

SENATE FIX OUR FORESTS ACT



To: Members of the United States Senate
From: Megafire Action
Subject: Overview of the Senate Fix Our Forests Act of 2025
Date: April 11th, 2025

This memo provides a summary and analysis of the Fix Our Forests Act (FOFA) as Members of Congress consider their position on the bill. This memo includes a section-by-section summary of the bill and provides an in-depth assessment of key provisions including the Wildfire Intelligence Center (Sec. 102, which has substantial improvements in the Senate version) and categorical exclusion expansion (Sec. 106). *New sections/major changes from the House version are noted in red.*

Wildfire Intelligence Center – Sec. 102

Wildfires burn across jurisdictional lines, necessitating cooperation between local, state, federal agencies, and Tribes and also between the private and public sectors. The Senate FOFA establishes a Wildfire Intelligence Center modeled closely after the Fire and Environment Center proposed by the [Wildfire Mitigation and Management Commission](#). The Center would provide decision support across the entire wildfire lifecycle of prevention, suppression, and recovery efforts, thereby minimizing inequalities between different jurisdictions and allowing stakeholders to retain their autonomy while holistically addressing the wildfire crisis.

In the Fix Our Forests Act, the Center is established jointly within the Forest Service and Department of the Interior (through USGS), with additional representatives from NOAA, and other agencies. The purpose of the Center is to comprehensively assess/predict fire and smoke impacts across the Wildland-Urban Interface (WUI), informing land and fuels management, reducing risks to communities, public health, and the built environment, and supporting fire response and post-fire recovery. It would provide data aggregation, real-time predictive services, and science-based decision support, while reducing fragmentation and duplication among federal agencies. The Center also promotes coordination and data sharing between federal agencies, states, Tribes, local governments, academic institutions, and private entities. The Center ensures public access to data, models, technologies, and fire weather forecasts.

Crucially, the Center can guide land managers in deciding at the moment of detection whether to put out a new fire based on a variety of factors, including topography, humidity, fuel loads, and community risk. Under a unified and improved decision support system, state, Tribal, and local agencies would retain their autonomy and their ability to experiment with new technologies and approaches.

In the newly introduced Senate version, substantial improvements have been made to the Fireshed Center. The changes reflect a more ambitious, institutionalized federal presence, with a strong emphasis on data infrastructure, tech procurement, and public accessibility with far more explicitly delineated functions than the House version. Other changes include:

- *Provide decision support for the pre-positioning of wildfire suppression personnel and assets based on real-time risk, a key issue in the Palisades Fire.¹*

¹ <https://www.latimes.com/california/story/2025-01-20/lafd>



- Assist with the creation and updating of Community Wildfire Protection Plans, which has locked many communities out of CWDG project funding, including Los Angeles.²
- Assist with the safe and effective use of prescribed fire to help prevent catastrophes like Hermit's Peak escaped prescribed fire.
- Leverage commercially available technologies, where available, to perform the functions of the Center so we get up and running quickly and provide an operating plan within 180 days with staffing, budget, and contracting needs.
- Manage the Wildfire Tech Pilot and streamline procurement processes for firetech.

Megafire Action wrote a [full piece](#) on the need for a Wildfire Intelligence Center that provides additional commentary on the pressing need for the Center and how it would function.

Expanding NEPA Categorical Exclusions to 10,000 Acres: Emergency Fireshed Management–Sec. 106

FOFA seeks to accelerate urgent forest and landscape management projects while maintaining critical environmental protections for forests and communities. The legislation expands acreage limitations for categorical exclusions (CE) under the National Environmental Policy Act (NEPA) from 3,000 acres to 10,000 acres, providing land managers with the flexibility to do critical work *now* on the highest risk areas guided by applicable forest management plans.

These CEs are necessary. The State of California has requested that Congress “Expand US Forest Service Categorical Exclusion authority from 3,000 to 10,000 acres for fire-prone areas in the western US.”³ This request was borne out of the success California had with the 2016 Water Infrastructure Improvements for the Nation Act, which created a 10,000 acre CE for fuels reduction projects in the Lake Tahoe Basin. This enabled more land to be treated faster, helping to maintain forest health, create defensible space, and protect communities. The Chief of the Forest Service, Randy Moore, stated in a FY25 budget hearing that Lake Tahoe’s congressionally designated 10,000 acre CE was “very beneficial” to halting the Caldor fire in South Lake Tahoe, potentially preventing the significant loss of property and lives.⁴

Under FOFA, forest management projects receiving up to a 10,000 acre CE must first be identified by a fireshed assessment. FOFA mandates that fireshed assessments comply with applicable forest plans which are developed with community input, incorporate the best available science and traditional ecological knowledge from Indian Tribes, and allow for local government participation in their formulation. These added guardrails ensure that CEs will not be used for projects that harm our forests.

While sensitivities around changes to NEPA are justified, it is important to note that FOFA does not amend, alter, or rollback NEPA or the Endangered Species Act (ESA). Agencies must still adhere to all rules and regulations governing the use of categorical exclusions and CEs must only be used in appropriate areas and not used in areas where work is prohibited. It is also important to note that while the original draft eliminated acreage limitations for the utilization of categorical exclusions, the current version sets the acreage limitation to 10,000

² <https://www.npr.org/2025/01/15/nx-s1-5256348/los-angeles-fires-safety-evacuation-improvement-preparation>

³ https://www.cdfa.ca.gov/Farm_Bill/pdfs/2023_Farm_Bill_Priorities_FINAL.pdf

⁴ Response to Congressman McClintock, Subcommittee Oversight Hearing, June 4, 2024, Examining the President’s FY 2025 Budget Request for the U.S. Forest Service | Federal Lands Subcommittee | House Committee on Natural Resources.



acres. FOFA would not enable agencies to “stack” CEs any more than they are able to under the current 3,000 acre limitation.

To further understand the practitioner perspective on categorical exclusions, Megafire Action interviewed Kelly Martin, Ret. Chief of Fire and Aviation at Yosemite National Park, and Type 1 Incident Management Team member in Operations and Fire Behavior, who provided important insights on CEs:

Categorical exclusions (CE) are a key tool for forest resilience and wildfire mitigation. Currently, there is an over-allocation of funding and human capital dedicated to planning and revising existing NEPA Environmental Impact Statement (EIS) or Environmental Assessment (EA) documents sometimes 5 to 10 years in the making. This favors what seems like endless and duplicative planning efforts compared to implementing beneficial actions on the ground that we know are based on solid science and research. CEs help us streamline the public review process and start putting meaningful projects on the ground faster to meet existential wildfire threats.

Unfortunately, projects done under the current 3,000 acre CEs fall woefully short of what is needed to meet the ever increasing size of contemporary wildfires. Smaller CEs often don't provide the buffer or resiliency needed to change conditions on the ground at a meaningful scale. In contrast, the value of a 10,000 acre CE is that you're not just looking at small sections, you're starting to look at the entire landscape and how it can withstand future challenges to watersheds, biodiversity, and key ecosystem services we deeply care about.

A common mindset around CEs is that they represent a rollback of environmental protections, but CEs are really about accelerating the implementation process for projects that have already been vetted and approved in existing land management plans backed by an EIS or EA. CEs are nothing new, they've been an important part of public engagement and meaningful land management actions for years. The CE reduces planning and analysis tiered to existing EISs and EAs and reduces the need for a redundant round of review for each specific project. This is not about returning to clear cut logging, going into sensitive areas, or removing mature growth old timber. We're talking about targeting areas that are accessible, where intervention can make a meaningful difference to landscape resilience. While forestry in the past, particularly in the early 1900s, often led to negative outcomes, those earlier mistakes should not cloud the judgment of today's forest management strategies, which are vastly more informed by modern science. We're not going back to those days.

The Senate version keeps the core of this provision while making a few tweaks to ensure that the CEs apply to fireshed management areas that are properly selected with the best science, and adds some new guardrails on the use of emergency authorities. The Senate version adds riparian and wet meadow restoration and more detailed descriptions of the types of treatments intended, to further signal that clearcutting is not a desired management activity.

Fireshed Management Areas and Registry – Sec. 101 & 103

FOFA designates Fireshed Management Areas, which include all high-risk firesheds identified in the USFS 2022 Wildfire Crisis Strategy and all firesheds in the top 20% for wildfire exposure. The Wildfire Intelligence Center will develop/maintain a Fireshed Registry – a



publicly available dataset that will include information on wildfire exposure, completed and planned fuels treatments, percentage of the fireshed burned, and status of environmental permitting. The data will be available to help communities compose Community Wildfire Protection Plans.

The Senate version explicitly requires Sec. 101 fireshed designations in Alaska, Hawaii, and U.S. territories, which were not called out in the House version. This broadens the geographic applicability of the bill.

Shared Stewardship – Sec. 104

FOFA requires USDA to enter into a shared stewardship agreement with a state or Indian Tribe within 90 of receiving the state's request. If requested by the state or Tribe, the Secretary of Agriculture may designate additional Fireshed Management Areas.

The Senate version authorizes the Secretary upon request to adjust the boundaries of Fireshed Management Areas and to additionally enter into cooperative agreements with non-governmental organizations, local governments, and special districts.

Fireshed Assessments – Sec. 105

FOFA enables land management agencies to conduct fireshed assessments that evaluate wildfire exposure risks and identify projects for the Fireshed Management Area. The Secretary will work with Tribal and local governments in the assessments, which are exempted from NEPA. Fireshed assessments are analytical tools that are used to evaluate wildfire risk across large landscapes. As an evaluation tool that does not directly authorize any federal action, it is not subject to NEPA. This is in line with other forms of research, environmental monitoring, and long-term strategic plans that do not, in themselves, require assessment under NEPA. Wildlife surveys, water quality testing, climate modeling, and other forest management plans are likewise not considered federal actions for NEPA purposes.

The Senate version requires the Secretaries to work with Tribes/Governors to conduct an assessment for each fireshed management area within 120 days of enactment and expands the required content of the assessments to include a strategy for retaining late-successional forests. It explicitly mandates public engagement within 45 days of initiating an assessment.

Expanding Collaborative Tools – Sec. 111–116

FOFA modifies the Good Neighbor Authority (GNA) to enable retention of funds from forest product sales by Tribes for the purpose of undertaking restoration actions. It also modifies Stewardship End Results Contracting to be authorized for retention and expansion of forest products infrastructure, in addition to land management goals to meet local needs.

FOFA also establishes interagency teams to support NEPA review and analysis, ESA consultations, and consultations under the National Historic Preservation Act. Strike teams can also be used to prepare or implement fireshed management projects. The ten-member teams can include NGOs, States, Tribes, academic or private institutions. It also raises the financial cap on unappraised timber sales from \$10,000 to \$55,000 and allows proceeds from such timber sales to be used in fireshed management projects.

Sections 115 and 116 reauthorize and enhance the Collaborative Forest Landscape Restoration and Joint Chiefs Landscape Restoration Partnership programs.



The Senate version increases the cap on how much funding can go to a single proposal under CFLRP from \$4,000,000 to \$8,000,000.

Utilizing Grazing for Wildfire Risk Reduction – Sec. 117

This section directs the Secretary of Agriculture to develop a strategy for increasing the use of livestock grazing to reduce wildfire risks. The strategy includes completing environmental reviews to allow grazing on vacant allotments during disruptions caused by natural disasters, promoting targeted grazing for fuels management, issuing temporary permits to reduce invasive annual grasses, and utilizing grazing as part of post-fire recovery efforts.

Water Source Protection Program – Sec. 118-119

Strengthens the Water Source Protection Program by expanding partnerships with state, local, and private entities to restore watersheds and protect water infrastructure. It prioritizes projects that mitigate wildfire, drought, and climate risks while enhancing water quality and supply through nature-based solutions. The amendment streamlines cooperation via Good Neighbor Agreements, ensures projects align with scientific and forest management plans, and allows voluntary participation from private landowners without altering land ownership. Sec. 119 is a technical correction.

The Senate version broadens eligible partners; prioritizing projects with underserved communities, strong non-federal cost share, or proven partner capacity; and clarifies that in-kind contributions can include work on adjacent non-federal lands. It also requires at least 10% of funds to support non-federal partner capacity building, allows use of existing watershed plans, and ensures plans are based on best available science and aligned with forest plans.

Tribal Forest Protection Management – Sec. 120

Authorize long-term activities and projects between Tribes and the Departments of Agriculture and Interior. Clarifies eligibility and requires agencies to publish a public list of authorized project types within 180 days. Strengthens tribal access to forest management contracts and co-stewardship opportunities.

Litigation and Consultation Reform – Sec. 121 & 122

FOIA prohibits enjoinder of a fire management project if the court determines the plaintiff is unlikely to succeed on the merits and directs the court to consider both the short- and long- term effects of both action and no action when reviewing injunction requests. Claims seeking judicial review must be filed within 150 days of the notice in the Federal Register and the claim must be filed after the record of decision.

The bill also changes Forest Service and Bureau of Land Management planning requirements to eliminate the need to reinitiate ESA consultation when a new species is listed or critical habitat is designated. Commonly referred to as the “Cottonwood Fix”, the Senate maintains this provision.

The Senate version updates standards for judicial review of fire management projects and limits injunctions to defined conditions. It codifies the existing balancing test for injunctions and removes the “proximate and substantial environmental harm” threshold included in the House version. It introduces separate four-part tests for preliminary and permanent injunctions and establishes clear criteria for when courts may vacate agency actions—explicitly considering



wildfire risk and ecosystem health. It also extends the statute of limitations from 120 to 150 days, removes the requirement that plaintiffs must have participated in the agency comment process, and requires agencies to act on court remands within 180 days. In all, this represents a balanced compromise between preserving process and preventing obstruction of badly needed projects.

Prescribed Fire Eligible Activities, Policies, and Practices – Sec. 131

Sections 131-136 are new additions adapted from Senator Wyden's Prescribed Fire Act. Section 131 authorizes a broad range of prescribed fire activities on federal and qualifying non-federal lands, including environmental reviews, site prep, public outreach, training, post-burn monitoring, and technical or financial assistance to eligible partners such as Tribes, local governments, NGOs, and burn associations. It requires agencies to develop regional operational strategies to address the nation's fire deficit, identifying necessary staffing and funding to scale prescribed fire use.

Human Resources – Sec. 132

Directs the Secretaries to streamline and update prescribed fire training and certification standards through the National Wildfire Coordinating Group. It also requires the creation of mechanisms to integrate non-federal practitioners into resource ordering and reimbursement systems. The Secretaries may develop partnership agreements and ensure qualified practitioners can work directly with federal agencies.

Liability of Prescribed Fire Managers – Sec. 133

Directs the development of a voluntary training course for federal employees on the liability protections available to employees, the limits of those protections, and any reimbursement options for professional liability insurance under existing federal law.

Environmental Review – Sec. 134

Requires the development of guidance, tools, and technical assistance to support prescribed fire use while minimizing smoke impacts and improving public health protections. Agencies must provide data and modeling to help air regulators demonstrate that smoke-related pollution events are exceptional and not violations of air quality standards. The section also mandates research into smoke prediction, impact mitigation, public health messaging, and emissions tracking. Additionally, it requires the review, revision, or development of landscape-scale prescribed fire plans with full compliance with environmental laws and active collaboration with researchers, NGOs, and cultural fire practitioners.

Cooperative Agreements and Contracts for Prescribed Fire – Sec. 135

This section authorizes the Secretaries to enter into cooperative agreements or contracts (up to 10 years) to coordinate, plan, or conduct prescribed fires or training events on federal land. It allows those entities to subcontract prescribed fire activities under their own procedures and clarifies that all projects must comply with existing federal land management authorities and receive prior written approval from the Secretaries. It also amends the Tribal Forest Protection Act to authorize prescribed burn demonstration projects, allowing approved Tribal burn plans to cover multiple burns and delegate implementation authority to Tribes under federal standards. Additional amendments to the Cooperative Funds and Deposits Act ensure that prescribed fire activities and training events are eligible for cooperative funding.

Facilitating Responsible Use of Prescribed Fire – Sec. 136



Directs use of all available resources to ensure that prescribed burns conducted by the Forest Service are fully extinguished. It also requires the agency to update its prescribed burn policies in line with the findings and recommendations of the Forest Service's September 2022 report.

Community Wildfire Risk Reduction Program – Sec. 201, 202, and 203

Inspired by Recommendation 1 from the Wildfire Mitigation and Management Commission, FOFA establishes a Community Wildfire Risk Reduction Program (CWRRP) to support interagency coordination. The section identifies five core purposes of the program, including advancing research and science, supporting local adoption of codes and standards, supporting local efforts to address wildfire impacts including property damage as well as air and water quality, encouraging public-private partnerships for fuel reduction work, and providing technical and financial assistance to communities. The bill also requires USDA, DOI, and FEMA to create a unified/simplified process for community applications for financial or technical assistance.

The bill also expands the Joint Fire Science Program by adding a research program focused on innovative designs to create wildfire-resistant structures and communities and establishes a competition for innovative designs in these areas.

The Senate version of Section 201 includes major improvements that broaden its scope, sharpen its objectives, and embed coordination and accountability. Most notably, the Senate draft explicitly incorporates support for fire-resistant building methods, codes, and standards, including ignition-resistant construction, retrofitting, and defensible space, guided by the best available science. These additions are crucial for addressing fire risks in the built environment, making this section inclusive of the kind of urban firestorms seen in Los Angeles in January. The revised section also strengthens interagency coordination by requiring annual meetings, budgeting alignment, and integration of wildfire mitigation into existing federal programs. It encourages the development of early wildfire detection and community alert systems and requires the program to seek feedback from states, Tribes, local governments, and other stakeholders, and produce a comprehensive biennial report.

The Senate includes a new Section 203 that introduces critical transparency and oversight mechanisms for the CWRRP through a report to Congress.

Community Wildfire Defense Grant Program Improvements – Sec. 204 & 205

The Senate version includes key improvements to the CWDG program. Eligible applications now include structure and infrastructure hardening activities and deployment of wildfire technologies deemed successful under the Sec. 303 pilot program. CWDGs are no longer limited to CONUS, and project implementation grants no longer require a CWPP, a key barrier for many communities including Los Angeles.

Section 205 updates the definition of at-risk community to include at risk from wildfire as recognized in a fireshed, State, Tribal, local, regional, territorial, or national wildfire risk assessment and communities inside of or within five miles of a Wildfire Crisis Strategy landscape.

Utility Rights-Of-Way – Sec. 211 & 212

FOFA expands CEs for hazard tree management adjacent to power lines from 10 to 150 feet and sets automatic approval timeframes of 120 days for some plans prepared under the



Federal Land Policy and Management Act. The requirement for utilities to conduct timber sales of vegetation removed around lines is removed.

Categorical Exclusion for High-Priority Hazard Trees – Sec 213.

The Senate version creates a new categorical exclusion for projects removing hazard trees within 300 feet of access roads, public safety, or infrastructure. The exclusion applies to projects up to 6,000 acres, provided they avoid sensitive areas like wilderness, inventoried roadless areas, and designated critical habitat.

Seeds of Success – Sec. 214

FOFA requires the USDA, DOI, and DoD to develop a strategy to enhance domestic supplies of seeds. The strategy should facilitate interagency coordination, promote re-seeding of native or fire-resistant grasses, build regional programs/partnerships, expand seed-chain infrastructure, and shorten permitting timelines.

Program to Support Priority Reforestation and Restoration Projects of the Department of the Interior – Sec. 215

This section establishes a program to support reforestation and restoration projects on lands managed by the Department of the Interior that have experienced unplanned disturbances and lack natural regeneration. The Secretary of the Interior, in consultation with other federal agencies, must annually identify lands needing reforestation, establish a list of priority projects, and ensure seed and seedling availability.

Reforestation, Nurseries, and Genetic Resources Support – SEC. 216.

The Senate version restructures and expands nursery and reforestation capacity-building provisions, creating a dedicated framework for long-term infrastructure investment. It authorizes support for federal, state, tribal, and academic nurseries, and promotes research into climate-resilient genotypes.

Fire Department Repayment – SEC. 217

New provision in the 2025 version of the bill would improve fire department repayment by establishing standard operating procedures for timely reimbursements under fire suppression cost share agreements. It requires a review and alignment of these agreements with cooperative fire protection agreements to ensure consistency. The bill mandates that federal agencies reimburse local fire departments upon invoice submission and urges that repayments occur within one year of fire suppression.

Biochar Innovations and Research – Sec. 301

FOFA establishes a biochar demonstration partnership program to support development and commercialization of biochar. Biochar demonstration projects should use at least 50% of their feedstock from forest thinning and management activities conducted on USFS or BLM managed lands. The bill includes provisions for research related to the demonstration projects and includes a research and development grant program.

Accurate Hazardous Fuels Reduction Reports – Sec. 302

FOFA requires publicly available annual reports on hazardous fuel treatments on federal land while seeking to eliminate “double counting”. Reporting must include information on treatment types, cost per acre, whether treatments were inside of the WUI, and the



effectiveness of treatments in reducing wildfire risk. These reporting requirements are an important step towards ensuring scarce resources are funding the highest-ROI treatments.

Public-Private Wildfire Technology De- Ployment And Demonstration Partnership – Sec. 303

FOFA creates a multi-agency public-private wildfire technology testbed program that identifies and advances key technologies in a competitive pilot program with private companies, nonprofits, and institutions of higher learning. Specific priorities include technologies that would advance hazardous fuels reduction treatments, dispatch communications, remote sensing/detection/tracking, safety equipment, thermal mid-wave infrared equipped low earth orbit satellites, and common operating pictures or operational dashboards. This provision is a substantial step forward in getting critical new technologies in the hands of those who desperately need them, when they need them.

The Senate version has the Wildfire Intelligence Center administering this program.

Studies – Sec. 304 & 307

FOFA requires a GAO study of the effectiveness of Forest Service firefighting operations, Forest Service budget transparency and accountability, and the feasibility of establishing a new federal wildfire agency. The bill directs the Forest Service to conduct a comprehensive study on the impacts of pine beetle infestations, particularly their contribution to increased wildfire risks.

The Senate dropped a study evaluating potential locations for, and benefits of, creating a western headquarters for the Forest Service

Keeping Forest Plans Current and Monitored – Sec. 305

This section directs the Forest Service to establish procedures for regularly updating and monitoring forest management plans. Plans must undergo periodic reviews, be accessible to the public, and integrate monitoring data to ensure they remain accurate and actionable.

Container Aerial Firefighting System (CAFFS) – Sec. 306

Directs USDA, DOI, and the National Interagency Aviation Committee and the Interagency Airtanker Board to conduct an evaluation of container-based aerial firefighting systems to assess the use of such systems to mitigate and suppress wildfires.

White Oak Restoration Initiative – Sec. 311–318

The White Oak Restoration Initiative establishes a coordinated effort to restore and conserve white oak habitats across public and private lands. A coalition of federal agencies, state and local governments, Tribal entities, academic institutions, and private organizations will develop strategies to enhance the resilience and sustainability of white oak ecosystems.

The Forest Service will implement five pilots targeting high-priority areas for white oak restoration, applying management practices to promote regeneration and evaluate effective habitat interventions. The Department of the Interior will conduct a review of white oak populations on lands under its jurisdiction to assess habitat conditions, identify threats, and implement restoration measures.

This section also establishes the White Oak and Upland Oak Habitat Regeneration Program, a non-regulatory initiative under the Secretary of Agriculture, to support restoration and conservation of white oak and upland oak habitats. The program will use the best available



science to identify and prioritize activities that improve white oak growth and will collaborate with the White Oak Restoration Initiative Coalition to align efforts. A white oak restoration strategy will be developed, focusing on cost-effective projects with measurable outcomes and no increase in federal full-time positions. Public engagement through outreach and education will support restoration activities, while enhanced scientific capacity will drive planning, monitoring, and research. A voluntary grant and technical assistance program, managed through a cooperative agreement with the National Fish and Wildlife Foundation, will provide funding and resources to achieve these objectives (subject to available funding; there are no new authorized appropriations for this section).

The initiative focuses on enhancing white oak regeneration and upland oak habitat through silvicultural treatments and management strategies to address shortages in tree nurseries by expanding capacity, increasing seedling production, and ensuring a sufficient supply of planting stock.

A research program will study the ecological, economic, and cultural importance of white oaks, exploring restoration techniques, climate adaptation strategies, and their role in supporting biodiversity and ecosystem services.

Wildland Fire Management Casualty Assistance Program – Sec. 401

This provision creates a Wildland Fire Management Casualty Assistance Program to provide critical support for firefighters and their families in the event of injury or loss of life during duty. The program includes financial assistance, mental health resources, and streamlined access to federal benefits. It reflects a commitment to supporting those on the frontlines of wildfire suppression and acknowledges the inherent risks of their work.

