

Forest Health- a report and perspective Pt. 2

By: Gillian Rowe

In my last report I discussed how the U.S Forest Service was first established and how their responsibilities shifted over time to include rangeland management. This transition is particularly prevalent in the state of Montana. The Forest Service manages 17 million acres of national forest system lands in the state, which makes up over half of the states forested landscape making the Forest Service Montana's largest land management agency. In the last 25 years, the pace and scale of active forest management, particularly timber harvest, has declined dramatically.

In fact, forest management is declining all across the U.S. Over the past couple decades, environmental groups have halted permitted timber harvest by obtaining federal court injunctions to protect wildlife habitat. In Montana specifically, organizations like WildEarth Guardians, the Swan View Coalition and other green groups have filed lawsuits against U.S. Fish and Wildlife Service and the Forest Service to stop practices they believe to be damaging to the land.

Many environmental groups are successful in their pursuit to sue federal agencies due to the use of the Equal Access to Justice Act (EAJA). The EAJA was passed in 1980 to allow individuals, small businesses and public interest groups to obtain representation in cases against the federal government and not be held to attorney fees in the event that they are successful. The original intent of the law was to make sure that a party could not be harassed by unjustifiable government activity solely because of the prohibitive expense of attorney's fees. The aim was to give ordinary, non-wealthy citizens a means to access the judicial system if it does not have the financial means to do so on his own.

Over time through the legislative process, language that limited the powers of the EAJA was taken out. One aspect that changed was the removal of the stipulation that a party must have a direct and personal interest in the proceedings to qualify. This created a loophole that allowed environmental groups to repeatedly sue government agencies and recover millions of dollars in legal fees. The original net worth cap for participation in the program was \$2 million for individuals and \$7 million for organizations.

The Senate then made the decision that 501(c)(3) organizations could use this service without regard to the net-worth limitations. This was because they thought that public interest groups should be able to represent the public when others could not. On top of this, Congress took out the reporting provision meaning non-profit groups no longer had to legally report how much money they made from suing federal agencies. Environmental groups were now covered for any matter they wished to sue the government for. Creating additional profit, environmental lawyers were also treated as specialty lawyers which means they charged a greater fee than regular lawyers. Examples of organizations that take advantage of this act include the Sierra Club, the Natural Resources Defense Council and EarthJustice. This law has allowed these organizations, and many others, to disrupt forest management projects while defunding federal agencies at the same time.

Logging is one specific forest management strategy that has been under scrutiny by environmental organizations across the nation. Forests are being locked up as wilderness and managed forests causing a reduction in their timber harvest by 80% or more in recent years. Without logging there is no control of underbrush which creates a tinderbox effect. Grazing has also been dramatically reduced or completely eliminated on many rangelands.

One species, cheat grass, can become a dangerous fuel load if left un-grazed as it matures early then dries out. Grazing animals serve to press grass seeds into the ground and minimize the spread of cheat grass.

Wildfires are escalating in the west due to drought and excessive fuel buildup. Fires will go lightly over areas that are grazed, leaving much of the natural habitat intact. In areas where there are heavy fuel loads, fires burn everything. As the range continues to burn, cheat grass monocultures will dominate the ecosystem leaving no diversity in plants or wildlife.

Land management is not only being misunderstood before wildfires occur, but after as well. Under natural conditions, before livestock used these lands, grazing animals such as bison and elk did not stay out of a burned area. Instead, they moved in as soon as any new grass grew. Now managers often restrict grazing after a fire.

There are many more downsides to wildfire than just a loss of natural, viable habitat. One being the loss of timber when trees are burned up. This greatly reduces economic resources that are available for certain communities. For ranchers, when fires roll over rangeland there is nothing left for cattle to graze leaving ranchers with having to decide whether to sell their cattle or find new grazing land. Fires cause poor air quality, erosion, and heavy sediment run off that impact streams too.

US forest service and other government agencies have generally tried to suppress wildfires to protect timber assets and keep flames away from homes and other infrastructure. But a truly healthy forest needs periodic fires to regenerate. Due to excessive fuel build up from decreased logging and grazing, wildfires are more intense and widespread than ever before. Currently there is more money going into stopping fires that are already happening than towards projects that might help mitigate their severity in the future.

The Lower Musselshell Conservation District (LMCD) has been working hard to combat these issues through promoting and supporting proper forest management techniques. For the past 10 years they have pushed their fuel mitigation project to help local landowners afford projects on their property. Word on the program spread from neighbor to neighbor allowing the fuel mitigation program to take off. Unfortunately, sometimes it takes a large fire to happen for landowners to become motivated to complete mitigation projects. The Bobcat fire in 2020 burned up 30,000 acres, motivating many to take steps to protect their land and homes. Following this fire, ranchers gave tours of their land to show how different fire mitigation projects helped them when the fire hit. The drought Montana is experiencing this year has also acted as a point of motivation for landowners.

One of the grant programs (BLM) they have includes a 25-75% cost share to create more defensible spaces (5-7 acres) around residential homes. They start by completing a site visit and creating a treatment plan and budget. The landowner can then choose to do the work themselves or hire a contractor. Fuel mitigation strategies include removing juniper, liming up trees and removing trees that are close in spacing. Their other grant program, Coalitions and Collaborations Incorporated, is a 50-50% cost share split between the landowners and the conservation district for forest health projects.

The Lower Musselshell Conservation Districts also host educational workshops that help people to understand the evacuation process and what they need to do if they are ever asked to evacuate due to fire. They even created a neighbor network of people who are willing to help you move and house livestock in the event of an evacuation. Other areas in the state that host projects similarly to the LMCD are Petroleum County, the Jewel Basin and Fergus County.