

To: Interested Persons  
From: Mike Anderson, The Wilderness Society  
Re: Executive Order on “Forest Management”  
Date: December 27, 2018

## CONFIDENTIAL

Following is a quick summary and analysis of the Executive Order on “Promoting Active Management of America’s Forests, Rangelands, and other Federal Lands to Improve Conditions and Reduce Wildfire Risk” (E.O.) issued by President Trump on December 21. The E.O. applies both to the U.S. Forest Service and to multiple agencies in the Department of the Interior.

### Background

The E.O. was issued six weeks after the Camp Fire devastated the town of Paradise, California, killing at least 86 people. In the aftermath of the fire, the President visited California and blamed the state’s wildfires on “gross mismanagement of the forests.” Trump unsuccessfully urged Congress to expedite federal forest management activities by exempting them from environmental laws through the 2018 Farm Bill, which the President signed into law on December 20. The next day, in a statement accompanying the release of the E.O., USDA Secretary Sonny Perdue continued to push for legislative action, stating, “Congress can further help this effort by passing legislation that gives the USDA Forest Service and Department of the Interior the ability to expedite these sorely needed forest treatments before another Paradise Valley-like fire occurs.”

In August 2018, the Forest Service issued a report, “Toward Shared Stewardship Across Landscapes,” which presented the agency’s strategy to work with states and other partners to increase the pace and scale of fuel reduction work, including timber sales, vegetative treatments, and prescribed burning. On December 13, Secretary Perdue signed a memorandum of understanding with the Western Governors’ Association that commits the Forest Service and WGA to work cooperatively on setting priorities for hazardous fuels reduction. A few days later, USDA Undersecretary Jim Hubbard signed a similar “Agreement for Shared Stewardship” with the State of Idaho. Other state-specific agreements are expected in 2019.

### Overview of the E.O.

The E.O. focuses on achieving more “active management” of forests and rangelands to reduce wildfire risks through increased logging and other forms of vegetation management, partnerships, and “streamlined” administrative process, including less public participation and environmental analysis. It also mandates development of a “wildfire strategy” through a two-year study that will include a review of land designations that impede active management, among other issues.

### Section-By-Section Summary and Analysis

As discussed below, the E.O. consists of six sections: policy, management goals, process streamlining, use of drones, wildfire strategy, and collaborative partnerships.

1. **Policy**: The E.O. declares a federal policy “to protect people, communities, and watersheds, and to promote healthy and resilient forests, rangelands, and other Federal lands by actively managing them through partnerships with states, tribes, communities, non-profit organizations, and the private sector.” It directs the Secretaries of Agriculture and Interior to seek agreement with states, tribes, and other landowners on “shared priorities ... to manage fire risk across landscapes” and to coordinate with state, tribal, and local governments on post-fire recovery and hazardous fuels reduction.

The Policy section of the E.O. includes problematic statements that appear to blame environmental laws and protective land designations for impeding active management. First, the E.O. states that active management “is often delayed due to challenges associated with regulatory analysis and current consultation requirements.” Presumably, this is referring to bedrock environmental safeguards such as the environmental impact analysis required by the National Environmental Policy Act and to the Endangered Species Act’s interagency consultation process.

The E.O. goes on to say, “In addition, land designations and policies can reduce emergency responder access to Federal land and restrict management practices that can promote wildfire-resistant landscapes.” The implication of this statement is that protective designations such as those provided by the Wilderness Act, the Roadless Area Conservation Rule, the Federal Land Policy and Management Act, and the National Forest Management Act are partly to blame for damaging wildfires. However, this ignores the fact that protected wilderness and roadless areas are generally more resilient to wildfire and are much less vulnerable to human-caused wildfires than other lands. (The E.O. returns to the land designations and policies issue in the Wildfire Strategy (Sec. 5) discussed below).

2. **Goals**: The E.O. sets specific management targets in 2019 for the Forest Service and Interior Department agencies. Most notably, the Forest Service is directed to sell 3.8 billion board feet (BBF) of timber in 2019, which is 19 percent more than the 3.2 BBF it sold in 2018 and 31 percent more than the 2.9 BBF sold in 2017. The Interior Department is assigned a timber sale target of 600 million board feet, the vast majority of which will likely come from Interior-administered forest lands in western Oregon. Both agencies are also directed to “treat” millions of acres for erosion and invasive species, which often translates to chaining or other removal of native vegetation. On Interior lands, treatment of rangelands is often used to make more lands available to grazing, which sometimes can increase fire risk by converting fire-resistant native vegetation to more flammable plants like cheatgrass.

The E.O. misleadingly suggests that all timber sales are “forest health treatments” that will “reduc[e] vegetation giving rise to wildfire conditions.” However, increasing timber sale volume will not necessarily improve forest health or reduce wildfire risks. Indeed,

increasing timber volume can have the opposite effect if it results in removal of larger, more fire-resistant trees instead of smaller, more flammable trees, or if forest thinning is not followed by prescribed burning. Furthermore, the E.O. does not differentiate between timber sales in fire-prone regions versus other parts of the country where wildfires are not a concern, such as the rainforests of the Tongass National Forest in southeast Alaska.

Also problematic is the E.O.'s direction that "by no later than March 31, 2019, the Secretaries shall identify salvage and log recovery options from lands damaged by fire during the 2017 and 2018 fire seasons...." Post-fire salvage logging is a controversial management activity that may benefit the timber industry but clearly does not improve forest health or reduce wildfire risk. This requirement of the E.O. could divert scarce agency resources away from thinning and prescribed burning of overly-dense forests, as well as needlessly polarizing stakeholders who could be working collaboratively with the agencies on forest restoration.

3. **Streamlining Processes**: The E.O. directs the Forest Service and Interior agencies to "streamline agency administrative and regulatory processes and policies relating to fuel reduction ... and forest restoration." Specific streamlining measures include (1) minimizing time for public commenting, (2) using existing categorical exclusions from NEPA requirements whenever possible, (3) developing additional categorical exclusions, and (4) minimizing ESA consultation time.

This direction will pressure federal land managers and wildlife experts to give short shrift to public involvement and endangered species protection. The Forest Service has already been working to streamline its processes through an Environmental Analysis and Decision Making (EADM) initiative that will include a revision of its regulations implementing NEPA. The Interior Department is in the midst of a similar NEPA streamlining effort.

4. **Use of Drones**: The E.O. encourages the agencies to make more use of unmanned drones in forest management, firefighting, and fire recovery.

5. **Wildfire Strategy**: The E.O. requires the Forest Service and Interior agencies, "in collaboration with Federal, State, tribal, and local partners," to "jointly develop, by December 31, 2020, a strategy to support local Federal land managers in project decision-making and inform local fire management decisions related to forests, rangelands, and other Federal lands, thereby protecting habitats and communities, and reducing risks to physical infrastructure." The two-year study will identify federal lands that have the "highest probability of catastrophic wildfires" and "a high probability that wildfires would threaten people, structures, or other high-value assets...."

In addition, the agencies will examine a variety of regulatory and economic issues, including:

- costs of fire suppression and litigation
- "land designations and policies that may limit active forest management and increase the risk of catastrophic wildfires"

- utilization of biomass and small-diameter trees
- market conditions for timber sales
- exports of timber and other forest products
- federal support of forest product infrastructure
- Endangered Species Act consultation
- Clean Water Act, Clean Air Act, and National Environmental Policy Act compliance.

6. **Collaborative Partnerships**: Finally, the E.O. directs the Forest Service and Interior agencies to “expand collaboration with States, tribes, communities, non-profit organizations, and the private sector.” In particular, the agencies are expected to improve road access through greater use of “Good Neighbor Authority” agreements and to enter into long-term stewardship contracts.

### Discussion

Coming at the end of the 115<sup>th</sup> Congress, President Trump’s E.O. sends mixed and sometimes conflicting messages about the future of federal forest management and wildland fire policy. While elevating fuel reduction and partnership-building as a national priority, the E.O. also invites more controversy and gridlock by pushing for more timber production (including post-fire salvage logging) and less public involvement, environmental analysis, and endangered species protection. The E.O.’s scrutiny of protective land designations and policies – potentially including the Wilderness Act and the Roadless Area Conservation Rule – is especially concerning.

Similarly, the E.O. calls for making best use of existing and recently expanded legal authorities such as Good Neighbor Authority, but the Administration also continues to advocate for more weakening of environmental laws – seemingly oblivious to recent congressional agreements in the 2018 Farm Bill and electoral changes in Congress that will significantly increase support for environmental protection.

A notable achievement of this Congress was enactment of the “fire funding fix” in March 2018, which will end the disruptive practice of “fire borrowing” and the debilitating erosion of the Forest Service’s budget and capacity to manage the national forests. The Forest Service’s “shared stewardship” strategy was a commendable response to congressional questions about how the agency can get ahead of the growing wildfire problem in the post-fire funding fix era. The E.O. builds on the Forest Service’s strategy, but it also adds confusion and controversy to the task of finding common ground and charting a collaborative, bi-partisan path forward.

An important next step is the FY 2020 budgeting and appropriations process for the Forest Service and Interior Department agencies. Without adequate funding, there is little hope that these agencies will be able to achieve the E.O.’s policy objective to “protect people, communities, and watersheds, and to promote healthy and resilient forests, rangelands, and other Federal lands....” Indeed, there is much irony that the E.O. was issued on the last day before the current federal government shutdown, which will

significantly impede the ability of the USFS and USDI to improve forest and rangeland conditions.