



April 16, 2025

Chairman John Boozman

Senate Committee on Agriculture,
Nutrition, & Forestry
328A Russell Senate Office Building
Washington, D.C. 20510

Ranking Member Amy Klobuchar

Senate Committee on Agriculture,
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Chairman Mike Lee

Senate Committee on Energy
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Energy & Natural Resources
Committee Office
304 Dirksen Senate Building
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Ranking Member Martin Heinrich

Senate Committee on Energy
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Chairman Shelly Moore-Capito

Senate Committee on Environment
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410 Dirksen Senate Office Building
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Ranking Member Sheldon Whitehouse

Senate Committee on Environment
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Environment & Public Works
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410 Dirksen Senate Office Building
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RE: Fix Our Forests Act, H.R. 471, 119th Cong. (2025)

Dear Senators:

The Western Urban Water Coalition (WUWC), a coalition of twenty-one of the largest western water utilities,¹ commends your efforts to address pressing forestry issues and respond to H.R. 471, the Fix Our Forests Act, passed by the House. The dire nature of drought, incredible strain on western watersheds, increasing frequency of calamitous wildfires and severe weather events demand effective action.

¹ WUWC was established in 1992 to address the West's unique water supply and water quality challenges, and consists of the following members: *Arizona* (Central Arizona Project, City of Phoenix and Salt River Project); *California* (Eastern Municipal Water District, East Bay Municipal Utility District, City of Los Angeles Department of Water and Power, The Metropolitan Water District of Southern California, San Diego County Water Authority, Santa Clara Valley Water District, and City and County of San Francisco Public Utilities Commission); *Colorado* (Aurora Water, Colorado Springs Utilities, and Denver Water); *Idaho* (City of Boise); *Nevada* (Las Vegas Valley Water District, Southern Nevada Water Authority, and Truckee Meadows Water Authority); *New Mexico* (Albuquerque Bernalillo County Water Utility Authority); *Utah* (Salt Lake City Public Utilities and Washington County Water Conservancy District); and *Washington* (Seattle Public Utilities).

WUWC members are nonprofit public utilities dedicated to providing a reliable, high-quality urban water supply for present and future generations. Our members serve over forty million water consumers in major metropolitan areas of eight western states. As such, many of our members are special districts of “local government” as defined by H.R. 471.²

WUWC supports the goals of H.R. 471, the Fix Our Forests Act, particularly its provisions to reduce wildfire risk to communities, municipal water supplies, critical infrastructure, and other at-risk values on and near Federal land. Wildfires threaten many of our members’ watersheds and a proactive, comprehensive, and effective federal response to mitigate the threat of wildfire is necessary. WUWC supports a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction and forest health improvement projects while protecting, restoring, and enhancing forest ecosystems to promote the recovery of threatened and endangered species, improve biological diversity, and enhance productivity, and carbon sequestration. However, WUWC members have concerns with the present structure of the House Bill as detailed below and suggest corresponding amendments. We would appreciate an opportunity to work with you in development of the Senate response to H.R. 471.

I. The proposed expansion of categorical exclusions must be carefully tailored to effectively improve the health and resiliency of our forests and reduce wildfire risks.

WUWC is concerned that H.R. 471 would expand categorical exclusions enacted in the Healthy Forests Restoration Act (HFRA) without adequate provisions to fully address poor forest health conditions (Condition Classes 2 and 3), specifically in some higher elevation forest types (Fire Regimes IV and V) that are common in the western U.S. High elevation wildfires—especially in disease and insect infested forests – are becoming more common and severe, and frequently impact many communities and water systems in the west. The use of these HFRA categorical exclusions to address poor forest health conditions (Condition Classes 2 and 3) in all Fire Regimes (I-V inclusive) is necessary in areas where unhealthy forests are in need of management. Section 106(b) would amend the HFRA to increase the scope of its legislated categorical exclusions from 3,000 to 10,000 acres, but doesn’t expand categorical exclusions to cover insect and disease projects in Fire Regime V and fails to expand categorical exclusions for wildfire resilience projects and fuel breaks in both Fire Regime IV and V. Appropriately, Section 106(a)(3)(A) provides that HFRA “emergency” provisions are applicable for “any fireshed management area designated under section 101,”³ recognizing that poor forest health conditions can create emergency wildfire conditions. So while the HFRA amendments in Sec. 106(b) of H.R. 471 would increase the opportunities to enhance pace and scale of land management agencies in addressing forest

² H.R. 471, Section 106 (“The term ‘local government’ means a county, municipality, or special district ... The term ‘special district’ means a political subdivision of a State that—(A) has significant budgetary autonomy or control; (B) was created by or pursuant to the laws of the State for the purpose of performing a limited and specific governmental or proprietary function; and (C) is distinct from any other local government unit within the State.”).

³ H.R. 471, Section 106(a)(3)(A) (citing 36 C.F.R. § 220.4(b) and 46 C.F.R. § 46.150, each of which allow “the responsible official” to “take urgently needed actions before preparing a NEPA analysis” and 50 C.F.R. § 402.05, which allows the Director to allow ESA consultations to be “conducted informally through alternative procedures” where “emergency circumstances mandate”).

Condition Classes 2 and 3 in many forest types, WUWC is concerned the amendments fail to address the fire regime limitations in the current HFRA categorical exclusions, limiting the ability to address poor forest health condition classes in all forest types, and fail to expand the categorical exclusions for wildfire resiliency projects and fuel breaks. As many of our members currently navigate the NEPA process, which can take years to complete, reasonably expanded categorical exclusions would provide our members more opportunity to work with responsible agency officials on fire management area projects to address poor forest health conditions in all fire regimes, effectively reduce wildfire risks, and meet local community needs.

While authorizing projects of up to 10,000 acres to proceed without NEPA review may be justified in certain instances, it is crucial that this provision does not undermine land management strategies based on scientifically sound judgments aimed at promoting healthy and resilient forests. Without a rigorous mitigation and monitoring framework for applying such exclusions, these amendments risk compromising the health of our forests. WUWC advocates for amending the bill to exclude language limiting fire regimes, emphasizing the support of condition classes, and providing for scientific and collaborative oversight and monitoring of identified at-risk landscapes and priority areas for those fire management area projects that are categorically excluded.

To assure the appropriate use of the expanded categorical exclusions, the interagency Fire Management Center, established by Section 102 of H.R. 471, should be tasked with and resourced for the analysis of their effectiveness of fire management area projects within forest Condition Classes 2 and 3 in all Fire Regime Groups to reduce wildfire risks without causing unanticipated cumulative effects over large areas.

Finally, H.R. 471 directs the Secretary of Agriculture⁴ to identify “fire management areas” as those “in the top 20 percent of the 7,688 fire management areas published by the Rocky Mountain Research Station of the Forest Service in 2019 for wildfire exposure.”⁵ Every five years, the Secretary must submit the updated map of these fire management areas to the relevant Congressional committees.⁶ H.R. 471 further notes that “designation of fire management areas under this section shall not be subject to the requirements of [NEPA].”⁷ We understand this provision to mean that such a designation of “fire management area” is not subject to environmental review under NEPA because the designation itself does not significantly affect the environment.⁸ Rather, under Section 105, the designation would delineate areas for fire management assessments. Therefore, it will be important to use the Fire Management Center to assess the cumulative effects of fire management decisions in areas subject to categorical exclusions under these designations that otherwise will not receive programmatic analysis. Through this type of analysis, future forest management decisions will

⁴ H.R. 471, Section 2 (“The term “Secretary” means the Secretary of Agriculture.”).

⁵ H.R. 471, Section 101(a)(1)(B); *see also* H.R. 471, Section 101(a)(2)(B) (“Not later than 60 days after submitting an updated fire management map under subparagraph (A), the Secretary shall, based on such map, designate additional fire management areas that are identified as being in the top 20 percent of fire management areas at risk of wildfire exposure.”).

⁶ H.R. 471, Section 101(a)(2)(A).

⁷ H.R. 471, Section 101(b).

⁸ *Ctr. for Biological Diversity v. Ilano*, 928 F.3d 774, 780–81 (9th Cir. 2019) (“Reading a NEPA analysis requirement into the HFRA with respect to landscape-scale area designations would conflict with the statute’s overall purpose of expediting the response to declining forest lands... A landscape-scale area designation ... does not alter future land use or otherwise foreseeably impact the environment.”).

have appropriate scientific backing regarding their effectiveness of restoring landscapes within the identified firehatched areas.

II. The stewardship contracting provisions aim to expand stewardship contracts, but the reality of the program makes such contracts infeasible for many of our members.

H.R. 471 provides for 20-year stewardship contracts, an increase from the current 10-year standard.⁹ The Forest Service and Bureau of Land Management (BLM) are empowered to enter into stewardship contracts to pursue land management goals for National Forests and public lands.¹⁰ Stewardship is a vital tool for the efficient and effective protection of our nation's forests. However, by and large, stewardship contracts are often not cost-effective. Many of our members report that the inability to acquire liability insurance to cover the financial risks associated with taking on stewardship contracts frequently prohibits their use. To make stewardship contracts a more attractive option for potential partners, these existing barriers must be addressed. WUWC believes the Fix Our Forest Act should also amend the HFRA to include reasonable liability coverage in stewardship contracts to facilitate their use with non-federal partners.

Our members have sought alternative means to engage with protecting their forested collection systems. For example, WUWC member Denver Water instead opts for joint forest management projects in collaboration with U.S. Forest Service, Colorado State Forest Service, National Resource Conservation Service and the Colorado Forest Restoration Institute.¹¹ Denver Water has invested \$48 million in these partnership agreements over the last 15 years.¹² Treatments performed through these collaborative efforts have saved hundreds of millions of dollars and mitigated wildfire risk and damage. However, the administration has paused many of these projects—putting the continued work to ensure resilient forests at risk.

The Fix Our Forests Act should include expanded liability coverage provisions for any stewardship contracts, notwithstanding federal acquisition regulations. This Bill is an opportunity to remove barriers and attract the right type of industry to expand forest management opportunities across the west and reduce the costs associated with non-profit partners who support federal objectives to increase capacity and improve the overall pace and scale of wildfire risk reduction on federal lands.

III. Recent USFS staff reductions will hinder the effectiveness of any legislative efforts to promote healthy and resilient forests.

WUWC supports the conclusions of the Wildfire Mitigation and Management Commission, finding that planning, including robust public engagement and effective analysis of environmental

⁹ H.R. 471, Section 112.

¹⁰ Healthy Forests Restoration Act of 2008, 108 Pub. L. No. 148, Section 604, as amended by Agricultural Act of 2014, 113 Pub. L. No. 79, Section 8205 (codified at 16 U.S.C. § 6591c).

¹¹ DENVER WATER, WATERSHED PROTECTION & MANAGEMENT, <https://www.denverwater.org/your-water/water-supply-and-planning/watershed-protection-and-management> (last visited April 7, 2025).

¹² *Id.* (“In total, partners have committed over \$96 million to From Forests to Faucets since 2010, with \$48 million contributed by Denver Water, to restore the resilience of more than 120,000 acres of forested lands in priority watersheds.”).

impacts, is critical to wildfire mitigation and management.¹³ However, the Fix Our Forest Act does not address the recent and significant loss of Federal agency employees that make collaboration and well-designed wildland fire mitigation and management projects possible.

Thousands of forest management professionals have been laid off this year.¹⁴ For example, the Colorado River Board of California, representing both water districts and municipalities, has identified practical concerns about widespread cuts to Bureau of Reclamation workforce.¹⁵ The Bureau of Reclamation is charged with providing water and hydropower to the public in 17 western states. Without adequate staff, water infrastructure across the Western states is at risk. It is essential that consideration is given, at the federal level, to identify key agency capacities and staff job responsibilities in order to maintain operational functionality. Federal agency consolidation and downsizing of vital roles that manage partnership projects and funding, does not adequately reflect the real-world need for increased pace and scale of wildfire mitigation on our federal lands. The loss of key staff that enable project implementation and necessary scientific approvals for NEPA and categorical exclusions, further exacerbates the concerns of WUWC's members who rely on federal agencies to implement projects through partnership funding. Water providers across the west provide millions of dollars to federal partners to complete project work in high priority areas. When federal agencies are left without adequate resources to implement priority projects, local communities are left bearing the risk and negative impacts from catastrophic wildfire to vital water resources.

* * *

Our members are experienced, on-the-ground partners with the federal agencies and the states in ensuring the safety and reliability of public water supplies. Based on this experience, WUWC wants to work with Congress to promote resilient forests and would appreciate an opportunity to work with you in development of the Senate response to H.R. 471.

Thank you for the opportunity to provide these comments. If you have any questions regarding these comments, please contact me at 951-203-2804 or walshj@emwd.org.

Sincerely,



Jolene Walsh
WUWC Chair

¹³ ON FIRE: THE REPORT OF THE WILDLAND FIRE MITIGATION AND MANAGEMENT COMMISSION, Sep. 2023, at 82, <https://www.usda.gov/sites/default/files/documents/wfmmc-final-report-092023-508.pdf>.

¹⁴ Marcia Brown & Jordan Wolman, *Forest Service Fires 3,400 People after 'Deferred Resignation' Deadline Passes*, POLITICO (Feb. 14, 2025, 9:02 AM), <https://www.politico.com/news/2025/02/13/forest-services-fires-3400-employees-00204213>.

¹⁵ Jennifer Yachnin, *Water Officials Warn Staff Cuts at Reclamation Could Halt California Flows*, E&E NEWS (Feb. 28, 2025, 4:28 PM), <https://www.eenews.net/articles/water-officials-warn-staff-cuts-at-reclamation-could-halt-california-flows/> (“[W]e are deeply concerned about any initiatives or proposals that would indiscriminately cut the workforce of the Bureau of Reclamation. Such across-the-board cuts could severely jeopardize the delivery of water and power across the West, upon which our farms and cities rely on.”).