

*This blog post was co-authored with Dave Owen, at UC Law SF. The draft article this blog post series is based is [here](#).*

This is the seventh in a series of blog posts on our proposal to reform wildfire law in the United States. The first post is [here](#). The second post is [here](#). The third post is [here](#). The fourth post is [here](#). The fifth post is [here](#). The sixth post is [here](#).

Our current proposal includes a major reform of federal land management with respect to fire. A different proposal already exists in Congress: [Fix Our Forests](#), which has passed the House and is [being considered in the Senate](#). Why do we think our proposal is superior?

First, a brief summary of Fix Our Forests. For comparison purposes with our proposal, the most significant changes in the bill would (a) greatly expand the categorical exclusions from NEPA for forest management actions from 3,000 acres to 10,000 acres; and (b) allow agencies to invoke “emergency” provisions for NEPA and ESA procedures for covered projects, which are broadly defined to include a wide range of forest management techniques (including logging).

Our concerns with Fix Our Forests are that it is both too broad and too narrow. On the one hand, it provides few guardrails for implementation. Ten thousand acres is a large categorical exclusion (it’s about 15 square miles). And the emergency provisions the bill invokes basically give the agencies almost limitless scope to determine what procedures they wish to follow in implementing the laws.

At the same time, action on one 10,000-acre area at a time is still a piecemeal way to approach a problem that calls out for regional-scale planning. Yet that sort of action is what Fix Our Forests’ selective exemptions would include. The result is likely to be lightly planned and incremental land-management decisions that are at the same time too big to be written off as de minimis.

We also are concerned that the bill does not have a formal process for engagement with outside experts to develop any streamlining. The result is the bill may reduce trust and increase conflict over land management.

We think our approach to these issues is better. We have retained incentives and processes for landscape-scale planning and decision-making, including public participation. That means our approach can scale up at better than the categorical exclusions in Fix Our Forests; there is no set acreage limit for the exemptions that

might be approved. And our approach also still allows for the kinds of project-level streamlining that Fix Our Forests hopes to achieve.