Park Service.</i>
	<b>Addressed In:</b> Title I, Sec. 111
	<b>Analysis:</b> The bill does not address the extension of GNA authorities to the US Fish & Wildlife Service or National Park Service, as was recommended in R26. The bill does, however, address the Commission's desire to see the management of GNA revenue by Tribes expanded.
	<b>Alignment:</b> Partial

### Sec. 112 - Stewardship End Result Contracting

*What the Bill Does:* Modifies Stewardship End Results Contracting to be authorized for retention and expansion of forest products infrastructure, in addition to land management goals to meet local needs. It also extends the maximum length of such contracts from 10 to 20 years. Finally, this section requires a 10% cancellation cost should an agency end a contract early.

*What the Commission Said:* The Commission was supportive of local entities being involved in decisionmaking and planning but did not make specific recommendations regarding Stewardship Contracting.

### Sec. 113 - Fireshed Management Project Strike Teams

*What the Bill Does:* Establishes interagency teams to support NEPA review and analysis, Endangered Species Act consultations, and consultations under the National Historic Preservation Act. Strike teams can also be used to prepare or implement fireshed management projects. The 10-member teams may include a diversity of non-federal members (e.g., non-governmental organizations, States, Tribes, academic or private institutions). **The Secretary of the Agriculture or Interior shall appoint no fewer than 1 employee from the federal agency which has jurisdiction over the applicable federal land.** The authority for these strike teams expires 7 years after enactment.

*What the Commission Said:* The Commission was supportive of increased staffing for NEPA teams to increase the rate of project planning (R32). In addition, to support project planning, the Commission recommended a strategic plan for staffing needs should be developed, external partners should be utilized in addition to federal staff, and that additional training should be provided to planners.

Specific Relevant Commission Recommendations: Title I, Sec. 113	
R32	<b>Recommendation 32:</b> <i>Expand funding and staffing for planning and Interdisciplinary Teams of federal land management agencies.</i>
	<b>Addressed In:</b> Title I, Sec. 113

	<b>Analysis:</b> The bill partially addresses this recommendation through dedicated strike teams and granting non-federal partners the authority to assist in the process. However, the bill does not provide additional funding for staff nor does it speak to workforce training to make planning more efficiently and effectively.
	<b>Alignment:</b> <b>Partial</b>

#### Sec. 114 - Locally-led Restoration

*What the Bill Does:* Raises the financial cap on unappraised timber sales from \$10,000 to \$55,000, as well as adjusting for inflation in future years. Additionally, this section allows for unappraised timber sales to be used in fire-shed restoration projects (see Sec. 106).

*What the Commission Said:* The Commission did not address the appraisal of timber sales.

#### Sec. 115 - Joint Chiefs Landscape Restoration Partnership Program

*What the Bill Does:* Amends the Infrastructure Investment and Jobs Act to make wildfire recovery and soil, water, and related natural resource enhancement eligible activities for the Joint Chiefs Landscape Restoration Partnership Program. Expands the evaluation criteria to include the reduction of post-fire impacts.

*What the Commission Said:* The Commission spoke to the need to improve policies related to flood mitigation and source water protection in the post-fire environment (R35). The Joint Chiefs Landscape Restoration Program was one of three programs the Commission noted as appropriate to modify to better address this need.

Specific Relevant Commission Recommendations: Title I, Sec. 115	
<b>R35</b>	<b>Recommendation 35:</b> <i>Authorize and incentivize flood mitigation, water quality, and source water protection projects in existing wildfire mitigation and wildfire recovery programs to protect community water supplies.</i>
	<b>Addressed In:</b> Title I, Sec. 115
	<b>Analysis:</b> The Commission called specifically for the expansion of the Joint Chiefs Landscape Restoration Partnership program to include wildfire recovery. Taken together with Sec. 116 and 118, this bill is strongly aligned with the recommendation of the Commission.
	<b>Alignment:</b> <b>Strong</b>
<b>R77</b>	<b>Recommendation 77:</b> <i>Increase authorizations and appropriations for watershed rehabilitation programs post-wildfire.</i>
	<b>Addressed In:</b> Title I, Sec. 115



	<p><b>Analysis:</b> The Commission called specifically for the expansion of the Joint Chiefs Landscape Restoration Partnership program to include wildfire recovery. However, the Commission also called for increased funding as well as the expansion of a number of other programs to include post-fire activities.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>

## Sec. 116 - Collaborative Forest Landscape Restoration Program

*What the Bill Does:* Reauthorizes the Collaborative Forest Landscape Restoration Program (CFLRP) through fiscal year 2031 and **requires Regional Foresters to make a federal government staffing plan to support collaborative processes.** Modifies the existing program to add additional project selection criteria including if the project uses the Good Neighbor Authority, reduces the risk of wildfire, and enhances watershed protections. It also allows for up to four projects in any one Forest Service Region.

*What the Commission Said:* The Commission spoke to improve policies related to flood mitigation and source water protection in the post-fire environment (R35). The Collaborative Forest Landscape Restoration Program was one of three programs the Commission noted as appropriate to modify to better address this need.

Specific Relevant Commission Recommendations: Title I, Sec. 116	
<b>R35</b>	<p><b>Recommendation 35:</b> <i>Authorize and incentivize flood mitigation, water quality, and source water protection projects in existing wildfire mitigation and wildfire recovery programs to protect community water supplies.</i></p>
	<p><b>Addressed In:</b> Title I, Sec. 116</p>
	<p><b>Analysis:</b> The Commission called specifically for expansion of the Collaborative Forest Landscape Restoration program to include wildfire recovery. Taken together with Sec. 115 and 118, this bill is strongly aligned with this Commission recommendation.</p>
	<p><b>Alignment:</b> <b>Strong</b></p>

## Sec. 117 - Utilizing Grazing for Wildfire Risk Reduction

*What the Bill Does:* Directs the Secretary of Agriculture and Interior to coordinate with grazing permit holders **and other relevant stakeholders** to develop a strategy to utilize grazing to reduce wildfire risk. **The strategy must include the completion of NEPA reviews to allow permitted grazing on vacant grazing allotments during instances of drought and wildfire; the use of targeted grazing to reduce hazardous fuels; the increased use of grazing to eradicate invasive grasses and as a post-fire restoration or recovery tool.**

*What the Commission Said:* The Commission desired to see the expanded use of existing authorities and the development of new ways to apply targeted grazing to reduce wildfire risk. The Commission desired those actions to be undertaken in an ecologically appropriate manner. The Commission identified a number of potential options to accomplish this, including increased staffing, more flexible permitting,



expanded federal authorities, and new technology. The Commission also desired to see the expanded use of off-season grazing to treat invasive annual grasses.

Specific Relevant Commission Recommendations: Title I, Sec. 117	
R22	<b>Recommendation 22:</b> <i>Manage fine fuels and shrubs through the expanded use of flexible, targeted grazing when it aligns with wildfire impact reduction objectives and desired environmental conditions and landscape goals in a specific ecological system.</i>
	<b>Addressed In:</b> Title I, Sec. 117
	<b>Analysis:</b> The bill text is well aligned with the Commission’s intent, though some elements of R22 are lacking (e.g., the use of new technology and addressing staffing challenges). Additionally, R22 notes the need to make expanded use of flexible, targeted grazing when it aligns both with wildfire impact reduction and the desired environmental conditions.
	<b>Alignment:</b> <b>Partial</b>
R23	<b>Recommendation 18:</b> <i>Federal agencies should expand the use of existing authorities and develop new, nimble ways to apply targeted, off-season grazing to treat invasive annual grasses on landscapes to reduce the role these invasives play in the uncharacteristic frequency and severity of wildfire, thus helping to restore ecosystem function.</i>
	<b>Addressed In:</b> Title I, Sec. 117
	<b>Analysis:</b> The bill provides direction to the agencies to develop a strategy for the increased use of targeted grazing, including for the purpose of reducing invasive annual grasses; thus, this section is strongly aligned with R23.
	<b>Alignment:</b> <b>Strong</b>

## Sec. 118 - Water Source Protection Program

*What the Bill Does:* Within the context of the Healthy Forest Restoration Act (HFRA), this section outlines watershed protection and restoration projects. Watershed protection and restoration projects must be designed to protect and restore watershed health, water supply, and other water-related infrastructure or projects must protect and restore forest health from insect infestation, disease, or wildfire.

*What the Commission Said:* As discussed above, the Commission saw the need to improve policies related to source water protection (R35).

Specific Relevant Commission Recommendations: Title I, Sec. 118	
R35	<b>Recommendation 35:</b> <i>Authorize and incentivize flood mitigation, water quality, and source water protection projects in existing wildfire mitigation and wildfire recovery programs to protect community water supplies.</i>

	<b>Addressed In:</b> Title I, Sec. 118
	<b>Analysis:</b> While the Commission did not specifically identify HFRA as the vehicle for source water protection, the Commission generally recognized the nexus between fire and water and expressed a need for increased effort in this space. Taken together with Sec. 115 and 116, the bill is strongly aligned with this recommendation of the Commission
	<b>Alignment:</b> <b>Strong</b>
<b>R143</b>	<b>Recommendation:</b> <i>Congress should expand equitable access to funds, including by providing agencies the authority to reduce or waive match requirements when needed.</i>
	<b>Addressed In:</b> Title I, Sec. 118
	<b>Analysis:</b> The bill amends the HFRA matching requirement, reducing it from requiring cooperators to provide a match equal to federal funding to providing a minimum of 20% as well as extending the authority to waive match-funding requirements.
	<b>Alignment:</b> <b>Weak</b>

### Sec. 119 - Watershed Condition Framework Technical Corrections

*What the Bill Does:* Adds language under Sec. 304 of the HFRA that ensures that management activities carried out by the Forest Service under a Watershed Condition Framework do not result in long-term degradation of watershed health.

*What the Commission Said:* The Commission did not discuss such a change.

### Sec. 120 - Tribal Forest Protection Management Activities and Projects (New Section)

*What the Bill Does:* Amends Sec. 8703 of the Agriculture Improvement Act with updated text and definitions pertaining to protection and management activities and projects conducted by the Department of Interior and Indian Tribes or Tribal organizations through contracts entered into under the Indian Self-Determination and Education Assistance Act.

*What the Commission Said:* While the Commission was strongly supportive of increasing Tribal co-stewardship, co-management, and management, no specific recommendation was offered to the TFPA.

### Subtitle C

Subtitle C focuses on litigation. While this section was outside of Commission discussions, a brief summary has been provided here for reference.

### Sec. 121 - Litigation Reform

*What the Bill Does:* This section places limitations on plaintiffs seeking injunctive relief in cases involving an agency action. **The bill states, that a court shall not issue a preliminary or permanent injunction against an agency action unless the court determines** 1) the injunction is in the public interest,

2) the balance of the equities favors the plaintiff, 3) the plaintiff is likely to succeed on the merits, in the case of a preliminary injunction (or no adequate remedy is available at law, in the case of a permanent injunction), and 4) the plaintiff is likely to suffer irreparable injury without the injunction. **To determine whether an injunction is “in the public interest” the court will consider:** the purpose for the fireshed management project, the likelihood the project will achieve its stated purpose, the effects of continuing the project compared to the effects of delaying the project (e.g., potential increase in wildfire risk/severity and threat to an ecosystem). Additionally, this section gives guidance to courts when remanding matters to an agency, including when remanding with vacatur. Finally, this section places a limitation on certain claims filed more than 150 days after notice in the Federal Register or other specified publish dates.

## **Sec. 122 - Consultation on Forest Plans**

*What the Bill Does:* This section addresses what is known as the “Cottonwood Fix,” arising from the federal district court case titled *Cottonwood Environmental Law Center v. United States Forest Service*, 789 F.3d 1075 (9th Cir. 2015). This section eliminates the Forest Service and Bureau of Land Management’s planning requirement to reinitiate Endangered Species Act consultation when a new species is listed, critical habitat is designated, or effects to the same which were not previously considered are identified.

### **Subtitle C (Sec. 121-122)**

*What the Commission Said:* The Commission did not discuss litigation as a significant issue in slowing hazardous fuel reduction projects, nor did the Commission discuss reinitiation of ESA consultation.

### **Subtitle D (New Subtitle)**

Subtitle D focuses on prescribed fire.

## **Sec. 131 - Prescribed Fire Eligible Activities, Policies, and Practices (New Section)**

*What the Bill Does:* This section defines *prescribed fire* as a fire deliberately ignited to burn wildland fuels in a natural or modified state 1) under specified environmental conditions that are intended to allow the fire to be confined to a predetermined area and produce the fireline intensity and rate of spread required to attain planned resource management objectives; and 2) in accordance with applicable law, including applicable regulations. This definition excludes fires ignited primarily for pile burning.

For the purpose of implementing prescribed fire projects on federal and non-federal land, this section authorizes the Secretary of Agriculture or Interior to enter into contracts or cooperative agreements; issues grants for environmental reviews, site preparation, and cultural/environmental survey; and conduct public outreach for prescribed fire activities. It also authorizes the Secretaries to provide prescribed fire and smoke management training to federal employees and contractors; conduct post-prescribed fire activities; and provide technical assistance to numerous non-federal partners consistent with NWCG or state prescribed fire standards.

The Secretaries will coordinate with state, local, and tribal governments, and non-governmental organizations to prioritize prescribed fire projects. Priority will be given to projects that are implemented over large continuous areas; cross-boundary in nature; within or adjacent to wildland-urban interfaces and identified as priority areas in a statewide forest action plan, fireshed assessment, or CWPP; important for the protection of tribal trust resources or reserved or treaty rights of an Indian Tribe; on land at high or

very high risk to wildfire; in a designated critical habitat; or supportive of potential operational delineations (PODs) or strategic response zones.

Furthermore, the Secretaries of Agriculture and Interior are instructed to coordinate with state, local, and tribal governments to develop a prescribed fire operational strategy for each region in the National Forest System and DOI agencies. The strategy will describe the fire deficit of each region and the staffing and funding needs to address this deficit.

*What the Commission Said:* The Commission did not offer a unique definition of prescribed fire, but rather distinguished the practice from other forms of beneficial fire, including tribal culture burning and wildfire managed for resource benefit. Regardless, the Commission was strongly supportive of the increased use of beneficial fire, including prescribed fire. More specifically, the Commission called for the development of national prescribed fire plans to be developed in consultation with local partners (R12). This plan should account for funding and staffing needs, as well as ecological and regional variations.

The Commission also called for increased access to response and prescribed fire training for non-federal cooperators, including employees of non-governmental organizations, local fire departments, and Tribes (R54). The Commission noted multiple pathways to increase access to training, including opening more opportunities for enrollment, making fire assignments—a necessary component to completing the practicum element of training—more available, improving certification tracking, and improving speed-to-competency and practicum requirements. In addition to these policy actions, the Commission noted that increased access to training will also require additional funding to support expanded policies and programs.

Additionally, the Commission recommended that federal funds be made more flexible to be used across boundaries on non-federal land (R24), noting that fire spreads across the landscape regardless of ownership or management. More specifically, the Commission called for increased authorization and appropriations to accomplish all-lands projects, as well as a study to better understand the enabling and inhibiting conditions for cross-boundary work.

Specific Relevant Commission Recommendations: Title I, Sec. 131	
R12	<b>Recommendation 12:</b> <i>Federal agencies should work with Tribes, states, and local partners to develop a strategic plan for the implementation of prescribed fire at a national scale.</i>
	<b>Addressed In:</b> Title I, Sec. 131
	<b>Analysis:</b> The Commission called for a national plan that is sensitive to ecological and regional needs and variations. The bill proposes regional plans based on administrative regions which would, together, amount to a national plan. While the bill is largely in alignment with the recommendation, the administrative regions are likely a coarser filter than what ecological variation would call for. This is particularly true should regional offices be consolidated.
	<b>Alignment:</b> <b>Partial</b>

<b>R24</b>	<b>Recommendation 24:</b> <i>Increase the flexibility of federal funds to move across boundaries.</i>
	<b>Addressed In:</b> Title I, Sec. 131
	<b>Analysis:</b> The recommendation calls for both authorization and appropriation for cross-boundary work. The bill provides increased flexibility for authorizing funding but does not provide additional funding.
	<b>Alignment:</b> <b>Partial</b>
<b>R54</b>	<b>Recommendation 54:</b> <i>Increase access to qualifications and training opportunities for all partners.</i>
	<b>Addressed In:</b> Title I, Sec. 131
	<b>Analysis:</b> As noted above, the recommendation included a number of pathways to increasing the accessibility of training to partners. The bill provides some of those changes as related to prescribed fire but not all of them and not to all types of fire qualifications.
	<b>Alignment:</b> <b>Partial</b>

### **Sec. 132 - Human Resources for Prescribed Fire (New Section)**

*What the Bill Does:* This section requires the National Wildfire Coordinating Group (NWCG) to adjust training requirements for prescribed fire supervisory positions (e.g., burn bosses) so to reduce the time required to obtain these certifications and so that significant prescribed fire experience is required for the certification. The Secretaries will also establish collaborative processes to include non-federal fire practitioners in prescribed fire and wildfire resource ordering and reimbursement. Finally, this section authorizes the Secretaries to make partnership agreements for prescribed fire with state, federal, tribal, university, and non-governmental groups. This authorization would treat any prescribed fire practitioner meeting NWCG standards as eligible to be included in statewide participating agreements.

*What the Commission Said:* As noted above, the Commission called for increased access to training and qualifications processes for non-federal partners (R54).

The Commission recognized the difficulty non-federal partners face in accessing the resource ordering and qualifications tracking systems. Additionally, the Commission called for improvements to the resource ordering system so it may be more usable for prescribed fire events (R14). The Commission noted that while the resource ordering system functions well for federal agency resources during suppression actions, it has not been as easy to use in the prescribed fire context.

<b>Specific Relevant Commission Recommendations: Title I, Sec. 132</b>	
<b>R14</b>	<b>Recommendation 14:</b> <i>Congress should instruct the agencies to develop the necessary administrative systems to allow resource ordering for prescribed fire to be as seamless as it is for wildfire response.</i>

	<b>Addressed In:</b> Title I, Sec. 132
	<b>Analysis:</b> The recommendation calls for improvements to the resource ordering system to allow it to be used more fluidly for prescribed fire projects. Greater inclusion of partners is an important element of that process, as noted more fully in R54. While the bill proposes to improve partner access to the system, it does not direct the agencies to streamline the ordering system writ large to be more effective in the prescribed fire context.
	<b>Alignment:</b> <b>Partial</b>
<b>R53</b>	<b>Recommendation 53:</b> <i>Congress should direct a task force to explore the potential to improve the national resource ordering and status system and ensure that it is more accessible to qualified entities and individuals.</i>
	<b>Addressed In:</b> Title I, Sec. 132
	<b>Analysis:</b> Outside of prescribed fire and in the context of response, the Commission also saw the need to improve the resource ordering system (or systems) to be more inclusive of partners. The bill addresses this by directing federal agencies to improve elements of the resource ordering system, as well as reimbursement system and qualifications tracking, through a collaborative process.
	<b>Alignment:</b> <b>Strong</b>

### Sec. 133 - Liability of Prescribed Fire Managers (New Section)

*What the Bill Does:* The Secretaries of the Agriculture and Interior, in coordination with the Attorney General, will develop a voluntary training course for federal employees doing prescribed fire to describe employees' liability protections, the limits of these protection, and the reimbursements available for employees via professional liability insurance under federal law.

*What the Commission Said:* The Commission noted that issues of liability—both the reality and perception of liability exposure—was a barrier to increasing the use of prescribed fire. This is particularly true for non-federal partners who have less certainty as to their protections under the Federal Tort Claims Act when conducting prescribed burns on federally managed lands. The Commission recommended that Congress clarify the protections afforded to cooperative burners and, if needed, extend protections to non-federal partners engaged in cooperative prescribed fire projects.

Specific Relevant Commission Recommendations: Title I, Sec. 133	
<b>R11</b>	<b>Recommendation 11:</b> <i>Congress should consider and clarify the extent to which the Federal Tort Claims Act provides protection to Tribes and non-federal cooperators burning on federal lands.</i>
	<b>Addressed In:</b> Title I, Sec. 133

	<p><b>Analysis:</b> The Commission noted that uncertainty regarding liability protections was a significant issue for non-federal burners but did not emphasize the importance of clarifying these protections for federal employees. The bill is focused exclusively on federal employees, offering little remedy or clarity to non-federal cooperators.</p>
	<p><b>Alignment:</b> <b>Weak</b></p>

### Sec. 134 - Environmental Review (New Section)

*What the Bill Does:* This section addresses smoke management and the development of landscape-scale federal prescribed fire plans. Concerning smoke management, the Executive Director of the Wildfire Intelligence Center (see Sec. 102), the EPA, and other federal agencies will coordinate with state, tribal, and local air quality agencies to regulate smoke under the Clean Air Act. In doing so, the federal government will support partners in developing tools for exceptional event demonstrations; providing technical assistance for smoke management programs; promoting basic smoke management practices and preparedness; and developing guidance relating to prescribed fire smoke and the national ambient air quality standards. The Secretaries of the Agriculture and Interior will coordinate with the EPA and CDC to conduct research to improve and develop wildland fire smoke prediction models; smoke impact displays; effective smoke mitigation strategies; smoke protection messaging; and prescribed fire tracking and inventory systems. Concerning landscape-scale prescribed fire plans, the National Forest System and BLM districts with existing prescribed fire programs will, within 1 year, determine which of these units have landscape-scale prescribed fire plans and will, within 2 years, determine which of these landscape-scale plans need revision and then schedule such revisions. The Secretary may develop landscape-scale prescribed fire plans for those areas that do not have such plans. All relevant federal laws will apply, including NEPA and ESA, and the Secretaries will collaborate with relevant non-federal partners where applicable.

*What the Commission Said:* The Commission recognized the impact of smoke on communities and recommended action at multiple scales to meet the need to both protect public health and expand the use of beneficial fire. This need to account for both public health and land management goals underpinned the suite of Commission recommendations related to smoke. The Commission recommended better integration of public health and land management agencies (R41), clarification and expanded use of the exceptional events regulatory pathway (R42), expanded community preparedness (R43), and better smoke monitoring and alerting (R44). Further, the Commission recognized the need for better data availability and research to inform solutions which address both the need for public health protections and beneficial fire (R109).

Specific Relevant Commission Recommendations: Title I, Sec. 134	
R41	<p><b>Recommendation 41:</b> <i>While enabling proactive use of beneficial fire, Congress should increase the capacity of federal agencies, including Environmental Protection Agency, Health and Human Services, the U.S. Department of Agriculture, and Department of the Interior to work with state, local and Tribal governments to ensure that air quality, public health, and land management programs work toward minimizing impacts of smoke to human health and to</i></p>



	<p><i>ensure communities and individuals are better prepared for anticipated smoke from all forms of wildland fire.</i></p>
	<p><b>Addressed In:</b> Title I, Sec. 134</p>
	<p><b>Analysis:</b> This section directs the Secretaries to both facilitate greater use of prescribed fire and to address public health and safety, including impacts from smoke. This prioritization of both public health and prescribed fire is strongly aligned with the intent of the Commission. However, the Commission also desired to see the capacity of public health agencies increased specifically with respect to wildfire smoke; that element of the recommendation is lacking from the bill.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>
<b>R42</b>	<p><b>Recommendation 42:</b> <i>Direct the Environmental Protection Agency, the Department of the Interior, and the U.S. Department of Agriculture to work together to expeditiously evaluate current federal regulations and guidance around the treatment of smoke from wildland fire in air quality management programs with the intent of ensuring the programs can accommodate increased use of beneficial fire. Such an evaluation includes the exceptional events pathway and making any necessary changes to enhance programmatic and procedural ease and clarity while ensuring protection of public health, in a manner consistent with the Clean Air Act. Further, Congress should provide resources to ensure federal, state, and local authorities can expand their capacity to document and exclude wildfire and beneficial fire smoke from regulatory significance.</i></p>
	<p><b>Addressed In:</b> Title I, Sec. 134</p>
	<p><b>Analysis:</b> While the bill does not include any evaluation of the exceptional events pathway, it does direct both public health and land management agencies to coordinate on providing “guidance, data, imagery, or modeling” to support the use of the exceptional events pathway for prescribed fire. This is aligned with the Commission’s desire to see increased programmatic and procedural ease related to smoke management.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>
<b>R43</b>	<p><b>Recommendation 43:</b> <i>Invest in existing and new community and individual preparedness efforts, infrastructure development, public communication and engagement opportunities, and mitigation programs at the federal, state, local, Tribal, and territorial level to reduce smoke impacts to human health.</i></p>
	<p><b>Addressed In:</b> Title I, Sec. 134</p>
	<p><b>Analysis:</b> The Commission recommended an extensive set of tools to support individual and community smoke preparedness, including public communication and engagement opportunities. The bill directs agencies to share information related to “measures individuals can take to protect themselves from wildfire smoke,” giving this partial alignment with R43.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>



<b>R44</b>	<b>Recommendation 44:</b> <i>Invest in a nationally consistent smoke monitoring and alert system to provide consistent, real-time information and forecasts on air quality impacts from wildland fire.</i>
	<b>Addressed In:</b> Title I, Sec. 134
	<b>Analysis:</b> While the bill directs public health and land management agencies to improve or develop smoke prediction models and to create smoke impact display tools for both the public and decisionmakers, the bill does not directly increase the availability of smoke sensors or speciation monitors, nor expand smoke personnel or equipment. Furthermore, the bill lacks a connection to the National Weather Service to broadcast hazard alerts related to smoke.
	<b>Alignment:</b> <b>Weak</b>
<b>R109</b>	<b>Recommendation 109:</b> <i>Invest in existing and new data collection, data availability, advanced technologies, and research to support use of beneficial fire while protecting human health and documenting emissions levels.</i>
	<b>Addressed In:</b> Title I, Sec. 134
	<b>Analysis:</b> The bill is well aligned with the recommendation to conduct smoke-related research that prioritizes both the expanded use of fire and the protection of public health. The development or improvement of smoke prediction models is also aligned with the Commission’s recommendation however, the bill lacks identified funding for this work.
	<b>Alignment:</b> <b>Partial</b>

### **Sec. 135 - Cooperative Agreements and Contracts for Prescribed Fire (New Section)**

*What the Bill Does:* This section authorizes the Secretaries of the Agriculture and Interior to enter into cooperative agreements or contracts with states, tribes, local government, fire districts, non-governmental organizations, or private entity to authorize these partners to coordinate, plan, or conduct prescribed fire on federal land or conduct a prescribed fire training event. This section also amends the Tribal Forest Protection Act to allow the Secretary to enter into contracts or agreements with Indian Tribes to support and conduct prescribed burns on federal land. These contracts may allow for multiple burns to be conducted under one burn plan; authority to be delegated to the Indian tribe to plan, coordinate, and execute burns on federal land; and tribal resources to satisfy minimum staffing standards on burns. And where appropriate, the Secretaries will work with other agencies and tribal, state, and local governments to coordinate and communicate shared objectives for the prescribed burns.

*What the Commission Said:* The Commission was supportive of improving contracts and agreements, seeing non-federal partners as a critical and often overlooked component of the workforce (R90). More specifically, the Commission called for contract mechanisms to be made easier to implement and for funding to be provided on a multiyear basis, allowing for more stability for partners and better planning for growth.

Specific to Tribes, the Commission called for Congress to ensure that federal agencies were directed and authorized to enter into more equitable co-stewardship and co-management agreements with Tribes. More specifically, some Commission members noted the value of more programmatic or blanket prescribed fire agreements that would allow federal agencies to support Tribal decisionmaking without consultation on each individual project (R29). Additionally, the Commission called for sufficient federal staffing to ensure meaningful Tribal consultation was conducted on the part of the federal agencies.

Specific Relevant Commission Recommendations: Title I, Sec. 135	
R29	<b>Recommendation 29:</b> <i>Congress should ensure that federal agencies have the directive, capacity, and authority to enter into equitable and meaningful co-stewardship and co-management agreements for multi-jurisdictional lands, and to support Tribal self-governance in order to address wildfire risk reduction, management, and recovery, and to enable beneficial fire practices.</i>
	<b>Addressed In:</b> Title I, Sec. 135
	<b>Analysis:</b> The bill creates a burn plan approval structure that is aligned with one proposed in the Commission process—a blanket burn plan that allows individual projects to be covered without individual consultation and sign-off from federal agencies. However, the bill does not provide funding or ensure federal agencies are sufficiently staffed to work with Tribes.
	<b>Alignment:</b> Partial
R90	<b>Recommendation 90:</b> <i>Improve the contracts, grants and agreements process and expand investments in the non-federal workforce.</i>
	<b>Addressed In:</b> Title I, Sec. 135
	<b>Analysis:</b> The bill recognizes the importance of non-federal cooperators and provides for long-term (10 year) contracts to conduct prescribed fires. This is wholly aligned with the recommendation, however the Commission saw the need for improved contracting across activities. Additionally, the bill does not provide funding authorization but rather the ability for agencies to enter into long-term contracts.
	<b>Alignment:</b> Partial

### Sec. 136 - Facilitating the Responsible Use of Prescribed Fire (New Section)

*What the Bill Does:* This section mandates that all available resources will be used to ensure prescribed burns conducted on Forest Service lands are extinguished. It also mandates that all prescribed burn policies of the Forest Service reflect the findings and recommendations of the “National Prescribed Fire Program Review” published in September 2022.

*What the Commission Said:* The Commission did not address this exact issue but did discuss that better detection technology was necessary, in part, to ensure that prescribed fires were conducted safely.

## **Title II**

Title II has two subtitles. The first is focused on community wildfire risk reduction while the second is focused on vegetation management, reforestation, and local fire suppression.

### **Subtitle A**

Subtitle A contains five sections focused on community-scale actions to reduce wildfire risk. The subtitle creates a Community Wildfire Risk Reduction Program (Sec. 201) and creates accountability for that program (Sec. 203). In addition, the subtitle creates incentives for the development of ignition-resistant engineering solutions (Sec. 202) and structure hardening (Sec. 204). Finally, the subtitle updates the definition of an *at-risk community* from the Healthy Forests Restoration Act (Sec. 205).

### **Sec. 201 - Community Wildfire Risk Reduction Program**

*What the Bill Does:* Requires the Secretary of the Interior to establish a Community Wildfire Risk Reduction Program to support interagency coordination in community wildfire risk reduction. The section identifies ten federal agencies as members of the program: OWF, NPS, BLM, FWS, BIA, USFS, FEMA, USFA, NIST, and NOAA. The section identifies ten core purposes of the program, including advancing research and science in the built environment, **supporting local adoption of codes and standards**, supporting local efforts to address wildfire impacts including property damage as well as air and water quality, encouraging public-private partnerships for fuel reduction, and providing technical and financial assistance to communities. **The Senate version of FOFA also identifies coordination of budgets among the participating agencies to identify gaps and reduce overlaps as one of the purposes of the bill. Additional notable changes include increased explicit reference to the built environment.**

The bill outlines the duties of the coordinating partners, including direction to meet at least once per year and **gather feedback from non-federal partners to improve the program. Further, the bill provides additional direction to ensure that States and Indian Tribes are invited and represented in program activities.**

The bill also requires the Secretary of Agriculture and Interior and the Federal Emergency Management Agency to create a unified, simpler, and less complex application and portal for community applications for financial or technical assistance. This would effectively combine the application process for many of the current community-based wildfire grant programs, including Community Wildfire Defense Grants (CWDG), Assistance to Firefighters Grants, Staffing For Adequate Fire and Emergency Response (SAFER) Grants, Fire Management Assistance Grants (FMAG), Hazard Mitigation Grants—including the Building Resilient Infrastructure and Communities (BRIC) program—and others. Technical assistance for applicants would be available and provided through the Department of Interior. Program authorization expires after seven years.

*What the Commission Said:* The Commission emphasized the importance of shifting from a reactive approach to a proactive one, noting it as one of its seven key themes. Mitigation in the built environment was identified as a key proactive action necessary to help reduce the costs and losses associated with wildfire, yet the Commission also noted that “current programs and approaches designed to reduce wildfire risk to residential communities are insufficient.” To meet this need, the Commission made nine recommendations focused on the built environment, including creation of an interagency coordinating partnership that the Commission referred to as a Community Wildfire Risk Reduction Program, better

integration of wildfire risk reduction measures into existing programs, support for community planning, risk reduction for structures, and electrical utilities mitigation. The Community Wildfire Risk Reduction Program was noted by the Commission as a potential umbrella structure for other built environment recommendations.

The Commission identified five key principal agencies for the Community Wildfire Risk Reduction Program, including FEMA, USFA, USFS, OWF (to represent DOI agencies), and NIST. The Commission recommended the program focus on several key areas: financial incentives for structure hardening, subsidies to offset costs for economically disadvantaged residents, support for low capacity communities, support for building code standard or adoption, support for research and science, and support for non-agency partners.

The Commission also noted the need to improve the accessibility of federal programs, including through the provision of technical assistance and through reducing the complexity of grant programs themselves. Broadly speaking, this was aligned with the Commission’s desire to see meaningful collaboration between federal and non-federal partners throughout the wildfire system. Collaboration was another of the Commission’s key themes, noting that it is “imperative that federal programs provide opportunities for widespread participation in the spaces where decisions are made.”

Specific Relevant Commission Recommendations: Title II, Sec. 201	
R1	<b>Recommendation 1:</b> <i>Congress should establish a Community Wildfire Risk Reduction Program via an interagency coordinating partnership including the U.S. Forest Service, the Federal Emergency Management Agency, the United States Fire Administration, the Office of Wildland Fire on behalf of the Department of the Interior’s land management agencies, and the National Institute of Standards and Technology as principal agencies, to proactively address wildfire risk reduction actions and increase ignition resistance of the built environment.</i>
	<b>Addressed In:</b> Title II, Sec. 201
	<b>Analysis:</b> Strongly aligned with R1. While the Commission wanted to limit the number of primary agencies to five, this bill expands that list in a manner consistent with the recommendation of the Commission. Additionally, the Commission felt the Community Wildfire Risk Reduction Program could serve as an umbrella structure for several other recommendations related to the built environment (such as R2 and R3, both of which are included in the bill text).
	<b>Alignment:</b> Strong
R2	<b>Recommendation 2:</b> <i>Integrate wildfire risk reduction measures and technical assistance into existing programs.</i>
	<b>Addressed In:</b> Title II, Sec. 201

	<p><b>Analysis:</b> The bill identifies supporting the integration of wildfire risk reduction measures and technical assistance into existing Federal programs as one of the purposes of the program. While the bill does not provide explicit direction to modify or diversify existing programs, it does provide direction to the participating agencies to do so, placing it in partial alignment with the Commission.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>
<b>R3</b>	<p><b>Recommendation 3:</b> <i>Congress should explore, expand, and create incentives to encourage state, local, and Tribal governments to improve land use planning to reduce the risk of wildfires to homes and other community development.</i></p>
	<p><b>Addressed In:</b> Title II, Sec 201</p>
	<p><b>Analysis:</b> The inclusion of support for local adoption of fire-resistance building methods, codes, and standards in the Community Wildfire Risk Reduction Program outlined in this section largely meets the intent of R3.</p>
	<p><b>Alignment:</b> <b>Strong</b></p>
<b>R45</b>	<p><b>Recommendation:</b> <i>Local entities should be empowered and supported federally to utilize the best available technology to develop a consistent method or methods for evacuation.</i></p>
	<p><b>Addressed In:</b> Title II, Sec 201</p>
	<p><b>Analysis:</b> The bill identifies the development of early wildfire detection and warning systems as one of the purposes of the Community Wildfire Risk Reduction Program. This is generally aligned with one of the strategies identified by the Commission to support local entities during evacuation, though it is by no means the only strategy identified by the Commission to support evacuation.</p>
	<p><b>Alignment:</b> <b>Weak</b></p>
<b>R126</b>	<p><b>Recommendation 126:</b> <i>Congress should authorize and appropriate funds to support new and existing partnership programs to reduce wildfire threats, support landscape-scale, multi-jurisdictional mitigation, and post-fire recovery efforts on all lands impacted by wildfire.</i></p>
	<p><b>Addressed In:</b> Title II, Sec 201</p>
	<p><b>Analysis:</b> The bill encourages public-private partnerships to conduct hazardous fuels management in areas around structures, though it does not authorize funds to do so.</p>
	<p><b>Alignment:</b> <b>Weak</b></p>
<b>R142</b>	<p><b>Recommendation 33:</b> <i>Increase accessibility of federal grants for community wildfire risk reduction and post-fire recovery efforts.</i></p>
	<p><b>Addressed In:</b> Title II, Sec. 201</p>

	<p><b>Analysis:</b> As noted above, while the proposed bill text does provide some technical assistance for a consolidated application portal, additional components of R142 are missing. Additionally, inclusion of FMAG grants may run counter to the Commission’s recognition that this program works well in the current form with regional and rapid decision-making.</p>
	<p><b>Alignment:</b> <b>Partial</b></p>

## Sec. 202 - Community Wildfire Defense Research Program

*What the Bill Does:* Expands the Joint Fire Science Program by adding a research program focused on testing and advancing innovative designs to create or improve wildfire-resistant structures and communities and establishes a competition for innovative designs in the creation of ignition resistant structures and fire-adapted communities. It also creates an innovation prize for such research. The program sunsets after seven years.

*What the Commission Said:* The Commission called for expanded research and innovation in affordable and ignition-resistant building materials (R6) as well as for multiyear funding.

Specific Relevant Commission Recommendations: Title II, Sec. 202	
R6	<p><b>Recommendation 6:</b> <i>Encourage and reward innovation in the fields of affordable building material design, subdivision design, landscape architecture, and safe and sustainable building practices to create more ignition-resistant structures and communities.</i></p>
	<p><b>Addressed In:</b> Title II, Sec. 202</p>
	<p><b>Analysis:</b> Aligns with Commission intent in both direction and execution.</p>
	<p><b>Alignment:</b> <b>Strong</b></p>

## Sec. 203 - Community Wildfire Defense Accountability (New Section)

*What the Bill Does:* Creates a reporting structure for the Community Wildfire Risk Reduction Program developed in Sec. 201. The Secretaries, acting through the US Fire Administration (USFA), are required to develop and submit a report to Congress assessing the program, suggesting improvements, noting trends and developments in the science and engineering related to built environment risk reduction, and making recommendations to improve the program.

*What the Commission Said:* The Commission did not specify a reporting schedule for the Community Wildfire Risk Reduction Program, though it did favor regular quantitative and qualitative reporting to Congress on the wildfire mitigation and management system writ large (see R148).

With respect to the USFA, the Commission desired to see an expanded role for both USFA and the nation’s structural fire service in wildfire operations. The Commission recommended that Congress increase support for the USFA to improve coordination with wildland fire management and provide increased training to the nation’s non-federal fire service (R56).

Specific Relevant Commission Recommendations: Title II, Sec. 203	
R56	<b>Recommendation 56:</b> <i>Congress should increase support for the U.S. Fire Administration to provide expanded community-based wildfire training and engagement of the nation’s non-federal fire service; promote fire-adapted communities to build community resilience; and improve coordination with wildland fire management as a critical and necessary partner in wildfire risk reduction.</i>
	<b>Addressed In:</b> Title II, Sec. 203
	<b>Analysis:</b> The direction of the Secretaries to act through the USAF during the preparation of reports on the Community Wildfire Risk Reduction program is well-aligned with the Commission’s desire to see an expanded role for the USFA in wildfire. While the bill does not address the other elements of the recommendation (e.g., expanded community-based training and engagement of the non-federal fire service), the inclusion of the USAF as a critical partner in the built environment is partially aligned with R56.
	<b>Alignment:</b> Partial

#### Sec. 204 - Community Wildfire Defence Grant Program Improvements (New Section)

*What the Bill Does:* Amends the Community Wildfire Defense Grant (CWDG) Program to include structure and infrastructure hardening activities. The bill further limited administrative expenses to not more than 7% of the funds obligated under the CWDG program.

*What the Commission Said:* The Commission highlighted the limitations of the CWDG Program, such as its outpaced demand—three times as much funding is regularly requested than what is available—and its inability to fund structure hardening. Numerous Commission recommendations, such as R1, also highlighted the need to provide financial incentives to support wildfire risk reduction.

Specific Relevant Commission Recommendations: Title II, Sec. 204	
R124	<b>Recommendation 124:</b> <i>Congress should ensure balanced, robust funding for pre-fire mitigation and post-fire restoration is included as part of the wildland fire budget.</i>
	<b>Addressed In:</b> Title II, Sec. 204
	<b>Analysis:</b> The Commission desired to see additional investments in both pre-fire mitigation and post-fire restoration. While this section makes previously authorized funds available for a broader array of wildfire risk reduction activities, it does not authorize additional funds, thus placing it in weak alignment with the Commission’s recommendation.
	<b>Alignment:</b> Weak



## Sec. 205 - Updated Definition of an At-Risk Community (New Section)

*What the Bill Does:* This section updates the definition of *at-risk community* under the Healthy Forest Restoration Act of 2023 (HFRA). The current HFRA definition limits an *at-risk community* to only those groups of structures within or adjacent to federal land that are at risk to a large-scale wildfire event and in places with significant threat to human life or property. Sec. 205 broadens this definition to include any group of structures at risk to wildfire as recognised in a fireshed, state, tribal, local, regional, territorial, or national wildfire risk assessment or within 5 miles of a USFS Wildfire Crisis Strategy landscape.

*What the Commission Said:* The Commission did not discuss the definition of *at-risk community*.

## Subtitle B

## Sec. 211 - Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights of way

*What the Bill Does:* Section 211 expands hazard tree management adjacent to power lines from 10 to 150 feet and requires consultation with private landowners on hazard trees removed from private property. Sets automatic approval timeframes (generally 120 days) for some plans prepared under the Federal Land Policy and Management Act.

*What the Commission Said:* The Commission desired to see more consistent federal processes applied in electrical utility rights-of-way, though it did not specify any particular width for hazard tree management. The Commission recommended that Congress direct federal agencies to support implementation of that consistency and to develop a guide for states.

Specific Relevant Commission Recommendations: Title II, Sec. 211	
R8	<b>Recommendation 8:</b> <i>Congress should direct agencies to support implementation of consistent rules and processes for federal rights-of-way and develop a guide for states to adopt similar rules and processes.</i>
	<b>Addressed In:</b> Title II, Sec. 211
	<b>Analysis:</b> While the Commission desired to see more consistent management of rights-of-way and suggested considering an extension the width of the rights-of-way, it did not prescribe any specific distances so to allow for different ecological needs in different ecosystems.
	<b>Alignment:</b> <b>Weak</b>

## Sec. 212 - Fire Safe Electrical Corridors

*What the Bill Does:* This section amends the Federal Land Policy and Management Act (FLPMA) to allow owners and operators of electric transmission or distribution facilities to cut or remove trees or vegetation near electrical facilities without requiring a separate timber sale. The cutting and removal must be consistent with applicable plans and environmental laws and regulations. If any of the removed



material is sold, the owner or operator of the electrical facility will provide the sale proceeds to the agency. This section does not require the sale of material removed under this authorization.

*What the Commission Said:* The Commission did not discuss FLPMA amendments to timber sales.

### **Sec. 213 - Categorical Exclusion for High Priority Hazard Trees (New Section)**

*What the Bill Does:* This section requires the Secretary of the Agriculture to develop a categorical exclusion (CE) for high-priority hazard tree activity. *High-priority hazard tree activity* is defined as a forest management activity that mitigates the risks associated with *high-priority hazard trees*, which are defined as standing trees that present a visible hazard to people or federal property and are located within 300 feet of a road, along a trail, or within a developed recreation site of the National Forest System. Any CE developed under this section must comply with NEPA and not exceed 6,000 acres.

*What the Commission Said:* The Commission did not discuss categorical exclusions for hazard trees.

### **Sec. 214 - Seeds of Success**

*What the Bill Does:* Requires the Departments of Agriculture, Interior, and Defense to develop a strategy to enhance the domestic supply of seeds. The strategy is to facilitate **interagency coordination**, promote re-seeding of native or fire-resistant grasses after a wildfire, create information on native or fire-resistant grasses, build regional programs and partnerships, **expand storage and seed-chain workforce and infrastructure** (including the BLM's Seed Warehouse System), and shorten seed collection permitting timelines.

*What the Commission Said:* The Commission recognized the need to support the development of seed capacity (R78) and called for additional investments in seed collection, processing, and storage, and in reforestation and revegetation implementation, etc.

Specific Relevant Commission Recommendations: Title II, Sec. 214	
R78	<b>Recommendation 78:</b> <i>Develop the seed capacity necessary to support post-fire restoration and revegetation in a manner considerate of historic and future disturbance regimes, biodiversity, and ecosystem process and function.</i>
	<b>Addressed In:</b> Title II, Sec. 214
	<b>Analysis:</b> The direction of the section is aligned with R78. While this section does not include core components envisioned by the Commission—such as the assessment of anticipated national post-fire needs, seed collection and banking direction to federal land management agencies, support for research and development efforts, or investments in human capacity necessary to support seed collection and supply chain infrastructure—those components of the recommendation are addressed in Sec. 116. Taken together with Sec. 116, the bill is strongly aligned with R78.
	<b>Alignment:</b> <b>Strong</b>

### Sec. 215 - Program to support priority reforestation and restoration projects

*What the Bill Does:* Requires DOI to identify lands that require reforestation or are unlikely to experience natural regeneration and to report yearly to Congress on its progress in addressing these issues. The DOI is tasked with coordinating with state, local, and Tribal governments, as well as universities, other federal agencies, and other stakeholders in the process. The provision sunsets in seven years.

*What the Commission Said:* The Commission made multiple recommendations calling for improved post-fire recovery and reforestation, including better collaborative planning before and after events (R82).

Specific Relevant Commission Recommendations: Title II, Sec. 215	
R82	<b>Recommendation 82:</b> <i>In developing and executing post-fire landscape recovery policies, authorities, oversight, and funding, Congress should support the collaborative development and use of landscape-scale post-fire assessments and recovery plans that are based on the best available ecological and climate science to identify and prioritize restoration projects.</i>
	<b>Addressed In:</b> Title II, Sec. 215
	<b>Analysis:</b> While the direction of this section of the bill touches on some of the same topics (e.g., collaborative process) as the Commission, the bill text does not provide additional funding or authorities to expedite such work.
	<b>Alignment:</b> Weak

### Sec. 216 - Reforestation, Nurseries, and Genetic Resources Support (New Section)

*What the Bill Does:* This section instructs the Chief of the Forest Service to partner and collaborate with federal agencies, states, tribes, institutions of higher education, and private entities to support programs and efforts related to natural regeneration, reforestation, agroforestry, and afforestation. Such support shall promote information-sharing, provide technical and financial assistance, and expand science and research to address reforestation supply chain challenges. The Secretary of Agriculture shall establish or expand a grant program to support nurseries and seed orchards. Eligible grants projects may include activities to develop, expand, enhance, or improve nursery production, equipment, quality control, and workforce.

*What the Commission Said:* Much of the Commission discussions focused on reforestation and revegetation highlighted the need for expanded capacity. The Commission identified several potential strategies to support the development of reforestation and revegetation capacity, including the development of a seed strategy (discussed in Sec. 214), investments in human and infrastructure capacity, continued investment in nurseries, and continued research and development related to climate-informed strategies for seedling survival.

Specific Relevant Commission Recommendations: Title II, Sec. 216	
R78	<b>Recommendation 78:</b> <i>Develop the seed capacity necessary to support post-fire restoration and revegetation in a manner considerate of historic and future disturbance regimes, biodiversity, and ecosystem process and function.</i>
	<b>Addressed In:</b> Title II, Sec. 216
	<b>Analysis:</b> The section, when taken together with Sec. 214, is well aligned with R78. This section includes direction to the agencies to collaboratively address challenges in the reforestation supply chain, expand supply chains through science and research, and provide direct support to nurseries and seed orchards through the establishment of a nursery and seed orchard grant program. This is consistent with the Commission’s envisioned seed strategies.
	<b>Alignment:</b> <b>Strong</b>

### Sec. 217 - Fire Department Repayment

*What the Bill Does:* Requires USDA and DOI to establish standard operating procedures for reimbursement of local fire departments when they are utilized by federal agencies for wildfire response. Further, the bill states that it is the sense of Congress that such repayments be made as soon as practicable and within one year after fire suppression occurs.

*What the Commission Said:* The Commission discussed the reimbursement process for local fire departments, finding that the slow process and uncertainty of allowable expenses created hardships for local departments and decreased their willingness to lend resources to fire incidents. The Commission recommended both rapid reimbursements (R50) and a task force to establish costs eligible for reimbursement (R51).

Specific Relevant Commission Recommendations: Title II, Sec. 217	
R50	<b>Recommendation 50:</b> <i>Changes are needed to allow for more rapid reimbursements to response entities to enable greater participation and increase the pool of potential response capacity.</i>
	<b>Addressed In:</b> Title II, Sec. 217
	<b>Analysis:</b> The bill recognizes the issue of delayed reimbursements and notes that it is the “sense of Congress” that such payments should be made within one year of an incident. Though this is the intent of Congress for the agencies, it is not a legally binding policy.
	<b>Alignment:</b> <b>Partial</b>
R51	<b>Recommendation 51:</b> <i>In order to facilitate the prioritization of public safety in response resource ordering, Congress should establish a task force of relevant entities to review eligible costs for the purposes of expedited resource deployment and reimbursements processes.</i>

	<b>Addressed In:</b> Title II, Sec. 217
	<b>Analysis:</b> The bill calls for USDA and DOI to establish standard operating procedures for allowable expenses and reimbursement processes. The Commission called for such standards and transparency but believed that they should be developed by all relevant parties, including state and local governments.
	<b>Alignment:</b> <b>Partial</b>

### **Title III**

This title contains two subtitles. Subtitle A is focused on transparency and technology while Subtitle B focuses on White Oak resilience.

#### **Subtitle A**

Subtitle A contains eight sections, ranging in topical focus from biochar to aerial firefighting to pine beetle infestation.

#### **Sec. 301 - Biochar innovations and opportunities for conservation, health, and advancements in research**

*What the Bill Does:* Establishes biochar demonstration partnership program to support the development and commercialization of biochar. Biochar demonstration projects are to be proposal-based and encouraged in each USFS and BLM region. The section also establishes prioritization criteria for selecting biochar demonstration projects. It includes provisions for the government to provide funding for demonstration projects, though funding for capital projects is limited to 35% of total cost. To the extent practicable, biochar demonstration projects are to use at least 50% of their feedstock from forest thinning and management activities conducted on USFS or BLM managed lands. It includes provisions for research related to the demonstration projects and includes a research and development grant program. Requires submittal of a report to Congress with policy and program recommendations two years after enactment. The bill also requires the Secretaries of Agriculture, Interior, and Energy to include a status report on both the demonstration and grant programs. The section sunsets after 7 years.

*What the Commission Said:* The Commission called for an expansion of research and funding for pilot projects for biomass utilization with the hope that further commercialization of biomass products would help defray the expenses of mechanical risk reduction projects (R20). Closely related, the Commission recommended incentivizing the adoption of new technologies by the private sector to reduce long term costs of mechanical risk reduction.

<b>Specific Relevant Commission Recommendations: Title III, Sec. 301</b>	
<b>R20</b>	<b>Recommendation 20:</b> <i>Fund more research and pilot projects for biofuels and biomass utilization technologies and opportunities through a new collaboration between the Forest Service Research &amp; Development and the Department of Energy.</i>
	<b>Addressed In:</b> Title III, Sec. 301

	<p><b>Analysis:</b> This section is well aligned with the direction and execution of Commission intent. The inclusion of the Department of Energy and support for research and development are critical components of the recommendation and are included in the section.</p>
	<p><b>Alignment:</b> <b>Strong</b></p>
<b>R21</b>	<p><b>Recommendation 21:</b> <i>Incentivize the adoption of new technologies and processing systems to produce value added, and demand-driven innovative wood products.</i></p>
	<p><b>Addressed In:</b> Title III, Sec. 301</p>
	<p><b>Analysis:</b> The grant program created by the section aligns well with the recommendation in both direction and execution.</p>
	<p><b>Alignment:</b> <b>Strong</b></p>

### Sec. 302 - Accurate hazardous fuels reduction reports

*What the Bill Does:* Requires annual reporting of hazardous fuel treatment acres on federal land. In determining the number of acres, the Departments of Agriculture and Interior are prohibited from counting multiple treatment practices as multiple acres and instead are directed to count each acre only once. Activities and costs per acre, as well as the degree of wildfire risk reduction, must also be reported. Reporting requirements include differentiating between whether activities were wildfire managed for resource benefit or a planned project and whether activities were inside or outside of the defined wildfire-urban interface. All reports are required to be made publicly available. Data accuracy and tracking requirements are also included. Two years after enactment, the Government Accountability Office is required to conduct a study on implementation of the section and submit a report to Congress. No additional funds are authorized for this section.

*What the Commission Said:* The Commission discussed land management performance measures, recommending a move away from annual outputs alone and towards outcome-based measures (e.g., a change in the conditions on the ground) (R147). The Commission discussed the need for agencies to consider multiple desired outcomes ranging from ecosystem resilience to social metrics and noted that such outcomes would need to be tailored appropriately for the given geography.

Specific Relevant Commission Recommendations: Title III, Sec. 302	
<b>R147</b>	<p><b>Recommendation 147:</b> <i>Change the system of land management agency performance metrics beyond acres treated, timber volume output, or acres burned to measure success. Success should be measured by outcomes such as the number of protected assets, values, and resources, and the degree to which forests and rangeland are returned to and maintained in a more resilient state.</i></p>
	<p><b>Addressed In:</b> Title III, Sec. 302</p>
	<p><b>Analysis:</b> While the Commission desired to see improvements in agency performance metrics, the Commission wanted metrics beyond “acres treated.” The inclusion of treatment</p>

	effectiveness related to wildfire risk is an important component but, alone, insufficient to meet the full intent of the recommendation.
	<b>Alignment:</b> Partial

### Sec. 303 - Public-private wildfire technology deployment and demonstration partnership

*What the Bill Does:* Creates a public-private wildfire technology testbed program jointly housed at USDA and DOI. The Departments are instructed to work with “covered agencies” to establish the program. These agencies include the federal land management agencies, NOAA, USFA, FEMA, NASA, BIA, DOD, and any other federal agency “involved” with wildfire response. Collectively, the program is instructed to identify and advance key relevant technologies in a competitive pilot program with private companies, nonprofits, and institutions of higher learning. The program has an annual reporting requirement to relevant congressional committees with information including the cost and recommendations related to adopting such technologies. The pilot sunsets in seven years.

*What the Commission Said:* The Commission identified the need for the development and adoption of new technologies for wildfire detection, mitigation, response, and related activities, recommending the development of a fire science and technology advisory board to aid this process (R116). The Commission called for this body to be composed of relevant federal agencies, state, local, and Tribal governments, and private sector entities. The Commission also called for improved partnerships with private sector researchers, recognizing the key role that the private sector plays in developing new technology (R112).

Specific Relevant Commission Recommendations: Title III, Sec. 303	
R112	<b>Recommendation 112:</b> <i>Improve incentivization of partnership with private sector researchers and foundations for the development of new science and technology.</i>
	<b>Addressed In:</b> Title III, Sec. 303
	<b>Analysis:</b> The bill directs agencies to work with covered entities (e.g., private entities, non-profit organizations, and institutions of higher education) to coordinate real-time and on-the-ground testing of technology. This is strongly aligned with the recommendation of the Commission to see increased partnerships with the private sector to support technology development and use.
	<b>Alignment:</b> Strong
R116	<b>Recommendation 116:</b> <i>Improve the research-to-operation pathway through the development of a fire science and technology advisory board to help coordinate existing research-to-operations efforts and research and development programs.</i>
	<b>Addressed In:</b> Title III, Sec. 303
	<b>Analysis:</b> The Commission’s recommended improved research-to-operation pathways is operationalized by this bill. However, the Commission explicitly called for a role for non-federal partners in the governance of such a program, which is not included in this bill.

	<b>Alignment:</b> <b>Partial</b>
<b>R126</b>	<p><b>Recommendation 126:</b> <i>Congress should authorize and appropriate funds to support new and existing partnership programs to reduce wildfire threats, support landscape-scale, multi-jurisdictional mitigation, and post-fire recovery efforts on all lands impacted by wildfire.</i></p> <p><b>Addressed In:</b> Title III, Sec. 303</p> <p><b>Analysis:</b> The bill directs agencies to establish a public-private partnership pilot program focused on wildfire technology. The program will focus on a wide variety of wildfire technology, including technology related to both mitigation (e.g., hazardous fuel reduction) and response (e.g., interoperable communications). This is conceptually aligned with the Commission’s desire to see new partnership programs to reduce fire threats, though no funding is authorized.</p> <p><b>Alignment:</b> <b>Weak</b></p>

#### **Sec. 304 - GAO Study on Forest Service Policies**

*What the Bill Does:* Requires a Government Accountability Office study of the effectiveness of USFS firefighting operations, budget transparency and accountability, and the feasibility of establishing a new Federal wildfire agency.

*What the Commission Said:* While the Commission discussed the establishment of a new Federal wildfire agency, they did not reach consensus on a recommendation concerning it.

#### **Sec. 305 - Keeping forest plans current and monitored**

*What the Bill Does:* Directs the Forest Service to modernize Forest Plans while establishing plans older than 15 years are not to be considered in violation of the Forest and Rangeland Renewable Resources Planning Act of 1974. The Forest Service is also directed to report to Congress when each Forest Plan was revised or amended. Such information must also be made publicly available.

*What the Commission Said:* The Commission did not speak specifically to the issue of Forest Plan revision or amendment.

#### **Sec. 306 - Container Aerial Firefighting Systems**

*What the Bill Does:* Directs USDA and DOI to conduct an evaluation of the container aerial firefighting system to assess the use of such systems to mitigate and suppress wildfires and requires the Departments to submit a report on the same to Congress within 120 days.

*What the Commission Said:* The Commission did not speak specifically to the issue of container aerial firefighting systems but did generally speak to the need to evaluate the current aerial equipment strategies used in wildfire response and management.



**Sec. 307 - Study on Pine Beetle Infestation**

*What the Bill Does:* Directs the Forest Service to study the causes, effects, and solutions to pine beetle infestation and submit a report to Congress on the results.

*What the Commission Said:* The Commission did not speak specifically to the issue of pine beetle infestation.

**Subtitle B**

This subtitle addresses the restoration of White Oak. While the Commission did not address this issue, a summary has been provided for reference.

**Sec. 311 - White Oak Restoration Initiative Coalition**

*What the Bill Does:* Establishes the White Oak Restoration Initiative Coalition, which encompasses a voluntary collaborative group of federal, state, Tribal, private, and non-governmental organizations to restore white oak.

**Sec. 312 - Forest Service pilot program**

*What the Bill Does:* Directs the Forest Service to carry out five pilot projects to restore white oak. This provision sunsets after seven years.

**Sec. 313 - Department of the Interior white oak review and restoration**

*What the Bill Does:* Requires DOI to assess white oak on lands under their management and identify opportunities for restoration and provide this information to Congress within 90 days. Further, it directs the DOI to carry out white oak restoration pilot projects. This provision sunsets after seven years.

**Sec. 314 - White oak regeneration and upland oak habitat**

*What the Bill Does:* Directs USDA to create a white oak regeneration program with the FWS and NRCS.

**Sec. 315 - Tree nursery shortage**

*What the Bill Does:* Requires USFS to develop and implement a national strategy to increase the capacity of federal, state, Tribal, and private tree nurseries within one year of enactment.

**Sec. 316 - White oak research**

*What the Bill Does:* Authorizes USDA to develop MOUs to work with colleges and Tribes to conduct research into white oak.

**Sec. 317 - USDA formal initiative**

*What the Bill Does:* Directs USDA to create a white oak initiative within NRCS for the purposes of reestablishing white oak on private land.

**Sec. 318 - Authorities**

*What the Bill Does:* Encourages USDA and DOI to use Good Neighbor Authority and stewardship contracting in restoration of white oak.



## Subtitle B (Sec. 311-318)

*What the Commission Said:* The Commission did not specifically address white oak or any other individual tree species though it did speak to the value of ecosystem restoration and replanting.

## Title IV

Contains a single section that creates a Casualty Assistance Program in DOI.

### Sec. 401 - Wildland Fire Management Casualty Assistance Program

*What the Bill Does:* Directs DOI to develop a Casualty Assistance Program to provide support to firefighters and families of firefighters killed or injured in the line-of-duty. The program addresses initial notification of next of kin and reimbursement of next-of-kin travel expenses. The bill also creates casualty assistance officers at DOI.

*What the Commission Said:* The Commission viewed the national obligation to ill, injured, or deceased firefighters and their families as an important and critical responsibility, calling for the creation of a casualty assistance program at DOI to mirror the existing program at USDA (R87). The Commission noted that this program should include standards and guidelines for notification of next of kin, reimbursement for travel expenses for family members of injured firefighters, and professional counseling for bereaved family members of firefighters.

Specific Relevant Commission Recommendations: Title IV, Sec. 401	
R87	<b>Recommendation 87:</b> <i>Authorize the Secretary of the Interior to develop a Wildland Fire Management Casualty Assistance Program in order to provide assistance to next-of-kin of critically injured, ill or deceased firefighters or support personnel injured or killed in the line of duty; to include emergency family member travel, benefits counseling, and casualty assistance and notification training.</i>
	<b>Addressed In:</b> Title IV, Sec. 401
	<b>Analysis:</b> The bill creates a casualty assistance program strongly line with the Commission recommendation, including all relevant provisions called for by the Commission.
	<b>Alignment:</b> <b>Strong</b>

## To Learn More, Visit These Links

- [Defining the Wildfire Crisis](#) (Commission Report, pg 5)
- [The Work of the Wildland Fire Mitigation and Management Commission](#) (Commission Report, pg 10)
- [Members of the Wildland Fire Mitigation and Management Commission](#) (Commission Report, pg iii)
- [Key Themes](#) (Commission Report, pg 15)