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Subject: Implementing Secretary's Direction on Authorized Emergency Actions

To: Forest Service National Leadership Council

This memorandum outlines my direction and expectations to use and prioritize all available resources and authorities to expedite actions to reduce wildfire threats to communities, critical infrastructure, public health and safety, and natural resources.

In January 2022, we launched a comprehensive 10-year strategy called [Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America's Forests](#) (WCS) to address the wildfire crisis in places where it poses an immediate threat to communities. The WCS combines a historic investment of congressional funding with years of scientific research and planning into a national effort that will dramatically increase the pace and scale of forest health treatments over the next decade. Through the strategy, we will work with Tribes, States, and other partners to address wildfire risks to communities and critical infrastructure and make forests more resilient.

The WCS identifies 250 high-risk firesheds in the western United States where there is a high likelihood that an ignition could expose homes, communities, and infrastructure to destructive wildfire. To date, through funding provided from the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA), we are investing over \$930 million to address the wildfire crisis. However, I want to stress that this funding is a down payment towards reducing the risk of catastrophic wildfire – and funding alone will not solve this crisis.

Section 40807 of the BIL authorizes the Secretary to determine that an emergency exists where implementation of emergency actions is necessary to achieve relief from hazards threatening human health and safety or to mitigate threats to natural resources on National Forest System land and adjacent lands. Based on the risks outlined in the WCS, Secretary Thomas J. Vilsack determined that an emergency does exist on the 250 high-risk firesheds in the western U.S. identified in the Strategy.

Secretary Vilsack also determined that an emergency situation exists on certain lands (post fire recovery areas) that experienced high intensity wildfire in fiscal year 2022, including NFS lands in: (1) New Mexico (Catron, Colfax, Grant, Lincoln, Los Alamos, Mora, San Miguel, Sandoval, Sierra, Socorro, Taos, and Valencia counties), (2) Arizona (Coconino and Yavapai counties), and (3) California (Alpine, Amador, Butte, El Dorado, Humboldt, Kern, Lassen, Madera, Mariposa, Plumas, Shasta, Santa Barbara, Siskiyou, Tehama, Trinity, and Tulare counties).

Within these designated areas, I have the authority to approve emergency actions for which NEPA compliance actions are not subject to administrative review under 36 CFR 218, and an



environmental assessment or environmental impact statement need only analyze the no action alternative and the proposed action. In addition, a proposed emergency action is subject to special injunctive relief standards if challenged in court.

Going forward, the Forest Service will coordinate with the Office of the General Counsel and the Department of Agriculture to ensure departmental awareness and coordination in situations where I determine that emergency authorizations are appropriate for use.

It is my expectation that we will take an Agency approach to address these emergency situations. In addition to expedited compliance authorities, we are deploying other administrative authorities within my discretion to accelerate environmental analysis, contracting, hiring, and project implementation such as:

- Emergency and direct hire authorities to support the Wildfire Crisis Strategy with the objective of hiring new personnel in the most critical positions.
- Expedited contracting authorities or mechanisms such as virtual incident procurement and related incident procurement instruments, sole source and small business authorities, simplified procurement processes, and USDA contracting authorities.
- Prioritize grants and agreements for needed emergency work.
- Exemptions, waivers, expanded inclusions, and expedited mechanisms for emergency programs on joint efforts with USDA agencies and Tribes.
- Emergency consultation to comply with the Endangered Species Act.
- Emergency and programmatic consultation to comply with the National Historic Preservation Act.
- Emergency procedures to comply with the Clean Water Act; and,
- Expedited permitting, certification, and qualification processes as defined in Forest Service directives or as directed by the Chief.

I am also empowering our Regions and field units to identify those processes and procedures that may limit or delay your ability to implement these emergency actions. To that end, we have created an Emergency Actions Portal [direct link: [Emergency Actions Portal - Home \(sharepoint.com\)](https://sharepoint.com)] to intake and track your requests to use emergency authorities and identify challenging processes/procedures.

The portal will serve as a one-stop-shop for requesting approval for emergency actions and to request exceptions to existing policy or guidance that is limiting your ability to expedite emergency actions. Use of these authorities must be approved on a case-by-case basis and the portal will be the mechanism to do this. A team has been established to provide timely responses to emergency actions questions; questions will receive responses within five business days. As

questions are submitted, answered, and catalogued, we will create FAQs and post them to the portal. Regional Wildfire Crisis Strategy point of contacts will be notified when answers are returned to anyone within their Region.

National tribal consultation on implementation of these authorities was initiated January 19, 2023. This is being coordinated by the Office of Tribal Relations along with National Forest System Deputy Chief Chris French.

I assure you we do not take these emergency conditions lightly. We understand our responsibilities and need to ensure adequate coordination and consultation. Our intent is to use these authorities strategically and thoughtfully, in places with tribal, community, and partner support, to plan and implement treatments to reduce wildfire risk around communities and critical infrastructure.

RANDY MOORE

Chief