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Prescribed Fire as a Management Tool on the National Forests

Prescribed fire can be an important tool for maintaining forest health, reducing forest fuel loads, and reducing risk of catastrophic fire. However, the ability to use this tool on fire prone public lands is limited by several factors, including:

- **Risks to human health and safety, neighboring non-Federal lands:** Prescribed fire is an inexact science that comes with significant potential negative impacts. It simply is not the right tool for use in all situations or locations, especially when not deployed in conjunction with mechanical fuels treatment. Air quality impact, risk of escape to life and property all must be considered, especially in our most vulnerable landscapes in the wildland urban interface.

- **Too Much Fuel on the Landscape:** In much of the Western US, most National Forests at high risk of wildfire have too many trees to safely reintroduce prescribed fire. Mechanical fuel treatments – such as thinning and other brush removal – must first be implemented to reduce the amount of vegetation. Mechanical treatment reduces the fuel loads so prescribed fire can be more safely returned to the landscape.

- **Mechanical Treatments and Prescribed Fire as Co-Management Tools:** Tree thinning and other mechanical treatments are important. Forest health requires managing the density of trees to limit competition for water, sunlight, and soil nutrients. Conducting thinning where operationally feasible can provide several benefits, including giving the remaining trees more access to water and nutrients, while meeting other forest management goals. When thinning removes commercially valuable trees it can also generate revenue to support restoration efforts, supporting local manufacturing jobs and local economies, store carbon in long-lived wood products, and improve the forests inherent capacity to endure subsequent wildland or prescribed fires.

- **Landscape Scale:** The job of improving forest conditions is enormous. The logistics and cost of this important work requires a strategic, landscape

level plan to effectively implement. The hierarchy for prioritizing work should identify where projects can connect across ownerships along roadways, ridgetops, near communities, and watersheds that provide drinking water supplies.

- **Time Scale:** It took nearly a century for Western forests to reach the overstocked condition they are in today. It will take decades to return the forest to a more resilient condition. In addition to the initial work that must be done, these efforts will also require on-going maintenance, through continued prescribed fire and mechanical treatments, over time. Changed weather conditions have dramatically shortened or even eliminated the window for safe and effective use of prescribed fire as a management tool in some areas.

- **Air Quality Concerns:** Prescribed fire creates air pollution, including increased particulate matter. Reducing fuel loads before applying prescribed fire can help reduce pollution and the associated impacts to public health.

- **Liability Challenges**: In several states, an escape of a prescribed fire is subject to general liability risks for private landowners and nongovernment fire managers. Forest managers also face threats from excessive liability when they engage in mechanical fuels reduction efforts.

- **Funding:** Even when combined with mechanical treatments that produce revenue though wood products, prescribed fires – and the associated work to maintain them – cost money. Funding for prescribed fire on Federal lands shouldn't come at the expense of programs that use thinning or other mechanical means to reduce rules.

- **Availability of Fire Crews:** While there is a lot of interest in doing prescribed fire, there are not enough crews to do the level of work needed across the West. The crews that do exist may be stretched thin due to longer fire seasons, or may not be available to do prescribed fire work.

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Successful reintroduction of prescribed fire depends on making progress on all these issues.

Comments: National Prescribed Fire Act of 2020: As currently drafted, this bill fails to fully address the concerns outlined above. Below are some recommendations which could improve the legislation.

Bill Limitations:

- ***The Bill Must Recognize the Value of Using Multiple Management Tools to Achieve Desired Forest Management Results:*** In much of the Western US nearly every area that is at high risk of wildfire has too much vegetation, and too many trees, to be safely prescribed burned.
  - Before any responsible fire manager should introduce prescribed fire, mechanical fuels reductions – such as thinning and other brush removal – must first be implemented. The bill should provide clear direction in this regard.
  - The bill should be amended to direct the Forest Service to report on the number of National Forest System acres by Region which require mechanical treatment prior to the reintroduction of prescribed fire. ○ Lands adjacent to communities and structures are places where the controlled nature of mechanical treatments can both reduce the risk of destructive wildfire and provide a safer and less polluting alternative than using prescribed fire alone.
  - The controlled nature of mechanical treatments provides a number of other benefits, including creating the desired structural and compositional changes, generating revenue to support restoration efforts, and storing carbon in long-lived wood products, or providing bioenergy to offset fossil fuel emissions.
  - The legislation should be improved to link all these considerations together, including a requirement for an assessment of forest conditions where prescribed fire can be applied in the near-term and areas where mechanical fuels treatment is initially required before prescribed fire can be applied.

- ***Inadequate Liability Protections:*** The legislation does not do enough to provide adequate certainty for prescribed fire managers or entities

engaged in fuels reduction work in general. For example, the requirement to secure and maintain sufficient indemnity insurance will likely be difficult and/or very expensive to obtain. Limitations on fire liability in Stewardship and timber sale contracts should be strengthened.

- ***Creates New, Unnecessary Prescribed Fire Line Item:*** The bill proposes to create a new prescribed fire line item within the Forest Service budget, which will, of necessity, compete with other critical programs for a limited pool of discretionary appropriations. The hazardous fuels reduction (WFHF) line item has been the fastest growing account within the Forest Service for more than 10 years and is set to be greater than half a billion dollars this fiscal year. Among other things, this account pays for prescribed burns. It is not clear what good it does to authorize a new account, rather than continue to expand overall funding available for hazardous fuels reduction work, which includes prescribed fire and other forestry tools.

- ***Acreage Minimums and Maximums:*** Setting minimum acreage targets encourages either risk taking – burning acres that are not in a safe condition to be burned – or frequently reburning "easy" non-controversial acres, such as grasslands and pine flatwoods in the U.S. South. The first outcome could lead to inadvertent escapes with deadly potential consequences, the latter does nothing to reduce the threat of fast moving megafires which drive fire suppression costs and threaten communities.