FSRESTNEWS

The Newsletter of Forest Service Employees For Environmental Ethics

Summer 2021

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Close the Trail — It's too Dangerous

ollowing last year's fires, the U.S. Forest Service has closed large swathes of our National Forests to public entry. Its justification? "Public safety." According to the Forest Service, burned forests are too dangerous to visit.

So, how dangerous are a forest's trees, compared to other backcountry risks? Not very. Falling down while hiking, especially on mountains, is the leading cause of backcountry deaths, accounting for about 40 percent of fatalities. Avalanches (15%), drowning (10%), heart attack (10%), and getting lost (6%) round out the top five. Being hit by a falling tree? 1 percent — the same as deaths by bear attack.

The Forest Service does not close mountains to climbing or skiing, it does not ban swimming, nor does it require every visitor to carry a GPS unit to avoid getting lost. The Forest Service does not even kill bears — thanks Smokey. But after a forest fire, the Forest Service shifts into hypersafety overdrive, closing burned forests by the hundreds of thousands of acres to all visitors, and cutting down as many dead, dying, or maybegoing-to-die-in-five-years trees as it can get its hands on. Not even wilderness, which is supposed to be "wild" — not "safe" — gets a pass from the Forest Service's nanny state. As I write today, Forest Service closures, enforced by criminal prosecution, are in effect for all or portions of the Mark O. Hatfield, Roaring River, Clackamas, Lower White River, Opal Creek, Mt. Jefferson, Red Buttes, Siskiyou, San Gabriel, and other wilderness areas — all for fires extinguished last year or longer ago.

What appears to be an irrational fear of trees

finds its origins in a very rational bureaucratic incentive. The Forest Service makes money when it cuts trees, whether dead or alive. During the logging boom years, before citizen groups enforced environmental laws, the Forest Service made most of its money cutting live trees. When that revenue stream dried up, the Forest Service shifted gears to cutting dead trees. Congress incentivized dead tree cutting by passing a law that lets the Forest Service keep for itself all of the money earned from selling these trees — none gets returned to the U.S. Treasury.

However, it didn't take long for environmental groups to point out that dead trees are the most ecologically valuable, especially the large dead trees desired by timber companies. Called "snags" because of their angular profile, dead trees are critical habitat for woodpeckers, squirrels, fishers, and bats. Snags shade the forest floor below, protecting new seedlings from sun scald and desiccation. The Forest Service needed a trump card to deflect these criticisms of its lucrative salvage logging program.

"Public Safety" is the agency's new raison d'être for logging and the money it brings. The fact that logging these dead trees is itself one of America's most dangerous professions appears lost on the Forest Service. For the time being, until the Forest Service regains its sanity, the public will be locked out of its public lands. How crazy is that?

Incy Stable

Sincerely,

Andy Stahl

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Little **Missouri National Grassland**

orth Dakota had a National Forest for eight years and eight months, but the Dakota National Forest was disbanded by President Woodrow Wilson in 1917. While North Dakota no longer has a National Forest, it can claim the largest National Grassland in the country. Created in 1960, the 1,028,051-acre Little Missouri National Grassland stretches from the Montana state line to the Fort Berthold Reservation of the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara).

The Little Missouri National Grassland is a mixed-grass prairie featuring the rugged terrain of badlands eroded by wind and water. White Butte, North Dakota's highest point, lies in the southeastern corner of the Grassland. Also within the Grassland are Theodore Roosevelt National Park and significant inholdings of private and state-owned land, much of it leased by ranchers for grazing cattle.

A great deal of the Grassland remains in a natural, unaltered condition. Prairie dogs, elk, pronghorn, deer, bighorn sheep, coyotes, jackrabbits, eagles, falcons, pheasants, grouse, and wild turkeys live on the Grassland. The greatest threat to this wildlife and the environment that supports it is past, present and future oil and gas exploration and extraction, which have already produced hundreds of oil wells across parts of the Grassland.

Outdoor recreation opportunities include hiking, canoeing, fishing, and hunting. Throughout the Grassland are archaeological sites related to Native Americans and pioneers. The Grassland features include aquatic fossils, dinosaur skeletons, and petrified wood. The National Grasslands Visitor Center in Wall, South Dakota, features exhibits on the history and plant and animal life of the grasslands.



Wildfire Mitigation

The 2020 Almeda fire in southern Oregon decimated residential neighborhoods.

he 2020 wildfire season set a record for acres burned in the U.S. since 1983, and fire season started early for 2021 with drought conditions continuing across most of the country. At this writing, the U.S. Drought Monitor shows much of the West experiencing extreme and exceptional drought along with temperatures of 4-15 degrees above normal. In addition to ramping up firefighting resources, the Forest Service, other federal agencies, state agencies, and local governments are responding to the wildfire threat with increased spending for mitigation projects.

California allocated more than \$500 million on wildfire prevention efforts just for springtime projects. Congress is getting involved with various pieces of legislation, and President

Biden's budget request calls for spending \$1.7 billion "for highpriority hazardous fuels and forest resilience projects," an increase of \$476 million. If we learned nothing else from last year's fires, it's that weather-driven fires are unstoppable, which raises questions. Will this increased spending on fire mitigation benefit our forests? Will it benefit at-risk communities?

Most of our readers are likely familiar with the root problem. A century of fire suppression produced dense, overgrown forests that have proven more susceptible to pests, disease, drought, and catastrophic wildfire. The commonsense solution would seem to be simply thinning the forests to reduce wildfire risks, but fire ecologists say the issue is more complicated than that. A

2008 report by Reinhardt, Keane, Calkin, and Cohen cautions against acting on misconceptions about fuel treatments and their use as "a panacea for fire hazard reduction. ... Given the right conditions, wildlands will inevitably burn."

As the 2020 fires demonstrated. those conditions — high temps, low humidity, high wind — have become more common across the West, producing ever larger fires that account for the vast majority of acres burned each year. When fire conditions prevail, high winds carry embers for miles, jumping rivers, lakes, and fire lines.

Reinhardt et al. also note that these fires burn through areas that have been thinned. In fact, without follow-up treatments, thinning can increase the intensity of large fires. The lower density of trees allows winds to blow with less

obstruction, and more sunlight on the forest floor dries the ground and encourages flammable shrubs and invasive plants to grow and spread more rapidly. Maintaining the desired conditions requires ongoing, labor-intensive management and, according to a 1994 report by W.L. Baker, may take up to seven treatments before conditions resemble pre-firesuppression forests.

John Muir Project Director Chad Hanson, a forest ecologist, said a growing body of research suggests that removing trees doesn't protect forests from wildfire but may contribute to more intense wildfires. He and his fellow researchers have conducted multiple studies that support his opposition to logging and mechanical thinning of forests. A 2016 report that he co-authored concludes, "Forests with the highest levels of protection from logging tend to burn least severely."

Mark Finney, a Forest Service research forester, studies the physical processes of fire spread. He led a team that studied the Hayman fire, which was then the largest Colorado wildfire on record. Finney's team determined, "Fuel breaks and treatments were breached by massive spotting and intense surface fires. ... Extreme environmental conditions ... overwhelmed most fuel treatment effects. ... Suppression efforts had little benefit from fuel modifications." The team concluded that the primary objective of fuel treatments should be to make wildfire "less severe, rather than to reduce wildfire extent or make it easier to suppress."

Finney promotes restoring



The Camp Fire in California, which destroyed the town of Paradise, burned more intensely in a previously logged area (foreground) than in an adjacent section of unlogged forest where mature trees survived the blaze (photo by Chad Hanson).

fire-prone forests to conditions that mimic the forest structure prior to fire suppression policies. For millennia, he points out, Native American communities in fireprone regions used fires to manage the landscape, shaping forests and grasslands in ways that minimized the community risk from fires as well as the likelihood of highseverity fires. Because our frequentfire forests have changed so much since fire was removed from the landscape, Finney advocates for "structural restoration" as a way of returning western U.S. forests to "something that is sustainable." The key, he asserts, is prescribed fire. "Drier forest types were sustained by periodic burning."

As the local tribes recognized, the forest needs repeated management, "not one and

done," Finney remarked. "We get all wrapped around the axle because we're not considering the maintenance. The only way to maintain a forest in a low-hazard condition is through repeated burning ... but you can't introduce fire without some mechanical treatment first. ... You can't restore structure without mechanical means."

As Finney elaborates in a recent paper, "We believe that the primary goal of fuel treatment should be to create landscapes in which fire can occur without devastating consequences. Once these conditions have been achieved, wildfire need not be as vigorously suppressed and can itself play a role in maintaining these landscapes. Fuel treatments should not be used to reduce or eliminate fire



The 2020 CZU Lightning Complex fire burns in California's Santa Cruz Mountains. The fire grew to more than 85,000 acres and destroyed over 900 structures (photo by Inklein, Wikipedia).

from landscapes. Fuel treatment programs should ... encourage a return of fire to the landscape and improve the resilience and sustainability of U.S. ecosystems."

For Finney, the bottom line is that we're playing catch-up, and we've got a lot of catching up to do. "We've been ignoring this for a long time. We need to get millions of acres under a treatment regime, and we need to think at landscape scales. We need to strategically begin to introduce treatments onto the landscape to obstruct fires from traveling so far."

Finney contributed to a 2018 study addressing fuel loads in Sierra Nevada forests where severe drought "compounded by forest densification from decades of fire suppression" produced "unprecedented" tree mortality. The study concludes that wildfire severity "may be little affected" in the first decade following widespread tree mortality from bark beetles or drought. However, "extensive loading of large-sized woody fuels in future decades may contribute to dangerous mass fires. ... Such intense fires could prevent forests from becoming re-established."

Finney emphasizes that the combination of historical fire suppression combined with climate change create a lot of unknowns. "Our forests currently have high densities of susceptible trees. It's unprecedented. ... To do nothing would be very naïve. ... It's also important to have private landowners doing

their part," which finally gets us to the second question: How much will fire mitigation efforts benefit our communities?

In his most recent paper, Finney observes, "Engineering solutions to reduce vulnerability of buildings and other infrastructure to wildfires face few technical obstacles," yet issues like cost and enforcement challenges "impede widespread adoption of changes in building design and materials."

In this regard, Finney and Hanson agree. In fact, Hanson said fire mitigation efforts should start with homes and be limited to a 100-foot radius around each home. "We need to work from the home out to the forest." After fireproofing homes and other buildings by cleaning gutters, installing metal roofs, and so forth, Hanson emphasizes defensible space, especially the 30-foot radius closest to the building, where dry grasses and small trees should be removed. He questions the value of "vegetation management" beyond 100 feet from the house but believes that, with a relatively small investment, most homeowners could be 95 percent effective at saving their homes from wildfire.

Without doubt, the wildfire situation is complicated, largely because more than a century of fire suppression has taken our forests into uncharted territory, but it has become clear to ecologists that fire is an integral part of our forests. As Finney said, "Fire is an excellent ally, and we've not taken advantage of that, partially through fear. ... We're more vulnerable to fire than the native peoples who had none of our technology. They used it routinely, and they persisted here for upwards of 10,000 years."

A prescribed fire in Yosemite National Park removes flammable undergrowth to mitigate the risk of catastrophic wildfire.



Briefly

Oak Flat Land Swap Halted

With the Forest Service on the verge of transferring 2,422 acres of land in Tonto National Forest to Resolution Copper, the Biden administration withdrew the environmental review, halting the land swap.

Soon thereafter, House Natural Resources Chair Raúl Grijalva (D-Ariz.) introduced legislation to kill the deal that would exchange the Oak Flat acreage, known to the San Carlos Apache Tribe as Chi'chil Bildagoteel, for 5,344 acres across Arizona.

Resolution Copper, a partnership between Rio Tinto PLC and BHP Group Ltd., wants to develop a copper mine that could produce 40 billion tons of copper over 40 years, according to the company website.

The underground block-cave mine would eventually create a massive sinkhole at Oak Flat, and in case you were wondering, Rio Tinto is the company that destroyed culturally significant Aboriginal sites in Australia.

30x30

In May, the Biden administration released a 24-page "Conserving America the Beautiful" plan with a goal of "conserving at least 30 percent of our lands and waters by 2030." The 30x30 idea is based on scientific guidelines that seek to mitigate climate change and preserve biological diversity.

A U.S. Geological Survey database shows 12 percent of the nation's lands are protected in a natural state, but that does not include private lands, tribal lands, or multiple-use lands managed by the Forest Service.

The plan emphasizes voluntary efforts and pledges to work in "the spirit of collaboration and shared purpose." Instead of emphasizing the 30-percent target, the initiative will document lands managed for conservation in an "American Conservation and Stewardship Atlas."

Council on Environmental Quality Chair Brenda Mallory said progress will be measured based on the "benefits of conservation and restoration efforts" and "the health of ecosystems."

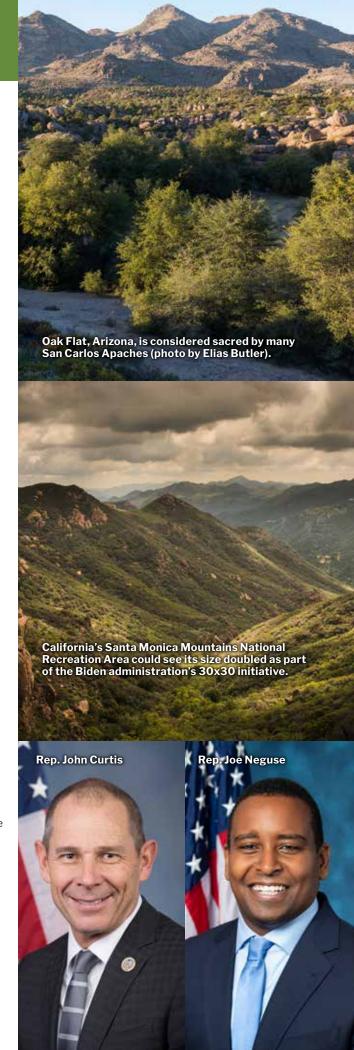
Wildfire Caucus

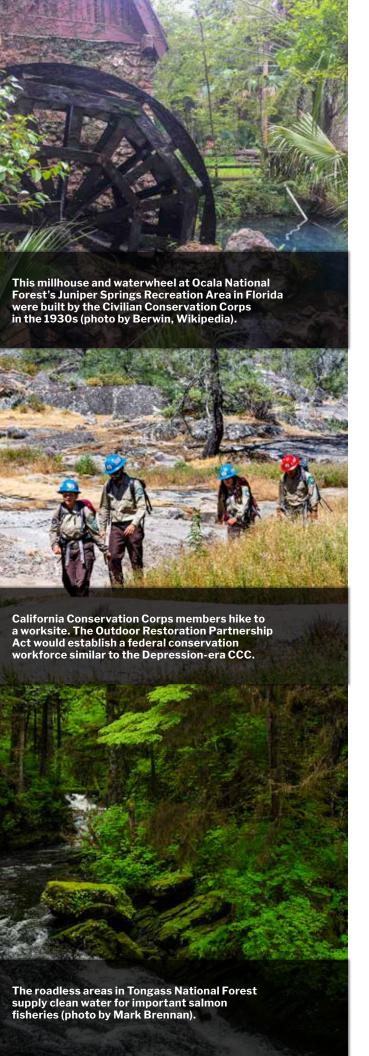
Congressman John Curtis (R-Utah) and Congressman Joe Neguse (D-Colo.) formed the Bipartisan Wildfire Caucus in the second month of the 117th Congress.

A press release issued by the offices of both congressmen says the new caucus "seeks to elevate awareness and bipartisan consensus around wildfire management and mitigation, and wildfire preparedness and recovery."

Current caucus members include Peter DeFazio (D-Ore.), Ann Kirkpatrick (D-Ariz.), Doug LaMalfa (R-Calif.), Tom O'Halleran (D-Ariz.), Blake Moore (R-Utah), Kurt Schrader (D-Ore.), Mike Simpson (R-Idaho) and Chris Stewart (R-Utah). Any additional members "will be required to join in equal bipartisan numbers."

According to the statement, the Wildfire Caucus will promote "bipartisan science-based wildfire management and mitigation proposals in Congress."





Civilian Climate Corps

President Biden's Jan. 27 executive order calls for employing "a new generation of Americans to work conserving our public lands and waters." To achieve that goal, Biden instructed his secretaries of Interior and Agriculture to develop a strategy for creating a Civilian Climate Corps.

This new workforce would be employed "to conserve and restore public lands and waters, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation, and address the changing climate."

Biden's executive order complements legislative efforts to establish a new version of the Depression-era Civilian Conservation Corps, the New Deal initiative that employed workers to create iconic buildings, roads, and bridges on public lands.

Biden included a request for \$10 billion of funding for the proposed workforce in his infrastructure plan.

Outdoor Restoration Partnership Act

In April, Sen. Michael Bennet (D-Colo.) reintroduced his Outdoor Restoration Partnership Act with bipartisan support. The bill would establish a \$60 billion restoration fund to "restore forests and watersheds, reduce wildfire risk, and improve wildlife habitat."

The bill is co-sponsored by Sen. Ron Wyden (D-Ore.), and companion legislation was introduced in the House of Representatives by Rep. Jason Crow (D-Colo.) and Rep. Mike Simpson (R-Idaho).

"If done right," Bennet said, "this bill can create or sustain over two million good-paying jobs. It also will bolster our country's \$788 billion outdoor recreation and \$136 billion agricultural economy."

The legislation is supported by multiple organizations, including National Wildlife Federation, National Association of State Foresters, The Nature Conservancy, National Wild Turkey Federation, National Audubon Society, Family Farm Alliance, Western Resource Advocates, and Trout Unlimited.

Roadless Area Conservation Act

Sen. Maria Cantwell (D-Wash.) has also reintroduced conservation legislation — the Roadless Area Conservation Act (S. 877). The proposed legislation would permanently prevent logging and related activities in designated roadless areas of National Forest land, including parts of Alaska's Tongass National Forest that the Trump administration exempted from the Forest Service Roadless Area Conservation Rule.

The bill would make the 2001 roadless area rule a federal law, but with no Republican co-sponsors, its passage by the Senate is far from certain, especially in light of Sen. Lisa Murkowski's (R-Alaska) support for the Tongass exemption.

Meanwhile, the Village of Kake on Kupreanof Island in southern Alaska filed a federal lawsuit against the Department of Agriculture for granting the Roadless Rule exemption.

In February, District Judge Sharon Gleason granted a 120-day delay in the case to allow time for the Biden administration to decide how it will proceed with the case.

Haaland Makes History at Interior

Interior Secretary Debra Anne Haaland became the first Native American to serve as a Cabinet secretary when she took the oath of office on March 16. She won confirmation in the Senate on a 51-40 vote. She is a member of the Laguna Pueblo and a 35th-generation New Mexican.

One of the first two Native American women elected to Congress, Haaland represented New Mexico's First Congressional District from 2019 to 2021. She has endorsed the Green New Deal, and her efforts in Congress included work on environmental justice.

For her first official trip as Interior secretary, Haaland visited Bear's Ears and Grand Staircase-Escalante national monuments in Utah, both of which were diminished by the Trump administration. During her visit, Haaland met with tribal leaders as well as Utah state leaders. "I'm here to listen, I'm here to learn. I know that decisions about public lands are incredibly impactful to the people who live nearby," Haaland said.

Patrick Gonzales-Rogers, executive director of the Bears Ears Inter-Tribal Coalition, said, "We're just happy we have someone who is so engaged and who is getting so informed. She's done more in the last 30 days than what's occurred in the last 1,300 days."

Haaland's first two secretarial orders shifted the department's focus toward climate-driven issues, in part by negating multiple Trump-era orders that promoted fossil fuel development on public lands, but also by establishing a Climate Task Force.

Haaland called the orders by her predecessors, Ryan Zinke and David Bernhardt, "inconsistent with the department's commitment to protect public health; conserve land, water, and wildlife; and elevate science." The cumulative effect of the Zinke and Bernhardt orders "tilted the balance of public land and ocean management without regard for climate change, equity or community engagement," Haaland said.

By rescinding those orders, Haaland:

- Re-imposed an Obama-era moratorium on federal coal leasing.
- Eliminated fast-track permitting for oil and gas development on BLM lands.



- Eliminated a proposal to exploit the Arctic National Wildlife Refuge for energy development.
- Rolled back implementation of Trump's "energy independence" executive order.

Haaland's orders also call attention to environmental justice issues and direct agencies to account for the costs of greenhouse gas pollution in their actions. A joint study by the Department of Interior and the U.S. Geological Survey shows that fossil fuel production managed by the department is responsible for nearly 25 percent of all U.S. greenhouse gas emissions.



Skirting the Law in the Willamette

In 2020, three wildfires burned more than 176,000 acres in Oregon's Willamette National Forest. The fires left dead and damaged trees standing along about 550 miles of roads across the Forest. Because these trees allegedly "pose a danger to public and employee use and enjoyment of the Forest," Forest Supervisor David Warnack has closed portions of the Forest "until safety concerns are addressed and the danger trees are abated."

Warnack wants to abate these safety concerns through a "danger tree reduction project" that would cut down hundreds of thousands of trees affecting up to 14,000 acres (27 square miles). Some of these trees are dead, but many are alive. Some of the live trees are hundreds of years old, and some of the dead trees are massive (there's no way they will fall down anytime soon)

and provide habitat for dozens of wildlife species, like cavity-nesting birds.

Removing the dead trees is akin to the misguided removal of American chestnut trees in eastern forests after they succumbed to the "chestnut blight" fungus. (The massive remains of this previously forest-dominant species were cut down because of the perceived risk from lightning strikes.) But removing live, old-growth trees — along with their unique habitat qualities and their unquestioned carbon sequestration value — is unconscionable, especially in light of the miniscule risk of harm from these trees falling. All trees eventually fall. (If you want to visit a forest, get over it.)

Aside from the questionable justification for this timber project, Warnack is moving it forward without soliciting the

environmental reviews and public input required by the National Environmental Policy Act. The environmental effects of logging up to 14,000 acres, including removing irreplaceable old-growth trees, are obviously significant. Multiple studies have documented significant environmental effects from similar projects.

Since logging hundreds of thousands of trees across up to 27 square miles will have significant environmental effects, the failure to consider those effects in an environmental assessment violates the National Environmental Policy Act. FSEEE has formally objected to implementation of this project. Oregon Wild and Cascadia Wildlands have submitted comments along with evidence of significant environmental impacts, and FSEEE has endorsed those submittals.

Mount St. Helens Road Threatens Research

When Mount St. Helens erupted on May 18, 1980, it created a blast zone of more than 200 square miles in Gifford Pinchot National Forest. The eruption also created a debris avalanche that blocked the outlet to Spirit Lake, causing a significant increase in the amount of water in the lake.

In 1982, the president and Congress created the 110,000-acre Mount St. Helens National Volcanic Monument, in part to encourage long-term ecological research and document the natural, undisturbed reemergence of life in the blast zone. The ongoing research opportunities afforded by this unique, post-volcanic landscape make it a prized ecological research area.

Also in 1982, amid concerns that the rising water levels in Spirit Lake would breach the debris dam and flood tens of thousands of downstream residents, the U.S. Army Corps of Engineers (COE) installed a temporary pumping station to stabilize the lake's water level. Three years later, the COE built an outlet tunnel to more effectively maintain safe lake levels. However, the tunnel must be periodically closed for repairs because of damage caused by seismic activity. During tunnel closures, the water levels in the lake increase enough to threaten the stability of the debris dam.

To address the safety concerns associated with a possible breach of the dam, Gifford Pinchot National Forest Supervisor Eric Veach issued a notice of decision stating that the Forest Service will build a road to facilitate servicing the drainage tunnel. The road would cut through 25 research plots and eight streams formed since the eruption, all of which drain into Spirit Lake.

The road would impact everything downstream and risk introducing invasive species. As Science magazine reported, Washington State University botanist John Bishop believes the impact "would be massive. ... If you want to study the reestablishment of [native] life, that will be lost."

Carri LeRoy, an ecologist at Evergreen State University, agrees. "There will be no point in studying there anymore. ... They argue it's an emergency," but she and others say the Forest Service could continue its practice of flying repair equipment in on helicopters to maintain the tunnel. "There is no imminent threat."

Veach's notice states that his decision "reflects a balance between public safety concerns and effects to ongoing research. ... I have also determined the effects from the proposed action ... will be limited in scope and intensity and therefore ... an environmental impact statement is not required."

In an effort to halt road construction, the Western Environmental Law Center has filed a complaint against the Forest Service with the U.S. District Court of Washington.





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