



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

OCT 27 2023

The Honorable Tom Tiffany
Chairman, Subcommittee on Federal Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Tiffany:

Enclosed are responses prepared by the Department of the Interior to questions for the record submitted to the Department's witness, Mr. Jeffery Rupert, Director, Office of Wildland Fire, following his appearance at the May 16, 2023, oversight hearing entitled *Examining the Challenges Facing Forest Management, Wildfire Suppression, and Wildland Firefighters Ahead of the 2023 Wildfire Year*. We apologize for the delay in our response.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Joe Neguse
Ranking Member

Questions for the Record
House Natural Resources
Federal Lands Subcommittee
Hearing Examining the Challenges
of the 2023 Wildfire Year
May 16, 2023

Questions from Chairman Westerman

Question 1: 1. Director Rupert, I think that one of the biggest components of addressing this wildfire crisis is transparency in the amount of fuels reduction treatments actually being accomplished. Despite the fact that DOI is statutorily obligated to report its annual hazardous fuels reduction treatments to Congress annually, your agency has failed to do so and has not publicly posted this information anywhere. Attempts to get this information have gone unanswered for months.

- a. Why is DOI failing to properly report its hazardous fuels reduction treatments to Congress despite being statutorily obligated to do so?

Response: The Department of the Interior (DOI) will ensure that annual fuels reduction accomplishments are directly reported to Congress. Fuels management accomplishments dating back to 2003 are posted online and are publicly available on the Forest and Rangelands website. Additionally, DOI has updated its hazardous fuels webpage to include hazardous fuels accomplishments for the past five years.

- b. When does the agency plan to come into compliance with the law?

Response: DOI will ensure that fuels management accomplishments are included in DOI's Wildland Fire Management program annual budget justifications that are submitted to Congress. DOI is also committed to ensuring that its prior year fuels management accomplishments are up to date and posted on DOI's Wildland Fire Management website. Fuels management accomplishments dating back to 2003 are posted online and are publicly available on the Forest and Rangelands website at the following URL:

<https://www.forestsandrangelands.gov/documents/resources/reports/2022/doi-fs-fuels-accomplishments-fy2003-2022.pdf>. Additionally, DOI has updated its hazardous fuels webpage (URL: <https://www.doi.gov/wildlandfire/fuels>) to include hazardous fuels accomplishments for the past five years..

- c. How many acres of land did DOI treat last year to reduce hazardous fuels?

Response: The Department completed a total of 2 million acres of fuels management treatments in 2022. Data for 2023 are being finalized.

Question 2: Does the Bureau of Land Management's "Conservation and Landscape Health" rule recognize that active forest management is conservation?

Response: Under the proposed rule, management decisions will remain subject to local resource

management planning processes, developed in collaboration with local communities, land users, Tribal Nations, and State and local governments. The rule does not specifically identify which land management techniques are compatible with conservation, as those decisions will be made locally and through resource management planning processes. That said, active forest management—a term of art typically meaning thinning, harvesting, and prescribed burning of forest resources—can help shape change in a forest system that may contribute to conservation goals and promote landscape health and resilience, where local conditions dictate. In this way, active forest management can also be a form of restoration, consistent with the definition of conservation in the proposed rule.

Question 3: In briefings between Committee staff and BLM staff, it has been made clear that there is a difference in the way BLM is defining conservation broadly versus how it is defining conservation for the purposes of conservation leases. Can you please explain the discrepancy between these definitions?

Response: The definition of conservation in the proposed rule is broader than the type of conservation actions that are currently proposed for conservation leases. The definition of conservation in the rule is “maintaining resilient, functioning ecosystems by protecting or restoring natural habitats and ecological functions.” The definition encompasses a broad set of actions. In the section defining conservation leases, a conservation lease could only be issued for either restoration or mitigation. The BLM welcomes public comment on all aspects of the proposed Public Lands Rule, including the definition of conservation and the approach to conservation leasing.

Question 4: The Committee has heard concerns that Tribal firefighters operating under "638" contracts have not been considered federal firefighters and have not received the same pay raises federal firefighters received under the Bipartisan Infrastructure Law. What is the Department of the Interior doing to address this pay parity issue?

Response: The Bipartisan Infrastructure Law was clear in its direction “to increase the base salary of a Federal wildland firefighter...” Interior recognizes the important contributions of Tribal wildland firefighters to interagency response efforts. To ensure that their salaries are on par with federal firefighters’ salaries, Interior set aside \$24 million this fiscal year to increase Tribal firefighters’ base salaries. We have also included \$12 million in the President’s FY 2024 Budget request for Tribal firefighter pay. Additionally, Interior completed a series of formal Tribal consultations to help determine the number of Tribal firefighting personnel. This information is helping BIA determine how much funding to provide each Tribal nation for them to provide pay supplements to Tribal firefighters.

Question 5: Can you provide information about the number of total permits issued by DOI on an annual basis? Can you also breakdown this information to include the category/type of permit these all fall under?

Response: The Department and its bureaus issue a multitude of permits and use authorizations for a myriad of purposes. For example, the U.S. Fish & Wildlife Service issues permits under various wildlife laws and treaties that enable the public to engage in legitimate activities that would otherwise be prohibited by law. The National Park Service issues permits for activities in National Parks including recreation, camping, special uses, and commercial filming or photography, among others. The Bureau of Ocean Energy Management issues permits, authorizations, and approvals for activities on the Outer Continental Shelf including renewable and conventional energy production and other resource uses. The Bureau of Land Management issues permits for use of the Public Lands for purposes including recreation, grazing, and renewable and conventional energy production, and issues rights-of-way for the location of infrastructure such as pipelines, electric transmission lines, and communication equipment. One of the more commonly discussed permits are Applications for Permits to Drill (APDs) on oil and gas leases administered by the BLM. Information about the BLM's APD processing, including approval numbers, can be found at the following website:

<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/operations-and-production/permitting/applications-permits-drill>

Permits are administered and processed across the Department using a variety of different systems, and issuance information is not aggregated or centrally reported.

Question 6: What effects do prior fuels reduction treatments have on wildland firefighting strategy?

Response: Fuels treatment effects on firefighting operations and tactics can vary greatly based on the design and intended application of each fuels treatment. This can range from:

- Providing a safety zone, which affords firefighters a safe location to defend or, if necessary, retreat to.
- Reducing flame lengths, which supports efficient suppression (such as along a linear fuel break).
- Allowing firefighters to rely on less intensive suppression methods and thus, reduce damage to natural and cultural resources. This also allows firefighters to contain a fire in a safer manner rather than conducting suppression operations in steep and hazardous terrain.

Question 7: Are areas that received prior fuels reduction treatments considered more safe or less safe compared to untreated areas when evaluating where to send wildland firefighters battling a wildfire?

Response: The safety of our wildland firefighters and the public is our first priority, and strategic, effective fuels treatments are one of the best actions we can take to protect them. The previous response provides additional detail.

Question 8: DOI's testimony states that the agency plans to employ 5,800 federal and 500 Tribal wildland firefighting personnel this year.

a. Of this total, how many federal and Tribal firefighting personnel has the agency hired as of May 16, 2023?

Response: This past fire year, DOI employed a total of more than 5,600 wildland fire management personnel. We are working with the Tribes to determine their hiring totals for the year. We expect that level to be consistent with prior years, which total approximately 800 Tribal wildland firefighters. Hiring is ongoing to ensure that wildland fire management needs are addressed on a year-long basis.

b. What hiring events does the agency plan to conduct for the remainder of the year to hire additional firefighting personnel?

Response: The majority of Interior's hiring is conducted in the Fall and Spring. The bureaus conduct different hiring events throughout the year to help with recruitment efforts. Most of these hiring events occur at the local level, but regional and national level hiring events have also been successful. Interior is integrating additional hiring events into the Interior Wildland Fire Recruitment Strategy, with one more event tentatively planned in 2023.

c. What effect, if any, is DOI seeing on the expiration of bonuses provided under the Bipartisan Infrastructure Law on firefighter retention and recruitment?

Response: Interior has received positive feedback from wildland firefighters on the temporary pay supplements authorized and funded by the Bipartisan Infrastructure Law (BIL). They say that the additional pay is making significant differences in their lives, encouraging some to return to federal employment. However, if a long term pay solution is not enacted, not only will we lose any positive recruitment and retention trends resulting from the BIL supplement, but we would expect recruitment and retention trends to decline below pre-BIL levels. The BIL supplemental payments are expected to end in November, when DOI's BIL funding for supplemental payments is exhausted and the current Continuing Resolution, which includes temporary authority to continue the supplemental pay to firefighters, expires. The Administration continues to urge Congress to authorize permanent, comprehensive pay reform for federal wildland firefighters.

Question 9: What role does the use of aerial fire retardant play in DOI's fire suppression operations?

Response: Aerially delivered fire retardant is an important part of an integrated firefighting strategy and an essential tool that supports ground-based firefighting resources. Fire retardant chemicals reduce wildfire intensity and rate of spread. This aids in decreasing wildland firefighter risk, enabling safer fireline construction, and providing firefighters a strategic and tactical advantage to protect landscapes, resources, and people.

Question 10: What would be the agency's projections on the upcoming fire year if the agency could no longer use aerial fire retardant?

Response: Fire retardants contain fertilizer salts that change the way vegetation burns, plus surfactants that help water stick to vegetation and reduce evaporation times. This typically slows fire behavior, providing safer suppression opportunities for wildland firefighters. While fire retardant must be used in conjunction with ground fire suppression activities, if the interagency wildland fire community is prevented from using aerially delivered retardant, wildfire suppression abilities will be significantly impacted. Based on the U.S. District Court ruling in Montana, DOI will continue to be able to use aerially delivered retardant. We are working with the USDA and the Environmental Protection Agency to attain a Clean Water Act permit to come into compliance with the law.

Question 11: In light of the new inventory of mature and old growth forests, can you please provide information about how many acres of BLM land that meet your new mature and old-growth definition framework have burned in wildfires in the last ten years?

Response: The mature and old-growth inventory published on April 20, 2023, was based on Forest Inventory and Analysis (FIA) plots and used the most recent measurement for each plot. The inventory did not look at multiple measurements of the same plots to determine gains and losses of mature or old-growth forests from wildfire. The BLM is working with the Forest Service (FS) to analyze what changes have occurred and the causal factors affecting mature and old-growth forest cover for the threat assessment section of Executive Order 14072 (EO). The agencies are using current and past measurement in the FIA data and are working to report the results in the next phase of the EO published results.

Question 12: Why was the inventory of mature and old-growth forests limited to Bureau of Land Management and Forest Service forests, and not to the other federal agencies that manage forests like the National Park Service and the Fish and Wildlife Service?

Response: The interagency team followed the specific language in the Executive Order (EO) limiting the inventory to BLM and FS lands.

Question 13: How much BLM and DOI staff time was used to develop the mature and old-growth inventory?

Response: The BLM did not specifically track employees' time related to the EO.

Question 14: Why is it important to manage forests to have a diversity of age classes?

Response: A range of age classes across the forest is critical to maintaining sustainable management of timber and other forest resources, and promoting long-term resource availability and economic/community stability. A diversity of age classes facilitates ecosystem biodiversity as some species have specific forest succession requirements. Resilience is also improved by landscape level age-class diversity by mitigating fire spread and severity, and insect and disease pathogen spread. Additionally, different forest stages provide differing carbon storage and uptake rates. For example, early successional forests sequester carbon at faster rates whereas old forests contain large quantities of stored carbon but reduced rates of carbon uptake.

Question 15: Can you please explain the importance of early successional forests?

Response: Early successional forests can provide periods of high biological diversity prior to tree canopy closure, habitat for early seral dependent species, and increased nutrient cycling and soil development when compared to closed canopy forests. Early succession is also an important stage of forest lifecycle development because it provides spatial and structural diversity of forest cover in a landscape. Additionally, forest floor plants that grow under open canopy and canopy gap conditions provide important habitat and forage (pollen and nectar sources) for pollinators.

Question 16: Is the term "mature forest" a recognized term in the scientific practice of forestry?

Response: Yes, the term "mature forest" is recognized in scientific practice, although not consistently. The Society of American Foresters (SAF) provides a definition of mature as: "of trees or stands pertaining to a tree or even-aged stand that is capable of sexual reproduction (other than precocious reproduction), has attained most of its potential height growth, or has reached merchantability standards – note within uneven-aged stands, individual trees may become mature but the stand itself consists of trees of diverse ages and stages of development" (SAF Dictionary of Forestry 2018). In addition to the SAF definition, the Northwest Forest Plan and related Resource Management Plans defined "late successional" starting at the age 80 years for a significant portion of plan areas. The BLM believes that term late succession and mature have synonymous intent.

Question 17: In the BLM and Forest Service's report on old growth, the report states that "narrative frameworks" are going to inform the "policy and practice of forest management" for old growth. The report also includes the following quote: "The role of place attachment or identity, meaning "the symbolic importance of a place as a repository for emotions and relationships that give meaning and purpose to life" may also be particularly relevant in our understanding of how people relate to and value old-growth forests."

Is the BLM planning to manage old growth forests based on vague concepts like "place identity" instead of scientific forest management practices?

Response: The BLM recognizes that the concept of old-growth forests includes both scientific understanding of ecological processes and social values attributable to forest condition. The Mature and Old Growth inventory focuses exclusively on scientific and measurable attributes available in the FIA data set even though more nuanced social aspects are included in some regional definitions. Evaluation of other aspects of old-growth is beyond the scope of the national inventory and is more appropriately handled in the BLM's land use planning process and individual project planning where local input can be incorporated into on-the-ground management decisions. The BLM is currently seeking public input on what policies might inform mature and old-growth forest management in its proposed Conservation and Landscape Health Rule (88 FR 19583).

Question 18: How much of the direct work at the BLM unit level is planning and assessment to include the preparation of environmental review documents under NEPA?

Response: The BLM payroll and financial management system does not provide information at that level.

Question 19: How much did DOI spend last year on planning or environmental review costs for meeting the requirements of applicable laws generally?

Response: The Department's financial management system does not provide information at a sub-allocation level that would show costs for only planning and environmental review. Planning and environmental review work, and associated costs, are conducted by a combination of staff and contractors that are often inclusive of work other than planning and environmental review.

Question 20: How many staff hours did DOI spend last year on planning or environmental review costs for meeting the requirements of applicable laws?

Response: The Department's payroll and financial management system does not provide information at a level showing only the direct work associated with planning or environmental review costs, and staff are classified in positions with occupational series that include duties beyond planning and environmental review.

Question 21: The Forest Service has provided regular, public updates regarding the implementation of its 10-year strategy and the investments made under such strategy. DOI has not made similar information available. When does DOI plan to publish a status update regarding its 5-year strategy?

Response: The Department provides regular public-facing updates on BIL-funded projects supporting the Wildfire Risk Five-Year Monitoring, Maintenance, and Treatment Plan. Press releases are posted on the Department's websites and can be found at <https://www.doi.gov/wildlandfire> and <https://www.doi.gov/pressreleases>.

Question 22: How many communities are adjacent to DOI lands that are at risk of experiencing a wildfire that would destroy structures were it to spread from DOI lands to the nearby community?

Response: There are a total of 138 communities that are in direct proximity to Interior lands where there is a risk of a destructive wildfire spreading into that community. This is approximately 14 percent of all communities as tracked by the U.S. Census Bureau. Many of these communities lie within high-risk Firesheds where, if a wildfire starts, there exists a high potential for it to spread into a community's wildland urban interface and developed areas. Other communities are within areas of high to very high wildfire hazard potential levels where it would be difficult to contain a large wildfire and prevent it from spreading into an adjacent community.

Question 23: How has DOI utilized direct hire authority for wildland firefighters? Has this been a helpful tool for the agency?

Response: Direct Hire Authority (DHA) is a preferred hiring authority for all Interior positions that are on the DHA approval list. Interior hired more than 1,400 positions with this authority in 2022. We still recruit most positions competitively on USAJOBS, but DHA provides greater opportunities to expediate hiring when needed by hiring qualified applicants without regard to 5 U.S.C 3309-3318, 5 CFR part 211, or CFR part 337, subpart A. This hiring authority essentially eliminates the rating and ranking process and is a very helpful tool for hiring wildland firefighters in an expeditious manner, particularly for our entry level positions.

Question 24: What is the average amount of time it takes DOI to hire a wildland firefighter without direct hire authority?

Response: Direct Hire Authority facilitates Interior efforts to recruit and select an average of nearly 30 days faster than traditional hiring methods. However, as illustrated in the table below, the difference in the mode (i.e., the most commonly occurring number of days) shows that overall, DHA offers a more efficient method to reduce hiring time by approximately 58 days.

Wildland Firefighter Hiring – DHA vs. Non-DHA Hiring

DHA vs. Non-DHA Hiring	Mean	Median	Mode
Number of days required to hire without DHA	149	139	132
Number of days required to hire with DHA	120	115	90

*Data analyzed from fiscal year 2020 to present

Question 25: What is the average amount of time it takes DOI to hire a wildland firefighter with direct hire authority?

Response: The mean time to hire a wildland firefighter with direct hire authority is 120 days, as indicated in the Table included in the previous response.

Question 26: What is the process for federal wildland firefighters who wish to switch their employment from DOI to the Forest Service, or vice versa?

Response: Wildland fire management operates in an interagency environment that allows for simplified employment transfers from Interior to the USDA Forest Service. The National Wildfire Coordinating Group (NWCG), comprised of interagency personnel, standardizes wildland fire position qualifications, which fosters simplified positional crosswalks between federal and state wildland fire agencies. NWCG qualification standards apply to both Interior and USDA Forest Service, and most employment agency transfers occur competitively through USAJOBS.

Question 27: Has DOI conducted an inventory on any underutilized buildings on DOI lands that could be converted into housing for wildland firefighters if the necessary deferred maintenance is addressed?

Response: The Department has not performed such an evaluation.

Question 28: Are there any restrictions on using Great American Outdoors Act funding to address deferred maintenance on underutilized buildings on DOI lands that could be converted into housing for wildland firefighters?

Response: The Great American Outdoors Act does not contain a restriction funds for facilities that could be utilized as housing for wildland firefighters.