

OUTDOOR ALLIANCE

January 22, 2025

The Honorable Mike Johnson
Speaker, U.S. House of
Representatives
568 Cannon House Office Building
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader, U.S. House of
Representatives
2267 Rayburn House Office Building
Washington, DC 20515

Re: H.R. 471, Fix Our Forests Act

Speaker Johnson and Minority Leader Jeffries:

On behalf of the human-powered outdoor recreation community, we write to express our concern with H.R. 471, the Fix Our Forests Act (FOFA). The outdoor community and the outdoor economy are profoundly affected by the wildfire crisis and we strongly support science-based actions needed to build resilience to wildfire across our nation's landscapes and communities. While a number of provisions in FOFA would further this goal, others would unacceptably weaken environmental analysis and stakeholders' ability to inform forest management projects on federal lands. We have outlined our concerns and recommendations below, including certain aspects of the bill that we support. Although we oppose FOFA as written, we appreciate your attention to this important issue and offer our community's support and collaboration as Congress works towards reforming forest and wildfire management.

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

As frequent visitors to America's public lands, outdoor recreationists experience the effects of wildfire first hand. While wildfire is an essential ecological process across many landscapes visited by recreationists, fire suppression, removal of Indigenous



OUTDOOR ALLIANCE

burning, logging, climate change, and other changes over the past two centuries have altered the fire environment, causing an increase in extreme and destructive wildfires in many areas of the U.S. Severe wildfires degrade the outdoor recreation experience through closures, smoke, damage to scenic values and recreation infrastructure, and other economic and ecological impacts.¹ Wildfires also disproportionately affect communities that depend on the economic benefits of outdoor recreation.²

At the time of this writing, communities across southern California are reeling from the impacts of a series of destructive wildfires that have devastated portions of the Los Angeles area. The L.A. fires, driven by particularly strong Santa Ana winds, occurred not just in wildlands but also in heavily urbanized areas, illustrating the complexity of the wildfire crisis. We appreciate that some sections of FOFA—notably Title II’s provisions on community wildfire defense and local fire department repayment—would enhance the federal government’s ability to support local communities facing these sorts of wildland-urban interface fires. However, many of FOFA’s other provisions, which focus heavily on fuels reduction in forested areas, would not address the drivers of wildfires such as those in L.A., which largely did not occur in forests. As Congress considers how to prevent similar disasters in the future, we recommend that you work to implement the more comprehensive, bipartisan, consensus-based recommendations of the Wildland Fire Mitigation and Management Commission (hereinafter the “Commission”), which provide a roadmap for building resilience to wildfire at all levels of the wildfire crisis, including community hardening, workforce development, improved wildfire planning, and other strategies to mitigate future wildfire risk both within and outside of forested wildlands.³

The current version of FOFA is considerably improved over earlier drafts, and we appreciate the bill sponsors’ willingness to remove some of the most problematic

¹ See, Jamie Ervin, *Wildfire and Outdoor Recreation in the West: How Recreationists Can Support a Fire-Resilient Future*, Policy Report, Outdoor Alliance, Washington, D.C. (2023).

² See, Megan Lawson, *Future-proofing the outdoor recreation economy*, Headwaters Economics (2024), https://headwaterseconomics.org/wp-content/uploads/2024/11/HE2024_Future-proofing-outdoor-recreation-economy.pdf. Recreation-dependent communities have nearly twice the wildfire and flood risk as non recreation-dependent communities.

³ See, Wildland Fire Mitigation and Management Commission, *ON FIRE: The Report of the Wildland Fire Mitigation and Management Commission* (2023).



OUTDOOR ALLIANCE

sections of the bill. Outdoor Alliance supports the following sections of FOFA, which are aligned with the Commission's recommendations:

- **Sec. 102. Fireshed Center:** Establishes an interagency center to aggregate data around wildfire management and to provide cross-government coordination related to wildfire decision support.
- **Section 103. Fireshed Registry:** Establishes a modern publicly-accessible data repository for wildfire and forest health information.
- **Section 105. Fireshed Assessments:** Requires federal land managers and partners to collect certain data related to wildfire risk and to use this data to plan strategic wildfire mitigation activities.
- **Sec. 113. Intra-agency strike teams:** Creates strike teams to assist project planning and implementation for fireshed management projects.
- **Sec. 201. Community wildfire risk reduction program:** Establishes an interagency program for reducing wildfire risk in the wildland-urban interface and creates a one-stop grant portal for certain wildfire funding sources.
- **Sec. 202. Community wildfire defense research program:** Expands the Joint Fire Science Program's work to identify strategies for home and community hardening.
- **Sec. 207. Fire department repayment:** Ensures timely reimbursement of local fire departments engaged in wildfire suppression on federal lands.
- **Sec. 302. Accurate hazardous fuels reduction reports:** Increases transparency related to hazardous fuels management on federal lands.
- **Sec. 401. Wildland Fire Management Casualty Assistance Program:** Establishes a Department of Interior casualty assistance program for families of wildland firefighters who are killed or injured in the line of duty.

Despite our support for the sections noted above we remain strongly opposed to FOFA's provisions on litigation reform, expanded categorical exclusions, and Endangered Species Act consultation. Our concerns with these sections—which do not align with the Commission's recommendations—are outlined below.

Section 106. Emergency Fireshed Management

Section 106 addresses environmental analysis as it relates to fireshed management projects directed by Title I of FOFA. Specifically, Section 106 establishes that existing emergency authorities for NEPA, the Endangered Species Act (ESA), and the Historic



OUTDOOR ALLIANCE

Preservation Act, apply to fireshed management projects. This section also expands several existing NEPA categorical exclusions (CEs) from the Healthy Forests Restoration Act and the Infrastructure Investment and Jobs Act from 3,000 to 10,000 acres and clarifies that these expanded CEs apply to fireshed management projects.

In our experience, landscape scale forest management projects require thoughtful planning to ensure that fuel treatments are designed strategically. The NEPA process is the primary way that outdoor recreationists participate in the decision making process on federal public lands and come to understand projects that affect recreation infrastructure and landscapes that we care about. Shortcutting these planning processes through greatly-expanded CEs unnecessarily limits our and other stakeholders' ability to inform how fireshed management projects address outdoor recreation and conservation concerns at the local level. We are concerned that, under Section 106, federal agencies will be pressured to move forward with projects that lack public support, ultimately leading to controversy and litigation around critical wildfire mitigation work. Moreover, while we are unaware of any map delineating the areas where the Section 106 provisions would apply, we assume based on Section 101 that these authorities could apply over vast areas of America's public lands, including a number of high-value recreation landscapes.⁴ Implementing projects under these very large CE's over such a broad area would almost certainly lead to significant environmental impacts in areas that recreationists value.

Section 121. Commonsense Litigation Reform

Outdoor Alliance strongly opposes Section 121, which would severely limit stakeholders' ability to seek judicial relief for fireshed management projects. The ability to challenge agency decisions that might cause adverse harm to a resource of concern—including impacts to recreation resources—is core to the public process afforded by NEPA and other environmental laws. Section 121 essentially

⁴ Section 101, Designation of Fireshed Management Areas, states that fireshed management areas shall be designated in any of the high-risk firesheds identified in the Forest Service's Wildfire Crisis Strategy and in any firesheds identified in as being in the top 20% for wildfire exposure as identified by the Rocky Mountain Research Station of the Forest Service in 2019 based on wildfire exposure to communities, municipal watersheds and tribal water supplies, and risk of forest conversion due to wildfire.



OUTDOOR ALLIANCE

allows agencies to ignore public input and proceed with projects that lack stakeholder support.

Specifically, this section would alter the existing standards for injunctive relief by establishing an extremely high bar for courts to enjoin forest management projects that propose unacceptable adverse impacts to important public lands resources like recreation sites, watersheds, or sensitive species. Instead, FOFA would direct a court to remand the issue to the relevant agency and direct the agency to address any wrongs done by the project within 180 days. Meanwhile, the agency may carry out portions of the project in question and cannot prepare a new environmental document. Finally, this section would bar claims seeking judicial review unless they are submitted within 120 days of a decision document being posted *and* the party seeking judicial review submitted a detailed public comment on the issue for which they are seeking redress (if a public comment period was held). Together, these provisions will reduce agencies' accountability to the American public and will lead to less collaboration on forest management projects.

Section 122. Consultation on Forest Plans

Section 122, intended as a *Cottonwood* "fix" provides that USFS and BLM are not required to reinitiate consultation under Section 7 of the ESA when new information indicates that implementation of land management plans may be harming a listed species. On-the-ground conditions on public lands are changing rapidly due to climate change and related stressors like forest pathogens and high severity fire. ESA consultation is necessary to ensure that land management plans are adaptable in a way that protects listed species in light of these changes. Effects to ESA listed species are often a marker for overall problems with landscape health, and the opportunity to view wildlife is often a core and valued part of recreational experiences on public lands and waters. Section 122 would undermine the ESA and allow agencies to ignore relevant information while implementing land management plans.

* * *

Thank you for considering our community's input. We believe that Fix Our Forests, as currently written, should not become law, but we remain committed to constructively engaging with Congress and the administration to support solutions



OUTDOOR ALLIANCE

to our country's wildfire crisis. We look forward to working with you to build resilience to wildfire across America's communities and landscapes.

Best regards,



Louis Geltman
Vice President for Policy and Government Relations
Outdoor Alliance

cc: Rep. Bruce Westerman, Chair, House Natural Resources Committee
Rep. Jared Huffman, Ranking Member, House Natural Resources Committee

Jamie Ervin, Senior Policy Manager, Outdoor Alliance
Adam Cramer, Chief Executive Officer, Outdoor Alliance
Heather Thorne, Executive Director, Access Fund
Beth Spilman, Executive Director, American Canoe Association
Clinton Begley, Executive Director, American Whitewater
Kent McNeill, CEO, International Mountain Bicycling Association
David Page, Executive Director, Winter Wildlands Alliance
Tom Vogl, Chief Executive Officer, The Mountaineers
Ben Gabriel, Executive Director, American Alpine Club
Rebekah Phillips, Executive Director, the Mazamas
Madeline Bachner Lane, Chief Executive Officer, Colorado Mountain Club
Chad Nelsen, Chief Executive Officer, Surfrider Foundation

