

PO Box 897
Ridgecrest, CA 93556
Telephone: 530-273-9290



2 Massachusetts Ave NE #2908
Washington, DC 20002
Office: 202-657-7270

The Deceptively-Named “Fix Our Forests Act”: Extreme Environmental Rollbacks and Subsidized Industrial Logging

The Senate’s version of the deceptively-named “Fix Our Forests Act” (FOFA), S. 1462, is an extreme logging bill masquerading as a “forest health” measure. It would eviscerate environmental laws on public forests in order to dramatically increase logging of mature and old-growth trees, and clearcutting, on public lands, at taxpayer expense. The FOFA logging bill would destroy important wildlife habitat, increase carbon emissions and worsen climate change, and exacerbate wildfires and increase threats of fire to vulnerable communities, while severely restricting the public’s right to comment on and participate in decision-making on public forests, and wasting public funds unnecessarily. **In fact, a cleverly hidden loophole in S. 1462 would nullify any potential enforcement of all federal environmental laws on national forests and BLM lands nationwide, as discussed below.** Further, FOFA proponents have made numerous false claims in an effort to gain traction for this destructive bill.

First, they have claimed that public forests supposedly must be logged before fire can be introduced, either through prescribed burning, managed wildfire, or Indigenous cultural burning. Not so. The Forest Service itself now acknowledges that “it is known that tree removal is not required before prescribed fire can be used” (USFS 2023a),¹ and admits that thinning plus burning costs six times more per acre than burning alone (USFS 2023b).¹ As Forest Service scientists concluded in North et al. (2015), “...fire is usually more efficient, cost-effective, and ecologically beneficial than mechanical treatments.”¹ Half a century of scientific studies, mostly by Forest Service scientists, show that burning can be easily done without any expensive and destructive tree removal, even in the densest forests that have not burned in many decades (See: <https://johnmuirproject.org/wp-content/uploads/2024/12/JMP-fact-sheet-Fire-Alone-29Nov24-1.pdf>). Burning is simply done in mild fire weather.

Second, proponents of S. 1462 claim the January 2025 fires that devastated communities in Los Angeles supposedly prove the need for thinning and post-fire logging on federal public lands to protect communities from wildfires. This is dangerous misinformation. The Los Angeles fires were in chaparral and grassland, not forest. This can be verified through an interactive, user-friendly system set up by

Wildlands Mapping Institute, available at: <https://wildlandmaps.users.earthengine.app/view/fires24>. In fact, most of the at-risk communities are not in or adjacent to forests. Moreover, where fires do burn in forests, they generally burn fastest and most intensely in areas where “thinning” and other logging has previously occurred, often before burning down towns and claiming many lives (See: [https://johnmuirproject.org/wp-content/uploads/2025/01/ CPP-DN-2-Objection-2-12Dec24.pdf](https://johnmuirproject.org/wp-content/uploads/2025/01/_CPP-DN-2-Objection-2-12Dec24.pdf)). For abundant scientific evidence, including many studies by U.S. Forest Service scientists, of the tendency of thinning and post-fire logging, conducted under the guise of “fuel reduction”, to actually increase wildfire severity and rate of spread, while tripling CO2 emissions relative to fire alone, see: <https://johnmuirproject.org/wp-content/uploads/2024/12/JMP-fact-sheet-thinning-and-fire-29Nov24.pdf>. Big wildfires are driven mainly by weather, climate, and climate change, and the logging that FOFA mandates would dramatically increase CO2 emissions, and worsen climate change, which would in turn cause more large wildfires and increase threats to communities.

Third, proponents of S. 1462 claim that the bill includes community fire-safe provisions to accomplish home hardening and defensible space pruning. While the Senate version of FOFA pays lip service to community wildfire safety, referencing “wildfire-resistant structures” and “defensible space” (Sections 201 through 204), this hollow verbiage is meant only to greenwash the extreme backcountry logging provisions. Unlike real community wildfire safety bills, like HR 582 (Rep. Huffman, D-CA) and HR 948 (Rep. Kiley, R-CA), S. 1462 includes no funding or financial incentives to actually promote community wildfire safety. Research shows that, beyond 100 feet from homes (beyond the 100-foot defensible space pruning zone), there is no additional benefit whatsoever to vegetation management in terms of protecting homes from wildfires.²

Last, proponents of S. 1462 claim the bill does not really weaken or override environmental laws but, rather, merely enacts procedures to expedite projects under existing legal authorities. That is flatly false:

- A provision in S. 1462 would have the effect of eliminating the potential for enforcement of any and all federal environmental laws with regard to FOFA projects on all national forests and BLM forestlands. Section 131(c) of S. 1462 explicitly states that “Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a covered agency action shall be barred” if the environmental lawsuit is filed more than 150 days after an “agency document” pertaining to a FOFA logging project is “noticed” (in context, “noticed” means after public notice is provided). S. 1462 defines an “agency document” to include “environmental documents” and “programmatic environmental documents”, which are defined by the 2023 Fiscal Responsibility Act amendments to NEPA as Environmental Assessments and Environmental Impact Statements. These are *analysis* documents, not *decision* documents. Plaintiffs are prohibited under existing laws and court precedents from filing lawsuits before a *decision* has been signed. In most circumstances, a U.S. Forest Service or BLM project will need much more than 150 days from public notice to a signed decision to meaningfully consider public comments and dissenting science, but doing so would nullify any right to challenge a project if S. 1462 became law. What’s more, under Section 131(c), the U.S. Forest Service and BLM could publish or release notices of their intent to conduct large logging projects on public lands—even clearcuts, logging projects that target old-growth trees, or logging projects in Roadless Areas or Wilderness Areas—and release Environmental Assessments, Environmental Impact Statements, or Categorical Exclusion documents along with those notices, *but then simply wait more than 150 days to sign the decisions to begin the logging projects*. With or without ill

intent on the part of the U.S. Forest Service or BLM, this would preclude the public from being able to enforce any environmental law against FOFA logging projects, regardless of how destructive or otherwise illegal they may be. And, since Section 131(c) applies to any “claim arising under Federal law,” all federal environmental laws would be affected by it (e.g., NEPA, the National Forest Management Act, the Endangered Species Act, the Wilderness Act, the Clean Water Act, etc.). Reducing the current six-year statute of limitations to only 5 months in Section 131(c) would already be an extreme restriction on the public’s access to the courts and ability to meaningfully participate in decisions on public forestlands. As written, however, Section 131(c) would foreclose the public’s ability to uphold the laws passed by Congress on public forestlands. The House version of FOFA included language stating that Section 131(c) would not apply where environmental organizations submitted substantive public comments opposing the FOFA logging projects, but that language was removed by the sponsors of the Senate version, **making the Senate version even more extreme and destructive than the House version.**

- Section 131(b) of the Senate version of FOFA imposes a series of draconian restrictions on federal judges, creating so many hurdles of such height that it would be nearly impossible to ever enforce NEPA or other environmental laws, even if an environmental plaintiff could find some way to surmount all of the other NEPA exemptions and rollbacks in FOFA. In addition, Section 121(b) interferes with the judiciary’s role in weighing evidence, attempting to prevent judges from upholding environmental laws when agencies break them.
- Section 101(a)(1) of the Senate FOFA defines “fireshed management areas” as entire forest landscapes, vast in scale. Section 106(a)(1) mandates that the Forest Service “shall” implement logging projects (which the bill spins as “fireshed management projects”) across each of the many fireshed management areas. This mandatory language is an override of all other environmental laws. There are no caveats in this mandatory language. There are no limits on the size or age of the trees that this mandate covers, and no requirements to retain any trees where mandated logging occurs, so clearcutting and logging of mature and old-growth trees would certainly occur on a large scale on public lands, at taxpayer expense.
- To make it even clearer that the Senate FOFA bill intends to override NEPA, Section 106(a)(2)(A) explicitly applies a series of so-called emergency exemptions, which are normally reserved for an extremely narrow set of exigent circumstances, to these giant landscape-scale logging projects, so long as agency officials, with a wink and a nod, claim that an “emergency” exists (Section 106(a)(2)(B)), based on no evidence. These emergency procedures circumvent NEPA, and environmental analysis, consideration of science, and public participation. Section 106(a)(2) overrides NEPA to make these emergency exemptions the rule, not the rare exception. Section 106(a)(2)(D)(ii-iv) dishonestly and misleadingly claims that these giant logging projects must comply with NEPA, after establishing in Section 106(a)(2)(A-B) that compliance with NEPA, under FOFA, **now** means enormous logging projects conducted under sham “emergency” exemptions from NEPA’s normal environmental analysis and public participation requirements. This section was clearly inserted to confuse the public and the press, and to make people mistakenly believe that NEPA is not being fundamentally attacked and overridden by the Senate FOFA logging bill.

- Section 106(b) of the Senate FOFA logging bill is another environmental law rollback, as it hugely expands the acreage of logging projects that would be exempt from environmental analysis and normal public participation, under “categorical exclusions”, from 3,000 acres to 10,000 acres each.
- Section 117 orders federal land agencies to conduct widespread livestock grazing, supposedly as a wildfire management approach, disregarding decades of scientific research finding that livestock grazing degrades and destroys native ecosystems and strongly tends to exacerbate wildfires, in part by spreading highly combustible invasive grasses.
- Section 132 of the Senate version of FOFA eliminates the Endangered Species Act requirement that the Forest Service reinitiate consultation with the US Fish and Wildlife Service on forest plans when a new species is listed under the ESA or when new scientific information indicates that the forest plan is driving a species to extinction. So, the gigantic logging projects mandated by FOFA would continue even when they cause the extinction of rare wildlife species.

Footnotes

- ¹ (a) USDA Forest Service. 2023a. Environmental Assessment, Community Protection Project Central and Western Slope; (b) Plumas National Forest, Quincy, CA. USDA Forest Service. 2023b. Responses to Comments, Draft Decision Notice, Community Protection Project Central and Western Slope. Plumas National Forest, Quincy, CA; (c) North, M.P., S.L. Stephens, B.M. Collins, J.K. Agee, G. Aplet, J.F. Franklin, and P.Z. Fule. 2015. Reform forest fire management. *Science* 349: 1280-1281.
- ² Syphard, A.D., T.J. Brennan, and J.E. Keeley. 2014. The role of defensible space for residential structure protection during wildfires. *Intl. J. Wildland Fire* 23: 1165-1175.