

**TESTIMONY OF OREGON STATE SENATOR HERMAN BAERTSCHIGER, JR.
BEFORE THE HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON THE ENVIRONMENT**

September 13, 2018

Chairman Shimkus, Chairman Walden, and Ranking Member Pallone, thank you for the opportunity to testify before you today about wildfires and their impact on the constituents of my district and all of Oregon. The lingering effects of smoke from large forest fires impact thousands of people every year. Congress Walden and I have toured the wildfires together and have seen and experienced the devastation these wildfires have on our communities. Immediate suppression of wildland fires during peak fire season would alleviate the impacts to our communities, their health and their economic viability. In exchange for a suppression model we must be conscious of the fact that our forests still need management and fire is one of those management tools. This can be accomplished outside of fire season by controlled burning, smoke from controlled burns is far less impactful to the communities than those of large fires during fire season.

My name is Herman Baertschiger, Jr. and I am an Oregon State Senator representing Southern Oregon. My background is in forestry and wildland firefighting. For 16 years I have been a wildland fire training instructor and I have been certified through the Oregon Department of Forestry as a National Type 3 Incident Commander and this year is my 41st fire season. In more than four decades of fighting fire from Washington to Montana, from California to Colorado, I have never seen a catastrophic wildfire benefit our forests.

Fire has always been with us and that is not likely to change, what has changed is the way we react to fire. Large fires have affected the American people for nearly two hundred years, in 1825, when the Great Miramichi Fire in New Brunswick burned over 3 million acres and killed

160 people. In 1871 the Peshtigo Fire in Wisconsin burned 1.2 million acres and killed 1,182 people. On the same day in 1871 in Illinois, Mrs. O’Leary’s cow knocked over a lantern and started the Great Chicago Fire that killed hundreds and burnt half the City of Chicago. The fires of 1910 in Idaho, Montana and Washington that burned 3 million acres changed how the US Forest Service addressed fires. In Oregon the Tillamook forest fires that occurred four times between 1933 and 1951 forced Oregon to address wildfire also. Five of the last six years have seen enormous fires, in excess of the ten-year average. In 2018 we are fighting fires in the same area that we fought them in the previous year. To say that climate changes is the cause of catastrophic wildfires is incorrect. Our approach and management of the fires and the smoke they produce is what has changed in the last twenty years. This approach is what has us fighting large fires, rather than suppressing small fires.

After the Western fires of 1910, the US Forest service adopted a model of fire suppression. In the industry we have always referred to this with the term “out by 10”, meaning that once a fire had started, it would receive whatever resources and attention needed to put it out by 10 AM the following morning. This aggressive fire suppression changed about twenty years ago to a fire management model. Today the US Forest Service often manages fire along with their suppression efforts.

The human factor can’t be ignored when looking at the problem of wildland fires. In 1910 the US population was 92 million. In 2010, one hundred years later, it was 310 million. With a tripling of the population, we should expect more human caused fire starts. Recently the Oregon Department of Forestry estimated that the number of acres burned by human caused fires in the last ten years has doubled. With increases in fire starts, we should expect increases in fire severity, and increases in smoke effects from those fires.

The comparison of fire suppression against fire management is best shown in the comparison of the firefighting divisions of the Oregon Department of Forestry (ODF) and the US Forest Service (USFS). ODF has always employed an aggressive initial attack and suppression approach to wildfire. The USFS had a similar approach until about the mid-1980's. Now thirty years later, the comparison of lands managed, and acres burned shows a shocking disparity between the two styles of firefighting. The USFS protects 17 million acres (+/-) of Oregon forest lands. In 2018, 300,000 acres of those protected forests were burned. ODF protects 16 million acres (+/-) of Oregon forest lands. In 2018, 70,000 acres of those protected forests were burned (these are estimates as the 2018 Fire Season is not complete).

These two agencies protect about the same number of acres of forest in Oregon but are having very different outcomes from their firefighting efforts. Another consideration is the impact on private landowners, in 2018 more than 33,000 acres of private land has burned by fires that started on federal lands.

Impacts of wildfire and smoke to our communities

Due to severe wildfires, the lack of active forest management and the U.S. Forest Service's current approach to firefighting, our communities have suffered from weeks of toxic wildfire smoke. As of Aug. 30, citizens in southern Oregon's Rogue Valley endured 24 days of "unhealthy" to "very unhealthy" air quality. This is the longest period of unhealthy air quality in the Rogue Valley since the Environmental Protection Agency began keeping air quality index records in 2000.

Travel Oregon estimated the state lost about \$51 million in tourism revenue from wildfires and smoke last year, and this year's wildfire season will likely bring greater losses. Last month's wildfires forced airlines at the Rogue Valley Airport to cancel multiple flights and put

delays on others. The smoke has created havoc and devastation for many businesses connected to Southern Oregon's vital Travel and Tourism Industry. The Oregon Shakespeare Festival in Ashland has already canceled more shows this year than it did in all of 2017. These are the first two years in a row that the festival has had to cancel multiple performances because of smoke. In 2018 the festival has lost over \$2 million dollars, with over 20 performances canceled. Britt Festivals has moved its orchestra rehearsals and some performances from its hillside, Britt Pavilion amphitheater in Jacksonville, to the North Medford High School auditorium, which downsized their attendance from 2,200 attendees in auditorium to an 800-person capacity. The Rogue Valley Softball Association Fall Classic softball tournament was cancelled, marking the second consecutive year it's been called off. The wildfires and smoke have harmed our seasonal tourism businesses with many reporting 40% decreases in attendance, some as high as 80% lower attendance. Sections of the Rogue River have been closed at times, impacting those who are dependent on rafting and fishing. For July, Crater Lake was down on visitation by 22%, which represents over 50,000 people. Locally, the wildfire smoke led to cancellations or delays of school athletics, church activities and other events.

These smoky summers continue to tax our public health resources and health care system. In past years, local emergency departments reported an increase of patients suffering from extremely sore throats, headaches, burning eyes and significant respiratory distress.

Suggested Solutions.

To provide our citizens relief from catastrophic wildfires and smoke, Congress should take action to promote active forest management and provide oversight and assure accountability over U.S. Forest Service wildfire management activities.

There is abundant science supporting the benefits of management activities- including logging, thinning and controlled burning- to improving the health and resiliency of our forests. According to the U.S. Forest Service’s Fuels Treatment Effectiveness Database, 90 percent of fuels reduction projects were effective in reducing wildfire severity.¹ Researchers from the University of Montana found that comprehensive treatment prescriptions designed to restore sustainable ecological conditions can move 90 percent of treated acres into a low-hazard condition.²

Despite these benefits, federal agencies are failing to treat fire-prone forests at a pace and scale necessary to change the trend of larger and more severe fires. As much as 80 million acres of National Forests System lands are at a high, to very high, risk of catastrophic wildfire. And the Forest Service is only treating between 1 and 2 percent of high risk acres per year. That’s why congressional action is needed to address the *three primary barriers* to active forest management on federal lands:

The first barrier to active forest management is the lack of funding to prepare forest projects and timber sales. The U.S. Forest Service often lacks the funding and personnel to develop and implement projects that reduce the risks of wildfires, insects and disease. Today more than half of the agency’s budget is consumed by escalating wildfire suppression costs, which itself is due to the lack of management on our overgrown and fire-prone federal forests. The U.S. House of Representatives addressed this barrier by approving the Consolidated Appropriations Act of 2018 (“Omnibus”), which provides a new disaster cap allocation for wildfire suppression beginning in 2020. This will end the practice of “fire borrowing” that has

¹ USFS, Adaptive Management Services Enterprise Team, Fuels Treatment Effectiveness Database (fs.fed.us/adaptivemanagement)

² C. Keegan, C. Fiedler, T. Morgan. Wildfire in Montana: Potential hazard reduction and economic effects of a strategic treatment program, Forest Products Journal, July/August 2004)

forced the Forest Service to temporarily redirect funds away from preventative forest health programs. I also applaud the U.S. House for increasing funding for the Forest Service's Hazardous Fuels line items in the omnibus spending bill, and for increasing funding for the agency's timber sale program in the House Interior Appropriations package for FY 2019. If enacted, the House level would represent a 20 percent increase in the timber program since FY 2013. The House Report urges the Forest Service to offer a 4 Billion Board Foot sale program, a level that hasn't been reached in a quarter century.

The second barrier to active forest management is the significant cost and time it takes for federal agencies to satisfy environmental analysis and compliance requirements. At a time when the Forest Service struggles to fund wildfire suppression activities, the agency spends more than \$356 million annually just to satisfy National Environmental Policy Act (NEPA) analysis and compliance requirements on forest management projects.³ It can take Forest Service personnel 18 months to four years to satisfy these requirements for a single forest project, and as a result they spend 40 percent of their time doing paperwork instead of managing forests. The U.S. House addressed this barrier by approving the Resilient Federal Forests Act (H.R. 2936), and by approving strong provisions in the Agriculture and Nutrition Act of 2018 (H.R. 2), known as the Farm Bill. Both measures provide our land management agencies with expanded categorical exclusions under NEPA to expedite treatments on forests that are at immediate risk of wildfire, insects and disease, and to protect municipal watersheds. Providing these NEPA efficiencies will help reduce the cost and time required to plan forest projects, and will provide and direct more resources toward improving the health of our forests.

³ Feasibility Study of Activities Related to National Environmental Policy Act (NEPA) Compliance in the US Forest Service- Final Report, USDA Forest Service Competitive Sourcing Program Office Washington, DC. Available at https://www.peer.org/assets/docs/fs/08_14_1_nepa_feasibility_study.pdf

The third factor is the obstruction and litigation that typically stalls much of the work that needs to be done on our federal lands. Our federal land agencies are often paralyzed by the real and perceived threats of litigation and process obstruction. In U.S. Forest Service Region 1, for example, it is estimated litigation has encumbered up to 50 percent of planned timber harvest volume and treatment acres. Once again, the U.S. House addressed this barrier by approving H.R. 2936 that prohibits litigant groups from receiving attorney fees when they sue to stop a project that is intended to reduce the threats of wildfire and insect infestations. It also requires that any court hearing a case regarding a Forest Service action must weigh the benefits of taking short-term action versus the potential long-term harm of inaction, such as the threat of catastrophic wildfire. As an alternative to costly litigation, the legislation also proposes an innovative pilot project to test the use of arbitration to address challenges to certain forest management activities. Until environmental litigation is addressed, American taxpayers will continue to carry the increased burden of higher firefighting and land management costs, toxic smoke, and the continued loss of forests and the benefits they provide.

Managing wildland fire during peak fire season to treat fuels as a way to manage our forests is no longer acceptable. We cannot manage our forests with fire at the expense of the welfare and economic viability of our communities. We have to do something else.

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