

**TESTIMONY OF KNOX MARSHALL
BEFORE THE
HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON THE ENVIRONMENT**

October 4, 2017

Chairman Walden, Chairman Shimkus, and Ranking Member Tonko, thank you for the opportunity to testify today before the Subcommittee about the serious impacts catastrophic wildfires are having on our environment and communities. Congressman Walden has seen this devastation first-hand and we appreciate his leadership. While many natural disasters are beyond our control, we can use active forest management to reduce the size and severity of these wildfires while also producing renewable, climate-friendly wood products used by Americans every day – a true win-win.

My name is Knox Marshall and I am the Vice President of the Resources Division at Murphy Company, a family-owned wood products manufacturer headquartered in Eugene, Oregon. Murphy Company is a long-time Oregon employer that dates back to 1909 and is presently led by CEO John Murphy, the grandson of one of our founders. We employ over 750 workers in family-wage jobs at four wood products manufacturing plants in Oregon and one in Washington. The Oregon facilities include a veneer plant in White City, softwood plywood plant in Rogue River, a hardwood plywood specialty plant in Eugene and a laminated veneer lumber (“LVL”) facility in Sutherlin. In Washington, we own and operate a veneer plant in Elma to augment our supply of raw material for our Oregon facilities. In recent years, we’ve also invested in private forestlands to help meet our company’s raw material needs.

In my more than 20 years in the wood products industry, I have never seen a wildfire season in Oregon that was as harmful to our communities as this 2017 season. Oregonians suffered through smoky conditions for weeks on end throughout much of the state, including

southern Oregon, the Willamette Valley and central Oregon. School days were curtailed, sporting events like Cycle Oregon cancelled, and events like the Britt Music Festival and the Oregon Shakespeare Festival saw dramatic declines in attendance or were cancelled.

A devastating fire in the Columbia River Gorge resulted in thick ash deposits throughout much of the Portland area, brought recreation in this National Scenic Area to a virtual halt for several weeks, and closed Interstate 84 for weeks to travel and commerce. For several days in September, Portland had the worst air quality in the nation. Beyond the eye and respiratory tract irritation, wildfire smoke is also responsible for more serious disorders, including reduced lung function, bronchitis, exacerbation of asthma, and premature death. Studies have found that fine particulate matter is linked (alone or with other pollutants) to increased mortality and aggravation of pre-existing respiratory and cardiovascular disease.

Active Management Needed to Restore Forest Health, Limit Catastrophic Wildfire.

Unless changes are made to our federal forest management and fire suppression practices, the terrible impacts to air quality, habitat, and communities inflicted by wildfires in 2017 will become the norm rather than the exception in future years. Aggressive action must be taken to address the root cause of the worsening catastrophic wildfires – poor forest health. While we can't (and shouldn't) prevent all fires, science does tell us that we can reduce the size and severity of wildfires through active forest management, including timber harvesting, mechanical thinning and prescribed fire.

Nearly a century of fire suppression and the more recent lack of active forest management on our federal lands have resulted in overstocked forests that are at the root cause of the massive megafires and insect mortality that we are experiencing now. For example, forests in California's Sierra Nevada once had 50-100 trees per acre, but now we see 500-1,000 trees per

acre. It is no surprise that over 60 million acres of national forestland are at a high risk of catastrophic wildfire. Each year we fall further behind as federal agencies are only able to mechanically treat a small percentage of the at-risk acres each year. In fact, in recent years mechanical harvests on our national forests have been limited to about 200,000 acres annually.

The statistics speak for themselves. Compared to the 1970s, our current wildfire seasons are an average of 78 days longer, are less predictable and are more catastrophic. This was a finding by the U.S. Forest Service. According to a recent study from the Oregon Forest Resources Institute, more than 350 million individual trees are standing dead in the 14 million acres of national forestland in Oregon. And in California, the epicenter of that state's bark beetle epidemic where an estimated 102 million trees have died is on national forests.

It is true that warming temperatures are exacerbating the forest health crisis, which is precisely why federal agencies must thin their overstocked forests to improve their resiliency and take a smart, proactive approach to using prescribed fire and fighting catastrophic wildfires – like the approach taken by many private and state forest managers. Consider that of the over 500,000 acres that burned in Oregon this year, over 90 percent occurred on national forests, which make up about 48 percent of Oregon's total forestland. These catastrophic fires lead to massive emissions of CO₂ – often exceeding some of our region's largest sources of CO₂ emissions.

Changes Needed to Federal Firefighting Policies.

Without a change in management strategy by our federal land managers, the risk to our federal lands will grow every single year. And this risk is not confined to the federal lands on which many of this year's catastrophic wildfires originated, but increasingly threatens adjacent private forestland, homes, and other structures.

Consider what happened to part of the 50,500 acres that our company owns in southern Oregon. In early August of this year, southern Oregon was hit with four straight days of lightning strikes. The Oregon Department of Forestry (ODF), which has lead firefighting responsibility on private land and land managed by the Bureau of Land Management, fought every lightning-caused fire quickly and effectively. ODF's focus on aggressive initial attack put out over 90 fires within less than one week. The Forest Service, on the other hand, deployed very few resources and watched most of the fires burn in the hope that the fires would yield positive ecological benefits. In dense, high-risk forests in the late summer, this type of "let it burn" approach is an unwise and often dangerous strategy based on hope rather than common sense. It also ignores the reality that our federal forests are overloaded with fuels that are ready to burst into the next catastrophic wildfire.

Looking across Oregon and elsewhere in the West, the Forest Service strategy of waiting and hoping that fires will burn themselves out is not working. When a fire is ten acres or less, a small crew and a bulldozer can often knock it down and ultimately put it out. But when fires are left to burn in risky conditions, they accumulate acres and ultimately consolidate into larger fires, so-called "Complex" fires. These fires are extremely difficult to contain in our overstocked forests, are doing little to help the ecology of the landscape, and pose huge risks to private lands and homes.

The Seattle Fire started on the Siskiyou National Forest and received no initial early attack. It ultimately grew and merged into other fires that were renamed the Miller Complex fire. This conflagration burned onto our company's property and heavily damaged approximately 60 acres of merchantable timber. ODF attempted to aid the Forest Service in protection of this private land, but received so little cooperation from the federal government that

ODF was ultimately was in no position to mount a full-scale attack to stop the fire on the adjacent federal lands

Murphy Company has serious concerns about the growing risk to our own forestland due to the combination of a lack of active management on federal lands and the consistent failure of federal agencies to aggressively attack forest fires when they are small and highly capable of being extinguished. Unfortunately, when a fire is burning the federal agencies place a relatively low priority on the risk posed to private forest lands, which is forcing companies like ours to consider taking proactive measures to limit damage to these high value assets. As you may know, federal government is immune from liability if they allow their forestland lands to remain overstocked and don't prevent the resulting fires from spreading to neighboring private forestlands. Private forestland owners can and have been held liable for the damages caused by allowing fires to start and spread to adjacent federal lands. This double standard is a serious concern to private forest landowners who border federal land.

There is a growing interest within our company and among other private landowners in determining whether the Public Necessity Doctrine gives private landowners the right to fight a fire in a national forest, including wilderness areas, where the fire presents a serious risk to nearby private forestland due to the lack of initial early attack by the federal government. Both Oregon and Washington have statutes which empower a landowner to go onto a neighbor's property to fight a fire on that property.

Suggested Solutions.

On behalf of my company and the entire forest products industry in the Pacific Northwest, I urge the Congress to take the necessary, proactive steps to restore more active management to our overstocked and diseased federal forests. This will require giving federal

agencies new legal tools to reduce the time and cost required to plan and implement forest management projects. It has been estimated that Forest Service employees spend approximately 40 percent of their time completing environmental reviews and other paperwork required by the current system of analysis paralysis. According to a recent GAO study exploring National Environmental Policy Act (NEPA) reviews of Forest Service projects, the Environmental Impact Statements prepared for some forest thinning projects take an average of nearly 5 years to complete at a cost of up to \$1.2 million each. The problem is made worse by serial litigants who sue to delay and stop projects, forcing federal land managers to “bulletproof” NEPA documents and expend limited agency resources defending projects from the never-ending procedural lawsuits.

Legislative proposals such as H.R. 2936, the Resilient Federal Forests Act, would help our federal land management agencies increase the pace and scale of forest thinning and restoration, as well as promptly salvage burned timber and restore the forest with new plantings as soon as possible. H.R. 2936 would also end the nonsensical practice of “fire borrowing” where the Forest Service is forced to dip into its management accounts when it exhausts its appropriated wildfire suppression funding. We must end this practice. However, we must also remember that fire borrowing and the growing cost of wildfire suppression are high-profile symptoms of the underlying illness - overstocked and unhealthy forests. If we do not address forest management, this underlying problem will continue to worsen, forcing more and more funding fixes in the future.

Meanwhile, the "let it burn" policy being followed so often by the Forest Service is imperiling much of the West and harming the air quality for residents in a significant manner. This policy needs to be thoroughly reviewed and utilized only in exceptional circumstances

where the risk that the fire will grow is absolutely minimal and ecological benefits of allowing the fire to freely burn are abundantly certain. Congress should also ensure that state and private landowners have sufficient authority to perform initial attack suppression activities on federal lands or make federal agencies liable for damages to private lands from fires that originate on federal land – similar to the liability we face if we let wildfires burn onto federal lands.

I appreciate the opportunity to testify and welcome any questions you may have.