

H.R. 2989, “SAVE OUR SEQUOIAS ACT”

LEGISLATIVE HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

Wednesday, May 10, 2023

Serial No. 118-22

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>
or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

52-270 PDF

WASHINGTON : 2023

COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*
DOUG LAMBORN, CO, *Vice Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Gregorio Kilili Camacho Sablan, CNMI
Tom McClintock, CA	Jared Huffman, CA
Paul Gosar, AZ	Ruben Gallego, AZ
Garret Graves, LA	Joe Neguse, CO
Aumua Amata C. Radewagen, AS	Mike Levin, CA
Doug LaMalfa, CA	Katie Porter, CA
Daniel Webster, FL	Teresa Leger Fernández, NM
Jennifer González-Colón, PR	Melanie A. Stansbury, NM
Russ Fulcher, ID	Mary Sattler Peltola, AK
Pete Stauber, MN	Alexandria Ocasio-Cortez, NY
John R. Curtis, UT	Kevin Mullin, CA
Tom Tiffany, WI	Val T. Hoyle, OR
Jerry Carl, AL	Sydney Kamlager-Dove, CA
Matt Rosendale, MT	Seth Magaziner, RI
Lauren Boebert, CO	Nydia M. Velázquez, NY
Cliff Bentz, OR	Ed Case, HI
Jen Kiggans, VA	Debbie Dingell, MI
Jim Moylan, GU	Susie Lee, NV
Wesley P. Hunt, TX	
Mike Collins, GA	
Anna Paulina Luna, FL	
John Duarte, CA	
Harriet M. Hageman, WY	

Vivian Moeglein, *Staff Director*
Tom Connally, *Chief Counsel*
Lora Snyder, *Democratic Staff Director*
<http://naturalresources.house.gov>

CONTENTS

	Page
Hearing held on Wednesday, May 10, 2023	1
Statement of Members:	
McCarthy, Hon. Kevin, a Representative in Congress from the State of California, Speaker of the U.S. House of Representatives	1
Westerman, Hon. Bruce, a Representative in Congress from the State of Arkansas	4
Grijalva, Hon. Raúl M., a Representative in Congress from the State of Arizona	6
Statement of Witnesses:	
Moore, Randy, Chief of the Forest Service, U.S. Department of Agriculture, Washington, DC	7
Prepared statement of	9
Questions submitted for the record	10
Townsend, Hon. Dennis, Chairman and Supervisor, District 5, Tulare County Board of Supervisors, Visalia, California	11
Prepared statement of	12
Nelson, Joanna, Save the Redwoods League, San Francisco, California	13
Prepared statement of	15
Desai, Neal, National Parks Conservation Association, Washington, DC ..	20
Prepared statement of	22
Nieto, Hon. Shine, Vice Chairman, Tule River Indian Tribe of California, Porterville, California	23
Prepared statement of	25
Additional Materials Submitted for the Record:	
Submissions for the Record by Representative McCarthy	
Fresno County Board of Supervisors, Letter dated April 27, 2023	54
Kern County Board of Supervisors, Letter dated April 26, 2023	55
Tulare County Board of Supervisors, Letter dated April 26, 2023	56
Submissions for the Record by Representative Ocasio-Cortez	
Sequoia Protection Action Plan	43
Submissions for the Record by Representative Grijalva	
The Wilderness Society, Letter dated May 10, 2023	57

**LEGISLATIVE HEARING ON H.R. 2989, TO
IMPROVE THE HEALTH AND RESILIENCY
OF GIANT SEQUOIAS, AND FOR OTHER
PURPOSES, “SAVE OUR SEQUOIAS ACT”**

**Wednesday, May 10, 2023
U.S. House of Representatives
Committee on Natural Resources
Washington, DC**

The Committee met, pursuant to notice, at 10:15 a.m., Room 1324, Longworth House Office Building, Hon. Bruce Westerman [Chairman of the Committee] presiding.

Present: Representatives Westerman, Lamborn, Radewagen, LaMalfa, Webster, Fulcher, Stauber, Curtis, Tiffany, Carl, Boebert, Bentz, Moylan, Collins, Luna, Duarte, Hageman; Grijalva, Huffman, Porter, Leger Fernández, Peltola, Ocasio-Cortez, Hoyle, and Kamlager-Dove.

Also present: Representatives McCarthy; and Peters.

The CHAIRMAN. The Committee on Natural Resources will come to order.

Without objection, the Chair is authorized to declare a recess of the Committee at any time.

The Committee is meeting today to hear testimony on H.R. 2989, the Save Our Sequoias Act.

I ask unanimous consent that the gentlemen from California, Speaker McCarthy, Mr. Peters, and Mr. Panetta be allowed to participate in today's hearing from the dais.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. Therefore, I ask unanimous consent, that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o). Without objection, so ordered.

I will now recognize the sponsor of this legislation, Speaker Kevin McCarthy, for his statement.

**STATEMENT OF THE HON. KEVIN MCCARTHY, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA,
SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES**

Speaker MCCARTHY. Thank you Chairman Westerman for holding today's hearing on the Save Our Sequoias, or the SOS Act, which Congressman Peters and I introduced earlier this year, along with you, and Mr. McClintock, who sits on this Committee.

Thank you to our witnesses today, and I want to include two special ones: Vice Chair Shine Nieto and Tulare County Supervisor Dennis Townsend, both of whom are proudly my constituents. I am proud of you.

I am very proud that you traveled all the way from California to be with us today, because I know how much you care about this issue, as well, and all the work that you have done to provide for our sequoias.

I sit before you today to discuss the importance of Save Our Sequoias Act, a piece of legislation that came together after working with our constituents, and because Members from both sides of the aisle recognized the importance of a robust forest management reform to protect our giant sequoias.

For millennia, giant sequoias have stood as one of the Earth's most impressive natural wonders, with some even dating back to the time of Christ. But over the last few years, devastating wildfires have led to the loss of over 20 percent of these iconic trees, which in their own habitats only die when they become so large that they would topple over.

Last year, along with you, Mr. Chairman, we led a bipartisan group of Members touring the Giant Sequoia National Forest in Tulare, California, so we could see firsthand what the fire-related devastation is doing to these groves. As a result, the Save Our Sequoias Act was born. I remember on that trip that we would get in our cars together, go grove to grove, Republicans and Democrats, with a lot of different key individuals who care about them, and just studying what is causing this devastation. And that is how this bill was created.

I am proud of the fact that we have 50 bipartisan co-sponsors who have shared commitment to protecting our giant sequoias for future generations.

At its core, the SOS Act does four main things: it improves inter-agency coordination; it uses science to target high-priority groves for treatment; it expedites environmental review for groves' protection projects using streamlined emergency procedures already in place; and provides land managers with new resources to get the job done.

As we went through studying the groves, we know what needs to be done. It really just needs this legislation to allow the individuals to make it happen, to protect it, and especially in California, with how intense these fires have come year after year. Time is of the essence. And every day we wait can harm these giant sequoias even greater.

One thing I have known is when dead trees and underbrush around the giant sequoias fail to be removed, it creates a tinderbox serving as a natural accelerant for forest fires, acting like a ladder, allowing flames to get into the forest canopies, and ultimately threatening those ancient icons. This is unacceptable, and I believe this bill actually shows it from the very beginning.

This is not a partisan bill; this is something that everybody can work together. And the time to act is actually now. Teddy Roosevelt once said, "A grove of giant redwood sequoias should be kept just as we keep a great and beautiful cathedral." As the conservation president, his statement couldn't be more accurate. Perhaps that is why several giant sequoias have been planted on the U.S. Capitol grounds in order to preserve their history and inspire the awe to all of us.

This bill is the result of the guidance and recommendations of those who know best, folks on the ground who work day in and day out with the giant sequoias. And that is why, from Tulare County, the Tule River Indian Tribe to the Giant Sequoias National Monument Association and others, combined with the technical input from the U.S. Forest Service and National Park Service, this legislation would not have been possible.

With that said, what I would like to do in introducing this, Mr. Chairman, I have a short video, "The Last of the Monarchs," which was produced by Mariposa County Resources Conservation District, and I think really drives the point home about the need for action now to protect the giant sequoias. If I could, I would like to show that video to all. It really sets the tone of what we are dealing with.

The CHAIRMAN. And we will play the video now.

[Video shown.]

Speaker MCCARTHY. Thank you, Mr. Chairman, for allowing me to show that. Not everybody got to travel out to see the giant sequoias. The thing that is really most moving is lots of times you will find legislation where one Member will just sit and just write it and put it for their district. This is something that Members on both sides of the aisle traveled together.

It is devastating to watch this. They don't grow any other place, except on the western side of the Sierras. Longer than life of Christ. And every generation has the responsibility to keep it. Normally, they just tumble because they become too large after 2,500 years, and fall. But in 2 years, we lost 20 percent of them.

Everybody, regardless of your philosophical opinion, understands how we can save them. We have seen it. And we sat down with all the key players. We had the different meetings and, collectively, we came up with this legislation. There is one thing Congress can do as a whole together, is make sure these sequoias are around for the next generation to see them and honor them. And if you go through them, they are just so iconic and so massive. We have made part of them, some groves into a national monument, but that doesn't save them from a fire.

So, what I would really like to do, if we can move this bill together, we get it through the Senate, I think collectively the whole Committee should go with us. And before we send it down to the President we should sign it inside the grove, collectively, together, and show the nation that this national monument, what these trees mean, and that we don't let politics get in the way of doing what is the best use of keeping something as iconic as this.

And if you travel here you will find they are not just enjoyed by those in the region. Around the world will come to America and just to these groves, just to see them. The Forest Service, if you look at their badge, their hat, that is a giant sequoia sitting there. And I thought the comment in this video at the end, "Bureaucracy moves slow, fires move fast," I would like to change that and show the country where our values are and where we care most, and that we put them before all others.

So, thank you for the opportunity, thank you for the panel today, thank you for those who traveled so far to be a part of it that know

it. And I feel very honored that we have a Chairman that knows more about trees than anyone I have ever learned.

And we have been working on this for quite some time, where he would bring experts in. With the National Geographic, we watched this tree here, stood next to it. It is on the cover. And the difference that everybody can sit together, and how do we make sure they save the next. So, thank you, Mr. Chairman. Thank you for the opportunity.

The CHAIRMAN. Thank you, Mr. Speaker, and thank you for your leadership on the Save Our Sequoias Act. I know that the majority of the groves are actually in your district, and I appreciate your work and the bipartisanship.

[Audio malfunction.]

The CHAIRMAN. And we seem to be having problems with this microphone.

I think this one works better. I now recognize myself for an opening statement.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

The CHAIRMAN. The video that we just watched asks whether a team of scientists, firefighters, and loggers could come together to save the remaining giant sequoias. I would expand that question to everyone in this room, and challenge each of you to work with us across party lines to prevent these giants from going extinct on our watch. I have made statements before that this can't happen on our watch. I am going to do everything in my power to make sure it doesn't happen on our watch.

When I was in forestry school, we didn't even think a giant sequoia could be killed by fire. They were considered virtually indestructible when it came to fire. And on the field trip, we learned from the Forest Service that the last evidence of one of these monarchs being destroyed by fire until recent history was in 1297. Think about that: 1297, and then in 2 years we lost, as the video said, 10 percent of the monarchs, about 20 percent of the groves.

Giant sequoias rely on low-intensity, frequent fire to thin ladder fuels and to clean the duff off the forest floor. And in fact, that is what happened in these groves for thousands of years; they averaged 30 fires per century. That is what the academic research shows. But in the last century, they only averaged three fires per grove.

[Chart.]

The CHAIRMAN. You can see that illustrated on this chart. And what happened because of that was the shade-tolerant species such as the white fir trees and some pine trees that normally would be taken out by the frequent fires, they were protected from the fire, so they began to grow in the understory. And you give these white fir trees or some pine trees that much time to grow, even in the shade, and they can get to be 100-foot-tall trees. And it creates what we call ladder fuel.

[Slide.]

The CHAIRMAN. And you can see it illustrated greatly. This photograph was taken from the same place. You see the giant sequoia trees, and you see the white fir trees growing up where the tips of the white fir trees are now up into the canopy of the giant sequoias. You can see when the fire came through, the fire ran up the white fir tree, got into the crown of the sequoias, and wiped the sequoias out. If that white fir tree wasn't there, the fire would have never got up into the crown.

If we don't clear out these hazardous fuels, it is not an exaggeration to say, as the video said, the giant sequoias could disappear in our lifetime. We have all seen pictures of giant sequoias wrapped in tin foil during these mega-fires. But honestly, that really doesn't do much to help these trees. The bark on some of these trees is 2 feet thick. God made these trees insulated from fire. They don't really need foil. But we go to great efforts to try to save these trees.

And you can see what happens when the fire is coming. The fire-fighters go in and they start clearing the underbrush from around the sequoias. But the thing they do even more than that, that you will see in the next picture is they cut down the white fir trees that are growing up next to the sequoias. And I guess we don't have a picture of that.

But keep in mind, they are not completing a NEPA analysis before any of this. That is the problem: We know what needs to be done, but we are only doing this work reactively, instead of proactively. We need to go in and do the work proactively before the fires get there.

When you actually go out to these groves like we did on the bipartisan congressional delegation last year, as the Speaker talked about, there is an overwhelming consensus that we need to rapidly increase the pace and scale of forest management in and around these groves, and we need to do it now.

When we visited the giant sequoias, we hosted a roundtable with many of the panelists you see here today, and everyone said the exact same thing. They said funding is a problem, but so are lengthy reviews under NEPA. There is no place to put hazardous fuels, once they are removed, and the land managers can improve their communication and collaboration. Those are the problems that we heard voiced.

After these conversations on the ground, we created a comprehensive solution that rose to the occasion and treated this crisis like what it truly is, and that is an emergency. The bipartisan Save Our Sequoias Act will codify emergency actions, provide the necessary funding to complete the work, and enhance the coordination between the Federal, state, tribal, local, and private managers that all have a stake in the future of our giant sequoias.

It is not every day that you see 50 bipartisan co-sponsors on a bill and more than 100 organizations supporting it, ranging from the National Congress of American Indians, to grassroots wildland firefighters, to the California Forestry Association. I hope that after today's hearing, Members on both sides of our dais will consider co-sponsoring this important piece of legislation because we need to ask ourselves if we want to stop the long-term damage from

catastrophic wildfires. If we don't want to do that, then we need to support this bill.

Again, I want to thank my friends and colleagues who are co-sponsoring this legislation. I again want to recognize Speaker McCarthy and Representative Peters, who are co-leads of the legislation, who are about as passionate about giant sequoias as I am and many others in this room are.

Again, these trees only grow on 37,000 acres in California. They have withstood fires for millennia, and in the blink of an eye we could lose them all.

Henry Ford once said that failure is an opportunity to begin again more intelligently. The Save Our Sequoias Act is an opportunity to begin managing giant sequoias more intelligently.

I thank our witnesses for being here today, and I look forward to hearing their expert testimony.

I indulged myself with some extra time, and I recognize the Ranking Member, Mr. Grijalva, for an opening statement.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Mr. Chairman, and thank you very much. I appreciate you holding this hearing on a very, very important topic.

It is encouraging to see so much attention, passion, and effort to preserve native plants and protect our public lands from the worst effects of climate change. We don't have sequoias in the Sonoran Desert, but we do have giant saguaro cacti, another iconic plant species that is threatened by the climate crisis and climate change. Today's hearing should mark the beginning of our work to protect public lands, advance sensible natural climate solutions, and mitigate the worst effects of climate crisis.

When President Clinton designated the Giant Sequoia National Monument over 20 years ago, he said, and I quote, "We are here because we recognize that these trees, though they live to be very old and grow very large, like life itself, are still fragile." He was right. And as we see now, the hotter temperatures and prolonged periods of drought brought on by climate change are creating conditions that even long-living, fire-adapted giant sequoias are unable to withstand.

Fortunately, land managers are working around the clock to restore fire and ecological balance to these ancient tree groves. The Giant Sequoias Lands Coalition, for one, has treated more than 6,000 acres of sequoia groves in just the last year alone. That is one-fifth of all existing groves. And at Sequoia and Kings Canyon National Parks, land managers have a plan to protect nearly all of the groves within the next 3 years. That doesn't sound to me like land managers who are sitting by idly waiting for the next large wildfire to occur.

I should mention that all this work is being done in compliance with our environmental laws, including NEPA, Endangered Species, and the National Historic Preservation Act. These laws are working exactly as intended, providing enough flexibility to expedite restoration during a legitimate emergency, while also preventing undue consequences.

Saving our sequoias doesn't have to mean selling out our environmental laws. Senator Feinstein and Senator Padilla from California knew that when they introduced a companion last Congress. They didn't attack environmental laws in that companion. The National Park Service and the Forest Service simply need the funding and the staff to do the job well.

To that end, I am genuinely encouraged to see that this bill authorizes \$200 million over the next 7 years, but I am a little bit puzzled. Under Republicans' own House Rules, any new program or funding has to be offset by cutting a program or funding elsewhere, but I don't see that offset anywhere in this legislation. Democratic bills have been blocked from hearings and markups for those very same reasons, so it is interesting to see if the Speaker's bill here today, a bill that violates their own rules, will continue. This certainly is a contradiction, and I think that contradiction warrants discussion.

Another notable oversight worth pointing out is that over half of the existing giant sequoia groves are found in national parks, yet the Majority didn't invite the National Park Service to join us today. In their absence, we are fortunate to have Neal Desai from the National Parks Conservation Association, who can help us shed some light on the agency's ongoing efforts to steward our national parks and protect these giant trees.

I hope that as the Committee moves forward on this legislation, we are able to do it in a truly bipartisan manner, not only incorporating the perspectives of all the relevant Federal land managers, but also that it does not set any dangerous precedents. I look forward to this hearing, and from all the witnesses testifying today, and welcome you to the Committee along with the Chairman.

I yield back.

The CHAIRMAN. Thank you, Ranking Member Grijalva, and we will now move on to witness testimony.

Let me remind the witnesses that under Committee Rules, you must limit your oral statements to 5 minutes, but your entire statement will appear in the hearing record.

To begin our testimony, please press the "on" button on the microphone.

We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

I would now like to introduce Mr. Randy Moore, who is the Chief of the United States Forest Service.

Chief Moore, you are now recognized for 5 minutes.

STATEMENT OF RANDY MOORE, CHIEF OF THE FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, DC

Mr. MOORE. Chairman Westerman, Ranking Member Grijalva, and members of the Committee, thank you for this opportunity to testify on the Save Our Sequoias Act.

Prior to becoming Chief nearly 14 years ago, I spent about that amount of time as Regional Forester in the Pacific Southwest Region. This region includes California, Hawaii, and the affiliated Pacific Islands. I have seen firsthand the destruction that wildfires

have on communities, infrastructure, and natural resources such as these magnificent groves.

More than 100 years of fire exclusion, along with extensive drought, have left the great giant sequoia grove extremely vulnerable to wildfire. In the last 2 years alone, wildfires have destroyed nearly one-fifth of all giant sequoias. The last recorded evidence of this level of extensive giant sequoia mortality occurred over seven centuries ago. We can no longer stand by and watch as these American icons are lost to destructive wildfires.

Last July, the Forest Service took extraordinary actions to allow immediate implementation of the fuels reduction treatments to reduce wildfire risk, particularly those that threaten the groves. We initiated these treatments utilizing existing authorities under the National Environmental Policy Act. The emergency fuels treatment encompasses over 13,000 acres that will reduce wildfire risk to 12 giant sequoia groves by removing surface and ladder fuels.

Environmental reviews required under NEPA have already been initiated for most of the planned treatments. Since approving this action, we have conducted work in 9 of the 12 groves, including removal of hazardous fuels from around nearly 4,500 of those monarchs, treatments of over 1,500 acres through mechanical thinning and prescribed burning to reduce fuel loads.

Our work in the groves continues, including prescribed burns planned in the fall of this year. This work is made possible through funding from the Bipartisan Infrastructure Law, as well as appropriations from Congress. The intent is to complete treatments by 2023, but some may continue through to the end of 2024.

In addition to the agency's work in the sequoia groves, the Forest Service is using the emergency authorities found in the Bipartisan Infrastructure Law to take urgent actions in other areas of the National Forest System. Six projects have already been approved on this authority to protect public health and safety, critical infrastructure, and natural resources. These vegetation management projects are focused on increasing the resiliency of communities and forest landscapes to wildfires, also decreasing the impacts of wildfires within the wildland-urban interface, allowing for more effective and safe responses to wildfires.

The Forest Service expects to continue to strategically and thoughtfully use its suite of emergency authorities to accelerate fuel and forest health treatments across a variety of landscapes to address the wildfire crisis.

Now, in regards to the Save Our Sequoias Act, the bill provides the USDA and the Department of the Interior administrative tools and procedures to address threats facing giant sequoias. The bill includes establishing a shared stewardship agreement for giant sequoias to enhance coordination with our partners, certifying the Giant Sequoias Lands Coalition to assess, prioritize, and inform forest management projects, and establishing protection projects with the goal of expediting forest restoration projects by codifying, streamlining existing and emergency procedures.

The bill also directs USDA, DOI, and signatories of the Shared Stewardship Agreement to jointly develop and implement a Giant Sequoia Reforestation and Rehabilitation Strategy.

In addition, the bill establishes a new grant program to advance, facilitate, or improve giant sequoia health and resiliency through Good Neighbor and also the Healthy Forest Restoration Act authorities.

Now, while USDA has concerns with several aspects of the legislation as written, we appreciate the intent of the Save Our Sequoias Act, and we look forward to a continued discussion with the Committee and the bill sponsors on ways to expedite this important work.

In closing, I want to reiterate that the agency's commitment of treating the situation facing the sequoias as the emergency that it is. We are very grateful to Congress in supporting our work to protect these national treasures.

Thank you, and I welcome any questions you may have.

[The prepared statement of Mr. Moore follows:]

PREPARED STATEMENT OF CHIEF, RANDY MOORE, UNITED STATES DEPARTMENT OF
AGRICULTURE—FOREST SERVICE

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

The Save Our Sequoias Act provides the USDA and the Department of the Interior (DOI) administrative tools and procedures to help address threats facing giant sequoias. The bill directs DOI to enter into a shared stewardship agreement for giant sequoias with USDA, the State of California, and the Tule River Indian Tribe to enhance coordination, conduct Protection Projects, and certify the Giant Sequoia Lands Coalition. This Coalition is directed to carry out a Giant Sequoia Health and Resiliency Assessment to prioritize and inform forest management projects, track project implementation, and study giant sequoia health and resiliency over time. In addition, this bill provides for the establishment of Protection Projects to respond to the threat of wildfires, insects, and drought to giant sequoias, with the goal of expediting forest restoration projects by codifying and streamlining existing emergency procedures.

The bill directs USDA and DOI and signatories of the shared stewardship agreement to jointly develop and implement the Giant Sequoia Reforestation and Rehabilitation Strategy to enhance the reforestation and rehabilitation of giant sequoia groves. The bill also establishes a Giant Sequoia Strike Team to assist USDA and DOI with the implementation of the giant sequoia emergency response and Giant Sequoia Reforestation and Rehabilitation Strategy. And finally, the bill directs DOI, in consultation with other parties of the shared stewardship agreement, to establish a new grant program to advance, facilitate, or improve giant sequoia health and resiliency.

Additionally, the bill amends the good neighbor authority, (Section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a)), to add activities related to the Save Our Sequoias Act, including authorizing an Indian tribe to retain receipts from the sale of National Forest System timber to conduct additional authorized watershed restoration work. The bill also amends Section 604(a)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(c)), adding language to promote the health and resiliency of giant sequoias. Finally, the bill establishes the Giant Sequoia Emergency Protection Program and Fund by amending Chapter 1011 of title 54, United States Code.

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

The emergency fuels treatments encompass approximately 13,377 acres on National Forest System lands that will reduce the wildfire risk to 12 giant sequoia groves by removing surface and ladder fuels. These treatments include hand cutting of small trees, mechanical removal of trees, application of borate on green stumps, pulling duff away from the base of large giant sequoias and prescribed burning.

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

Environmental reviews required under NEPA have already been initiated for most of the planned treatments. With the emergency action, giant sequoias could receive accelerated protection by as much as 9 to 12 months earlier in most groves and years earlier in other groves. The intent is to complete most treatments by the end of 2023, but some may continue through the end of 2024. This work is made possible through funds from President Biden's Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, and appropriations from Congress and using existing NEPA flexibility.

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

The emergency facing giant sequoias is unprecedented and USDA is already exercising our considerable flexibilities under the current suite of management authorities provided by Congress to reduce the risk to giant sequoias. While USDA has concerns with several aspects of the legislation as written, including concerns about duplication of existing authorities and timing requirements in certain provisions, we appreciate the intent of the Save Our Sequoias Act and looks forward to continued discussions with the Committee and bill sponsors on ways to expedite this important work.

QUESTIONS SUBMITTED FOR THE RECORD TO CHIEF MOORE, FOREST SERVICE, U.S.
DEPARTMENT OF AGRICULTURE

Mr. Moore did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. Chief Moore, this legislation would codify existing agency emergency authorities for the Giant Sequoia groves. What are the benefits of statutorily codifying administrative authorities?

The CHAIRMAN. Thank you, Chief Moore, and thank you to you and folks at the Forest Service who have been doing great work with the resources you have to get on the ground and work on this problem.

I now recognize the Honorable Dennis Townsend, the Chairman and Supervisor of District 5 of the Tulare County Board of Supervisors.

You are recognized for 5 minutes.

**STATEMENT OF THE HON. DENNIS TOWNSEND, CHAIRMAN
AND SUPERVISOR, DISTRICT 5, TULARE COUNTY BOARD OF
SUPERVISORS, VISALIA, CALIFORNIA**

Mr. TOWNSEND. Thank you, Chairman Westerman, Ranking Member Grijalva, and members of the Committee. It really is an honor and a privilege to be here today. Thank you for inviting me to discuss this topic that is really dear to me and my community: protecting our nation's giant sequoia groves.

I am Dennis Townsend. I am the Chair of the Tulare County Board of Supervisors. I also serve on committees on environment and land use with the rural county representatives of California, the California State Association of Counties, and the National Association of Counties.

Many of these groves that we are talking about, including those in the Giant Sequoia National Monument, are in my supervisorial district. And what we are discussing today is quite literally in my backyard. I live about 200 feet from where the road closures were and the evacuation orders on the last 2 big fires. So, this is truly personal to me. It is not just a theoretical public policy discussion.

We are living with the consequence of decades of failed forest management policies, although well-meaning policies. In 1994, House hearings to consider establishment of the Giant Sequoia National Monument, locals from my area who actually live in Springville were here to testify, and they actually warned that if we changed to a passive forest management policy at that point in time, that we would see devastating fires in the upcoming years, exactly as what we have seen.

We also created a video, it is in the background here that you are seeing, and this shows the stark contrast between a portion of the forest which is in state management and county management, and the Forest Service property after the Sequoia Complex Fire. I want you to note, when you see it, the intensity of the fire on the ring doorbell footage from the mountains just above my home.

[Video shown.]

Mr. TOWNSEND. Tulare County is roughly the size of the state of Connecticut, and about 50 percent of its land mass is owned by the Federal Government. We are home to about 60 of the giant sequoia groves which contain the vast majority of the giant sequoia trees in the world today. The sequoias have been threatened by drought, by the related bark beetle infestation, and high severity fire.

Over the past decade, wildfires have destroyed giant sequoia groves, critical habitat, and communities. More than 85 percent of all giant sequoia grove acreage across the Sierra Nevada has burned in wildfires since 2015. Within that burn scar, 20 percent of the world's mature giant sequoias were lost in the Sequoia Complex Fire and Windy Fires alone, 20 percent, one-fifth. I really could not believe that statistic when I first heard that. And as has been mentioned by Chief Moore and also Chairman Westerman, the last recorded giant sequoia kill from wildfire was in 1297 AD.

These iconic, majestic giants are simply irreplaceable in our lifetime. We cannot continue to steward them the way that we have been stewarding them for the last few decades, and have the possibility of losing so many more. High-severity fire is caused by the accumulation of fuels, a result of overly dense forests, and

suppression of naturally occurring wildfires and high tree mortality. While the U.S. Forest Service has committed to change, and Congress has provided some tools, the management reality on the ground remains vastly unchanged, as is shown in these fires.

NEPA and ESA reform are paramount to successfully managing our forests. In 2020, the U.S. Forest Service received a streamlined categorical exemption for hazard tree removal, but are not utilizing all these exemptions on the SQF and Windy Fire burn scars for fear of litigation. Organizations use NEPA and ESA to litigate projects that protect and improve critical ecosystems. This is counter to the intent of both of those Acts. I was personally involved in that roundtable that was mentioned, and I was amazed that all of those various organizations and people that are in this Committee all agree that what we have been doing for the last several decades is not working.

But the type of management that we are talking about is actually possible. Look at Balch Park in Tulare County. Look at the Mountain Home Demonstration State Forest. They have more than 4,500 old-growth giant sequoias, and they were spared in these fires. You can hardly see the impact of the fires because of prescribed burning, because of allowing harvesting of timber and biomass products. And it is critical to protecting these.

So, if we can't work together to get this done and protect our national treasures, these 2,000 to 3,000-year-old giant sequoias, then what can we get done?

And by the way, we can do this.

I give this legislation our full support for Tulare County, and I encourage this Committee to get it passed and get it operative as soon as you can.

Thank you again for the opportunity to speak to you today.

[The prepared statement of Mr. Townsend follows:]

PREPARED STATEMENT OF DENNIS TOWNSEND, CHAIRMAN, TULARE COUNTY
BOARD OF SUPERVISORS

Chairman Westerman, Ranking Member Grijalva and Members of the Committee, thank you for inviting me to discuss a topic that is dear to me and my community: protecting our nation's Giant Sequoia groves. I am Dennis Townsend and I'm here in my capacity as Chair of the Tulare County Board of Supervisors. Many of the groves—including those in the Giant Sequoia National Monument—are in my supervisorial district. What we are discussing is, quite literally, in my "backyard." This is truly personal and not a distant or theoretical public policy discussion. We are living with the consequences of decades of failed federal forest management policies.

The video which you see highlights the stark contrast between our state demonstration forest and our national forest after a wildfire burned through the area.

Tulare County is roughly the size of the state of Connecticut with approximately 50% of its land mass owned by the Federal Government. We are home to about 60 Giant Sequoia Groves which contain the vast majority of the Giant Sequoia trees in the world today. Hundreds of thousands of people visit each year to experience them. Historically, these Federal lands also produced a vibrant timber industry. This coupled with tourism played a key role in Tulare County's economy.

Giant Sequoias, and their mixed conifer ecosystems, are threatened by drought, the related bark beetle infestation, and high-severity fire. Over the past decade, devastating wildfires have destroyed Giant Sequoia groves, critical habitat, and communities. More than eighty-five (85) percent of all Giant Sequoia grove acreage across the Sierra Nevada has burned in wildfires between 2015 and 2021, compared to only one quarter in the preceding century. Within that eighty-five (85) percent

burn scar, twenty (20) percent of the world's mature giant Sequoias were lost in SQF and Windy fires alone.

The property and economic losses experienced are significant but, losing these national treasures, these Monarch Giant Sequoia trees, far exceeds all these losses. These majestic Giants are simply irreplaceable in our lifetime.

High severity fire is caused by the accumulation of fuels coupled with severe droughts. High accumulations of fuels are a result of overly dense forests the result from the suppression of naturally occurring wildfires over the past 130 years, and high tree mortality in recent years. While the US Forest Service has committed to change, and Congress has provided some tools to facilitate that change, the on-the-ground reality remains vastly unchanged. The most recent wildfires prove this.

NEPA and ESA reform are paramount to successfully managing today's forests. In 2020 the US Forest Service received a streamlined categorical exemption for hazard tree removal but are not utilizing this exemption on the SQF and Windy Fire burn scars for fear of litigation. Organizations use NEPA and the ESA to litigate projects that protect and improve critical ecosystem infrastructure, which is counter to the intent of both Acts.

Much of Tulare County's economic infrastructure supporting forest products is shuttered or limited. Tulare County once had three active sawmills, but now there is only one with limited capacity. The result is scores of log decks waiting to be transported to market. There are currently log decks from the 2016 Cedar fire still waiting to be moved to market, despite some species becoming unmarketable two years after they are harvested.

Tulare County has experienced detrimental impacts to communities, resident's quality of life, economy, and critical environmental infrastructure from catastrophic wildfires. Our County has been covered in smoke for the past 6 summers due to wildfires that have cost us about 20% of the world's mature Giant Sequoias. These will not be replaced in our lifetimes and, in fact, cannot be replaced for generations. I was personally involved in a round table discussion with environmental groups, firefighters, loggers, Forest Service officials, residents, hunters, fishermen, wildlife enthusiasts, local, state, tribal and federal representatives from both sides of the isle. I was amazed that there was total agreement that what we have been doing is not working. There is no controversy about this bill's language with that group. That is very uncommon today and highlights the need for this legislation.

This type of management can be done. Visit our County's Balch Park and its Giant Sequoia stands. Visit Cal-Fire's Mountain Home Demonstration State Forest which has several of the largest and oldest Giant Sequoia trees in the world. More than 4,500 old-growth Giant Sequoias are being protected through active management of the mixed conifer forest that surrounds them.

A full toolbox must be provided to the Forest Service and others to achieve active forest management, reduce wildfire risk and create healthy ecosystems. Returning prescribed fire to the land, allowing mechanical operations where effective and efficient and with proper oversight, and utilizing forest products to remove marketable material off the land are critical in protecting these Giants.

If we can't work together to get this done and protect our national treasures, these Giant Sequoias, then what can we ever get done? This legislation benefits everyone, and no one loses. On behalf of Tulare County and our residents, I give this legislation our full support and endorsement and urge this Committee to get it passed and operative as soon as you possibly can.

It has been an honor and privilege to address you today. Thank you.

The CHAIRMAN. Thank you, Supervisor Townsend. I now will recognize Dr. Joanna Nelson, who is the Director of Science and Conservation Planning for the Save the Redwoods League.

You are recognized for 5 minutes.

**STATEMENT OF JOANNA NELSON, SAVE THE REDWOODS
LEAGUE, SAN FRANCISCO, CALIFORNIA**

Dr. NELSON. Thank you, Chair Westerman and Ranking Member Grijalva, members of the Committee for the opportunity to contribute today. I am Dr. Joanna Nelson, Director of Science and Conservation Planning for Save the Redwoods League.

Our non-profit is dedicated to protecting redwoods, including the globally unique giant sequoias, the world's largest and among the oldest trees, which can survive more than 3,000 years and provide places of awe, beauty, and delight. The League supports efforts to protect giant sequoias from the threats of wildfire and climate change, and the Save Our Sequoias Act is such an effort. We look forward to working with the Committee and the bill's co-sponsors to enact the best possible legislation to ensure the future of giant sequoias.

Today, we are hearing about the challenges of wildfires exacerbated by drought, climate change, and practices of fire exclusion, which are occurring at a frequency and severity that, if allowed to continue at the current rate, could wipe out our irreplaceable and magnificent giant sequoia groves. We have heard from some of our other panelists about the remarkable losses of nearly 20 percent of the largest, oldest giant sequoia, not all giant sequoia, but just the largest and oldest trees in only 14 months across the 2020 and 2021 fire seasons.

We are short on time in this emergency. We also know what to do to meet this emergency. There is substantial evidence that active forest management reduces the risk of giant sequoia mortality in wildfire. In addition to reporting on the scientific literature, as we did in our written testimony, we at the League can report on what we have seen on the ground that works through some difficult recent years of wildfire. We offer four examples.

In the 2021 KNP Fire in Sequoia and Kings Canyon National Park in Giant Forest, wildfire burned into the grove with high energy. But once it reached areas that had previous repeated prescribed burns, flame lengths decreased and firefighters were able to put it out.

In the same fire in Redwood Mountain Grove, previously treated areas had low to moderate severity fire effects. In contrast, areas without a history of prescribed fire burned at high severity, and that is in a map in our written testimony.

In the 2021 Windy Fire in Sequoia National Forest, on the Trail of 100 Giants, a highly-visited loop in the Long Meadow Grove, there was previous treatment with thinning and pile burning. Although firefighters were needed in the grove to protect individual trees, giant sequoias, the area came through fire with low mortality.

And fourth, in the Mariposa Grove of Yosemite National Park in the 2022 Washburn Fire, that wildfire met the perimeter of a 2017 prescribed burn, and did not carry.

With promoting solutions we would like to share the top three here. As with other crises, we need to go directly to the root causes, particularly two in tandem: climate change due to the burning of fossil fuels and policies of fire exclusion for over a century that have led to overly dense forests.

I will add that these policies of fire exclusion have included prohibiting Indigenous burning and Indigenous genocide.

As a society in the United States and here in California—I know we are here in DC, thinking about California—we need to redouble our climate action on all fronts and address the overly high densities of forests with active management.

Of our first solution, we must allocate the funding and resources needed to conduct fuel reduction treatments based on civic, cultural, and ecological goals, prescribed burns, and cultural burns led by Indigenous practitioners in our most at-risk groves. We need to continue until treatments are completed in every grove, and then sustain consistent cycles of fuels management to ensure resilience into the future.

As Chief Moore mentioned, we have started with emergency declarations for 23 groves. There are approximately 78 groves, so we need to keep going.

We need more time in the calendar year, where forest treatments, pile burning, and broadcast burning is acceptable. Right now, we have narrow windows in spring and fall shoulder seasons. There are other missing times that are also appropriate and safe.

Third, Federal agencies need an increased ability to quickly share resources in the form of skilled people, equipment, and materials, not only in response to wildfire emergency, but in preventative actions of forest management. We need a workforce that is skilled in prescribed fire, as well as firefighting centered on equity.

In conclusion, we need the full weight of our conservation communities and our lawmakers to coalesce and prioritize the protection and management of the sequoia groves. Thank you very much.

[The prepared statement of Dr. Nelson follows:]

PREPARED STATEMENT OF JOANNA NELSON, PH.D., SAVE THE REDWOODS LEAGUE

I'm Dr. Joanna Nelson, director of science and conservation planning for Save the Redwoods League. Our non-profit is dedicated to protecting redwoods, including the globally unique giant sequoias—the world's largest and among the oldest trees, which can:

- Grow to be more than 100 feet in circumference at the base;
- Reach heights taller than 300 feet; and
- Survive more than 3,000 years, as well as providing places of awe, beauty, and delight.

The League supports efforts to protect giant sequoias from the threats of wildfire and climate change, and the Save Our Sequoias Act is such an effort—we look forward to working with the Committee and the bill's co-sponsors to enact the best possible legislation to ensure the future of giant sequoias. This is the basis of my testimony today.

Save the Redwoods League was founded in 1918 with a mission to protect, restore, and connect people with California's iconic "big trees," the coast redwoods (*Sequoia sempervirens*) and giant sequoias (*Sequoiadendron giganteum* (Lindl.) J. Buchholz). We protect each of these related species throughout their entire range. At the time of our organization's founding, the major threat to these ancient giants was logging. Today, wildfires—exacerbated by drought, climate change, and practices of fire exclusion—are occurring at a frequency and severity that, if allowed to continue at the current rate, could wipe out our irreplaceable and magnificent giant sequoia groves.

Although giant sequoias evolved with low- to moderate-intensity fire, and in fact need fire to reproduce, today's wildfires are killing large, mature trees, which is largely unprecedented. In the past six years, since the 2015 Rough Fire, we have lost about 20% of the large, mature giant sequoia on the planet (1). We see the 2015 Rough Fire as a marker of an exponential uptick in wildfire area, intensity, and severity. And I'll emphasize that nearly all of that loss (20%) of the largest, oldest trees occurred in only 14 months across the 2020 and 2021 fire events.

We are short on time in this emergency.

We know what to do to meet this emergency.

There is substantial evidence that forest management—silvicultural and ecological prescriptions to implement restoration thinning, pile burning—especially that which culminates in prescribed burning, reduces the risk of conifer mortality in wildfire in the seasonally dry forests of California and the Sierra Nevada region (2,3). The seasonally dry forests of the Sierra Nevada include the mixed-conifer forests in which we find giant sequoias.

Low-severity fire, moving through the understory and clearing out duff and fallen branches—without moving up into the forest canopy and killing sequoias—tends to lead to the next low-severity fire, where that wildfire has less fuel to burn. In contrast, high-severity fire tends to lead to the next high-severity fire based on forest condition (dead standing or dead-and-fallen trees and heavy shrub growth). High-severity fire can exacerbate the impacts of climate change on California conifer forests (4). In other words, these unprecedented fires will come again and again . . . and our immediate forest-management actions matter for irreplaceable, giant sequoia survival.

Dr. Scott Stephens and collaborators, in a 2020 study of forests of the western US, state:

“We argue that fire-use treatments (including prescribed fires and managed wildfires) as well as restoration thinning strategies, rather than conflicting with existing environmental objectives, will provide numerous co-benefits, including enhanced biodiversity, increased water availability, greater long-term and more sustainable carbon storage, improved forest resilience and adaptation to climate change, and reduced air pollution.” (5)

In addition to reporting on the scientific literature, we, at the League, can report on what we’ve seen on the ground that works—through some difficult, recent years of wildfire. We offer four examples:

1. 2021 KNP fire in Giant Forest, Sequoia and Kings Canyon National Park (SEKI)—wildfire burned into the grove with high energy, but once it reached areas that had previous, repeated, prescribed burns, flame lengths decreased and fire fighters were able to put it out (personal communication with the National Park Service).
2. 2021 KNP fire in Redwood Mountain grove (SEKI)—previously treated areas had low- to moderate-severity fire effects (pers comm). Unburned areas burned at high severity (see Figure 1).
3. 2021 Windy Fire—Trail of a hundred giants (Long Meadow grove, Sequoia National Forest, USFS)—this highly visited trail loop, in the Long Meadow grove, had been previously treated. Although fire fighters were needed in the grove to protect individual trees, the area came through the fire with low mortality (personal observation, J. Nelson).
4. In the Mariposa grove of Yosemite National Park, the Washburn fire met the perimeter of a 2017 prescribed burn and did not carry. Yosemite scientists wrote, “Fuels reduction and prescribed fire have been at the core of Yosemite’s fire management program since the 1970s and much of this activity has been concentrated in the two areas where firefighting operations were most successful [in the Washburn]” (<https://www.researchsquare.com/article/rs-2520979/v1>; and also see <https://www.nationalgeographic.com/environment/article/the-key-to-protecting-yosemites-sequoias-from-wildfires-more-fire>)

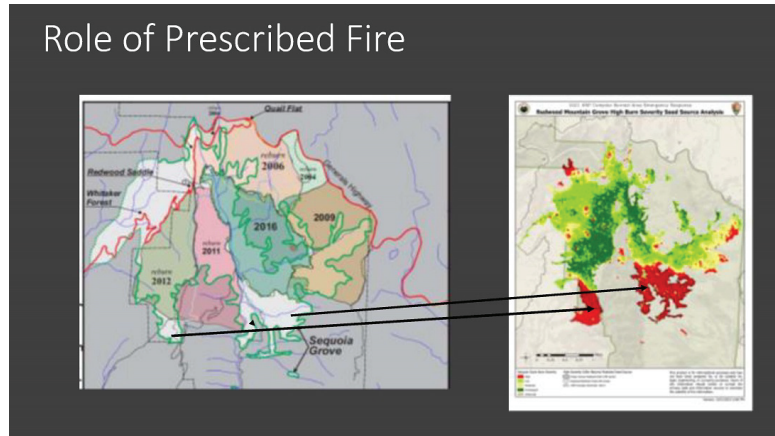


Figure 1: Redwood Mountain Grove in Sequoia Kings Canyon National Park, California. Results of the 2021 KNP fire. The right panel shows fire severity, where high-severity is red. The left panel shows the location of prescribed burns in the grove, including some that are reburns (repeated prescribed fire). Where there were prescribed-fire footprints, the wildfire burned with moderate and low severity. Where there were none are the two notable patches of high-severity fire.

We know what to do to meet this emergency. However, I'll start with a vision of no-action before I move to solutions.

What can we expect in the future if we don't take action?

- We can expect more mass-mortality events for ancient trees, until we have very small, isolated, populations of giant sequoia or arboretum specimens—at that point we are looking at risk of extinction in the wild, in the native range of giant sequoias. That is, of course, the ultimate threat: extinction.
- We can expect to keep living in this “hot, new world” of climate change that we have created, which holds increasing wildfire area and severity. We could expect pulses of big-fire years in clusters, or simply repeated and consistent big-fire years—either of which are devastating. According to the Intergovernmental Panel on Climate Change (IPCC), for every one degree Celsius of global average warming, we can expect a two-to-four-fold increase in wildfires in the US West (6). Because the world has already initiated 1°C of warming, and rising, we are living in that at-least doubled fire-world in the US West. Given the difference between climate and weather—where weather consists of short-term events and climate is a regional or global average—our snowy, rainy, and severe weather of this past winter does not counteract the trends of hotter and dryer lands, air, and ocean, all of which detrimentally impact giant sequoias.
- In fire events that now kill mature trees, including their cones and seeds, we will continue to lose seed sources, severely curtailing natural regeneration and therefore growth and existence of the sequoia ecosystem. Genetic diversity, which has helped the sequoia population adapt and thrive for millions of years, will also be reduced, threatening sequoia adaptation and therefore existence.
- As an additional fire effect, we could expect “type conversion,” for example from sequoia forest to shrubs. Type conversion means ecosystem conversion—not through an ecological dynamic such as successional stages, where, for example, post-fire we see regrowth of herbaceous plants, grasses, then shrubs, then seedling trees become saplings and take over the canopy—but full conversion to other plant communities and corresponding loss of sequoia groves. There is a “vicious cycle,” called a positive feedback loop, in which carbon losses (large, mature trees burning up in fire) continue to accelerate global, average temperature increase and beget more carbon losses in increasing wildfire. Anything we can do to interrupt these harsh breaks in conditions, and tipping points, we must do, to protect gradual change and the ability of ecosystems and ecosystem-function to adapt (7).

Save the Redwoods League works with our membership and partners to motivate and enact solutions.

The League serves as a collaborator and affiliate partner within the Giant Sequoia Lands Coalition, a formal coalition of federal, state, Tribal, county and other members who all steward giant-sequoia lands. Every government member is dedicated and active, and still by law constrained to their own jurisdiction—one function of the Coalition is to see what we can do more effectively together. The League plays a unique role in the Coalition, able focus on the species across the whole range regardless of ownership. In that key role, we provide rangewide evaluation (8) and advocacy for giant sequoia. As the League, and a Coalition collaborator, we have conducted extensive media outreach and science-based storytelling, resulting in hundreds of front-page news stories from local outlets to the *New York Times* and the *Washington Post*.

The League currently owns and stewards two properties in giant-sequoia ecosystems where we conduct post-fire assessment, active land stewardship, post-fire restoration, and demonstrations of forest treatment. We participate in operational, ecological thinning and prescribed fire; we are continuing training to be resource advisors in sequoia groves during wildfire. The League has a history of acquiring properties in the Sierra Nevada for conservation and transferring them to public ownership, having contributed significantly to the current state of 98–99% of giant sequoia that are protected in Tribal or public lands.

The League funds modest grants for academic research directly applicable to conservation action in giant sequoias: for example, on post-wildfire impacts, best restoration and re-planting practices, the impacts of Western Cedar Bark Beetles (*Phloeosinus spp.*), and interacting impacts, such as wildfire, beetle attack, and drought in combination.

As a non-profit organization, we have the ability to act in nimble ways, and to participate in opportunities not always open to our federal and state partners, such as supporting conservation legislation.

What are the solutions?

As with other crises, we need to go directly to the root causes, particularly two in tandem: global warming due to the burning of fossil fuels, and policies of fire exclusion for over a century that have led to overly dense forests. As a society in the United States, and here in California, we need to redouble our climate action on all fronts and address the overly high densities of forests with active management.

Studies suggest we have a current window of time to take concerted action in forest management (9). Climate disruption and lack of forest management cause sequoia mortality. While climate change is a global problem requiring meta-solutions, specific local actions can reduce its impact on the giant sequoias and preserve a future for these great trees while we work for progress on the larger crisis.

The League has multiple solutions in our written statement, and I'd like to share the top three here:

1. We must allocate the funding and resources needed to conduct fuel reduction treatments based on silvicultural and ecological goals, prescribed burns, and cultural burns led by Indigenous practitioners, in our most at-risk groves. We need to continue until treatments are completed in every grove—and then sustain consistent cycles of fire management to ensure resilience into the future. Although fuel reduction plans will be site specific and ecologically based, we have generalizable needs for taking action to promote fire-resilient states in groves.
 - a. These low-intensity, controlled burns mimic the natural cycle of fire in the American West. On average, the sequoia ecosystem experienced fire approximately every 3–15 years (depending on the scale, e.g., a small area or a whole grove) (10). The practice of prescribed burning is unequivocally supported by both current Western science and the traditional cultural knowledge and science that Indigenous peoples have practiced for millennia, and continue to practice today.
2. We need more time in the calendar year where forest treatments, pile burning, and broadcast burning is acceptable. From high moisture resulting from winter snow melt, to important species' nesting and habitat protection in the spring, to summer fire season, there is precious little time in the year to do the work—narrow windows in spring and fall “shoulder seasons.” Currently established windows with acceptable weather, humidity, and air-

quality are narrow, and are missing times that are also appropriate. As one example, approvals for active management could be based on spot-weather reports, rather than CAL FIRE declaring, “All of California is under a red-flag warning.” We respect CAL FIRE’s authority and expertise; we hear CAL FIRE leadership wanting to do more prescribed burning from here on out; we also see opportunities for differing regions or micro-climates at specific times. We must begin now and work collaboratively on an ongoing basis before this year’s wildfires and next claim more of the giant-sequoia ecosystem.

3. Federal agencies need an increased ability to quickly share resources in the form of skilled people, equipment, and materials—not only in response to wildfire emergency, but in preventative actions of forest management. As one example, extending the “Good Neighbor” authority to the National Park Service—an option now held by the USFS but not the Park—could be useful. Our federal partners will know more about what is most useful to them.
4. We need a streamlined permitting process for the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA), while upholding species protection and cultural-resource protection. Some examples might include the ability to bundle biological assessments across broader regions and streamlined response to Section 106 of the NHPA. The White House administration has approved the US Forest Service and National Park Service’s “Emergency Declaration” for 12 groves and 11 groves respectively. All groves need treatment as soon as possible, with a method for prioritizing which come first (these 23 groves come first, and the rest of the approximately 78 groves also need stewardship and treatment).
5. We need a paid, on-call, skilled workforce for active management and prescribed fire. The League recommends engaging with Jeremy Bailey, North American director of the Prescribed Fire Training Program (Trex), Calaveras Healthy Impact Product Solutions (CHIPS) which collaborates with local Native Nations, the Sierra-Sequoia Burn Cooperative, the Indigenous People’s Burning Network, and the Tule River Tribe. All of these individuals and entities have much to contribute to a workforce discussion, centered on equity, based on their significant on-the-ground experience.
6. Our society needs to recognize and support the wisdom and skill of Indigenous communities and nations in forest stewardship and cultural burning. We need their stewardship, active on the land, with fewer barriers to access. We need more clarity, advised by Indigenous people, on what equitable “co-management” of lands, air, and water means, with clear roles and responsibilities.

In conclusion, we need the full weight of our conservation communities and our lawmakers to coalesce and prioritize the protection and management of the sequoia groves. We are demonstrating our connections and consensus in the Giant Sequoia Lands Coalition, and we see you here to take action with your authority and expertise as law-makers. Thank you very much.

Footnotes

(1) a) Mature, sequoia mortality estimates drawn from field sampling from the Rough Fire (2015), Pier Fire (2017), and Railroad Fire (2017) = approximately one percent. Reference: Shive, K. et al. 2022. Ancient trees and modern wildfires: declining resilience to wildfire in the highly fire-adapted giant sequoia. *Forest Ecology and Management* 511: 120110.

<https://doi.org/10.1016/j.foreco.2022.120110>

b) Mortality estimates from Castle Fire (2020): 10–14% of all large, mature giant sequoia. Reference: Stephenson, N. and Brigham, C. 2020. “Preliminary estimates of sequoia mortality in the 2020 Castle Fire.” National Park Service.

c) Mortality estimates from KNP Complex and Windy Fire (both 2021): 3–5% of all giant sequoia. Reference: Shive, K., Brigham, C., Caprio, T., Hardwick, P. 2021. 2021 Fire season impacts to giant sequoias. Executive Summary. National Park Service.

A sum of those estimates means a range of 14–20% of mature, giant sequoias on the planet were killed in wildfire, 2015 to the present.

(2) Davis, K.T., Robles, M.D., Kemp, K.B., et al., 2023. Reduced fire severity offers near-term buffer to climate-driven declines in conifer resilience across the western United States. *Proceedings of the National Academy of Sciences*, 120(11), p.e2208120120.

- (3) Stephens, S.L., Westerling, A.L., Hurteau, M.D., et al., 2020. Fire and climate change: conserving seasonally dry forests is still possible. *Frontiers in Ecology and the Environment*, 18(6), pp.354–360.
- (4) Davis et al. 2023 *PNAS*, *ibid.*
- (5) Stephens et al. 2020 *FREE*, *ibid.*, p. 354
- (6) Among multiple IPCC reports, one pertinent reference is: IPCC, 2018: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty [V. Masson-Delmotte, P. Zhai, H.O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, T. Waterfield (eds.)].
- (7) Millar, C., Stephenson N., and Stephens. 2007. Climate change and forests of the future: managing in the face of uncertainty. *Ecological Applications* (17)8: 2141–2151. <https://doi.org/10.1890/06-1715.1>
- (8) Burns, E., Campbell, R., Cowan, P. 2018. “State of Redwoods Conservation Report: a tale of two forests.” Save the Redwoods League, San Francisco, California. In addition, the League produced a snapshot update of the current state of the giant sequoia with recommendations for 2022–2023 actions (<https://www.savetheredwoods.org/wp-content/uploads/files/SAVE-THE-GIANT-SEQUOIAS-Emergency-Actions-for-2022%E2%80%9323.pdf>).
- (9) Davis et al. 2023 *PNAS*, *ibid.*
- (10) Multiple studies by Tom Swetnam, including: Swetnam, T.W., Baisan, C.H., Caprio, A.C. et al. Multi-Millennial Fire History of the Giant Forest, Sequoia National Park, California, USA. *fire ecol* 5, 120–150 (2009). <https://doi.org/10.4996/fireecology.0503120>

The CHAIRMAN. Thank you, Dr. Nelson. I now recognize Mr. Neal Desai, who is the Senior Program Director for the Pacific Region of National Parks Conservation Association.

Mr. Desai, you are recognized for 5 minutes.

**STATEMENT OF NEAL DESAI, NATIONAL PARKS
CONSERVATION ASSOCIATION, WASHINGTON, DC**

Mr. DESAI. Chairman Westerman, Ranking Member Grijalva, and members of the Committee, thank you so much for inviting me to testify on this legislation. I am Neal Desai, Senior Program Director with the National Parks Conservation Association’s Pacific Region, or NPCA.

Founded in 1919, NPCA is a leading national independent voice for protecting and enhancing America’s National Park System for present and future generations. We appreciate the opportunity to testify on this critically important issue within our National Park System: ensuring the survival of our majestic giant sequoia trees and their habitat on the west slopes of the Sierra Nevada. We are pleased that Congress is looking at how to address this challenge.

Americans hold so much pride for our national parks, and are concerned when we are faced with losing iconic species. A total of 5.4 million visitors from across the country and world flocked to Yosemite, Sequoia, and Kings Canyon last year, home to these audacious, humongous trees that stand the test of time. In 1890, Congress had the forethought to designate these places as national parks in part of protecting these amazing natural wonders. Now,

in bipartisan fashion, this Congress is looking at how to continue the legacy of protecting these trees.

This discussion is also a continuation of something already started 7 years ago: funding efforts to protect giant sequoias. In 2016, Congress passed the National Park Service Centennial Act to fund signature projects coupled with philanthropic matching funds. Restoration of the Mariposa Grove at Yosemite was one of the first Centennial Challenge projects undertaken.

To better protect the root system which captures groundwater that allows the trees to survive the long, hot summers of Yosemite, roads and parking lots were removed to restore the natural flow of groundwater. More suitable trails and bathrooms were also added to the project. NPCA has worked with Congress to establish the Centennial Challenge Fund, and continues to lobby to maintain the annual appropriations for it. We are grateful for this continued investment, and believe the restoration of the Mariposa Grove is a fantastic example of putting this important funding to work.

But as we all know, there is much more work to be done to protect these species. The National Park Service is working hard to address these threats with active fuel reduction treatments and plans for reforestation. For example, in Yosemite, the National Park Service has started active treatment of the Merced and Tuolumne giant sequoia groves in 2021, and is continuing this important work that includes biomass removal and thinning of trees. The National Park Service also plans to implement fuel reduction and forest restoration work in the Mariposa Grove this year.

In Sequoia Kings Canyon, the National Park Service has developed a Fiscal Year 2023 to 2025 3-year Sequoia Protection Action Plan for fuels treatments for 11 groves that have not burned in recent years and have unhealthy accumulations of living and dead forest fuels. This work is underway, and is planned to be completed by Fiscal Year 2025.

The Sequoia Protection Action Plan defers treatments on three small at-risk groves, which constitute just 5 percent of sequoia groves in the parks in order to complete a fire management plan that can determine the best way to treat these small groves in remote, extreme terrain. The Sequoia Protection Action Plan notes that the remaining 23 groves in the parks are within a natural burn cycle, and not currently in need of fuels reduction treatment.

Additionally, the National Park Service is proposing to replant giant sequoia and other mixed conifer seedlings in up to six giant sequoia groves. We applaud the agencies for conducting this critical work. They are employing the very strategies listed in this bill.

However, this work can only continue if the National Park Service and agencies, including the U.S. Forest Service, have the resources, specifically funding and staffing, to implement their plans. We are grateful that Congress has passed critical legislation such as the Bipartisan Infrastructure Act and the Inflation Reduction Act that provided the agencies with funding that can be used toward conducting this exact sequoia restoration work.

The work of the Giant Sequoia Lands Coalition highlights that, if funding and staffing is provided, impressive results can be achieved. For example, in 2022, the Coalition treated more than

double the acres originally targeted. The cost of this work was \$10.5 million, and involved 824 personnel. We believe that this is the type of work that Congress and the Administration should continue to fund and at an increased scale.

We look forward to working with the sponsors and the Committee to come up with the best solution that meets the goals that everyone here has outlined.

Thank you for inviting me to testify. I look forward to answering your questions.

[The prepared statement of Mr. Desai follows:]

PREPARED STATEMENT OF NEAL DESAI, SENIOR PROGRAM DIRECTOR, PACIFIC
REGIONAL OFFICE, NATIONAL PARKS CONSERVATION ASSOCIATION

Chairman Westerman, Ranking Member Grijalva, and Members of the Natural Resources Committee, thank you for inviting me to testify on H.R. 2989, the Save Our Sequoias Act. I am Neal Desai, Senior Program Director in the Pacific Region for the National Parks Conservation Association (NPCA). Founded in 1919, NPCA is the leading national, independent voice for protecting and enhancing America's National Park System for present and future generations. We appreciate the opportunity to testify today on a critically important issue within the National Park System—ensuring the survival of majestic giant sequoia trees and their habitat on the west slopes of the Sierra Nevada.

We are pleased Congress is looking at how to address this challenge—Americans hold so much pride for our national parks and are concerned when we are faced with losing iconic species. 5.4 million visitors from across the country and world flocked to Yosemite, Sequoia and Kings Canyon last year, home to these audacious, humongous trees that stand the test of time.

Sequoia, Kings Canyon and Yosemite National Parks have over 40 giant sequoia groves. Even though Yosemite has fewer groves, it's known for some of the most famous, including the Grizzly Giant, one of oldest known giant sequoia trees on federal lands at 3,000 years old. Sequoia National Park has the highest density of trees within the park system, which includes the largest tree known as General Sherman, which is 275 ft tall and 36 feet around at its base.

In 1890, Congress had the forethought to designate these places as national parks in part to protect these amazing natural wonders. Now, in bipartisan fashion, this Congress is looking at how to continue the legacy of protecting these trees.

This discussion is also a continuation of something already started seven years ago: funding efforts to protect giant sequoias. In 2016, Congress passed the National Park Service Centennial Act to fund signature projects coupled with philanthropic matching funds. Restoration of the Mariposa Grove at Yosemite was one of the first Centennial Challenge projects undertaken. The Park Service has noted, "Sequoias have a relatively shallow but extensive root system, reaching to over a hundred feet in all directions from their base. These roots capture the groundwater which allows the trees to survive the long, hot summers of Yosemite; a healthy root structure is essential to ensure their longevity." To better protect the root system, roads and parking lots were removed to restore the natural flow of groundwater. More suitable trails and bathrooms were also added as part of the project. NPCA worked with Congress to establish the Centennial Challenge Fund and continues to lobby to maintain the annual appropriations for it. We are grateful for this continued investment and believe the restoration of the Mariposa Grove is a fantastic example of putting this important funding to work.

As we all know, there is more work to be done to protect this species.

While giant sequoias are resilient trees known to be fire-resistant due to their fibrous bark, warmer weather and longer, more intense drought is having a profound effect on these trees. As the Park Service has stated: "Prior to 2014, scientists recorded only subtle, long-term changes in forest health.

During and after the drought, they observed large, abrupt, and novel changes to forests, including in numerous giant sequoia groves. These included: unprecedented numbers of large sequoias dying in severe wildfires, giant sequoias dying from bark beetle attacks, and acute foliage dieback as a short-term adaptation to drought." There is no doubt the earth is warming and as a consequence drought, invasive species and wildfires have become threats to the survival of giant sequoias.

Hotter summers, shorter winters, longer droughts and more intense storms are changing our parks. In 2018 researchers at the University of California Berkley and

the University of Wisconsin looked specifically at the effects of climate change on national parks. “In this study, the team used these maps to calculate historical temperature and rainfall trends within the parks and over the U.S. as a whole. They found that the temperature in national parks increased by a little over 1 degree Celsius from 1895 to 2010, roughly double the warming experienced by the rest of the country. Yearly rainfall totals decreased over 12 percent of national park land, compared to 3 percent of land in the United States.” (<https://news.berkeley.edu/2018/09/24/national-parks-bear-the-brunt-of-climate-change/>). The impacts of these threats are creating unavoidable changes to parks across the country. Higher temperatures are melting glaciers in Glacier National Park. Extreme drought along the Colorado River is shrinking water at Lake Mead and the Grand Canyon. Heavier, unpredictable rains led to extreme flooding at Yellowstone. The same threats face the giant sequoias.

The National Park Service is working hard to address these threats with active fuel reduction treatments and plans for reforestation.

For example, in Yosemite, the National Park Service started active treatment of the Merced and Tuolumne giant sequoia groves in 2021 and is continuing this important work that includes biomass removal and thinning of trees. The National Park Service also plans to implement fuels reduction and forest restoration work in the Mariposa Grove this year. In Sequoia and Kings Canyon, the National Park Service has developed a FY23–25 three-year Sequoia Protection Action Plan for fuels treatments for 11 groves that have not burned in recent years and have unhealthy accumulations of living and dead forest fuels. This work is underway and is planned to be completed by FY25. The Sequoia Protection Action Plan defers treatment on three small at-risk groves, which constitute just 5% of sequoia groves in the parks, in order to complete a Fire Management Plan that can determine the best way to treat these three small groves in remote, extreme terrain. The Sequoia Protection Action Plan notes that the remaining 23 sequoia groves in the parks are within a natural burn cycle and not currently in need of fuels reduction treatment. Additionally, the National Park Service is proposing to replant giant sequoia and other mixed conifer seedlings in up to six giant sequoia groves, since these areas burned at such high and unprecedented severity that natural regeneration is unlikely to occur. We applaud the agencies for conducting this critical work—they are employing the very strategies listed in this bill.

However, this work can only occur if the National Park Service, and agencies including the US Forest Service, have the resources, specifically funding and staffing, to implement their plans. We are grateful that Congress has passed critical legislation, such as the Bipartisan Infrastructure Law and Inflation Reduction Act, that provided the agencies with funding that can be used toward conducting the sequoia grove restoration work.

The work of the Giant Sequoia Lands Coalition highlights that if agencies are provided with funding and staffing, impressive results can be achieved. For example, in 2022, the Coalition treated more than double the acres originally targeted. The cost of this work was \$10.5 million and involved 824 personnel.

We believe this is the type of work that Congress and the administration should continue to fund and at an increased scale.

Thank you for inviting me to testify. I look forward to answering your questions.

The CHAIRMAN. Thank you, Mr. Desai. And finally, I would now like to recognize the Honorable Shine Nieto, Vice Chairman of the Tule River Indian Tribe of California.

Vice Chairman Nieto, you are recognized for 5 minutes.

STATEMENT OF THE HON. SHINE NIETO, VICE CHAIRMAN, TULE RIVER INDIAN TRIBE OF CALIFORNIA, PORTERVILLE, CALIFORNIA

Mr. NIETO. Thank you, sir.

[Speaking Native language.] Hello and good morning. On behalf of the Tule River Tribe, I applaud Speaker Kevin McCarthy, Representative Scott Peters, and Chairman Bruce Westerman for working across party lines with all stakeholders, including the Tule River Tribe, to ensure that there are greater protections of the

sacred giant sequoia groves. Thank you, Chairman Westerman, for holding this hearing, and Committee members for attending, and the Committee and legislative staff for your hard work.

I am Shine Nieto, Vice Chairman of the Tule River Tribal Council, the governing body of Tule River Tribe. Our people are descendants of the Yokuts Indians who occupied the San Joaquin Valley and California for thousands of years prior to contact with any settlers. The current Tule River Reservation is located between Bakersfield and Fresno, just east of Porterville and the Sierra Nevada foothills, and covers approximately 58,000 acres. The reservation is home to five groves of the giant sequoias, and 1,500 individual trees, monarch trees. The Tribe currently has 1,952 enrolled tribal members.

In September 2021, the Windy Fire was ignited by lightning on a reservation. The fire spread quickly, especially in areas where there was little or no previous prescribed, preventative work, known as the hazardous fuel reduction. To minimize fire severity, we took on an all-hands-on-deck approach to help fight the fire alongside our neighbors and partners. With the weather conditions changing constantly, we faced our worst nightmare: the fire spread throughout several sequoia groves and beyond. When the Windy Fire was finally contained, we assessed the damage. We knew that, without the preventative work, we would have lost much more.

H.R. 2989, introduced last week, the Save Our Sequoias Act, is a long-overdue effort to empower experts and stewards to employ critical efforts to combat the very real threat of the fires that plague the California giant sequoia groves. We recognize that there are currently few long-term drought solutions in place to protect our forests and lands, so we must work together to save our sequoias.

The Tule River Tribe is proud to support passage of the Save Our Sequoias Act. We are genuinely committed to contribute our traditional ecological knowledge of the forest management practices that have kept the giant sequoias true national treasures in our presence for thousands of years. Our traditional ecological knowledge is science, and we appreciate that the legislation not only acknowledges this, but requires it. The holder of this knowledge is the Tule River Tribe.

A key aspect of our traditional forest management embraces the need for long-term conditional caretaking of the giant sequoia groves. The emergency corrective actions that have been taken since the recent fires have been helpful, but are short-term band-aids. Once H.R. 2989 is enacted into law, long-term management approaches will be allowed to flourish.

The Tribe is proud to note that we are working hard on a further contribution to protect the sequoias. After 50 years of negotiations, we are on the cusp of reaching a settlement of our Indian water rights with the United States. We hope to have legislation signed into law that will allow us to construct the best permanent drought solution for the South Tule River. This settlement will fund a reservoir that will supply a consistent water supply throughout the year for the Tule River Reservation and downstream users. Better managed water resources are crucial to contain high-severity wildfires. The combined effort of the tribes, water rights settlement

legislation, and the Save Our Sequoias Act will ensure the well-being of the giant sequoias for generations to come.

We continue to assist and recover from the Windy Fire, and have learned much from it. We have been reminded that we need to collaborate to reduce the fires. We need to share our knowledge and our resources. We need to respect and employ traditional ecological knowledge. We need to do this together as co-stewards. We need to do this now. For this reason, we urge the Congress to move forward with this legislation.

Thank you for this opportunity to provide comments in support of the Save Our Sequoias Act, and I look forward to your questions on anything that our tribe can help with this Act, and to help move forward with saving these trees that mean so much to us. On our land, we call them our ancestors, because they are the oldest living body on Mother Earth. So, we really want to do this with you guys, as a tribe.

[The prepared statement of Mr. Nieto follows:]

PREPARED STATEMENT OF SHINE NIETO, VICE-CHAIRMAN, TULE RIVER TRIBE OF THE
TULE RIVER RESERVATION, CALIFORNIA

On behalf of the Tule River Tribe, I applaud Speaker Kevin McCarthy, Representative Scott Peters, and Chairman Bruce Westerman for working diligently across party lines and through all stakeholders, including the Tule River Tribe, to ensure that there are greater protections of the sacred Giant Sequoia Groves. We are thankful to Chairman Westerman for holding this hearing, and to Committee members for attending, as well as Committee and legislative staff who worked tirelessly to get us where we are today.

I am Shine Nieto, Vice-Chairman of the Tule River Tribal Council, the governing body of the Tule River Tribe. Our People are descendants of the Yokuts Indians, a large group of linguistically related people who occupied the San Joaquin Valley in California for thousands of years prior to contact with non-Indians.

Following the incorporation of California into the United States, several efforts were made, beginning in 1851, to relocate the Tule River Indians to a permanent homeland. The current Reservation was defined by three Executive Orders issued between 1873 and 1878 and today covers approximately 58,000 acres. The Tribe currently has 1,952 enrolled tribal members.

On September 9, 2021, the 97,528-acre Windy Fire was ignited by lightning on the Tule River Indian Reservation. The fire spread quickly—especially in areas where there was little to no previous prescribed preventative work known as “hazardous fuel reduction” to minimize fire severity. We took an “all hands-on deck” approach to help fight the fire alongside our neighbors and partners. With weather conditions changing constantly, we faced our worst nightmare: the fire spread throughout several sequoia groves and beyond. When the Windy Fire was finally contained and we assessed the damage, we knew that without the preventative work, we would have lost much more.

H.R. 2989 introduced last week—the “Save Our Sequoias Act” is a long overdue effort to empower resourceful experts and stewards to employ critical resiliency efforts to combat the very real threat of fire that plagues roughly 70 Sequoia groves as drought conditions increase. We recognize that there are currently few long-term drought solutions in place in the area to protect our forest and lands—so we must work together to save our sequoias. The Tule River Tribe is proud to support the passage of the Save the Sequoias Act.

As part of our advocacy efforts on behalf of this bill, the Tribe intends to present a resolution at the Mid-Year Conference of the National Congress of American Indians (NCAI) next month to garner support from all member tribes across the country. We will provide a copy of the resolution to the Committee upon adoption by NCAI.

We are genuinely committed to contribute our Traditional Ecological Knowledge of forest management practices that has kept the Giant Sequoias—true national treasures, in our presence for thousands of years. Our Traditional Ecological Knowledge is science and we appreciate that the legislation not only acknowledges this, but requires it. The holders of this knowledge is the Tule River Tribe.

A key aspect of our traditional forest management embraces the need for long-term, continual, caretaking of the Giant Sequoia Groves. The emergency corrective actions that have been taken since the recent fires have been helpful, but are short-term band aids. Once H.R. 2989 is enacted into law, long-term management approaches will be allowed to flourish.

The legislation forges a responsive coalition between the Tribe and its long-standing partners—federal, state and local land managers to bring our very best to the table as we work to advance the resiliency of the sequoia groves. The legislation paves the way to formalize a clear path forward on how we can combine our strengths to safeguard the sequoias.

The Tribe is proud to note that we are working hard to further contribute to protect the Sequoias. After over 50 years of negotiating, we are on the cusp of reaching a settlement of our Indian water rights with the United States. We hope to have legislation signed into law this session that will allow us to select and construct the best permanent drought solution for the South Tule River. This settlement will fund a reservoir that will supply a consistent water supply throughout the year, especially during droughts, to the Tule River reservation and downstream users. Better managed water resources are crucial to contain high severity wildfires. The combined effect of the tribe's water rights settlement legislation and the Save Our Sequoias Act will ensure the well-being of the Giant Sequoias for generations to come.

In July 2022, the Tribe hosted over 30 guests including the Assistant Secretary of the Interior, Indian Affairs and officials from various other federal and state agencies to tour the Tule River Indian Reservation and the Headwaters the South Fork of the Tule River located in the Sequoia National Monument. The caravan of guests made numerous stops and were able to experience a “boots on the ground” perspective of the gloomy effects of the unforgiving, fire ravaged area. We made sure that our guest likewise took time to appreciate the new growth, reforestation and recovery from previous fires.

We stopped to witness our crews hard at work to clean up the downed trees, treat the areas and plant over 180,000 new trees to rehabilitate damaged areas. Reforestation is no simple task. The burned areas do not exactly provide ideal conditions for young vulnerable seedlings. A lot of science, care and strategy is needed to ensure that those new trees will grow and survive. This work is done in hard-to-reach locations and in challenging weather conditions. Our crews include seasoned mentors and experts as well as numerous tribal youths from different tribal nations that will master these forest management practices and carry our Traditional Ecological Knowledge forward as it has been done since time immemorial. We know that we need more of this good work to achieve our collective goals.

We were able to show our guests that our traditional forest management practices worked. There was a very clear difference between those Giant Sequoia groves managed under our traditional practices and those that were not. The destruction of the Windy Fire could not reach past the lines of our traditional risk reduction treated areas and that saved many trees and our Reservation. We are grateful for these gifts of knowledge from our ancestors and appreciate that we are in an era where these gifts are valued the way that they should be—because we all will continue to benefit from them.

These ancient trees are not easily replaceable. They must be protected by all means possible. We continue to assess and recover from the Windy Fire and have learned much from it. We have been reminded that we need to collaborate to reduce fires. We need to share our knowledge and our resources. We need to respect and employ Traditional Ecological Knowledge. We need to do this together as co-stewards—and we need to do this now.

For these reasons, we urge the Congress to move this legislation forward. Thank you for this opportunity to provide comments in support of the Save Our Sequoias Act.

The CHAIRMAN. Thank you, Vice Chairman Nieto. I will now recognize Members for questions in the order provided by staff on both sides of the dais. We will alternate between the Majority and the Minority, and non-Committee members will go last. And we can have more than one round of questions, if needed.

I first recognize myself for 5 minutes, and my first question is for the whole panel, and you can answer by just raising your

hands. Raise your hands if you are testifying today on behalf of an organization that directly manages giant sequoia groves under your jurisdiction.

Chief Moore, do you not—

Mr. MOORE. Sorry.

The CHAIRMAN. Are you testifying today on behalf of an organization that directly manages giant sequoia groves under your jurisdiction?

[Laughter.]

The CHAIRMAN. All right. So, 80 percent of our panelists are directly involved on the ground with management of giant sequoias.

Are you testifying today on behalf of an organization that is a member or an affiliate partner of the Giant Sequoias Lands Coalition?

Thank you.

Chief Moore, there is an opposition letter to this bill, unbelievably, that says that the Save Our Sequoias Act designates a “broad so-called emergency” for the giant sequoias. Would you agree with the characterization that the crisis facing the sequoias is a “so-called emergency”?

Mr. MOORE. I think the crisis that is facing the giant sequoias, Congressman, is a crisis.

The CHAIRMAN. It is an emergency?

Mr. MOORE. It is an emergency.

The CHAIRMAN. Thank you. Chief Moore, yes or no, based on your understanding of this bill, does it waive any requirements for the Forest Service to comply with environmental laws, including NEPA, ESA, and the National Historic Preservation Act?

Mr. MOORE. No, Congressman, I think it is in compliance with NEPA.

The CHAIRMAN. Thank you, Chief Moore. Last year, the Forest Service announced emergency actions under NEPA to reduce hazardous fuels in 11 giant sequoia groves. While this was a great first step, I don’t think anybody in this room should think that we can treat less than 10,000 acres in a select amount of groves, and then call it a day, and think we have solved the problem.

Do you believe the emergency actions undertaken by the Forest Service last year “severely undercut any bedrock environmental laws”?

Mr. MOORE. No, Congressman, I do not.

The CHAIRMAN. Can you tell me what the difference is, if any, between the emergency actions the Administration took last year versus the emergency authorities provided in this bill?

Mr. MOORE. I think the emergency actions that the agency took and the authorities in this bill are very similar in nature. I do think that the SOS Act does add process and reporting requirements that we would be happy to work with you on.

The CHAIRMAN. Thank you, Chief. So, if the administrative emergency actions didn’t undermine NEPA and the Save our Sequoias Act simply codifies these actions, it sounds like, in your opinion, it adds a little more reporting to it. Would you agree that this bill does not severely undercut any bedrock environmental laws?

Mr. MOORE. Yes, to my understanding, it would not.

The CHAIRMAN. Thank you again, Chief. Were you able to increase the pace of treatments because you received funding, or because you utilized streamlined authorities, or both?

Mr. MOORE. Both, Congressman.

The CHAIRMAN. Thank you, Chief.

Dr. Nelson, some have suggested that enough work has been done to protect giant sequoias. If a fire were to ignite this summer in the Sierra Nevada, could we potentially see another high mortality giant sequoia event?

Dr. NELSON. Thank you. If you are in the room with scientists and managers, you hear people's fears of "I am worried about the next wildfire." Yes. The next wildfire, we could see a high mortality event.

The CHAIRMAN. Thank you, Dr. Nelson.

Vice Chairman Nieto, what would be your response to those who suggest that the legislation isn't needed because enough work has already happened on the ground?

Mr. NIETO. I would suggest those people come out to see these giant sequoias, and see where they are wrong with what they are thinking about them not needing to be protected, because without those in our lands, like I said, you are missing out on a beautiful sight, first of all.

And then second of all, they need to be there to protect the land that is, the other trees around them, they kind of give up themselves to protect those trees. That is why they have been there so long.

So, for someone who doesn't know anything about these trees, I think they should come out and get a closer look, and they would probably become tree huggers themselves.

The CHAIRMAN. Well, seeing is believing. And Vice Chairman Nieto, when we did the field tour, and I got to visit with members of the Tule River Tribe, I was impressed by the history with the Tribe and the sequoias. And you have discussed how your tribe has been managing sequoias not for hundreds of years, but for millennia. If we managed our Federal lands like the Tribe manages its lands, what do you think the difference would be for the health of these giant sequoias?

Mr. NIETO. I was impressed that when I was a youngster, probably about 8 years old, I always went to the mountains with my uncle. We went to the redwoods, the Redwood Corral we call it, one of our five groves. And that is where we would go to get our willows up there, because they are a lot stronger when they are more greener in the meadow right there, when they are mixed with the redwood. I guess you can say when the redwoods hit the meadows and the water from the meadow, it goes into those willows and it turns them red. So, they are basically redwood willows. And they are a lot stronger than the willows down below in the valley.

And we always had to clean up during the winter time around the trees. In the first video, I saw the fire people cleaning around the trees. But when we were doing that up there back in the day, when I was like 8 years old, we were told that we were ruining the food environment for those trees when we were actually protecting

them from being burned by the fires in the summertime, if they happened to come, or even the fires in the wintertime when they happen to come.

We always cleaned out an area around those trees to protect them, just like if they were your plant at home. You don't let weeds get in the garden if you want your roses to bloom. So, that is what we always did. And I was impressed that they are finally listening to someone that knows more about the trees than themselves.

The CHAIRMAN. That is my point exactly. My time has expired. I now recognize the gentleman from California for 5 minutes, Mr. Huffman.

Mr. HUFFMAN. Thank you, Mr. Chairman, and thank you for this hearing and for your work on this important issue. Thanks to the witnesses for their very helpful testimony.

Mr. Chairman, we agree on a lot of things today. I think we all agree that the giant sequoia is an incredible iconic resource, and we don't want it to go away on our watch. I think we all agree that it is under unique and emergency stressors and threats that need to be addressed. We agree that the mega-fires we are experiencing in recent years are not natural, are not normal, and we agree that 100 years of failed fire suppression efforts in our forests is a big part of the problem.

I think the only piece that we might have some nuanced disagreements on is I think we need to acknowledge a little more directly that the climate crisis is at the heart of this conversation and this emergency that we are trying to deal with. And as we move forward, hopefully together, to try to save the giant sequoia it is important to consider that bigger context so that we don't keep doing things that make the climate crisis even worse. So, I just wanted to note that.

The intent of this Act is very laudable, and I especially appreciate the efforts in this bill to codify existing work that is being done by the National Park Service and the Forest Service to respond to this emergency. I think the bill provides these agencies with some important tools and with an excellent overall framework to respond to this important challenge.

However, the bill also directs these agencies to stop doing something that is actually working quite well, and that is moving forward with urgency, with incredible speed, with incredible scale in full compliance with all of our environmental laws.

It has been suggested since this bill was first rolled out that some of these laws need to give way in order to save the giant sequoia. I think if we have learned anything over the past year or two, we have learned that the giant sequoia is not a poster child for NEPA reform or ESA reform. The giant sequoia and the incredible heroic efforts that have been taking place to save it are a poster child for how these environmental laws actually are a lot more flexible than people acknowledge in this Committee most of the time, and maybe a poster child for how to use existing environmental laws to do big things very quickly on the ground, because that is what we have seen in the past year.

We do not need the carve-outs from NEPA, and the Endangered Species Act, and the National Historic Preservation Act that are in this bill. And we can debate the nuances of whether they violate

NEPA and the ESA or whether they just expand existing emergency authorities. I am going to ask Chief Moore to expand a little bit on some of his concerns, because what may seem like nuances to you, Mr. Chairman, I believe are very important points of precedent that we need to take seriously.

Senator Feinstein and Senator Padilla have a bill that does not include these provisions, but does include all of the important tools to save the sequoias. And I hope that we can work together to get to that place where we can move a bill forward together that doesn't either intentionally or otherwise do harm to our environmental laws. So, I hope you will work with us. We have been trying to have that conversation for quite some time.

I saw Chief Moore, in his testimony, invited the opportunity to talk about some amendments that would address those concerns. We want to do that with you, too, Mr. Chairman. We want to get this bill in a place where we can move it forward.

Now, Chief Moore, the scale and the speed of what you and your partners have done over the past year or so is just remarkable. And the fact that you are on track to get all of this work done within the next year, likewise, is remarkable, all of it in full compliance with the environmental laws. Is it fair to say that you don't need any changes to our environmental laws to keep doing this great work?

Mr. MOORE. Congressman, we are going to always embrace what Congress gives us. We are looking at this Save Our Sequoias Act in particular. And while there are a lot of similarities to what we already have in terms of authorities, there are some places that we feel adds an additional burden.

I indicated what those were in my opening comments, particularly the reporting requirements that we would be interested in working with Congress to share what those concerns are, to meet the intent of the bill.

The other component of it is that it does codify some of the work and some of the authorities that we are currently using.

So, we would be happy to work with Congress in any way that this Committee, or Congress in general, would like for us to.

Mr. HUFFMAN. I appreciate that very much.

And Dr. Nelson, on behalf of Save the Redwoods League, I just note that you are also supporting the Feinstein-Padilla bill, which does not raise any of these points of disagreement over the environmental laws. Correct?

Dr. NELSON. That is correct as we saw it last year. I don't know the current form.

Mr. HUFFMAN. Very good. Thank you very much.

I yield back.

The CHAIRMAN. The gentleman yields back. The Chair now recognizes the gentleman from California.

Mr. Duarte, you are recognized for 5 minutes.

Mr. DUARTE. Thank you. Thank all of you for your information today. It is very important.

Mr. Moore, we have seen experience that loss comes from one of our most revered natural resources, the giant sequoia tree, when there is a lack of management in place. We understand the blame and burden does not fall on the shoulders of the Forest Service.

Like you said, you take what Congress gives you, and there is a lot of litigation sometimes involved, and there is a lot of bureaucracy involved in doing your jobs.

Do you feel that initiatives such as this bill, which I am a co-sponsor of—I have taken my family to outings at the Murphy's Grove of sequoia several times. We live about an hour away. And one of my first dates with my wife in 1995, Alexandra, was a road trip from Reedley, where she was staying, up to the giant sequoias down south there. So, there is quite a lot of attachment.

But other forests are burning also. Other forests are burning also. And do you believe that, although this is a great step to protect the sequoias, some of these regulation changes and resources could be well applied to other forests—may or may not be giant sequoias—to protect rural communities, to protect habitat, to protect the health of those ecosystems?

Mr. MOORE. If you are asking about this particular bill, it doesn't expand beyond, my understanding is, the Giant Sequoia National Monument, the three national forests, Sierra, Sequoia, and the Tahoe National Forest. It also includes those adjacent lands that could have an impact on those areas, should something happen like a wildfire.

Mr. DUARTE. Yes. Do you believe that some of these healthy forest initiatives to protect the sequoias could help protect the safety of rural communities if applied in other forests that you oversee?

Mr. MOORE. Yes, absolutely. I believe that we have a lot of authorities that we currently have, and some that are being proposed that would be very helpful.

Mr. DUARTE. Are you stifled by some of the NEPA and ESA regulations from practicing what you would consider to be the optimal forest management practices on other lands that you govern?

Mr. MOORE. Congressman, what we have focused on particularly the last 2 years is really streamlining our processes to get more efficient and effective. And if you were to ask me what is the result of that so far, I will tell you that the efforts that we have undertaken recently we now use in about 85 percent of our NEPA documents using categorical exclusions, CEs. That is up from about 70 percent just about 10 years ago.

And to further break that down, that 85 percent would represent about 4,000 categorical exclusions that we perform on an annual basis.

So, we are making a lot of progress by simply streamlining the processes, particularly using the tools that Congress—

Mr. DUARTE. So, let me ask—that sounds great, I am glad you are making progress on the national forests—the private lands in California, Sierra Nevada, are reputed to be more sustainably managed through active logging and more commercial enterprises in healthier states, having less severe forest fires. Similar are some of the recovered Tahoe Basin lands that have been more sustainably managed recently. Would you concur that private forest lands in general in California are healthier when it comes to forest fires, habitat, and resilience, than the U.S. Forest Service's, and that maybe you are catching up, but that is the mark that you are catching up to?

Mr. MOORE. Yes, Congressman. Most people are surprised when I tell them what I am about to say, is that most forest fires start on private lands, not on national forest-managed lands, although those fires on National Forest System lands, because of the abundance of vegetation there, and the ladder fuels, it creates hazard conditions to everything in its sight.

Mr. DUARTE. I agree. I farm in the Sierra Nevadas, and I have had my wine grapes smoked out a number of times over the last few years, more so than I ever expected. I have been up there for about 20 years. It is definitely getting worse. But it is the overgrown nature of the forest that has changed. Perhaps global warming, perhaps droughts. But we had droughts in the 1970s, we had droughts prior to that, similar warm and dry conditions. The catastrophic fires have more to do with fuel loads and management practices than they do with the fact that fires just start from time to time, whether it is natural or human. Is that true?

Mr. MOORE. Yes, and I will give you a good example of that. If I was to mimic conditions traditionally in this country, particularly in those fire-adapted ecosystems, what you normally have is about anywhere between 40 to 60 trees per acre. What we have on the landscape now is anywhere of 600-plus trees per acre. So, that tells you that we have an abundance of vegetation on the landscape that we really need to remove if we are going to have a positive effect on how fire behaves as it moves across the landscapes.

Mr. DUARTE. Did global warming cause the 600 trees per acre versus the 30 or 40 trees per acre, or is that a management outcome?

Mr. MOORE. I think it is a combination of things. I think that is certainly one of them.

I think the other thing, too, is that we have——

Mr. DUARTE. Global warming caused the tree density to increase?

Mr. MOORE. It is a combination of things. It is not just one. It is a combination of things. Global warming certainly adds to the complexity of that, but we have also kept fire out of fire-adapted ecosystems for over 100 years now. So, those ecosystems need fire, and we have kept fire out of those ecosystems.

Mr. DUARTE. Is logging an alternative to fire when it comes to fuels reduction and sustainable forest management?

Mr. MOORE. I certainly think logging is an option. It is a viable option.

I also say, along those same lines, we need to be looking at wood innovations too, because the type of material we have now in the landscape is small diameter, low-value material. What we have traditionally had in terms of our infrastructure is sawlog-type facilities. We need that, but we also need other innovations to come into this whole wood industry.

Mr. DUARTE. I am sorry, I am over time, but I am really enjoying my conversation with you.

The CHAIRMAN. The gentleman's time has expired, and we can do a second round if we agree to that. And I will try to be generous if a witness is answering a question when the time expires.

I will now go to the gentlelady from Alaska, Mrs. Peltola, who is also a co-sponsor of the bill.

You are recognized for 5 minutes.

Mrs. PELTOLA. Thank you, Chairman Westerman. My question is to Vice Chairman Nieto, and I do want to just make the observation I think it is interesting that the Federal Government has kind of co-opted our term "Chief," and then the tribes have co-opted back the term "Chairman," and "Vice Chairman."

[Laughter.]

Mrs. PELTOLA. So, to Vice Chairman Nieto, I just wanted to ask you: the Save Our Sequoias Act, it does facilitate tribal stewardship agreements and Good Neighbor Authority and the Giant Sequoia Emergency Protection Program and Fund. Despite this terrible situation that you are in with the iconic giant sequoias, I am pleased to see so much partnership among so many different levels. And I just wanted to ask you, Mr. Vice Chairman, could you speak about the importance of the iconic giant sequoia to the Tule River Tribe, and how your management practices helped inform the legislation?

Mr. NIETO. Yes, thank you. We have been doing this for years. Like I said, it has been normal practice for us, as tribal members. We have tribal members that are more into society, and then we have tribal members like myself that are more traditional and just want to be human beings, instead of Natives. But we have been knowing this practice since we have been kids and since we could walk. We always had a rake or even a good-sized cedar branch to brush the area away.

And like I was telling Mr. Speaker and Mr. Westerman, you don't leave weeds in your garden. Everybody always pulls the weeds from the garden. So, to get something beautiful and to keep something beautiful, you have to clean that area. And we have been practicing this forever. If you don't clean the area, you give it a chance to burn. There is so much that you can do.

And plus, before, we had a potbelly stove where we had to keep warm. So, most of that wood that was laying around that wasn't good to the trees, we used that to warm our homes most of the time.

So, it was always to clean the area, to clean the area, to clean the area. Because if you have a yard—we have 58,000 acres of backyard, so we have to keep our area clean, just like Hawaii, everybody knows Hawaii is a beautiful place. If people don't clean Hawaii, then it is not a beautiful place.

To us, those redwood trees are our Hawaii. They mean everything to us because without them everything is just a regular tree. Everything has meaning to us, and those trees are actually called our ancestors. They are not called monarchs. They are ancestors to us because they are the oldest living thing on our reservation, on our lands.

And we come from Stockton, the mountain range and those trees always meant something to our people, and still do to this day. So, we are grateful to be here at this table with everybody, and we are grateful for Mr. Moore's people that we get to talk to, like Theresa Benson and these other people that our other members have made friends with them to put us at this table today, and also our lobbyists back here. I know we aren't supposed to say too much about lobbyists when we are in these areas.

But us Tule River people, we love the people that work for us, they become family to us, just like you guys will to us when we go home. It is always what you can give, instead of what you can take, for us Tule River people. We are trying to give our medicine to whoever can use it to save these trees. So, that is why we are here today. That is why I am right here representing our tribe.

Mrs. PELTOLA. Thank you. I really appreciate that. And I do appreciate the fact that you are at the table and volunteering your time and energy to provide kind of that deep-time perspective, the longer time frame, and some of the management tools that have been in your toolbox for a long time.

With that, I yield back my time, Mr. Chairman. Thank you.

The CHAIRMAN. The gentlelady yields back. The Chair recognizes the gentlelady from American Samoa.

Mrs. Radewagen, you are recognized for 5 minutes.

Mrs. RADEWAGEN. Thank you, Chairman Westerman and Ranking Member Grijalva, for holding this hearing today. And thank you to Speaker McCarthy and the rest of my colleagues for your bipartisan work on this important issue. And thank you to the panel for your testimony.

The sequoias are to the Western United States what the coral reefs are to the Pacific. Not only are they incredibly important to the local ecology, but they also hold deep cultural and traditional significance.

Vice Chairman Nieto, in your testimony you highlight how the Federal Government must work alongside the tribes in management and preservation efforts. I would love to hear from you about the spiritual significance of the sequoia and more about what we can learn from emulating traditional forestry practices passed down by Native peoples. You touched on that a little bit earlier. Can you please speak a little bit more about how this is not just important from a logistical standpoint, but also reflective of our obligation to the tribes to protect their way of life?

Mr. NIETO. Yes, ma'am. We have a thing we have been teaching Mr. Moore's people, it is a cultural burning that we also learn at a young age. With the debris that is around these trees, you could only pile the wood so high, or the stuff you are going to burn that way around these trees, or anywhere, actually. We protect pretty much every tree we can because of our deer, because of our bears. Our bears are real sacred animals to us, and our mountain lions. We are not able to kill them, so they also need a place to be.

And when we burn these debris around these trees or any trees to protect our forest, we can only stack them so high because, just like the soil, if you burn your pile too high, you are going to burn everything that is under the ground and it is going to make a black mark on the ground where it is too hot.

We call it cultural burning so people could understand it in the European language, in this language we speak today here. But if we don't burn at a certain height, then that ground will get burned and nothing will ever grow again. So, when you do a cultural burning, it is kind of like putting the seeds in the oven, and then you are going to get whatever cupcake or cake or even your turkey on Thanksgiving to come out good. You always have to have a degree with cultural burning.

So, with that going on, we are trying to teach Mr. Moore's people that way, so they can learn how to protect the redwoods on their side of the mountain, because we are not savages and settlers anymore. We are all trying to be human beings and neighbors. And we are able to give up what we know now, instead of keeping it to ourselves, so it doesn't look like we are trying to hoard everything. But we have been doing this since we have been on this Earth. And we are just trying to be neighborly now. Before, we didn't want anyone to come borrow sugar from us. Now we are giving them all the sugar we can, from your land, of course. I still like C&H.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentlelady yields back. The Chair now recognizes the gentlelady from California, Ms. Kamlager-Dove.

You are recognized for 5 minutes.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chairman, and thank you all for attending today. I have a couple of questions, and I think my first question will go to Dr. Nelson.

Is low to moderate severity fire good for giant sequoia groves?

Dr. NELSON. Yes. They evolved with low to moderate severity fire from lightning strikes and Indigenous cultural burning that clears out the duff. The cones are semi-serotinous, which means, in this case, they need heat to open. And that is where the seed source comes from. So, then you have seed rain falling down and the removal of that duff. The seeds germinate better in mineral soil.

Ms. KAMLAGER-DOVE. Great. Is it also because low to moderate severity fire can help reduce the probability of a high severity in a subsequent fire?

Dr. NELSON. That is also correct. Reducing fuels, which has many forms, burn piles and prescribed burning are one, but reducing fuels in low and moderate severity fire can reduce the risk of high severity fire.

Ms. KAMLAGER-DOVE. Thank you. According to Federal fire severity and prescribed fire data, since 1984, over 92 percent of the total giant sequoia grove area has burned, and 87 percent of what has burned since then experienced low to moderate severity, or a low severity prescribed fire. Wouldn't that mean that most groves have experienced a relatively recent fuel reduction, reducing the probability of a high severity fire over the next several years?

Dr. NELSON. So, that is a really good area of open questions where we know from remote sensing this is low severity or moderate severity, and then we have current research proposals. We need to go see what that means, right?

So, a given, I will say pixel, because that is how our remote sensing comes back—a given pixel labeled low severity could look very different on the ground than any other labeled low severity. And we need to be able to go check to ground truth and look at, oh, there are areas that still need treatment, that still need forest prescriptions, and then other areas where it may be that wildfires, where they have burned at low and moderate severity, have done some of that forest treatment. It is just that they come along with high severity patches that are close to complete mortality, and also seed loss.

Ms. KAMLAGER-DOVE. So, what would you say is the urgency of this bill if only a small fraction of the groves haven't experienced

fire recently, and if high severity fire has been a relatively small or containable component, even in recent fires?

Dr. NELSON. There is still plenty of work to do. Other panelists and Chairman Westerman have mentioned ladder fuels. Again, even though fires have come through, they come through in irregular shapes, and come partway into the grove and not into the rest. So, it is correct that most of the grove area has burned in the last 6 years. There is still urgency to do treatment, to make silvicultural prescriptions, and do the work to clear out an overload of fuels.

We have an example from a property that we steward as Save the Redwoods League in Alder Creek Grove, where, it is roughly a rectangle, a strip across the northern area and southern area burned at high severity. We are going to need to do replanting of seedlings there, because there is no seed source. In the middle, it was untouched by fire, and we are still going to need to do thinning. We have the extremes. We have mass mortality or nothing. And that middle area still needs treatment.

Ms. KAMLAGER-DOVE. So, we don't have a lot of fire—I mean, we don't have a lot of forests in Los Angeles, where I come from. But I do represent California, and have had my fair share of trips up north. I will have to say I think part of the reason we are here is because we, as Americans, as people, have misplaced hostility toward fire. I think the fear of fire is what brought us to this place where we are today, where we really have a reason to fear fire.

I would also add that I do believe that it is the process of colonization that has really limited Indigenous fire stewardship practices, and we have to get back to that. It has led to radical ecological changes, including high fuel loads, decreased habitat for large game, reduction in the quantity of acorns, and alteration of growth patterns of basketry materials. And I think we do have an obligation to go back to Indigenous fire practices and that kind of stewardship if we are going to re-examine our relationship both with Mother Earth and with our forestry.

Thank you, and with that I yield back, Mr. Chair.

The CHAIRMAN. The gentlelady's time has expired. The Chair recognizes the gentleman from California, Mr. LaMalfa, for 5 minutes.

Mr. LAMALFA. Thank you, Mr. Chairman. I appreciate this hearing, and on this very important subject to our state. I live in far northern California, and have enjoyed the area of the sequoias over the years as our kids go down to the Hume Lake Christian Camp many times there, as we travel the area and enjoy the majesty of those amazing trees.

But I also want to acknowledge, too, in recent years I have been very disturbed by the number of trees as we are traveling Highway 80 and the other side roads in those forested areas, not in the sequoia areas, but the surrounding, that looks like 50 percent of the trees in those dense forests are gray and dead. And it just scares me for what a tinder box that is. So, I am going to direct a question to Chief Moore here.

The previous questioning here is how much does this have to do with climate change or global warming. That isn't what makes trees grow densely. It is the lack of management and getting at it.

So, pace and scale is that term I am going to keep using, that we have to vastly increase our pace and scale of doing forestry work, instead of these half measures we have been doing so long. And I know you are tied up with lawsuits, and environmentalists are suing all the time over the easiest projects, Randy. And it is frustrating for all of us. But we have to get real about this, because when that goes up there off that Highway 180 area, I don't know how you are going to stop it with the density you have.

So, let me get to one of the major concerns noted by the John Muir Project is that this bill is a sneaky way to reinstitute old growth logging in our public lands. Do you think this is actually a valid concern?

Mr. MOORE. I have not heard that. Are you talking about the SOS bill?

Mr. LAMALFA. On our sequoias bill, yes.

Mr. MOORE. No, I don't believe that at all, from what I understand of the bill.

Mr. LAMALFA. OK, thank you. Yes, I don't think so either, but it might be construed that way.

What precautions have we taken in the bill so that your agency will be able to ensure these old-growth forests are conserved—

Mr. MOORE. Well, as I indicated earlier, the intent of the bill we agree, and we think it is really good. There are some concerns that we have, particularly with the reporting requirements. In some of the areas it is redundant in some of the authorities we have. But we are happy to work with this Committee on those areas to make sure that we can more appropriately meet the intent of the bill.

Mr. LAMALFA. Yes, we want to be effective, not redundant.

Mr. MOORE. Yes.

Mr. LAMALFA. OK, thank you. Indeed, it is a bipartisan bill. I hoped it would be more of a victory lap here today, but it is one of a long line of bills that are categorical exclusions to do a decent amount of work on Federal lands, so we can do our jobs more efficiently and effectively, in spite of what NEPA frequently requires. So, I am grateful we have these CEs, and that they are usually pretty widely supported.

But the necessity and the frequency that we need to do these CEs, it is the result, again, of the NEPA policy being so overbearing on doing basic work. So, every time we want to do one like this to save the sequoias, we have to overcome these restrictions we have in NEPA. Under the current authorities, how long would it take, do you think, to treat what are the 19 most at-risk groves of giant sequoias. How long do you think it would take to treat it under current?

Mr. MOORE. Well, I will tell you what we are treating so far, in terms of the giant sequoia.

Mr. LAMALFA. No, I am asking how long do you think it will take for us to be able to take these 19 groves out of the risk zone under the current pace?

Mr. MOORE. So, we are going to take 12 of the 19. We should have those done by next year.

Mr. LAMALFA. Twelve of nineteen.

Mr. MOORE. Certainly, there is more to be done, but that is based on the resources that we have.

Mr. LAMALFA. OK. Because we have estimates through our Committee here that it might take up to 52 years, having to go the CE route under current pace, and we don't have that much time to risk, especially as you drive 180 up there.

So, if we get this bill done, though, how long do you think it will take to secure these 19 groves?

Mr. MOORE. Well, the bill is one piece, and that is probably a necessary piece with some changes and some additions. But it also depends, Congressman, as you know, on the resources that are provided to actually do the work on the ground.

Mr. LAMALFA. Well, I think we will take care of the resources. If you have them, how long do you think it will take?

Mr. MOORE. I mean, we have, I believe, 19 of those. We are treating 12 of those, and we are treating those 12 in about a 2-year time frame.

Mr. LAMALFA. So, do you think you can get it done in, let's say 4, 5, 6 years if we had the resources on the last seven?

Mr. MOORE. Well, I don't know. If you provide the resources, I would certainly—

Mr. LAMALFA. That is what we do. We need to hear from you what you need, and the authority to do it. That is what we are after. How long would it take to do it?

Mr. MOORE. I have never been able to get everything that I would like to have. So, it always depends on what Congress provides us in terms of resources.

Mr. LAMALFA. All right. Do you think this bill sufficiently increases the pace and scale I am talking about to address this problem we are dealing with?

Mr. MOORE. I think it has the intent, and the intention—

Mr. LAMALFA. The intent. So, you are not sure? Yes or no.

Mr. MOORE. Well, as I indicated earlier, I think the bill could be strengthened. And I talked about the reporting requirements and those things that are redundant in our existing authorities.

Mr. LAMALFA. OK.

Mr. MOORE. We would be very interested in working with this Committee on those areas where we do have some concerns, Congressman.

Mr. LAMALFA. OK.

The CHAIRMAN. The gentleman's time—

Mr. LAMALFA. I just wonder how many more CEs do we have to pass before we can determine that we have a broken process?

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentleman's time has expired. The Chair now recognizes the gentlelady from New Mexico, Ms. Leger Fernández, for 5 minutes.

Ms. LEGER FERNÁNDEZ. Thank you, Chair Westerman, for bringing us all together, in many senses, to honor the sequoias and have each of us walk through our own memory lane of what we have done under those giant sequoias. I was able to camp in Kings Canyon under the sequoias, because nobody goes to Kings Canyon. Everybody stops at the giant sequoias and never makes it over to Kings Canyon, where you can actually pitch your tent under the giant trees and listen to the water rushing by.

I wanted to really build on the beautiful comments that Vice Chair Nieto provided us. Last year, I chaired a hearing in the Subcommittee for Indigenous Peoples on Indigenous cultural and environmental preservation, where, similar to you, Ms. Elizabeth Azzuz told us about her work to re-establish traditional burns in forests, which can create healthier forest ecosystems and strengthen tribal cultural practices. And we have heard once again directly about the gift that fire indeed brings, and about how you are so willing to share with us and, in fact, take us to cooking school to share with us exactly how you work on that.

Could you describe a bit more about the work that you do working with restoring the sequoias, and how that might indeed provide lessons to your colleagues who you are, as I understand, in collaboration with on this effort to save the giant sequoias?

Mr. NIETO. Yes, ma'am. Thank you. Yes, we have been doing this, like I said, for a long time, since I have been walking.

And we had decided to invite Mr. Moore's people from our neighbor's side, the Springville side, or Kings Canyon, or anybody that wanted to come to our land and witness the controlled burning, learn the controlled burning, so we invited them to our meadows and did some controlled burning there with one of our friends from the North Fork Tribe, an elder, Ron Good. He came back and helped us out because in our way—of course, probably in your way, where you come from, our elders are the main people we have to listen to.

So, when we bring someone in, we wanted them to know how it goes throughout the land, and that we are all, even though we are not the same tribe, we are all the same people. And that is how we wanted to treat Mr. Moore's people, as our neighbors, and to walk them into our land, and to show them that we are not trying to keep this way, but we would like you guys to practice it because it will help save our side of the land, as well as yours. Because if you don't practice this way in a good way, then your land is going to burn, and our land is going to burn with yours because your burn is going to come to our side and burn our side down also, because you are not keeping your yard clean is a good way to say it, I mean.

So, that is why we invited them over, and then we did a burn this last year. So, when the snow finally melts up there where we did the meadows, we are going to welcome them back again so they can see how the seedlings came up, and what actually grew, and how it brings back everything that was there from centuries to yesterday. So, they are going to get to see, and seeing is believing.

Ms. LEGER FERNÁNDEZ. Is that this year?

Mr. NIETO. Yes, this year. We are looking forward to that. And, hopefully, all our gods together will bring those plants to life so they can believe that this is actually a real thing that is really possible.

Ms. LEGER FERNÁNDEZ. Thank you so much, Mr. Vice Chair. And I liken your testimony where you actually pointed that this beautiful trip that I think all of us really want to be on with you is indeed science, right, it is science, and we need to recognize it.

The other thing that I would like to have you touch on really quickly is the role of the tribal historic preservation officers,

because we want to make sure that we don't eliminate the importance of the role that tribal historic preservation officers play in both the work that you are doing in the sequoias—because the tribes have always been involved—but the work that is done across this country.

And we heard testimony that, basically, we don't fund our Tribal Historic Preservation Officers sufficiently. They get about \$75,000 a year, which is inadequate. Do you involve your Tribal Preservation Historic Officers in your work, your TPHOs?

Mr. NIETO. Yes. We never really needed a TPHO officer, because we all, like I said, the ones that are cultured, we already knew how to work our system, and we are born into it. But with all the little hoops you have to jump most of the time, we had to establish a TPHO officer. So, ours is actually getting into place now, and we don't get any money to support it. We have to use our subsidy to support that position now.

So, we are trying to look into getting more resources because, even though we do have gaming, and everybody thinks that gaming is the answer to everything, most of our gaming as a tribe we put toward our programs, and that TPHO program will be one of them.

And we are not in it for the money, we are in it for survival. And just like the trees, they are in it for us to protect them. And that is what we want to do. And it is not only our sequoias that we want to protect—

Ms. LEGER FERNÁNDEZ. Thank you, Mr. Vice Chair. I hear the little pounding of the gavel to close the conversation.

[Laughter.]

Mr. NIETO. Oh, my bad, yes. I usually get that.

Ms. LEGER FERNÁNDEZ. You are bringing important information. I am sorry that we do have those timelines.

Mr. Chairman, I yield back.

Mr. BENTZ [presiding]. Thank you. And with that we recognize Mr. Stauber for 5 minutes.

Mr. STAUBER. Thank you, Mr. Chair.

Chief Moore, we have lost 20 percent of the world's mature giant sequoias due to high severity fire in just these past 2 years. Despite this, yesterday my staff received an e-mail from the John Muir Project opposing this legislation because, and I quote, "Moderate and high severity fire means continued life for giant sequoias and their ecosystems." Chief Moore, would you agree or disagree that the giant sequoias need more high severity fires?

Mr. MOORE. Congressman, I think the emergency situation we find ourselves in today is because of a combination of high severity fires in combination with overly-stocked, dense vegetation.

Mr. STAUBER. So, you don't agree that we need more high severity fires?

Mr. MOORE. What I am saying is high severity fires are the reason we have this emergency.

Mr. STAUBER. Right. Giant sequoias need low severity fires at intervals of roughly 30 times per century. Recent high severity fires have killed, not helped, giant sequoias.

And then sequoias do need fire to regenerate, but recent high severity fires have burned with such intensity there are many areas that are unlikely to naturally regenerate. Chief Moore, given

this fact, would you agree that high severity fires are not beneficial for sequoia regeneration, as suggested by the John Muir Project?

Mr. MOORE. High severity fires are not beneficial to giant sequoias.

Mr. STAUBER. In October 2021, the editorial board of the Sacramento Bee released the following editorial about the John Muir Project, and I quote, “By weaponizing Federal protections such as the National Environmental Policy Act and the Endangered Species Act to obstruct or outright kill various wildfire prevention projects, environmentalists imperil the very ecosystems they wish to protect. Organizations like the John Muir Project have been accused by leading experts of spreading agenda-driven science that promotes specific, unsupported narratives, and avoids data to back up their litigious claims. At least 111 scientists have co-authored at least 41 scientific papers to rebut their dubious methods.”

Amazingly, this organization was also involved in blocking a forest management project at Yosemite National Park designed to protect giant sequoias. Two days later, a fire breaks out in the Mariposa Grove of giant sequoias at Yosemite. Chief Moore, can you please discuss how litigation and the threat of litigation can imperil the work of land managers to protect iconic species like the giant sequoia?

Mr. MOORE. Yes, Congressman. What I can tell you is, particularly in some parts of the United States and in some regions of the Forest Service, litigation can and does have an impact on projects. And sometimes they get delayed to the point where we are waiting for the courts to make a decision.

And it depends on what is the purpose of the NEPA to begin with. Let’s just say that you had a fire, and you want to do a salvage sale out there. Burnt timber only has so long before the value goes. So, if the project is delayed long enough, then the purpose and need for that salvage evaporates.

Mr. STAUBER. Right. In the interest of time, you mentioned NEPA. Based on your understanding of the bill, does it waive any requirements for the agency to comply with environmental laws like NEPA?

Mr. MOORE. No, Congressman, it doesn’t.

Mr. STAUBER. OK.

Mr. MOORE. It is compatible.

Mr. STAUBER. Chief Moore, opponents of this bill have suggested this legislation would hand over all decision-making authority for giant sequoias to the Giant Sequoia Lands Coalition. Based on your understanding, is there anything in this legislation that would remove the Forest Service’s decision-making authority for giant sequoias on National Forest System lands?

Mr. MOORE. No, sir. My reading of the bill, the authority resides with the Forest Service.

Mr. STAUBER. Thank you very much.

Mr. Chair, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Representative Ocasio-Cortez for 5 minutes.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chair. This overall bill dedicates \$200 million over the next 7 years to address the impact

of the climate crisis on the sequoias. And these appropriations look almost identical to the Senate version of Senator Feinstein's bill, as well.

But when we look closer at this House version introduced by Speaker McCarthy, we see that, unlike the Senate version, this version does seem to compromise our bedrock environmental laws like the National Environmental Protection Act.

Additionally, we have also seen from Speaker McCarthy that any new spending must be accompanied by cuts to existing spending. And I do believe that it is important for the Committee to understand what \$200 million cuts the Speaker intends to impose in order for us to make these important investments.

But let's dig further into this bill. Mr. Desai, I would like to understand what emergency actions are already taking place at our national parks to restore and conserve giant sequoia groves, and can you describe current efforts that are currently underway?

Mr. DESAI. Thank you for your question. As I was mentioning in my opening statement, specific to Yosemite and Sequoia Kings Canyon, Yosemite has already been advancing biomass removal and thinning projects in Tuolumne and Merced Grove. They are also continuing work at the Mariposa Grove. And what we just saw recently, which we are thankful for, is Sequoia Kings Canyon has this Sequoia Protection Action Plan that lays out in 3 years how they plan to accomplish all of their priority fuels reduction treatments. So, from what we are seeing, there is action taking place by the National Park Service.

Ms. OCASIO-CORTEZ. Thank you. And in your view, has NEPA been an obstacle to these conservation efforts?

Mr. DESAI. They have not. I mean, the Park Service is working within their existing authorities. And our interest here has been to scale that up. And the way we see that scaling up is by actually getting funding and resources so that they and this coalition can do their work.

Ms. OCASIO-CORTEZ. Thank you. And is that what you would say are the primary obstacles to improving these conservation efforts, just the funding and additional resources? Are there any additional obstacles that you see in your purview?

Mr. DESAI. Well, there is stuff at the state level like air quality-related issues that Dr. Nelson mentioned, but that is a state issue.

But at the Federal level, what we are seeing is that it is funding and staffing. You know, a CE, a categorical exclusion, can move as fast as we have people working on it. If we have a compliance person spread across 10 projects, that is 10 percent working on this. And we would like these expedited processes to be maximized as quickly as possible, and that means we need staffing and money.

Ms. OCASIO-CORTEZ. Yes, and I wanted to kind of touch on that.

I would like to seek unanimous consent from the Chair to introduce into the record the Sequoia and Kings County National Park Sequoia Grove Action Plan.

Mr. BENTZ. Without objection.

[The information follows:]

Submission for the Record by Rep. Ocasio-Cortez

Sequoia & Kings Canyon National Parks Giant Sequoia Grove Protection Action Plan (Tentative and Subject to Change)

Current Planned Fuels Reduction Treatments

Sequoia and Kings Canyon National Parks' (SEKI) FY23-25 three-year Sequoia Protection Action Plan identifies three phases of fuels treatments for groves that have not burned in recent years and have unhealthy accumulations of living and dead forest fuels. Phases 1 and or 2 are interim stages and will not be applied to all groves. Completion of Phase 3 is the objective of fuels reduction treatments. The three phases are:

- Phase 1: Immediate Manual Action to Reduce Risk of Most Vulnerable Trees.
- Phase 2: Manual Fuel Reduction & Pile Burning.
- Phase 3: Broadcast Rx Burn.

Grove	Completed Actions/Status	Planned Actions*
Lost Grove	• All but 16 acres of this grove burned in the KNP Complex. • 10/22: Completed point protection of remaining 16 acres of at-risk trees in grove (Protection Action Plan Phase 1).	FY25 • Planned completion of 669 acres of broadcast Rx burn in 10/24 (Protection Action Plan Phase 3).
Sequoia Creek	• 10/22: Completed 18 acres of understory thinning and piles (Protection Action Plan Phase 2).	FY 23 • Planned completion of 20 acres of understory thin and pile. Work is planned to be contracted in 7/23 (Protection Action Plan Phase 2). FY24 • Planned pile burn of 38 acres (Protection Action Plan Phase 2). Rx broadcast Rx burn will be on-cycle after FY25 (Protection Action Plan Phase 3).
Grant Grove	• 10/22: Completed point protection work of at-risk trees (Protection Action Plan Phase 1).	FY23 • Planned completion of 168 acres of understory thin and pile. Work is planned to be contracted in 7/23 (Protection Action Plan Phase 2). FY24 • Planned pile / broadcast Rx burn of 521 acres (Protection Action Plan Phase 3).
Atwell Grove	• Large portion of this grove burned in KNP Complex. • 10/22: Completed point protection work of at-risk trees (Protection Action Plan Phase 1).	FY23 • Planned completion of 68 acres of understory thin and pile. Work is planned to be contracted in 7/23 (Protection Action Plan Phase 2). FY24 • Planned pile burn of 68 acres (Protection Action Plan Phase 2). • Planned Rx burn prep (Protection Action Plan Phase 3). FY25 • Broadcast Rx burn (Protection Action Plan Phase 3).

Redwood meadow Grove	10/22: Completed 71 acres of understory thin and pile (Protection Action Plan Phase 2).	FY23 - Planned completion of 115 acres of understory thin and pile. Work is planned to be contracted in 7/23 (Protection Action Plan Phase 2). FY24 - Planned pile burn of 186 acres (Protection Action Plan Phase 2). FY25 - Planned "big box" broadcast burn (Protection Action Plan Phase 3).
Little Redwood Meadow Grove	10/22: Completed point protection work of at-risk trees (Protection Action Plan Phase 1).	FY25 Planned "big box" broadcast burn (Protection Action Plan Phase 3).
Granite Creek Grove	10/22: Completed point protection work of at-risk trees (Protection Action Plan Phase 1).	FY25 Planned "big box" broadcast burn (Protection Action Plan Phase 3).
Big Stump Grove	7-8/22: Completed 117 acres of understory thin and pile in Big Stump East unit (Protection Action Plan Phase 2). 7-8/22: Completed 45 acres of understory thin and pile in Big Stump South unit (Protection Action Plan Phase 2). 1/23: Completed 25 acres of pile burning Big Stump South (Protection Action Plan Phase 2).	FY24 - Planned pile burn of 117 acres Big Stump East units (Protection Action Plan Phase 2). - Planned pile burn of 20 acres Big Stump South units (Protection Action Plan Phase 2). FY25 - Planned "big box" broadcast burn (Protection Action Plan Phase 3).
East Fork Grove		FY24 - Planned Rx burn prep (Protection Action Plan Phase 3). - Planned broadcast burn of 941 acres (Deer Creek RX) in 11/23 (Protection Action Plan Phase 3). FY25 - Planned "big box" broadcast burn (Protection Action Plan Phase 3).
Cahoon		FY25 Planned "big box" broadcast burn (Protection Action Plan Phase 3).
Horse Creek		FY25 Planned "big box" broadcast burn (Protection Action Plan Phase 3).

* Note: Planned treatment timetable is subject to staffing availability based on wildfire activity and, in the case of prescribed fire treatments, suitable burn conditions.

Deferred Fuels Reduction Treatments

The three-Year Protection Action Plan excludes treatment of three small at-risk groves (which constitutes just 5% of total SEKI grove acreage) as they are remote, located in extreme terrain, and are too hazardous for conventional mitigation tactics. Action will be deferred until completion of the Fire Management Plan which may identify them as good candidates for treatment via "Big Box" Managed Wildfire. Those groves are:

- Coffeepot Canyon
- Surprise
- Eden Creek (which partially burned in wildfire).

Completed Wildfire or Prescribed Management Fuels Treatments

Other than the 11 groves listed in the fuels treatment plan and the three deferred groves, the remaining 23 SEKI groves have burned in recent years (either via wildfire, managed fire, or prescribed burns) and are within a natural burn cycle and not currently in need of fuels reduction treatments. Those groves are:

- | | | |
|--------------------|-------------------|-----------------|
| • Redwood Mountain | • Oriole Lake | • Dennison |
| • Big Springs | • Squirrel Creek | • Redwood Creek |
| • Pine Ridge | • New Oriole Lake | • Homers Nose |
| • Muir | • Eden Creek | • Board Camp |
| • Skagway | • Cedar Flat | • South Fork |
| • Suwanee | • Clough Cave | • Garfield |
| • Giant Forest | • Forgotten Creek | • Dillonwood |
| • Douglass | • Devil's Canyon | |

Planned Burned Grove Rehabilitation

SEKI is currently evaluating six groves that burned at high severity during the Castle or the KNP Complex fires. Mortality may be too high to accommodate natural regeneration. SEKI is currently in the pre-NEPA civic engagement stage of preparing an EA to potentially replant within these groves manually. At the same time, we are growing seedlings from cones collected in groves that can be used to support the project should we proceed. Assuming there is a signed FONSI, replanting activity is expected to begin in October 2023 and continue for three years (unless extended if we experience drought conditions). The six burned groves being evaluated for replanting are:

- Homers Nose
- Board Camp
- Dillonwood
- Suwanee
- Redwood Mountain
- New Oriole Lake

Yosemite National Park

Yosemite National Park will be implementing fuels reduction and forest restoration in the Merced Grove and in the Mariposa Grove in FY2023.

Ms. OCASIO-CORTEZ. Mr. Desai, do you happen to be familiar with this report?

Mr. DESAI. Yes.

Ms. OCASIO-CORTEZ. And this action plan does lay out a 3-year timetable for caring for the sequoia groves. But it also notes that the action plan is “subject to staffing availability,” to your note. Do you believe that this plan is achievable, given current staffing levels, and what would appropriate staffing levels look like for us?

Mr. DESAI. Yes, that is what the Park Service has said. And when we enter fire season, staffing is deployed to all these other

uses, right? So, we need dedicated folks to this exact sequoia protection project. And I think the needs have been identified, at least by Sequoia Kings Canyon. I don't know what that exact number is, off the top of my head, but that is what we need to fund. Or at least get the Administration to release funds, because Congress has provided through the BIL, through the Inflation Reduction Act, the funding that can be used for this exact purpose. So, that is where we think we would like to spend some of our attention.

Ms. OCASIO-CORTEZ. Wonderful, thank you. And this action plan does not require changes to NEPA or any bedrock environmental laws, correct?

Mr. DESAI. It is working within the existing authorities for the Park Service.

Ms. OCASIO-CORTEZ. Thank you. With that, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Representative Hageman for 5 minutes.

Ms. HAGEMAN. Good morning, and thank you.

For decades, Federal regulations have limited the ability of Federal and state agencies, as well as our tribes, to properly manage our national forests. Many Western forests, including in my home state of Wyoming, are dying from bark beetle attacks and extreme wildfires. Many radical environmental groups have weaponized the Federal process through serial litigation, resulting in the tightening of Federal grip on our public lands. And these serial litigants don't just cause uncertainty for farmers, ranchers, and producers; they also cripple our ability to manage our forests with preventative wildfire and harvesting techniques throughout the West.

Such was the case in the unfortunate burning of the Mariposa Grove of giant sequoias, and by weaponizing Federal protections such as NEPA and the ESA, serial litigators blocked management projects that land managers identified as crucial to protecting giant sequoias in Yosemite National Park. And such is the case with many of our western forests, including in Wyoming, which still suffer from unwise and destructive management policies such as the 2001 roadless rule that negatively impacted forest health and sustainability.

Unfortunately, our tribes disproportionately bear the brunt of these harmful Federal policies, resulting in the destruction of many treasured and sacred landscapes. In 2021 alone, nearly 400,000 acres of Federal Indian reservation lands were burned by wildfires. The proximity and interconnectedness of Federal tribal lands and lands managed by the U.S. Forest Service and the Department of the Interior requires the highest level of accountability of our Federal employees for appropriate wildfire prevention efforts, or lack thereof.

Mr. Nieto, you have made it clear that the SOS Act will improve the ability of the Tule River Indian Tribe of California to collaborate with forest managers and ultimately expedite wildfire prevention activities. With regard to your past experience, can you please talk about the impact to tribal lands when Federal lands are not managed appropriately?

Mr. NIETO. Yes, ma'am. Like I said, we had two fires that hit our reservation. One was natural, from the lightning, the Windy Fire,

and then another one was a car wreck on the Springville side of the river over there. And since they didn't manage their land too well, without the clearings that they needed to do as people, that fire came raging over our mountains and burned a lot of our fires before we could get to it.

And both sides of the mountain are very steep and rough terrain, so we understand some of the stuff that they couldn't, but where the fire had started, if they would have controlled a little bit of that better, it probably wouldn't have gotten so far, it probably wouldn't have jumped the river.

With that being said, it is easy to point fingers after something is done, but it is hard when all these guys get to make the rules, and we have to listen to them and obey them, when we could be protecting things.

So, I am glad Mr. Moore's people are finally sitting down at the same table with us and welcoming us into the room. We actually opened up their new building in Porterville with them. And I just left there last week. They hired one of our tribal members as a liaison, so we are working pretty close with them now.

Ms. HAGEMAN. I am glad to hear that. That is great. Bad forest management can result in a catastrophic outcome, can't it?

Mr. NIETO. Yes. And then also, too, like in my testimony about our water and our reservoir, our river is so decimated with less water nowadays that when it did come to our side, the reservation, we had nowhere for the helicopters to get water because our river was so shallow. So, they had to go off land to get water just to put our fire out.

So, even though we controlled our land and cleaned it, there was no water for them to even try to put the smallest fire out. So, it kept burning. That is why our water thing was in our testimony today, because no matter what, we are still going to need water to fight fires, let alone to survive.

Ms. HAGEMAN. That is exactly right, and I appreciate your perspective.

If there is no expedited process to care for these forests, such as the SOS Act, or if we don't act on this legislation, what will be the impact on your tribes, specifically in the next 10 to 20 years?

Mr. NIETO. Well, we will never see those groves again. They will be gone.

I welcome anybody that opposes this bill to come to our land and see the difference of both sides of what we are talking about, or what I am testifying today. I welcome anybody to Tule River that opposes this bill, so they can see how bad those trees burn. Those trees burned right in the middle of it. When I see that video of Jose crying, I am a grown man, and when I take myself back to seeing that for the first time, it still bothers me today because that is something that we love. We love everything that we have, and what little we have today, we try to protect as much as we can.

Ms. HAGEMAN. Again, I thank you so much for your perspective, and being here today. I thank all of the witnesses.

With that, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Mr. Peters for 5 minutes.

Mr. PETERS. Thank you so much. I want to thank Chairman Westerman, Congressmen Costa and Panetta, and all of our partners, including our tribal partners, for supporting this important legislation.

The Save Our Sequoias Act is a comprehensive, bipartisan bill that will save an iconic species from extinction. It provides sufficient funding to staff and support sequoia protection projects, helping the Park Service and Forest Service scale their existing efforts. It provides clear statutory authority so land managers can take immediate emergency action with fewer legal risks. And it was developed with a group of local, state, Federal, and community representatives, and shares strong supports in Congress, with 50 co-sponsors, including 23 Democrats. The Save Our Sequoias Act is the only bipartisan bill in Congress capable of protecting this species from extinction, and we should pass it right away.

Dr. Nelson, Save the Redwoods League is a science-based organization that manages redwoods and giant sequoia. In your expert opinion, are the giant sequoias facing an emergency threat from extreme wildfire?

Dr. NELSON. Yes, they are.

Mr. PETERS. Do you agree that ecological thinning, mechanical and handcrew treatments, and pile and prescribed burning are critically important to protect sequoia groves from the risks of wildfire?

Dr. NELSON. I do. You have listed a suite of tools, and we are going to have experts such as registered professional foresters giving specific prescriptions to specific places and, yes, they are going to be drawing on those tools.

Mr. PETERS. Great.

Chief Moore, in June 2022, the Forest Service announced it would take emergency actions, including the authorities codified in our Save the Sequoias Act, to protect giant sequoias in 12 out of the 37 U.S. Forest Service-managed groves, which you have discussed before, and thank you for doing that.

These emergency actions were taken prior to the completion of a formal NEPA analysis. Why did the Forest Service choose to use its emergency authorities proactively to protect giant sequoias?

Mr. MOORE. I would like to start by saying that the action that we took was NEPA. It was authorities that we have had in place since, I think, about 1989, and it is called the alternative arrangements. That is basically where we develop an action alternative, and begin to implement the work without having an objection period. That was the authority we used.

So far, we have approved six projects, and we have a number of other projects in the pipeline working their way up.

Mr. PETERS. How does the Forest Service balance the need to conduct forest treatments quickly, while still conducting sound environmental analysis?

Mr. MOORE. Well, we think it is important to have sound environmental analysis. What we also think is it is important to have a streamlined approach to how we do that analysis. And looking at the traditional ways that we do business is categorical exclusion, environmental assessment, environmental impact statements. And each of those depends on the level of significance.

We are finding that we are able to streamline our processes. And to give you an idea, 85 percent of all of our projects now are done with categorical exclusion, and that is up from about 70 percent as long as 10 years ago. And a big part of that is just streamlining the process, but also educating the workforce on when and where to use the right tool.

Mr. PETERS. Well, you have a pragmatic approach to getting the job done within all the legal framework that you have, and also with the resources you have. And I think we are trying to help you with that with this bill.

And Mr. Desai, the Save Our Sequoias Act would provide over \$200 million in funding to support giant sequoia protection projects. How would this funding help scale the Park Service's existing efforts to protect giant sequoias from extreme fire?

Mr. DESAI. Thank you for the question. We need money, a combination of Congress appropriating money and the Administration, what they have releasing it to these agencies for the National Park Service. They have this 3-year action plan, Sequoia, but this work is going to continue. It is not just we are doing it for 3 years or we are doing it for 7 years, right? It is going to continue over the long term, and really bringing back the combination of traditional ecological knowledge, the work that these agencies have been doing to keep fire into this environment.

So, the money is needed. It needs to be appropriated as soon as it can. I think it gives these agencies certainty so that they can plan, yes.

Mr. PETERS. I appreciate that. Thank you very much. Thanks again for being here.

Look, this strikes me as one of the easier challenges we are going to have on this wildfire issue. If we can't come together on sequoias, I think it is going to be much more difficult for us to address the larger wildfire issues that we have in California, Oregon, Washington, and across the West. We have a lot of work to do, and I am looking forward to working with you all and with my colleagues on both sides of the aisle to deal with what really is a huge risk for the environment and for our way of life. So again, I thank you for your expertise.

And Mr. Vice Chairman, in particular, thank you for the constructive input you have had as a tribe. It is very, very helpful to us. We very much appreciate it.

I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Mr. Fulcher for 5 minutes.

Mr. FULCHER. Thank you, Mr. Chairman. And, Mr. Chairman, I assume that Chief Moore is expecting me to talk to him about Good Neighbor Authority again, because I think every time I talk with him, that is a broken record, and I know he hears that a lot. But I am not going to do that today because there is another person here that I would like to talk to about the same thing, and that is Vice Chairman Nieto.

Thank you for being here, and for your insight. And also, I feel I should just explain right up front that my motive here is hopefully to embrace you to help me sell Mr. Moore on the Good

Neighbor Authority, although I think he has been very receptive to it. But that is the basis of my question.

And as you know, this bill, it would expand the Good Neighbor Authority to tribes in relation to the giant sequoias. And I would just ask you to the extent you are familiar with that, and just what you think about that, and is that something that you believe would be beneficial both for the environment and for the tribes?

Mr. NIETO. Yes, I think not only my tribe, but also other tribes are willing to help Mr. Moore and his people, as well as the United States and anywhere we go because like I said, those trees are not only something that we need, those trees mean a lot to us as a tribe.

They are our ancestors, like I said. We heard earlier today that they precede the Mayflower, they precede maybe even Christ, which most people don't like to get into. But without that, without saving these trees and other trees, where do you take your kids when you talk about the forest? You know what I mean? Where do you take the future generations when there are no trees left? Where do you go? You can't just go to the beach all the time. Some people like to go to the mountains, and if there are no trees to see, then you have nothing.

And I can only speak for my tribe, but we are right in the door with Mr. Moore's people, and we welcome them any time they want to come. Our land is open to them.

Mr. FULCHER. Mr. Nieto, on a related note, in your written testimony, you spoke about preventative work that your tribe does and did specifically prior to the Windy Fire, which was so devastating. Talk about that preventive work just a little bit. I know you have touched on it, but I am going to ask you to touch on it again because I think we can all learn the importance of preventative work, and clearing of growth, and so on.

Mr. NIETO. Yes, sir. An easy picture for you guys or anybody that is opposed to this is, a firefighter makes a firebreak to stop the fire from burning. Then he backburns that fire. So, to put a firebreak, as per se, around these big trees, these monarchs, as you guys say, that we call the ancestors, it helps prevent them from even getting touched. And then their bark actually could just feel the warmth of the fire.

When someone says they need the fire to breathe, to actually live, they are actually right. But the fire doesn't have to get right up to their porch and burn the roots of them, because once you burn the roots of them there is no soil to hold them there, and then they fall. We have seen that, and we witnessed that on the BLM side of our land.

And we watch these trees break in half from the middle of them. And to see some of them break in half is something I never thought I would see in my lifetime, just like our river never going dry. I never thought I would see that in my lifetime. But I have seen both. And it is pretty painful to see, as a person that loves the land, and that has been taught to respect the land.

Mr. FULCHER. Thank you.

Mr. NIETO. The only thing that we would probably want to do is take Mr. Moore's job. But I don't want to move to DC, so I would like to stay where I am at.

[Laughter.]

Mr. FULCHER. Yes, I don't blame you for that, Mr. Nieto. Thank you for the input.

Mr. Moore, thank you for being a good sport, and for listening to me again, just indirectly this time, regarding Good Neighbor Authority. But it is a good thing. Thank you.

Mr. Chairman, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Ranking Member Grijalva for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Mr. Desai, I want to ask you some questions about the ongoing restoration efforts regarding the sequoias, obviously, and to re-emphasize some points.

This is a critical piece of bipartisan legislation, it needs to be a priority. Protecting the sequoias needs to be a priority. But I just want to reaffirm three points that have come up during these discussions.

From your perspective, does the Park Service need new authority to be able to protect and save the sequoias?

Mr. DESAI. When it comes to the compliance and categorical exclusions? No. I mean, there—

Mr. GRIJALVA. Is there active litigation? Because we heard about that today and constantly. Is there active litigation on the current emergency actions that are being undertaken?

Mr. DESAI. No, not to my knowledge for the Park Service or the Forest Service.

Mr. GRIJALVA. And the factors that are really needed right now to continue the ongoing work and to scale up?

Mr. DESAI. Yes. Just to restate, it is funding, it is staffing, it is everything from the people on the ground during the summer where we can have dedicated folks making sure that we are clipping through this 3-year program, and the resource is not being diverted toward other important things like wildfires, which staff will get diverted.

Right now, the Park Service does not have the resources to carry all of this stuff out, but also it is a compliance issue, if we want to really maximize these categorical exclusions and make use of them, we need people to be actually working on them. And the problem is that they are spread thin, and we are not giving them the resources to expedite as fast as we want and scale up. That is the goal, right? Scaling up.

Mr. GRIJALVA. Thank you.

Dr. Nelson, can you briefly discuss how warming temperatures caused by fossil fuel consumption are impacting the giant sequoias in the short term and the long term?

Dr. NELSON. Yes. I will start with a study in the Western United States that shows that human-caused climate change has doubled the forest fire area since 1984. And that parsed out human-caused climate change from all forms. So, climate change is making the problem worse. In the giant sequoia, it leads to warming air temperatures and land temperatures. We have drier fuels that are more flammable.

Mr. GRIJALVA. Thank you very much.

Chief Moore, one of the issues is having the capacity, i.e. the resources, to be able to implement at a more rapid scale and at a higher scale, what is ongoing right now in terms of the Forest Service and the protection of sequoias. If projections are accurate—and I believe they are—in terms of what the recently-passed budget on the part of the Majority, the Republican Majority, here in the House, what impact would that resource issue that seems to be central to the discussion of response and long-term protection to sequoias, what would that do?

Mr. MOORE. Congressman, I have not been briefed on the potential impacts of the proposed budget. Right now, we are looking at the Administration's budget and what it would mean to these efforts going forward.

Mr. GRIJALVA. And I think I would like to at some point, as we go forward with the proposed—there is not a lot of specificity to it, but let's pick a percentage, 22 percent cut in non-defense areas. What would that do in terms of the response?

But that is something you can forward to us. It is a general question. You haven't been briefed on it, so we will hold for that one.

Mr. MOORE. I am happy to.

Mr. GRIJALVA. Chief Moore, the other question I want to switch to is to focus on the land transfer of Oak Flat. And I decided to shift to that question because my colleague making the very valid point of the treasured and sacred tribal lands that need to be protected and taken care of. So, I switched to that.

Oak Flat will be transferred to this foreign-owned Resolution Copper mining company after USDA releases its final EIS in the near future. In 2021, the Biden administration rescinded the FEIS and re-initiated the consultation process with the Arizona Tribes. While I appreciate this decision and the Biden administration's Memorandum on Uniform Standards for Tribal Consultation, I am concerned about the fact that the agency has not re-initiated formal tribal consultation with the San Carlos Apache Tribe.

Before considering the publication of any updated EIS statement, I would implore USDA and your agency to conduct effective, meaningful consultations with the tribes in Arizona, and specifically the San Carlos Apache Tribe under the recent executive memorandum and the 2022 CEQ regulations. I leave that as more of a message than a question, Chief.

Thank you very much. I yield back.

Mr. MOORE. Thank you.

Mr. BENTZ. Thank you. The Chair recognizes himself for 5 minutes.

Do any of the witnesses believe that the giant sequoias are not in danger? If you think they are not in danger, raise your hand.

Let the record reflect no one is raising their hand.

Mr. Desai, you indicated that we should probably try to get the Administration to release funding. And by that I think you are talking to the so-called Inflation Reduction Act monies. And I would just look quickly here at some literature. It indicates that on January 19, 2023, just a few months ago, that Secretary Vilsack stepped up and said that they are going to release \$490 million,

and have, apparently. Is this the money you are talking about that is not being used to address this issue?

Mr. DESAI. Thank you for the question. There is a different provision. I believe it is a different provision that lists out certain amounts of money, and it actually specifies giant sequoias as being a potential beneficiary of that.

There is also funding in there for staffing to support these types of compliance work, so we can move quickly on the categorical exclusions.

And then just general—at least specifically for the National Park Service—money for staffing for resiliency projects like this giant sequoia restoration.

So, that may be a funding source, but there are other ones too that could apply to helping them move forward this good work, and increase the pace and scale.

Mr. BENTZ. OK. So, I have listened to most of the hearing today, and I am trying to find out exactly why we aren't doing something. We have the money, big piles of it, but nothing—at least not enough—is happening. I hate to say nothing. Something has. We heard about it from Chief Moore. So, in your opinion, Mr. Desai, what is preventing that money from flowing out and saving these trees?

Mr. DESAI. Last year, I believe it was the Bipartisan Infrastructure Law that released funds that Congress had provided. I don't know exactly where the Park Service is in its process, but releasing the funds should be coming up soon. So, hopefully, that will be applicable to this. It is something that we would advocate for.

Mr. BENTZ. OK. Well, again, I am sure we would all advocate for it. What I am trying to do here is identify what we need to do now, today, to try to address what could be a huge issue in just a couple of months, as soon as all the snow goes off and all that water we all wanted produces a huge amount of undergrowth, and that leads to more fires.

So, tell me, what can we do today to help? If the money is there, what is it that is slowing it down? What? I need you to tell me. If you don't know, then I am going to ask somebody else. But if you do, tell me.

Mr. DESAI. Open it up for anyone else here, but on my end I would say that we need to collectively advocate for any funding where sequoia restoration is eligible. That is one thing.

And then separately, what can Congress do to actually appropriate monies so that over these coming years, this is going to be a multi-year process—

Mr. BENTZ. It is going to be—forgive me for interrupting, but \$400, almost \$500 million was just allocated a few months ago. That money has not been spent, and it could be focused on these trees.

Supervisor Townsend, what, in your opinion, is preventing us from moving forward? Or in your opinion, are we doing just fine?

Mr. TOWNSEND. As I mentioned in my testimony, the NEPA and the ESA do provide an opportunity for litigation, and there are groups that, as was mentioned by other Congressmen today, groups that come out and say that this bill, these types of bills are going

to cause us to reinstate bad forest practices, things like that. So, there is a hesitancy with the people that are in charge on the ground to actually implement some of these policies, even though maybe some funding has been provided. There is a hesitancy due to litigation.

Mr. BENTZ. For fear of a lawsuit being filed, nothing is happening, and these trees are being put at risk. So, that would be your opinion of what is stopping us from saving these trees, this fear. Is there some way we can overcome this fear?

Mr. TOWNSEND. Well, I would say that if we would go ahead and get this codified, that we could say, OK, we all agree now, Congress has provided this Act, that we can go ahead and move forward, and do it quickly. I think that providing that funding for a sustained period of time would be instrumental in getting that done.

Mr. BENTZ. Thank you, and I want to thank all of our witnesses for your testimony. It has been extremely enlightening, and, of course, the Members for their questions.

The members of the Committee may have some additional questions for our witnesses today, and we will ask that they respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Committee Clerk by 5 p.m. on Monday, May 15, 2023. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Committee on Natural Resources stands adjourned.

[Whereupon, at 12:36 p.m., the Committee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submissions for the Record by Rep. McCarthy

**Fresno County Board of Supervisors
Fresno, California**

April 27, 2023

Hon. Kevin McCarthy, Speaker
U.S. House of Representatives
Washington, DC 20515

Re: The Save Our Sequoias Act—SUPPORT

Dear Speaker McCarthy:

On behalf of the Fresno County Board of Supervisors, I am writing in support of the “Save Our Sequoias Act” (SOS Act) which would protect, enhance, and restore our Giant Sequoia groves here in Fresno County and adjacent counties.

These ancient trees have survived several millennia only to be threatened by forest management practices over the last few decades. These practices have created a massive build-up of fuels in and around our Giant Sequoia groves. Although Giant Sequoias are naturally fire-resilient, this accumulation of fuel has led to unnaturally intense, high-severity wildfires. In the last two years alone, these fires have decimated nearly one-fifth of all Giant Sequoias on the planet. With this expedited timeline of destruction, the very existence of our world-renowned Giant Sequoias is at risk.

Significant action to mitigate the dangers of these wildfires through fuel reduction practices has been too slow due to lack of resources, environmental resistance, regulation, and litigation. At its current pace, it would take the U.S. Forest Service

approximately 52 years to treat just their 19 most at-risk Giant Sequoia groves. We need to take immediate action to secure the health and longevity of these groves.

The SOS Act will provide land managers with the emergency tools and resources needed to save the remaining Giant Sequoia groves. The bill will improve inter-agency coordination between Federal, State, Tribal, and local land managers, through shared stewardship agreements. The SOS Act also establishes a comprehensive reforestation strategy to restore groves that have been lost to wildfire and funds a new grant program to facilitate increased hazardous fuel reduction practices. All this will take place under an expedited process provided by a declared emergency to codify existing emergency procedures, fast-track environmental reviews, while also maintaining robust scientific analysis.

The SOS Act will ensure that our Giant Sequoia groves are healthy and thriving for generations to come. For these reasons, the Fresno County Board of Supervisors strongly **supports** the SOS Act.

Sincerely,

SAL QUINTERO,
Chairman

**Kern County Board of Supervisors
Bakersfield, California**

April 26, 2023

Hon. Kevin McCarthy, Speaker
U.S. House of Representatives
2468 Rayburn House Office
Washington, DC 20515

Re: Save Our Sequoias Act (McCarthy & Peters)—SUPPORT

Dear Speaker McCarthy:

The Kern County Board of Supervisors is pleased to support the Save Our Sequoias (SOS) Act, which will enhance coordination between Federal, State, Tribal, and local land managers to accelerate science-based forest treatments to improve the resilience of Giant Sequoias to the dangers of wildfire.

Over a century of fire suppression mismanagement has created a massive build-up of hazardous fuels around the Giant Sequoias, leading to unnaturally intense wildfires. Since 2015, fires in California have destroyed nearly one-fifth of all Giant Sequoias.

The County of Kern applauds the SOS Act's funding and establishment of a new grant program to support the implementation of hazardous fuels reduction treatments in and around Giant Sequoia groves. Additionally, the codification of expedited emergency procedures and environmental reviews along with comprehensive reforestation strategies to regenerate Giant Sequoias will help ensure the survival of one of California's most revered natural wonders.

For these reasons, our Board fully endorses the SOS Act and will continue to support this legislation.

Sincerely,

JEFF FLORES,
Chairman

**Tulare County Board of Supervisors
Visalia, California**

April 26, 2023

Hon. Kevin McCarthy
U.S. House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

Re: The Save Our Sequoias Act—SUPPORT

Dear Speaker McCarthy:

On behalf of the Tulare County Board of Supervisors, I write in strong support of the Save our Sequoias Act (SOS Act) which would protect, enhance, and restore our Giant Sequoia groves here in Tulare County.

Tulare County is home to the vast majority of the 37,000 acres of Giant Sequoias available in the world. These ancient trees have survived several millennia only to be threatened by poor forest management practices over the last few decades. These practices have created a massive build-up of fuels in and around our Giant Sequoia groves. Although Giant Sequoias are naturally fire-resilient, this accumulation of fuel has led to unnaturally intense, high-severity wildfires that have destroyed nearly one-fifth of all Giant Sequoias on earth, in the last two years alone. With this expedited timeline of destruction, the very existence of our world-renowned Giant Sequoias is at risk.

Significant action to mitigate the danger of these wildfires through fuel reduction practices has been advancing at a snail's pace due to lack of resources, environmental resistance, regulation, and litigation. At its current pace, it would take the U.S. Forest Service approximately 52 years to treat just their 19 most at-risk Giant Sequoia groves. We need to take immediate action to secure the health and longevity of these groves. The SOS Act will provide land managers with the emergency tools and resources needed to save the remaining Giant Sequoias.

This bill will improve interagency coordination between Federal, State, Tribal, and local land managers through shared stewardship agreements. The SOS Act also establishes a comprehensive reforestation strategy to restore groves that have been lost to wildfire, and funds a new grant program to facilitate increased hazardous fuel reduction practices. All this will take place under an expedited processes provided by a declared emergency to codify existing emergency procedures, fast-track environmental reviews, while also maintaining robust scientific analysis.

The SOS will ensure that our Giant Sequoia groves are healthy and thriving for generations to come. For these reasons, I stand in strong support of the Save our Sequoias Act.

Sincerely,

DENNIS TOWNSEND,
Chairman

Submissions for the Record by Rep. Grijalva

The Wilderness Society

May 10, 2023

Hon. Bruce Westerman, Chairman
Hon. Raúl Grijalva, Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Westerman, Ranking Member Grijalva, and Members of the Committee:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express our views on H.R. 2989, the Save Our Sequoias Act, which is being heard before the Committee on May 10, 2023. We respectfully request that this letter be included in the hearing record.

TWS has many concerns with H.R. 2989, particularly with the proposed changes to the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), the Wilderness Act of 1964, and administrative and judicial review.

Section 6 of H.R. 2989 mandates that certain forest management activities be carried out as “Protection Projects,” which may then be implemented before conducting a NEPA analysis, an ESA consultation, or a NHPA consultation, thereby waiving the requirements of these three important statutes. Carrying out a project prior to initiating NEPA, ESA, or NHPA processes would make any subsequent implementation of those laws moot and would subvert the very purpose of ensuring environmental harm is minimized and mitigated before a project begins.

Sections 6 and 7 further shortcut environmental reviews by exempting both Protection Projects and reforestation and rehabilitation activities from NEPA compliance by declaring that these projects are “hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement” under NEPA (Sec. 6(a)(4)(A)).

H.R. 2989 excuses Section 6 Protection Projects from complying with the ESA’s requirement to avoid harm to critical habitat by declaring that all Protection Projects are consistent with improving the health and resilience of critical habitat for threatened and endangered species (Sec. 6(a)(4)(C)(i)). TWS is concerned that the bill’s subsequent requirement to use the ESA informal consultation process (Sec. 6(a)(4)(C)(ii)) is therefore contradicted and rendered meaningless by the bill’s allowance for Section 6 Protection Projects to be implemented prior to initiating ESA consultation. Similar to our concerns around the NEPA provisions, the only way to avoid harm to critical habitat is to conduct these consultations before project implementation. The ESA consultation process is a vital safeguard for more than 400 listed species that are found in the National Forest System. Proper planning and management of these public lands offer the best opportunity for recovery of many of these imperiled species whose unique requirements for survival exist on federal lands.

The bill would also limit judicial review of Section 6 Protection Projects by restricting choice of court venue, specifying the duration of preliminary injunctions, and constraining the court’s ability to enjoin projects. In addition, the bill would eliminate agency oversight of Protection Projects by exempting them from the Forest Service’s normal administrative objection process (Sec. 6(a)(2)(B & C)).

During the 58 years since it was enacted, the Wilderness Act of 1964 has remained essentially intact. H.R. 2989 would break that precedent by amending the Wilderness Act specifically to allow giant sequoia reforestation activities in designated wilderness areas burned by wildfires (Sec. 7(c)). It is neither necessary nor appropriate to amend the Wilderness Act to conduct giant sequoia reforestation work in wilderness areas. While managed reforestation in designated wilderness is not typical, the Wilderness Act does not prohibit reforestation activities as long as they comply with the Act’s requirements, including its limitations on building roads and using motorized equipment or mechanical transport. The open-ended amendment proposed in Section 7 of H.R. 2989 potentially could sweep aside any limits on such activities in designated wilderness areas.

The theme tying the above-mentioned provisions together seems to be a desire to expedite forest management work in the sequoia groves to increase resilience to uncharacteristic wildfire. While TWS greatly appreciates the wildfire threats these groves and much of our national forests have faced in recent years, weakening bedrock environmental laws and undermining our country's legal system are not the answers.

Decades of fire suppression combined with the effects of climate change have put many of our public lands at risk from uncharacteristic wildfire. The U.S. Forest Service and other land management agencies have needed the resources to scale-up work in a way that can meaningfully deal with this threat. Thankfully, they received these resources with the passage of the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, and although these bills passed relatively recently, we have already seen the positive effects. In the sequoia groves alone, the Giant Sequoia Lands Coalition stated that in 2022, they were able to more than double their annual goal of acres treated.¹ All of this progress was achieved due to increased resources, not by weakening bedrock environmental laws.

Furthermore, during budget hearings by both the Senate Energy and Natural Resources Committee and House Committee on Natural Resources, Subcommittee on Federal Lands (occurring on April 18 and April 26, respectively), U.S. Forest Service Chief Randy Moore stated that 85 percent of all projects are completed using categorical exclusions (CEs), meaning the agency does not need to prepare an environmental impact statement or environmental assessment before implementing the project. This extraordinarily high percentage is further evidence that additional amendments to NEPA are unwarranted.

Based on the information above, The Wilderness Society opposes the H.R. 2989, the Save Our Sequoias Act. Thank you for considering our views.

Sincerely,

LYDIA WEISS,
Senior Director, Government Relations



¹Heller, Marc. "Giant sequoias better protected from fire, group says" E&E News, December 15, 2022.