



MEGAFIRE ACTION



CATEGORICAL EXCLUSIONS

Categorical exclusions (CE) are an essential part of the National Environmental Policy Act (NEPA) that determine certain proposed actions (such as a critical fuels reduction project) do not require lengthier Environmental Assessments (EA) or Environmental Impact Statements (EIS).

It takes an “average of 193 days to complete a categorical exclusion review, 519 days for an EA, and 1082 days for an EIS”*. CEs are an important tool that help agencies accelerate urgent landscape management projects while maintaining critical protections for forests/communities.



THE FIX OUR FORESTS ACT

The Fix Our Forests Act (FOFA) expands limits on CEs under NEPA from 3,000 to 10,000 acres, providing flexibility to do critical work on the highest risk areas now.

Projects receiving up to a 10,000 acre CE must be identified by a firehatched assessment that complies with applicable forest plans developed with community input, the best available science, Tribal knowledge, and local participation. These guardrails ensure CEs will not be used for projects harmful to forests. While sensitivities around changes to NEPA are justified, FOFA does not amend, alter, or rollback NEPA.

*Clark, Sara A., et al. 2024, <https://doi.org/10.1186/s42408-024-00301-y>
Below: Hungry Horse Mountain Fuel Break, conducted under CE. Source: USFS.



PRACTITIONER PERSPECTIVE

Megafire Action interviewed Kelly Martin, Ret. Chief of Fire and Aviation at Yosemite National Park, to provide a prescribed fire practitioner’s perspective on expanding categorical exclusions (CE):

“The CE is a key tool for forest resilience and wildfire mitigation. Currently, there is an over-allocation of funding and human capital for planning and revising existing NEPA documents, sometimes 5-10 years in the making. This favors endless, duplicative planning efforts compared to implementing beneficial actions on the ground that are science-based. CEs streamline the review process and get meaningful projects on the ground faster to meet existential wildfire threats.

Unfortunately, projects done under **current 3,000 acre CEs fall woefully short** of what is needed to meet the ever increasing size of 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 rather than just looking at small sections, you're starting to look at the entire landscape** and how it can withstand future challenges to key ecosystem services we care deeply about.

CEs accelerate implementation on projects that have already been vetted and approved in existing land management plans backed by an Environmental Assessment or Environmental Impact Statement. **CEs are not new, they’ve been an important part of meaningful land management actions for years.** CEs reduce redundant rounds of review for each specific project.

This is not about returning to clear cut logging, going into sensitive areas, or removing mature old growth timber. We’re talking about targeting accessible areas, 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 mistakes should not cloud the judgment of today's forest management strategies, which are informed by modern science. We’re not going back to those days.”



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Eric Horne, National Policy Director, eric@megafire.org

CATEGORICAL EXCLUSIONS: THE LAKE TAHOE PERSPECTIVE



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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."* 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.

According to the Forest Service, "when the [2021] Caldor Fire arrived in South Lake Tahoe, one subtle yet critically important factor helped firefighters defend homes and businesses – fuel treatments a decade in the making...We noticed that when the fire moved into those areas that were treated around neighborhoods in Christmas Valley, the fire intensity greatly diminished".**

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.***

*https://www.cdfe.ca.gov/Farm_Bill/pdfs/2023_Farm_Bill_Priorities_FINAL.pdf

**<https://www.fs.usda.gov/about-agency/features/caldor-fire-defending-lake-tahoe-basin>

***Response to Congressman McClintock, June 4, 2024, <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=416081>

FUEL TREATMENT SUCCESSES

Caldor Fire Area | South Lake Tahoe

Despite the difficulty in managing this fire and the demanding fire environment, there are success stories to be found in the hazardous fuels treatments that have been put in place in and around Lake Tahoe and the surrounding communities. While even the most effective fuels treatments may not modify fire behavior when there are intense winds, there is no doubt that homes were saved and firefighters were able to work more safely and aggressively to suppress the fire because of treatments in this area.



Extensive firefighting operations, residents maintaining defensible space around their homes, and past forest management projects are credited for helping to save structures around South Lake Tahoe. The Forest Service has completed both prescribed burns and vegetation thinning operations in the last 10 years of their forest clearing initiative, reducing fuel in fire-susceptible areas. Christmas Valley, South Lake Tahoe, California.

