



F REST NEWS

The Newsletter of Forest Service Employees For Environmental Ethics

Fall 2017

Bad Bills

Congressional Republicans take aim at the nation's bedrock environmental laws.

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UNLEASH THE SUPERTANKER? / FSEEE CHALLENGES NAVY WAR GAMES
ZINKE VS. NATIONAL MONUMENTS/TIME TO MOVE THE FOREST SERVICE

Time to Move the Forest Service

Interior Secretary Ryan Zinke has made no secret of his desire to acquire the U.S. Forest Service from the Department of Agriculture. Our message to Zinke and the Trump administration? Go for it—now's a good time.

Set aside the relative merits of Agriculture Secretary Sonny Perdue, who says the national forests are “crops,” versus Zinke, who wants to shrink national monuments. They're no better or worse than the average Trump cabinet member. In the grand sweep of history, however, both are short-timers. In the long run, it's a no-brainer that the Forest Service belongs in Interior.

The national forest reserves were administered originally by the Department of Interior, which wanted to manage them like national parks. In 1891, Interior Secretary John Willock Noble wrote that the forest reserves would “preserve the fauna, fish and flora of our country, and become resorts for the people seeking instruction and recreation.” To that end, forests adjacent to Yellowstone National Park were the first to be reserved, not for their timber, but for wildlife, scenery and to protect river headwaters.

But for first Forest Service Chief Gifford Pinchot's ego, the forest reserves would have remained in the Interior Department. Historians can ponder: Would an Interior-controlled Forest Service have clearcut with the reckless abandon that brought us the Monongahela crisis? Would an Interior-controlled Forest Service have terraced the Bitterroot National Forest, treating its mountainsides like corn rows? Although some things would not have changed—ranchers and miners would have their way regardless—few would gainsay the

argument that Interior's thumb would have given more weight to the environment over exploitation.

In 2009, the non-partisan Government Accountability Office studied the “potential effects and factors to consider in a move of the Forest Service into the Department of the Interior.” The GAO pointed out that Interior and the Forest Service manage adjacent lands, especially in the western states, which would make some tasks like law enforcement and recreation management more cost-effective. Firefighting has sapped the Forest Service's budget, accounting now for over half of all spending. Interior's agencies, in contrast, have managed fire's costs more efficiently and not suffered the Forest Service's fire borrowing crisis.

More important than any cost savings is whether a move to Interior would better meet the demands of the 21st century. The Agriculture Department persists in viewing national forests through the lens of timber-dependent, rural communities. Even Pinchot would reject the notion that this myopic view provides today “for the greatest good of the greatest number for the longest time.” Urban America depends on national forests for water and recreation. All of America, and the world, rely on national forests as our country's largest storehouse of carbon. Secretaries Zinke and Perdue would leave a legacy worth being proud of if they put the national forests back where they belong.

Sincerely,



Andy Stahl
Executive Director

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Featured Forest

Coconino National Forest, Arizona

Arizona's Coconino National Forest is a place of remarkable topographical diversity. Its nearly two million acres include red-rock vistas, pine-studded plateaus, high alpine tundra and arid Southwest desert. The San Francisco Peaks, the remnants of an ancient volcano, rise north of Flagstaff and include Humphreys Peak, which at 12,633 feet is the highest point in Arizona.

Residents of Flagstaff, Sedona, Williams and other cities near the national forest enjoy a wide range of recreational options. They also care passionately about the fate of the forest. The Coconino is at the center of a debate over what comprises a "natural" forest, and how to address changes caused by a century of fire suppression, clearcut logging and widespread grazing.

The Coconino, along with the Kaibab, Apache-Sitgreaves and Tonto national forests, is part of the Four Forest Restoration Initiative, which aims to restore 2.4 million acres in northern Arizona to a closer semblance of how they once were. The plan calls for thinning stands of trees and undertaking other projects such as prescribed burns and road decommissioning.

Known as 4FRI, the initiative is the most extensive forest restoration project ever undertaken by the Forest Service. It is the most high-profile example of the agency's attempt to restore forests without spending huge amounts of taxpayer dollars by contracting with private parties.

The jury is still out on 4FRI. The main contractor tasked with undertaking the work has fallen far behind schedule. The entire initiative faces a fundamental challenge of dollars and cents: Can a profit be made by thinning millions of acres of small-diameter trees and brush?

The contours of the Coconino, of course, are much the same as they've been over the millennia. But the composition of things that live there, both plant and animal, depends in large part on how that question is answered.



In Depth

Photo by Calibas

Bad Bills Abound

The first months of the Trump administration brought plenty of setbacks for conservationists.

There was Interior Secretary Ryan Zinke's proposal to scale back national monument designations. A budget plan calling for double-digit cuts to land-management agencies. A bevy of Obama-era environmental protection measures overturned by executive fiat.

But much more serious threats loom in the weeks and months to come.

As Forest News went to press, Congress was considering a host of Orwellian-named bills that would fundamentally weaken the nation's bedrock environmental laws. If enacted into law, the legislation could abruptly end the nation's decades-long march toward protecting wild places and the species that depend upon them.

The authors of the bills seem to be reading from the same script. They say reform is needed to allow "active management" of national forests and other public lands, to minimize the risk of "catastrophic" wildfires.

Laws such as the National Environmental Policy Act and the Endangered Species Act, they say, are preventing the Forest Service and other land-management agencies from doing the work that

needs to be done to restore forests that have grown unnaturally dense.

A recent statement by Rob Bishop (R-Ut.), chairman of the House Natural Resources Committee, summarizes the argument.

"We must ensure our land management agencies have the tools and resources they need to protect communities and landscapes from catastrophic wildfire," Bishop said. "Over the long term, Congress and the Administration must work together to reverse the sorry state of our federal forests and grasslands. I'm heartened to finally have an Administration that's focused on actively managing and addressing the on-the-ground conditions that are contributing to our historic wildfire crisis. I hope to build on this by enacting comprehensive legislation to restore the health and resiliency of federal lands."

The prospects for individual pieces of legislation to become law, while unclear, are much brighter with Trump in the White House. Another route would be for legislators to tack provisions in the bills to broader pieces of legislation, such as a farm bill or a defense appropriations bill.

Here's a summary of a few of the bills most worrisome to conservationists:

NUMBER: H.R. 2936
NAME: RESILIENT FEDERAL FORESTS ACT OF 2017
SPONSOR: BRUCE WESTERMAN (R-ARK.)

Westerman, who holds a forestry degree from Yale, likes to describe himself as the only professional forester in Congress. The implication is that he has the expertise to know how national forests should be managed.

His bill would strike at the heart of the National Environmental Policy Act, the 1970 legislation that requires the federal government to undertake environmental impact reviews before undertaking major projects.

H.R. 2936 would exempt the Forest Service from conducting NEPA reviews for logging projects as large as 30,000 acres. It would undermine the Endangered Species Act, as well, by allowing the Forest Service to forego studying a project's impact on protected species if the agency determines that an action "is not likely to adversely affect a listed species or designated critical habitat."

It would also curtail the ability of citizens and interest groups to mount legal challenges against logging projects on national forests, instead requiring logging opponents to enter a binding arbitration process. The law stipulates that arbitration must be concluded within 90 days.

NUMBER: S. 1731
NAME: FOREST MANAGEMENT IMPROVEMENT ACT
SPONSOR: JOHN THUNE (R-S.D.)

Like H.R. 2936, Thune's legislation would greatly diminish NEPA authority. It would allow the Forest Service to undertake logging projects as large as 10,000 acres without first conducting a thorough environmental review. Instead, the agency would be allowed to issue categorical exclusions.

Categorical exclusions, which are currently allowed for only minor projects, could also be issued for any project that purports to "improve" wildlife habitat. They would also be allowed for any logging project designed to create "early seral habitat," which would include clearcuts.

The bill also provides for categorical exclusions for logging stands of trees that have been recently killed by wildfire, disease, insects or other large-scale disturbances. Studies show that stands of dead trees provide critical habitat for a wide variety of wildlife.



S.1731 would also limit the ability of ordinary citizens to challenge Forest Service projects by establishing a pilot arbitration program.

NUMBER: S. 879
NAME: NATIONAL FOREST ECOSYSTEM IMPROVEMENT ACT
SPONSOR: JOHN BARRASSO (R-WYO.)

This bill would require the Forest Service to set and meet annual quotas for "restoration" of national forest lands. The minimum amount would be an annual total of 1 million acres of "mechanical treatments" and 1 million acres of prescribed burning.

In essence, Barrasso's bill would require the Forest Service to prioritize logging over other uses of national forests. The bill stipulates that at least 60,000 acres of the annual logging must be done under "even-aged management" practices; i.e., clearcutting.

The bill also mandates that any environmental review of clearcutting or thinning projects must be completed within 180 days, and must be no more than 100 pages long.

Like the other proposed bills, Barrasso's would sharply curtail the ability of citizens and groups to challenge logging projects in court. No litigation would be permitted for certain restoration projects, including ones called for by designated "collaboration" groups, or ones identified in community wildfire protection plans.

The bill would also require anyone who does file a lawsuit challenging a logging project to post a bond equal to the estimated cost incurred by the Forest Service in defending itself in court. That money would only be returned if the plaintiff prevailed.

The bill also allows the Forest Service to issue categorical exclusions for logging projects as large as 15,000 acres and for salvage logging after wildfires or other natural disturbances.

NUMBER: S. 335

NAME: FEDERAL LAND FREEDOM ACT

SPONSOR: JAMES INHOFE (R-OK.)

Inhofe's bill would transfer authority for managing energy development on federal lands to states.

The proposed legislation is being championed by groups such as the Heritage Foundation, which supports transferring land currently managed by the Forest Service and other federal agencies to state or private interests.

"While Congress should pursue opportunities to reduce the size of the federal estate, the Federal Lands Freedom Act is a significant step toward better management of America's lands and natural resources," the group wrote in a report summarizing its view of the bill.

The legislation specifically exempts states from having to comply with NEPA or the Endangered Species Act when leasing, permitting and regulating oil and gas projects on federal lands.

NUMBER: S. 605

NAME: LITIGATION RELIEF FOR FOREST MANAGEMENT PROJECTS ACT

SPONSOR: STEVE DAINES (R-MONT.)

This bill would essentially overturn a recent court decision that requires the Forest Service and other federal agencies to reconsider land management plans after new species are listed for protection under the Endangered Species Act, or when critical habitat is designated for species protected under the act.

In 2015, the 9th Circuit Court of Appeals ruled in favor of the Cottonwood Environmental Law Center, which sued the Forest Service after new critical habitat was designated for Canada lynx.

The judges ruled that the Forest Service must consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service after such designations are made, to determine whether its existing management plans offer sufficient protections for threatened and endangered species.

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Photo (next page top): Bob Wick, BLM

Photo (next page middle): flickr.com/NPCA_Online

Photo (next page bottom): Jack Dykinga, USDA



Zinke Wants Four National Monuments Trimmed

Interior Secretary Ryan Zinke wants to reduce the size of four national monuments and modify how six more are managed, according to a copy of a report obtained by The Washington Post. Zinke is recommending that President Donald Trump trim two monuments in Utah—Bears Ears and Grand Staircase-Escalante—as well as Nevada’s Gold Butte and Oregon’s Cascade-Siskiyou.

The recommendation follows a four-month review of national monument designations made over the past two decades. Zinke would also have Trump loosen restrictions on grazing, logging and fishing on some national monuments.

Conservative Republican members of Congress have long railed against the creation of national monuments in the West, accusing presidents of abusing their authority under the 1906 Antiquities Act



Conservationists Challenge Pipeline Plan

A coalition of conservation groups is challenging a draft Forest Service decision to allow a Virginia energy company to build a \$5 billion, 600-mile-long natural gas pipeline that would cross two national forests. The Forest Service issued its draft decision in July. In September, pipeline opponents including the groups Wild Virginia and Heartwood issued a formal objection to the decision.

Richmond-based Virginia Dominion Energy wants to build the Atlantic Coast Pipeline to bring natural gas from West Virginia to highly populated areas in Virginia and North Carolina. About 21 miles of the pipeline would cross portions of the Monongahela and George Washington national forests.

In announcing their objection, pipeline opponents accused Forest Service officials of flip-flopping. Before issuing the draft decision, much of the agency’s input on the proposal expressed skepticism that it could be constructed without risking serious environmental damage.

The July draft decision was signed by Tony Tooke, who at the time was regional forester of the Forest Service’s southern region. A month later, Secretary of Agriculture Sonny Perdue tapped Tooke to serve as chief of the Forest Service.



Grand Canyon Bison to be Culled

More than a century ago, ranchers introduced bison to the Kaibab Plateau of northern Arizona, hoping they would crossbreed with their cattle. A century later, descendants of those bison have wandered from the Kaibab National Forest, where their numbers were held in check by an annual hunt, onto the North Rim of Grand Canyon National Park.

Faced with increasing numbers of bison, National Park Service officials in September approved a plan to decrease the herd’s population by relocating some and shooting others. They say the bison trample sensitive plants and degrade water quality in the park.

The animals started moving into the park in the 1990s, and now spend a majority of their time inside the park boundaries, where hunting is not allowed. In recent years their numbers have swelled from about 100 animals to approximately 500. Wildlife biologists believe that the herd would increase to as many as 1,500 bison over the next decade if no action were taken. Park managers want to reduce the population to no more than 200 animals over the next three to five years.

Under the plan, bison roundups will take place in the summer months. Lethal culling will occur between October 15 and May 14, when most of the North Rim is closed to the public. Officials plan to donate most of the bison meat that is collected during the operation.





Dispatch

Photo by Christian Murdock/The Gazette

Company Lobbies for SuperTanker Contract

Global SuperTanker Services, LLC, a subsidiary of a Connecticut equities firm, says it has what it takes to put out wildfires. The company owns the largest firefighting aircraft on the planet, a retrofitted Boeing 747 that can dump huge quantities of fire retardant, or water, on wildfires.

The company has launched an aggressive public relations

campaign, arguing that obtuse government regulations are keeping its massive plane grounded as homes are destroyed and lives threatened.

Dubbed the Spirit of John Muir, the 747 can dump nearly 20,000 gallons of water or retardant in a single drop. That's nearly twice as much as the next-biggest airtanker.

Over the summer, residents in

smoke-filled valleys throughout the West expressed outrage that the federal and state agencies that fought the blazes did not call on the SuperTanker. Fire officials, however, say a variety of factors, including rugged terrain and heavy smoke, make using the aircraft impractical.

Global SuperTanker Services is a subsidiary of Alterna Capital

Partners, which is headquartered in Wilton, Connecticut. Its executives have not been shy about fanning the flames of indignation that officials have not deployed the plane.

The company lacks a contract from the federal government to conduct airdrops for the Forest Service and other agencies. Company officials say the government has intentionally written specifications for contracts to preclude aircraft with the SuperTanker's large carrying capacity.

An email obtained by FSEEE, written by an executive of the company, illustrates the tack the firm is taking in lobbying for a contract.

The message was sent last summer by Andrea Avolio, vice president for contracts and planning for Global SuperTanker Services. Avolio sent the message to a woman who had expressed concerns about the Chetco Bar wildfire in southwestern Oregon, which was sparked by lightning on July 12 and burned nearly 200,000 acres.

"My heart churned when I saw the news about a resident ... and his home being destroyed," Avolio wrote. "The fire really appeared as though it could have been controlled via air prior to that incident."

In her email, Avolio expressed optimism that "(a)mazing public pressure to use us" would prompt the Forest Service to approve use of the plane.

"Granted," she wrote, "we must first be issued a contract."

Avolio concluded her note to the woman with a call to action.

"We will continue to stand available and be ready to help our

Oregon communities effected (sic) by this fire, and we will do so if we are allowed to," she wrote. "Contact your local and state reps and demand air support from the SuperTanker."

Reached by phone, Avolio declined to elaborate on the email. "I think it pretty much speaks for itself," she said.

The same message has been voiced by Jim Wheeler, Global SuperTanker Service's president and CEO. Earlier this summer, in an interview with conservative talk radio host Lars Larson, he railed against a Forest Service request for proposals. That document specifies that the agency is seeking aircraft with tank capacities of 3,000 to 5,000 gallons.

"It's just a matter of insanity that is very, very difficult to get over," Wheeler told Larson. "If anybody thinks the swamp has been drained yet, the answer is 'no.'"

Wheeler went on to ask for the public's assistance in persuading the Forest Service to use the SuperTanker.

"We need some help, frankly," he said. "If your listeners out there are willing to either write their congressmen, senators, let the Forest Service know you have an interest in seeing the SuperTanker fly, we would appreciate it."

The company has retained Strategies 360, a Seattle-based public relations firm with an office in Washington, D.C., to help make its case.

Global SuperTanker LLC was formed in 2015, according to an account published in The Colorado Springs Business Journal. At the time, it had eight employees, according to the newspaper, all of whom had worked for the Oregon-

based Evergreen International Airlines, a cargo airline that declared bankruptcy in 2013.

Company officials say their plane is much more maneuverable than people assume, and can fly in mountainous terrain. When considered on a per-gallon basis, they say, it is more cost-effective than smaller airtankers. They say it is unique in that it can reach any corner of the continent in just a few hours.

The company's Facebook page includes several comments from residents of western states who wanted to see the SuperTanker used on fires near their homes.

"Sisters Oregon is close to ... burning, structures being destroyed and the state of Oregon is not releasing the global supertanker to take care of this fire!" one post read.

Federal fire officials, however, say there are often very good reasons why airtankers, let alone ones as big as the SuperTanker, are not called on to drop retardant or water on fires.

For one, airtankers are expensive to operate. Their use also carries a high degree of risk. Since 2001, 22 pilots and crewmembers have been killed in accidents, according to federal statistics.

Fire officials say airtankers are usually not used to put out fires, but rather to slow their advance and lessen their intensity. Retardant drops work best, they say, in support of firefighters on the ground. If ground forces are not able to access a fire due to rugged terrain or safety concerns, officials say, retardant drops are of little use.



Inside FSEEE

Photo by Michael Gäbler

FSEEE Challenges Navy War Games

In September, FSEEE filed a lawsuit challenging the Forest Service's approval of a Navy plan to conduct electronic warfare training on the Olympic National Forest in Washington state.

Earlier this summer, Olympic National Forest officials gave the Navy a special-use permit to park mobile transmitter trucks at 11 locations on the national forest. The trucks would shoot electromagnetic transmissions skyward and Navy fighter jets would try to detect and intercept the signals.

FSEEE claims the Forest Service violated the Olympic National Forest's land and resource

management plan in issuing the special-use permit.

That plan, adopted in 1990 and required by the National Forest Management Act, states that the Forest Service must consider whether an activity can be accommodated on private land before issuing a special-use permit to operate on national forest land. FSEEE claims the Forest Service failed to consider a private land option.

The complaint also alleges that the permit approval violated a requirement that the Forest Service give priority to the interests and needs of the general public when deciding whether to issue a permit.

"Finally," the complaint reads, "the Forest Service failed to determine that the permitted activity is compatible, and in harmony with, the surrounding landscape, as the (land and resource management plan) requires."

FSEEE filed the lawsuit in U.S. District Court in Tacoma. The complaint asks the court to order the Forest Service to withdraw the permit.

The permit allows the Navy to operate the transmitter trucks up to 260 days a year, for 8 to 16 hours each day. The trucks would be surrounded by yellow caution tape when operating on the national forest.

“Gardening” Our Forests Not the Answer

This summer was exceptionally hot and dry throughout much of the West, and those conditions, unsurprisingly, led to an abundance of wildfires. More than 8.5 million acres had burned across the nation by the end of September, well above the 10-year annual average of about 5.8 million acres.

As thick smoke settled in the valleys, smothering urbanites, the cries rang out: Something must be done! The “new normal” is unacceptable!

Top Trump administration officials have been happy to lead the charge. In September, Interior Secretary Ryan Zinke sent a memo to his underlings with a blunt message: Make “fuel reduction” a priority. Do everything you can to thin out the woods and thus reduce the chances of “catastrophic” fires.

“This Administration will take a serious turn from the past and will proactively work to prevent forest fires through aggressive and scientific fuels reduction management to save lives, homes, and wildlife habitat,” Zinke said.

Similar statements and directives have come from Secretary of Agriculture Sonny Perdue, who oversees the Forest Service. That agency spent more than \$2 billion this year fighting wildfires, a record.

Politicians smelled opportunity. They staged press conferences beneath smoke-filled skies, calling for a return of “active management” of our public forests.

In August, Zinke and Perdue toured a firefighter camp in Montana. They were joined by Rep. Greg Gianforte and Sen. Steve Daines, both Republicans, who left no doubt as to where the responsibility lies for blazes like the Lolo Peak fire, which burned in the background.

“If we don’t address the litigation issue, the frivolous litigation from these extreme environmental groups, we’re never going to get ahead of this curve,” Daines said.

Now that the smoke has cleared, at least for the most part, let’s take a closer look at this call for “active management.”

First, let’s run the numbers. The active management crowd says that more than 50 million acres in the U.S. are at risk of catastrophic wildfire and in need of thinning.

That thinning, presumably, would include small-

diameter trees as well as shrubs and deadwood. There’s little market for such vegetation. Even when you assume that some of the trees could be sold to timber companies, a conservative estimate is that at least \$1,000 would be spent clearing each acre.

You see where this is going. One thousand times 50 million is 50 billion. Are we really prepared to spend \$50 billion thinning out the public estate? The Forest Service’s entire budget is about \$5 billion.

And, of course, once you thin a stand, you have to keep thinning it. Plants grow back. We suggest a more accurate term for “active management” of this sort: Gardening.

Then there’s the question of efficacy. Does “active management” really make forests more “resilient” to wildfires? Studies have shown that in many forest types, thinning projects actually increase the likelihood of wildfire. More sunlight reaches the forest floor, making the environment hotter and dryer. And the openness allows winds to blow at higher velocities, fanning flames.

Other recent studies have shown that stands of dead trees—including those killed by insects—are less susceptible to high-intensity wildfire than are live trees, because the dead trees lack highly flammable needles and sap.

It’s telling that Zinke’s recent memo makes no mention of climate change. It also doesn’t mention prescribed burning, which can clear out unnaturally dense stands for a fraction of the price of mechanical thinning.

Nor do administration officials and their allies in Congress have anything to say about the ecological benefits of wildfire. Forests in the West, and the creatures that live there, coevolved with fire. Stands of burned snags are hotspots of biodiversity.

There is, however, a place for thinning in and near our public forests. Clearing out the land in the immediate vicinity of homes and structures, and taking common-sense steps such as clearing leaves and needles out of gutters, does indeed make a difference when a wildfire advances.

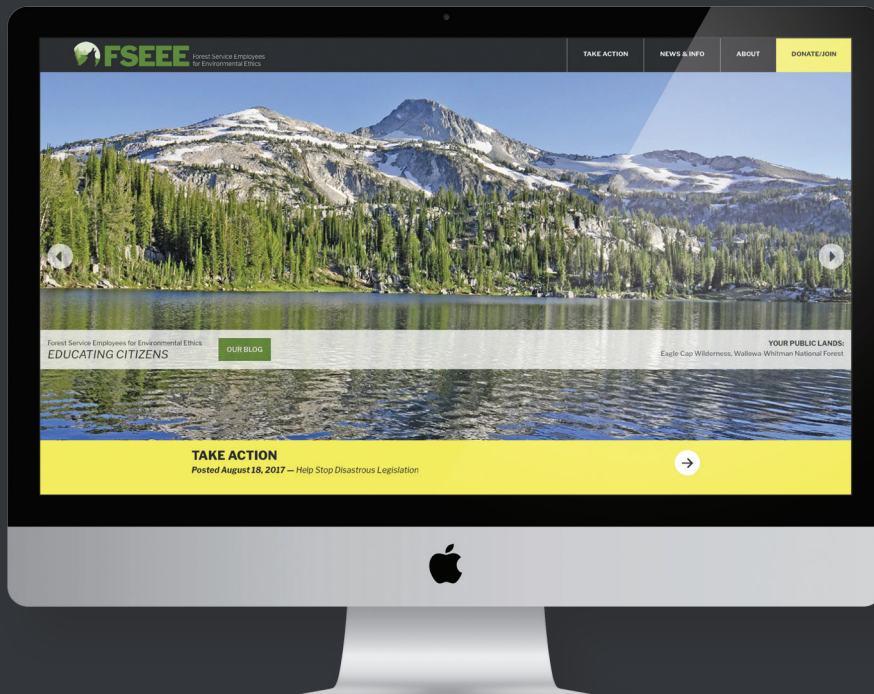
In fact, that “defensible space” would be a lovely place to plant a vegetable garden. Even if you’re not an extreme environmentalist.



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