Felice Pace

28 Maple Road Klamath, Ca. 95548 707-954-6588 Unofelice@gmail.com

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Congressman Jared Huffman
cc: Chief of Staff Ben Miller
Via Email

SUBJECT: **Recommendations for federal legislation to address wildfire risks, promote effective fire risk reduction on national forest and private land, and to advance practical decolonization.**

Dear Congressman Huffman,

It has come to my attention that you are planning to develop federal legislation in order to reduce western wildfire risks to life, property and habitat, including provisions to promote and facilitate more effective fire risk reduction on national forest lands. Because I am a constituent who has worked on national forest management issues for over 35 years, because I have walked parts of and studied most of the large fires that have burned in far Northern California since 1987, and because I have read many of the relevant scientific studies, I want to share what I believe are essential elements that I believe must be included in federal legislation if that legislation is going to actually and effectively reduce the risk posed to western communities, water quality and wildlife habitat by wildfire in this age of climate change.

In order to be effective, I believe federal legislation to reduce wildfire risks must:

1. Recognize that while the rhetoric has changed, the Fire Establishment continues to employ the same fire management strategies and tactics it used when the goal was to suppress all wildfires no later than 10 AM on the following day. Most managers of western forestlands now recognize that fire is an integral part of western forest ecosystems and that suppressing all wildfires results in a build-up of fire risk over time that is contributing significantly to current catastrophic fire effects. Nevertheless, the Fire Establishment continues to choose to actively suppress fires that are burning in backcountry, far from where those fires threaten residential areas and towns. That not only diverts resources from residential and community protection, it regularly misses opportunities to let natural wildfires burning in the backcountry play their natural ecological role, including reducing fuel and naturally thinning the forest. Furthermore, these efforts at active wildfire suppression in the backcounty are rarely successful as has been documented in numerous fire reports that have been published by the Klamath Forest Alliance since 1987. Firefighters United for Safety, Ethics, and Ecology (FUSEE) recently published a report on the 2016 Soberanes Fire which documents the damage done and huge cost of pursuing active suppression deep in California's Ventana Wilderness, far from residential areas and towns.

The realization that fire is an essential process in western forest ecosystems calls for new fire management strategies and tactics; but those have not been forthcoming. We need to realize that there are agencies and interests, including a raft of contractors, who are invested in strategies and

tactics which result in the ballooning cost of suppression and which miss numerous opportunities to allow natural wildfires to safely reduce fuel and naturally thin our forests. Fire Establishment interests run counter to and will continue to frustrate efforts to control the cost of managing wildfires absent fundamental changes in incentives. Therefore, the Fire Establishment must be provided with incentives, and possibly restrictions, that move it in the direction of adopting strategies and tactics that take into account our current understanding of fire as an essential process within western forest ecosystems.

My 2000 paper, *Smokey Needs a New Look*, is available at this DropBox link. The paper calls for unity within the Public Land Conservation Movement in order to reform how western wildfires are managed. Subsequently, the Clinton Administration created the "National Cohesive Wildland Fire Management Strategy." I include the paper here primarily because of the descriptions it contains of the damage done and high failure rate for suppression actions taken within wilderness and other backcountry lands within our Congressional District. I encourage you to seek and gather testimony on the waste and ineffectiveness of industrial-strength firefighting in wilderness and other backcounty lands and the unnecessary firefighter risks taken on when industrial fire suppression is pushed into the backcounty.

One change that I believe would deter this sort of unnecessary damage if mandated in legislation is to require forest supervisors and fire managers not only to consider the cost and likely effectiveness of suppression actions before making the decision to implement them, but also to require that forest supervisors publish their justification for employing tactics with a low probability of success in advance of a formal after action review of how each fire was managed.

The fire reports cited above and my 2000 call for reform document the fact that those managing wildfires on national forests waste many millions of dollars, put firefighters unnecessarily at risk and damage water quality and wildlife habitat when they implement aggressive fire suppression actions in remote backcountry areas where there is low probability that suppression will be effective. Fire managers know suppression actions in backcountry more often than not fail to be effective, but, because there is no accountability, they order them anyway. In such cases bringing in a little sunlight and public review can alter behavior significantly, saving money as well as lives.

2. Because western industrial forest lands are located at lower elevation and, in many cases, in closer proximity to towns and residential areas, how those lands are managed has a significant impact on the risk that a wildfire will exhibit catastrophic effects and threaten or destroy residences and towns. Relevant research and experience on the ground both indicate that the clearcut-plantation forestry practiced on those private industrial forestlands increases the risk that a fire burning on those lands will become catastrophic. See for example: "Severe fire weather and intensive forest management increase fire severity in a multi-ownership landscape." Harold S. J. Zald and Christopher J. Dunn. Ecological Applications, 28(4), 2018, pp. 1068–1080. The article focuses on a mixed ownership landscape in SW Oregon. It can be read and downloaded at this Dropbox link.

Because it contains the greatest risks to nearby residential areas and communities, legislation to effectively address fire risks must address those private industrial lands. It may be advisable to

incentivize timberland owners to “thin” plantations and/or to develop a network of shaded fuelbreaks designed to lower the risk to adjacent and nearby residential areas and towns. As a first step, the “thinning” debate should be shifted from just federal lands to consider all forest lands. With respect to the fire risk posed by industrial forest management, *The Northern California Fires: the Forest Management-Wildfire Risk Connection* *is* a media brief which I prepared recently in response to Northern California's Carr and Camp Fires. It highlights the close proximity of Sierra Pacific Industries clearcuts and plantations to the Carr and Camp Fires. During the Carr Fire 1900 acres of SPI plantations were incinerated.

3. The timber sale contract remains a very effective tool when the objective is getting logs to the mills; it is a poor tool when the objective is fire risk reduction. Here's why: When a timber sale is prepared it is timber economics, not what the forest needs to be healthy and resistants to catastrophic fire effects, that drives what gets cut and what gets left behind. Because producing logs and transporting them to mills is expensive on the West's remote and steep national forests,[i] large, fire resistant logs are often added to “thinning” sales to attract purchasers. Alternately or in addition, so many trees are removed per acre (to lower logging cost) that the forest canopy is opened too much; typically only 40% or even less crown cover remains after thinning. Adding large trees and thinning from above results in timber sales that attract purchasers. To reduce log production cost further, the fuel load created by logging, known as *slash*, is sometimes not adequately reduced as well.

The net effect of provisions in Forest Service “thinning” timber sales designed to reduce logging cost and attract timber sale purchasers is that, in most cases, while fire risk may be reduced in the short term (3 to 8 years), for the next 20 to 30 years the fire risk is greater than it was before the timber sale. For these reasons, a legislative mandate is needed directing the Forest Service to use service contracts, not timber sale contracts, for all fire risk reduction work on national forest lands. Any commercial logs that result from those service contracts can be sold to the timber industry separately from the log sort yards where they are stored. Using service contracts will result in fire risk reduction “treatments” that are more effective at reducing fire risk over a longer period of time. Also, when service contracts are used, more national forest work is done by locals rather than outfits from distant places.

4. Even where “thinning” or another treatment is effective at reducing fire risk, The Forest Service is institutionally incapable of committing to return within a decade to the land where fuel reduction or thinning was implemented in order to reduce the small trees and brush that sprout and grow because competition for water has been reduced and more sunlight has been allowed to reach the forest floor. That is why within 5 to 8 years there is usually greater fire risk in those locations than there was before thinning.[ii] Therefore, incentives should be provided for FS managers to implement follow-up “treatments” within a decade of the initial project, including prescribed fire, in areas that were “thinned” and/or where other fuel reduction took place. It may also be possible to change the law applying to national forests in a manner that encourages or requires national forest managers to do the follow-up treatments needed to sustain fuel and fire risk reduction over time.

5. Because fire risk reduction is more effective the closer it is located to at-risk residences and towns, and because the longer fire season threatens impacts like we have seen recently in Santa

Rosa, Redding and Paradise, fire risk reduction legislation should include provisions that encourage more effective greenbelts around towns that are at risk. Greenbelts consisting of irrigated agricultural lands that do not easily carry fire, for example irrigated pastures and alfalfa hay fields, could offer maximum protection for towns at risk. Incentives and other changes to render such greenbelts feasible and likely to be developed include funds for purchase of land, tax incentives and access to inexpensive irrigation water for farmers who keep the land in greenbelts green and wet.

6. Although it is not essential in order for fire risk reduction legislation to be effective, please consider incentivizing or even mandating co-management of national forest land by the Forest Service with the federal tribes whose ancestral lands included what is now national forest land. Because of the tribal-Forest Service collaboration around fire and its restoration that has already occurred there, the Orleans Ranger Districts of the Six Rivers National Forest is an outstanding candidate for co-management with the Karuk Tribe. Co-management provisions in legislation could be limited to efforts to reduce fire risk and restore fire as a natural ecological process, or they could be more general. Provisions that more generally encourage or incentivize Forest Service partnerships with tribes and community-based not-for-profit restoration organizations should be considered.

While it may not yet be the right time, please also consider legislative provisions that allow federal tribes which possess the capacity to perform the management functions now performed by the Forest Service on national forest lands located within the tribes' ancestral homelands. There is no good reason why federal tribes should not manage portions of our national forests under the same laws and policies that apply to all national forest lands.

I have worked for and with the Lower Klamath River Tribes for decades now and I have observed how the management capacity and effectiveness of these tribes has grown over time. I see no reason why the Yurok, Hoopa and Karuk Tribes cannot effectively and successfully manage those national forest ranger districts located within their ancestral territories. A decade transition period, during which the tribes learn and practice national forest management under Forest Service tutelage, would be advisable.

As a member of the Progressive Caucus please also consider other ways that federal tribes can once again manage their ancestral lands and waters. For example, the Klamath Intertribal Fish and Water Commission could take over management of the federal Klamath Irrigation Project under the same laws that now apply. A decade-long transition period during which the Commission co-manages with the Bureau of Reclamation would be advisable.

The proposal to allow a council of tribal and local governments to manage Bears Ears National Monument amounted to practical decolonization. Unfortunately, the strongest form of that provision was abandoned by President Obama. Nevertheless, progressive members of Congress should, in my view, look for ways to implement practical decolonization, that is, to restore land management authority to Indigenous natives and federal tribes. Whether in fire risk reduction legislation or elsewhere, please consider becoming an advocate for practical decolonization.

To summarize, in order for fire risk reduction legislation to be effective I believe it must:

- Include incentives and disincentives that discourage risky, ineffective and expensive fire suppression in backcounty far from residential areas and towns.
- Include incentives for fire risk reduction activities on private industrial forestlands, including incentives for those in control of those lands to establish shaded firebreaks between those lands and residential areas or towns.
- Mandate the use of service contracts to implement all fire risk reduction projects on national forest land.
- Provide incentives to encourage Forest Service managers to return to areas "treated" for fire risk reduction within ten years in order to perform follow-up treatments, including prescribed fire. Alternately, legislation could mandate follow-up fire risk evaluations and treatments whenever fire risk reduction is the purpose of a project.

In addition, while they are not essential, I recommend the following provisions:

- Incentives and other provisions to encourage at-risk towns to establish greenbelts encircling the towns which are managed to act as effective firebreaks.
- Provisions to authorize, encourage and provide incentives for co-management of national forest and other public forestland by federal land management agencies with the federal tribes whose people once lived in and managed those lands.
- A pilot project that allows a federal tribe to manage a ranger district under the same laws that apply to all national forests. Because the groundwork has been well laid, the Orleans Ranger District of the Six Rivers National Forest would make a great pilot.

As your constituent and a specialist on the subject matter, I look forward to working with you and your staff to craft and pass legislation that will effectively reducing wildfire risk to life, residences, towns, cities, water quality and wildlife habitat. I want to make clear that, while I continue to hold positions with the North Group of the Sierra Club (Water Chair), Redwood Chapter of the Sierra Club (Grazing Chair) and Klamath Forest Alliance (member of the Core Group and coordinator of the Grazing Reform Project), the recommendations in this letter are from me alone and not from any organization. That said, I think the fire-related recommendations would be endorsed by many of my colleagues. Finally, I would be more than pleased to work with your staff to pull together those of your constituents who work in the public interest on fire management and other public land management issues to discuss what needs to be in legislation in order for it to effectively and substantially reduce the risks associated with wildfire in this day and age.

Sincerely,

Signed via email
Felice Pace

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i A few years back the Sacramento Bee, in its business pages, quoted a Sierra Pacific Industries executive complaining that it was cheaper to get a log to the Port of Sacramento from New Zealand than to get the same sized log from the Sierra Nevada Mountains. Transportation by sea is cheap; by land it is much more expensive.

ii The Forest Service has been “reducing fuel” via “thinning” and other methods for many years now. I and colleagues can take you to “units” where Forest Service “thinning” or other “fuel and fire-risk reduction” has lead to increased fire risk because Forest Service managers removed too much canopy and have not done the needed follow up treatments, including prescribed fire.