

**Testimony of former U.S. Forest Service Deputy Chief Jim Furnish
Before the U.S. House of Representatives, Committee on Natural Resources
Subcommittee on Federal Lands
Legislative Hearing on Discussion Draft of “Resilient Federal Forests Act of 2017”
June 15, 2017**

I am Jim Furnish, former USDA Forest Service Deputy Chief for National Forest Systems. I’d like to thank Chairman McClintock and Ranking Member Hanabusa for the opportunity to testify today. I left the agency in 2002, following a 35-year career that also included jobs as district ranger and forest supervisor, and I served from coast to coast. I managed national forests and their issues in the same milieu of social forces and emerging science that continue to vex and frustrate people of good intentions - agency officials and private citizens alike.

Speaking bluntly, the bill before you seeks to enact legislation that is an affront to well-entrenched pillars of our democracy and culture as a society; a society blessed with a legacy of stunningly rich public lands. This bill puts forth a *false choice* between commerce and our environment, and is certain to exacerbate long-buried conflicts that can be, should be, and have been effectively addressed by other laws and pragmatic policies and practices already in use on our public lands. I would hope that you see your role as legislators as *improving* circumstances, not worsening them.

I have heard many people blame our current difficulties with wildfire on NEPA, ESA, and frivolous litigation, and this draft bill echoes these views. Such views are simplistic and incorrect. We cannot log our way out of this difficulty. The scale of biologic forces associated primarily with *climate change* – longer, dryer burning periods, increased insect mortality, and decades-long suppression policies – have created a landscape at higher risk. This situation requires focused and highly prioritized measures applied to the highest risk acres. And an acceptance of the reality that climate change will impose on us certain inevitable consequences long in the making.

My experience literally screams that this draft bill is misguided, unnecessary, ultimately harmful, and *just plain WRONG*. This bill breeds mistrust.

In my recent memoir, *Toward A Natural Forest*, I noted that the Forest Service I loved and left had refused to conscientiously wrestle with this profound truth: “a significant portion of the public we’d sworn to serve had rejected our management of their public lands, and the land itself was telling us of its distress.” This describes the spotted owl crisis of the 1990s, and more broadly, the misguided effort to maximize timber production at the expense of other more valuable resources.

This bill seeks to take us back to the old days when logging dominated public lands. That policy proved bankrupt socially and legally. The bill essentially creates a series of work-arounds by legislating fixes to non-existent problems, unless you see national forest lands primarily as timber farms. As one who lived through that era, this bill is a prescription for the same short-sighted policies that caused gridlock. There has been a fundamental shift in thinking about what values best represent the broader public. Water

quality, fish and wildlife, recreation, and now carbon all far exceed timber products in value and importance.

As a frame of reference, I served on Oregon's Siuslaw National Forest as Supervisor in the wake of the spotted owl crisis from 1992-1999, instituting management reforms aimed at forest restoration rather than exploitation, as chronicled in the video documentary *Seeing The Forest*. These reforms are still in place, and have proven effective and durable. Today the Siuslaw National Forest is one of the largest and most reliable providers of timber in the PNW, and also carefully safeguards endangered species habitat and restores salmon runs. Notably, the Siuslaw has not had a single timber sale appeal or lawsuit in over 20 years. The reason is that timber production is no longer a primary goal there, but a by-product of restoration activities. And I might add that all the above was accomplished without the provisions of this draft bill. Even harsh critics of logging will accept commercial timber activity *IF* the agency provides legitimate reasons to harvest trees while fostering ecological integrity.

Let me give you examples. Siuslaw timber production slipped to essentially ZERO in 1993, and we instituted collaborative processes with friend and foe to dig ourselves out of the hole. I can assure you the issues and table stakes exceeded those on most national forests. Agency credibility and success rested on honesty, transparency, candor, information sharing, power sharing, mutual respect, and a penchant for listening well. We had to create new solutions that satisfied all parties, and the law. Failure was not an option – we could sink no lower.

Collaboration succeeds when trust and respect are nourished and flourish. The discussion draft puts a heavy finger on one side of the scale – the side predicated on logging. I guarantee you this provision dooms success. Those citizens most needed to ensure successful deliberations – those you consider intractable foes of logging -- will either refuse to participate or walk away, requiring the application of numerous other band aids to keep logging proposals from foundering. The success we enjoyed on the Siuslaw NF was based on the assumption that everyone was reasonable and would work toward solutions that truly benefited the land and resources. This bill nullifies that presumption by bullying those with viewpoints perceived as anti-logging. Asking the Forest Service to faithfully implement all elements of this law is to assign them a biased, prejudicial role unbecoming a professional.

Let's look at the bill's approach to the use of categorical exclusions, or CE's. Increasing the threshold to 10000 acres is excessive and uncalled for. This is the equivalent of 15 square miles!! Projects of such massive extent were never intended by NEPA procedures to be excluded from public participation, analysis and review. This provision can only be seen as intended to avoid scrutiny and due process. Yet another provision increases the threshold to *30000 acres* if the project is supported by collaboration. But NEPA is predicated on analyzing and documenting environmental effects, not whether social processes are invoked.

Title II accelerates the review timelines for salvage. I knew a time when virtually all salvage was harvested, yet we now know that the role of dead trees is very complex and deserving of the most careful analysis. Haste and delay are both uncalled for in pursuit of consensus solutions.

Another collaboration provision requires analysis of only two alternatives -- action and no action -- thus stipulating that collaboration must conclude with *only one option* and arbitrarily assigning other meritorious alternatives to the trash can. NEPA contains important learning functions that necessitate consideration of all reasonable alternatives; a premise strongly supported by case law. Such precautionary principles are intended to conserve resources and combat smug certainty.

This unstable house of cards is built on progressively biased strategies, all directed at making logging essentially mandatory rather than discretionary. The approach is in essence the same tragic mistake that created the spotted owl crisis; elevating logging over other uses and values. Add one last insult -- deny due process for litigation and recovery of legal expenses. You are creating a system of haves and have nots . . . again.

Regrettably, the have nots will include species protected by ESA. Rather than viewing ESA as an obstacle, ESA should be seen as a fundamental responsibility of public land management. Case studies abound throughout the country illustrating recovery of species in peril as well as how thoughtful forest management, done properly, supports recovery.

I am also deeply distressed that this bill ignores the major problem confronting the Forest Service today -- the escalating cost of fire suppression and its consequence of diminishing all other resource management. Your legislative proposals aimed at resolving this long-standing impasse enjoy broad bipartisan support, including mine, and I suspect my fellow witnesses support them also. If you truly seek to address the major problem standing in the way of applying sound science to create effective solutions, pass the fire funding bill. And leave this bill on the shelf where it belongs.