

**Testimony for The House Committee on Natural Resources
Subcommittee on Investigations and Oversight
Hearing on Exploring Solutions to Reduce Risks of Catastrophic Wildfire and Improve
Resiliency of National Forests**

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Thank you for the opportunity to address the Subcommittee on Investigations and Oversight regarding urgently needed reforms to allow for effective management of our federal forests. Speedy action by Congress to enable active forest management is the best way to reduce risks of catastrophic wildfire and improve the resiliency of our federal forests.

The American Forest Resource Council (AFRC) is a non-profit trade association that represents manufacturers, mill workers, loggers, and private forest landowners in five Western States: Montana, Idaho, Washington, Oregon, and California. Our members care deeply about the health and sustainability of public forestlands, on which their businesses and communities depend. The forest products industry is the lifeblood of many rural communities throughout the West. In many of these areas, logging or milling is the only plentiful source of family-wage jobs, particularly for workers without college degrees. These blue-collar middle-class jobs bring the American dream to rural communities.

My remarks will focus on the need to conduct more robust active management of federal forests to address the wildfire crisis and ensure stability of rural communities. With active management as a tool, we can have federal forests that are resilient, diverse, productive and which serve the multiple uses for which they are designated.

I. Federal Forests Urgently Need Active Management

Our federal forests, managed by the Forest Service and Bureau of Land Management (BLM), urgently need active management to reduce the risk of severe wildfire. At least 58 million acres of national forest are at high or very high risk of severe wildfire, and over 4.5 million homes are at risk. Over 1.1 million acres of national forest need reforestation. But last year the U.S. Forest Service treated less than 204,000 acres, a small fraction of what's needed. A significant part of the problem is process and paperwork. It typically takes 18 months to four years for federal agencies to develop and implement forest projects. Forest Service employees typically spend 40 percent of their time doing paperwork instead of managing forests.

In the West, this year's wildfire season has been one of the worst on record. It started earlier and fire activity is far above average. Nearly nine million acres have already burned. Portland and Seattle have both been covered in smoke for days on end, with ash falling in the streets, schools cancelled, children huddled inside, and health-sensitive individuals suffering distress. The more than 40,000-acre Eagle Creek Fire devastated many treasured recreational sites in the Columbia

River Gorge and closed a key Interstate highway for weeks. Across the country, nearly 4.5 million homes are at risk from wildfire.

Near Brookings, Oregon, the Chetco Bar Fire burned nearly 190,000 acres – an area four times the size of the District of Columbia. This fire started in a Wilderness Area where active management is prohibited, so the Forest Service did not immediately move to suppress it. The fire grew and spread to nearby federal lands. After burning for over two months, it was only 53% contained as of mid-September, at a cost to taxpayers of over \$57 million. This fire caused the ash clouds and haze to cover the coastal town of Brookings.

Catastrophic fires are the result of decades of fire suppression, coupled with unprecedented fuel buildups due to a lack of forest management activity. These catastrophic fires destroy valuable timber resources but also degrade many of the other uses of healthy forests. In one 2014 fire, nearly 20,000 acres of high-quality northern spotted owl habitat burned. In fact, over the past two decades, wildfire has become the greatest source of habitat loss for the northern spotted owl. Between 1995 and 2015, according to the Forest Service, habitat impact attributed to wildfire was *ten times* the impact from timber harvest. Since 2015, wildfire impacts have only worsened. One recent study showed that probability of extirpation of California spotted owls increases by a factor of *seven* after a severe fire.

There is scientific consensus that active management decreases forest fire extent, severity, and impacts. An actively-managed forest will exhibit fire behavior more consistent with the historic role of fire in forested ecosystems. Owing to this scientific consensus, many groups—including environmental organizations—have changed their positions on active management, at least in the roaded “front-country.” At AFRC, we are deeply involved in collaborative efforts with such groups, and our attorneys are representing collaborative groups in litigation throughout the West. Following the science, projects developed in collaboration between industry, environmental groups, recreational users, local government, and others have made significant strides in forest restoration. But more is needed.

Some deny the fire science because it conflicts with their ideology. They deny that these fires are actually catastrophic, or they point to climate change to deny that fuel buildup plays any role in fire intensification. Climate change is certainly a factor, but it is not working alone. It is not an either/or question. Warmer climate combines with overstocked, stressed, kindling-like forests to create firestorms that outpace anything the country has seen in living memory. It is no coincidence that over 90% of the burned acres in Oregon this year were on Forest Service lands which comprise just over 50% of Oregon’s forestland and where active management is nearly at a standstill. The state and federal government have about equal amounts of land in Oregon, and experience equal numbers of fire starts. But burned areas are overwhelmingly concentrated on Forest Service lands. Active management will make these federal forests more resilient to these extreme events.

Attached to this testimony are two photographs demonstrating how active management can work. The photographs were taken in the same spot, facing different directions, by AFRC’s field forester. Both areas were affected by the National Fire on the Umpqua and Rogue-Siskiyou National Forests in southern Oregon. The first photograph shows where thinning occurred in the

“D-Bug” project. There, the fire crept on the ground and left the overstory intact. The fire crews were able to hold the fire south of Oregon Highway 230 in these thinning units. The second photograph, taken from the same spot in the other direction, is 100% black in the overstory and understory—this is where thinning did not occur. This is a stark demonstration of how active management can restore the historic role of fire.

Unfortunately, there are too many bureaucratic and legislative roadblocks tying land managers’ hands. Because of these roadblocks, forests have been burning before they have been treated. At least three major projects have been planned in recent years which burned before implementation. The 2014 Johnson Bar Fire in Idaho burned the area of an in-progress collaborative restoration project; when the Forest Service attempted to build on that work to conduct post-fire work. Yet a fringe group sued and obtained an injunction- resulting in the closure of a sawmill in Orofino, Idaho. In 2016, the Pioneer Fire destroyed the area of the Becker Project on the Boise National Forest, putting a whole year’s timber volume for southern Idaho at risk and resulting in severe environmental and recreational impacts. To its credit, the Forest Service used all available tools and put two post-fire projects together in only nine months. However, those projects are the subject of threatened litigation under the Ninth Circuit’s mistaken *Cottonwood* decision.

The Stonewall project on the Helena-Lewis & Clark National Forest is a true cautionary tale. After a fringe group sued, the district court, acting under the *Cottonwood* decision, issued an injunction. The court noted that an injunction would be a “wise course” because “the risk of fire is not imminent.” This was despite the fire history in the area of two fire starts every year for the past ten years. Mere months later, the project began burning in the 18,000-acre Park Creek Fire, which was contained only after expenditures of over \$10 million in suppression costs.

We need common-sense reforms to lighten the burden of redundant administrative process and continuous litigation. Forestry is traditionally an area of bipartisan progress, and it still can be. There are a number of measures with support from Republicans and Democrats, environmentalists and industry. The Committee should take quick action to advance forestry reform legislation to give us the best chance to mitigate future wildfire seasons.

II. *The Resilient Federal Forests Act Offers Comprehensive Solutions to the Forest Health Crisis*

H.R. 2936, the Resilient Federal Forests Act (RFFA), offers the management agencies the tools they need to address the forest health crisis. The Act would give additional tools to remove dead trees after wildfires, creating new revenue to replant and rehabilitate burned forests. It would also enhance the ability to create young and mixed-age forest habitat to support wildlife. It would incentivize and fast-track forest projects developed by local collaboratives, usually consisting of conservationists, timber industry and elected officials. And it would provide an alternative to costly and obstructive litigation from special interest groups. In sum, the Act would reduce project planning times and lower costs to American taxpayers. The RFFA was reported favorably out of the Natural Resources Committee in June. Several of these provisions, if enacted into law, would give the agencies tools they need.

The Act contains provisions that would fix the disastrous *Cottonwood* decision from the Ninth Circuit. This echoes bi-partisan legislation in both chambers (S. 605 and H.R. 1483). In brief, fixing *Cottonwood* will allow projects to move forward under existing forest plans if an appropriate plan-level ESA consultation is completed. It will eliminate any requirement for the Forest Service or Bureau of Land Management to *reinitiate* consultation due to new ESA listings or critical habitat at the plan level—and only at the plan level. The bill does not change existing law regarding applicable requirements to consult on individual projects, new forest plans or plan revisions. The Ninth Circuit requires consultation on new plans, while the Tenth Circuit does not. The Act would leave this circuit split in place.

The RFFA provides Categorical Exclusions (CEs) under the National Environmental Policy Act will allow needed forest management projects to be more quickly prepared, analyzed, and implemented. Specifically, it authorizes a CE of to remove hazard trees and salvage timber to protect public safety, water supply or public infrastructure where forest management activities are permitted. The Act will also allow forest recovery projects to proceed more quickly, addressing a dire need created by recent wildfire seasons. The Forest Service has long experience with management techniques to reduce forest pests, thin hazardous fuels, create and maintain habitat for species, recover damaged timber and protect water quality. These projects mitigate risk and help create early successional forest habitat which is good for wildlife.

H.R. 2936 addresses both the excessive analysis requirements imposed on even modest forest management projects, as well as the dysfunctional system of funding suppression costs out of forest management program accounts. Provisions in the bill limit the acreage of Categorical Exclusions, and prohibits their use in sensitive areas. The legislation provides access to the disaster relief fund for wildfire suppression expenses in excess of the 10-year average.

The Act contains provisions to improve the ESA consultation process. It allows the Forest Service and BLM to make Not Likely to Adversely Affect determinations for listed species. This makes use of the extensive biological expertise at both agencies and allows the consulting agencies (Fish & Wildlife Service and NOAA Fisheries) to concentrate their resources and expertise on projects where adverse impact is anticipated. The RFFA also establishes a 90-day deadline for projects conducted under a CE for which formal ESA consultation is required.

Another provision that is crucial to forest health is the “Eastside Screens” fix in section 905 of the RFFA. The “Eastside Screens” were put in place administratively in 1995 to forbid harvest of trees above 21 inches in diameter in six National Forests in eastern Washington and Oregon. After more than 20 years, these screens have become a hindrance to effective forest management. Many forests in these areas have too little Ponderosa pine, the historically dominant and most resilient species. Instead, younger larger lodgepole pine is crowding them out. Good forestry and wildfire protection weighs in favor of selectively removing these lodgepoles, but the screens’ blunt instrument prevents that. Courts have blocked efforts to relax the screens even in the context of well-designed forest management. As a result, Congressional action is needed to ensure the health of these Eastside forests.

III. *Conclusion*

The legislative solutions before you can mitigate the horrific effects of catastrophic fire and restore the health of forests and rural communities. Now is the time for Congress to make effective active management a reality.