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8 April, 2021

Senator Jeff Golden, Chair
Members of the Committee
Senate Committee on Natural Resources and Wildfire Recovery

RE: Comments on SB762 Wildfire Recovery

Dear Senators:

I am writing on behalf of Bark, a public interest advocacy group whose organizational mission is to bring about a transformation of public lands on and around Mt. Hood such that natural ecological processes prevail, wildlife thrives and local communities have a social, cultural, and economic investment in its restoration and preservation. Bark has over 31,000 supporters who rely on the forests surrounding Mt. Hood. Increasingly, our supporters and the public rely on the ecosystem function of the forest to stabilize the regional climate and mitigate the local impacts of climate change. We submit these comments on behalf of our supporters.

Although Bark is focused on federal public land management, we offer these comments on SB762 because neither fire nor climate change respect jurisdictional boundaries, and because our extensive engagement in engaging fuels reduction projects on Mt. Hood National Forest provide us with information relevant to the state's decision-making regarding wildfire risk reduction.

Bark is generally supportive of SB 762 and its proposed amendments, with the caveat that we are quite concerned about Section 18, "Reduction of Wildfire Risk", specifically the following provision: "The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands."

If this bill, and associated funding, instead focused solely on reducing hazardous fuels near homes and critical infrastructure, it would ensure that the limited funding available for such activities has the highest likelihood of reducing fire risk to those communities. However, if this bill is passed as written, nothing ensures that fuels reduction will happen near communities, or will be effective at reducing the severity of a possible future fire.

First, it is highly unlikely that a fire will ever burn through a treated area during the relatively short (10 - 20 year) window in which fuels have been removed and not yet grown back. A study

evaluating this likelihood had the commonsense conclusion that “treatments cannot reduce fire severity and consequent impacts, if fire does not affect treated areas while fuels are reduced.”¹ The study found that there is only a 2-8% chance that a fire will overlap with the window in which the fuels treatment may be effective at altering fire behavior. Conversely, there is a 92-98% chance that the fuels treatment will *not* affect a fire’s behavior. These are not good odds for gambling with the state’s limited resources.

Second, even if a fire does interact with a treated area in the slim window of effectiveness, there is no guarantee that reduced fuels will reduce fire severity. The overwhelming factors driving large blazes are drought, low humidity, high temperatures and, as we all saw with the Labor Day fires, high winds. Because weather is typically the greatest driving factor of a forest fire, and because the strength and direction of the wildfire is often determined by topography, fuels reduction projects cannot guarantee fires of less severity.^{2, 3}

Third, any recommendations for increased fuel reduction must be accompanied by strong sideboards to ensure the most ecologically resilient (often the most commercially valuable) trees are not targeted for logging. As written, SB762 has no safeguards to ensure mature and old growth trees will not be logged for “fuels reduction”. Most fire ecologists agree that removal of large, old trees is not ecologically justified and does not reduce fire risks. Such trees contribute to the resistance and resilience of the forest ecosystems of which they are a part. Large, old trees of fire-resistant species are the ones most likely to survive a wildfire and subsequently serve as biological legacies and seed sources for ecosystem recovery. They also are exceptionally important as wildlife habitat, before and after a wildfire event, and as sources of the large snags and logs that are critical components of terrestrial and aquatic habitats. For all practical purposes, they are impossible to replace.⁴

Before you dismiss the idea of including mature and old growth trees in a fuel reduction project as preposterous, let us share a very recent experience with a large fire risk reduction project on the Mt. Hood National Forest which did exactly that. The Crystal Clear Restoration Project was planned as a 12,000 acre project to “reduce the risk of uncharacteristic wildfire behavior”, and included commercial logging in nearly 2,970 acres of mature and old growth forest with stands as old as 332 years. In addition, over half the project area is moist mixed conifer forest where mixed-severity and stand replacing fires are natural.⁵ Bark engaged substantively in the public process of this sale but was unable to convince the Forest Service to exclude logging in mature and old growth forests. Because scientific research shows that removing overstory trees can increase fire severity, by scattering fuels on the forest floor, drying out fuels, and increasing wind speeds, Bark eventually sued the Forest Service, alleging that this project was extremely scientifically controversial.

¹ Rhodes, J. and Baker, W. 2008. Fire Probability, Fuel Treatment Effectiveness and Ecological Tradeoffs in Western U.S. Public Forests. The Open Forest Science Journal, 2008.

² Carey, H. and M. Schumann. 2003. Modifying Wildfire Behavior—the Effectiveness of Fuel Treatments: the Status of our Knowledge. National Community Forestry Center. 31 Rhodes, J. and W. Baker. 2007. The Watershed Impacts of Forest Treatments to Reduce Fuels and Modify Fire Behavior. Pacific Rivers Council, Portland Or

³ Lydersen, J., North, M., Collins, B. 2014. Severity of an uncharacteristically large wildfire, the Rim Fire, in forests with relatively restored frequent fire regimes. Forest Ecology and Management 328 (2014) 326–334

⁴ DellaSala, D., Williams, J., Williams, C., Franklin, J., 2006. Beyond Smoke and Mirrors: a Synthesis of Fire Policy and Science. Conservation Biology, Volume 18, Issue 4 976-985.

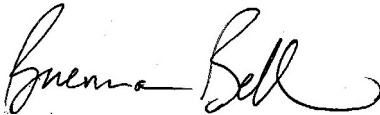
⁵ See [The Crystal Clear Timber Sale story map \(arcgis.com\)](#) for more details.

After two years and hundreds of hours, the Ninth Circuit Court of Appeals agreed: “Throughout the USFS’s investigative process, Appellants pointed to **numerous expert sources concluding that thinning activities do not improve fire outcomes**. . . Failing to meaningfully consider contrary sources in the EA weighs against a finding that the agency met NEPA’s “hard look” requirement as to the decision not to prepare an EIS.” *Bark v. USFS*, 958 F.3d 865 (9th Cir. 2020). To avoid such future controversy, please consider limiting fuels reduction projects to the areas near communities and structures where it is known to be effective, or at the least, include strong sideboards like diameter limits and the requirement that forests must be significantly outside of its natural fire regime. The sideboards currently in the bill add little to similar prohibitions in existing federal regulations.

Finally, please heed the findings of a recent study that focused on the need to adapt to greater fire frequency and severity and move beyond fuels reduction as a primary approach to fire management. Researchers concluded that a more effective and sensible approach to managing human/fire conflicts would come.⁶ Insofar as SB762 shifts the state’s focus towards community preparedness and restoring fire to the landscape, the state is heeding these suggestions and moving towards policy that will make our state more resilient to the climate-induced fires of our future.

Thank you for your consideration of these comments, and all your work on behalf of Oregonians.

Sincerely,

A handwritten signature in cursive script that reads "Brenna Bell". The signature is written in black ink and is positioned above the typed name and contact information.

Brenna Bell
Policy Coordinator/Staff Attorney
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⁶ Schoennagel, L., et. al. Adapt to more wildfire in Western America as climate changes. Proceedings of the National Academy of Sciences, vol. 114, No. 18, 4582-4590.