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To: Honorable Don Hastings, Chairman, Natural Resources Committee  
US House of Representatives, Washington DC 20515

Re: House Natural Resources Committee, Subcommittee on National Parks, Forests  
and Public Lands oversight field hearing on: "Failed Federal Forest Policies:  
Endangering Jobs, Forests and Species"

May 21, 2012

**Testimony for the record for the Longview, WA, Field Hearing**

Greetings,

My name is Mike Dubrasich. I have been a practicing professional forester in Oregon since 1975. For the last 31 years I have been a private consulting forester. I am author of "A Guide to Innovative Tree Farming in the Pacific Northwest" as well as numerous scientific papers.

I am a founder and Executive Director of the Western Institute for Study of the Environment, a non-profit educational website teaching environmental stewardship and caring for the land: <http://westinstenv.org>

I am also a founder and Executive Director of Give Us Our Land Back, a civic betterment corporation spearheading the **Petition to De-Federalize Oregon Lands**:  
<http://giveusourlandback.org>.

My testimony today consists of six parts which follow.

## I – Firebombing Spotted Owl Stands

Last September the US Forest Service waged an aerial attack on Oregon old-growth Spotted Owl forests by firebombing them. Approximately 6,400 acres of heritage forest were destroyed by military-style incendiary bombing.

It really happened. And now firebombing old-growth is established as the *de facto* forest policy on Federal lands in Oregon and elsewhere.

The chemical used by the USFS to incinerate old-growth Spotted Owl habitat at Santiam Pass was potassium permanganate (KMnO<sub>4</sub>) injected with glycerin. The explosive chemicals were encased in polyacrylate “Ping Pong balls” ejected by government helicopters on green forests. An instant canopy fire resulted, an effect similar to napalm.

The Shadow Lake Fire received no initial attack. Deschutes National Forest public announcements declared the fire management strategy was “allowing nature to run its course in the wilderness.” That is a treatment prescription, but no EIS, EA, or other NEPA process was instituted. No Section 7 ESA consultations were made with USFWS. No Section 106 consultations were performed as required under NHPA. No public process. No NEPA. It was an illegal fire.

No one forced the USFS to firebomb Spotted Owl nesting stands. Congress did not authorize it. The USFS chose its self-appointed mission to “reintroduce fire” by dropping incendiary bombs on Oregon's old-growth forests.

The Shadow Lake firebombing induced a canopy fire with 100% mortality in a green, mixed conifer forest with an older cohort of ponderosa pine from 200 to 500 years-old. The fire was in the Santiam Pass corridor south of Cache Mountain (4,500 feet elevation), an area which has been the main east-west human travel route across the Oregon Cascades for over 10,000 years, and the site of the historical Santiam Wagon Road. Just to the south are Obsidian Cliffs. Prehistoric tools from that quarry have been found over 1,000 miles away. The area is not wilderness in reality, only by Federal decree.

An initial attack crew of five people could have put the fire out in three days. Instead, over 15,000 man-days were expended. Most injuries suffered by firefighters do not come from getting burned by the fire. They come from accidents with equipment and machinery, and the likelihood of an accident or injury is directly proportional to the number of man-days. By increasing the man-days 1,000-fold, the USFS increased firefighter risk 1,000-fold.

Public safety was also compromised. If the fire had been contained, controlled, and extinguished at 10, 20, 50, or even 100 acres, there would have been no need for the emergency evacuation of Big Lake.

“Let nature run its course” is not the official mission of the USFS. Their stated mission is to “Care for the Land and Serve the People, but their *de facto* mission has been to destroy Oregon's forests, watersheds, and economy.

The USFS has practiced Let It Burn for at least 15 years in Oregon, allowing wildfires to spread unchecked across vast tracts. They have written "wildfire use for resource benefit" into NF Fire Plans and Land and Resource Management Plans. The Biscuit Fire (2002, 500,000 acres) and the B&B Fire (2003, 90,000 acres) are examples of initially unfought, Let It Burn wildfires that subsequently raged out of control.

Similar Let It Burn fires have been replicated in every National Forest in Oregon, over 80 in the last five years alone, including the Tumblebug Fire, the Rattle Fire, the Oak Flat Fire, the Boze Fire, the Lonesome Fire, the North Fork Fire, the Williams Creek Fire, the Bridge Creek Fire, and dozens more -- many of them in Spotted Owl nesting stands.

Over 170,000 acres of the Metolius watershed in the Deschutes NF, the site of last year's firebombing, have been incinerated in the last ten years. More than 30 Spotted Owl nesting pairs have been burned up.

The cost-plus-loss damages incurred from those fires exceed the suppression costs 10- to 40-fold. Yet the USFS claims unspecified "benefits" and refuses to consider damages.

Let It Burn has not been sufficient for their purposes, however. Now the USFS deliberately firebombs our Spotted Owl forests.

All this has occurred without any vote or referendum of the people. Our country was founded on the principle that governments derive their just powers from the consent of the governed, but Oregonians have never and do not now consent to the deliberate destruction of our forests by the Federal Government.

## II – Destroying Oregon's Environment, Economy, and Society

The 1994 Northwest Forest Plan is a terrible mistake initiated by Bill Clinton, Al Gore, and the so-called Gang of Four. A now-deceased Federal judge gave his stamp of approval, called the Record of Decision or ROD.

The 1994 Northwest Forest Plan has four fundamental goals. It has failed spectacularly to meet any of them.

1. The NWFP has failed to protect northern Spotted Owls

- By most estimates, the northern Spotted Owl population has fallen 40 to 60 percent since inception of the NWFP.

2. The NWFP has failed to protect Spotted Owl habitat

- Since inception, millions of acres of Spotted Owl habitat have been catastrophically incinerated. Millions more acres are poised to burn.

3. The NWFP has failed to preserve habitat continuity throughout the range of the northern Spotted Owl

- The dozens of huge and catastrophic forest fires have left giant gaps in the range. The Biscuit Burn alone is 50 miles long and 20 miles wide.

4. The NWFP has failed to protect the regional economy

- Since inception of the NWFP, Oregon has experienced 18 long years of one of the worst economy in the U.S., with some of the highest rates of unemployment, business bankruptcy, home foreclosure, and hunger of any state.

Those are not just statistics, but indicators of real human suffering. Over 60,000 workers lost their jobs, and the rural economy has been crippled ever since. Today 25% of rural Oregon families are on food stamps. In some communities as much as 80% of K-12 students now qualify for Federal free lunches based on family income.

All that suffering is in a state rich with natural resources.

The plan to save the owls has not saved anything; not owls, not old-growth, not the economy. The cost for nothing? At least \$5 billion dollars per year times 18 years equals \$90 billion in opportunity costs for harvests foregone. That's what Oregonians have paid, for nothing. And the bills continue to mount.

As a direct result of the NWFP, Federal forests in Oregon have accumulated biomass (fuels) in excess of 10 times historical levels. And as a direct result, wildfires have raged. Those fires in a-historical accumulated fuels were not light-burning and low running like fires of the past. Instead our forest fires today are a-historically severe and catastrophic.

In recent years megafires (those greater than 100,000 acres) have repeatedly spread from unkempt, unmanaged, fuel-laden Federal land to private land, and even into towns and cities, wreaking tens of \$billions in damages every year across the West.

In 2002 the Biscuit Fire burned 500,000 acres, the largest fire in state history. It was a Let It Burn fire that blew up into an inferno. The Biscuit Fire killed 500-year-old trees and 75 nesting pairs of Spotted Owls. In addition it caused extreme erosion: soil was sucked up into fire plumes and blown off the site leaving only a rubble of heavier stones behind. Historical and cultural resources, water quality and quantity, air quality, public health and safety, and recreation resources were severely damaged.

Since then another 2.5 million acres of Oregon forests have been destroyed in wildfires, many of which were unfought, Let It Burn fires emanating from “protected” Federal lands.

Federal “protection” is deadly to living things.

### III – Bogus Biology

In 1991 I was hired to analyze the forest structure of Spotted Owl nesting stands in SW Oregon. At a pre-work meeting with Dr. E. Chuck Meslow, famously the “Father of the Spotted Owl,” I suggested that one approach to Owl conservation would be captive breeding and release.

Dr. Meslow became visibly upset. He pounded the table and yelled at me, “It’s not about the owl; it’s about the habitat!”

Indeed. It has never been about the owl. It has always been about the takeover of territory by self-serving wildlife biologists and radical “environmentalists”.

Unfortunately for all of us and Spotted Owls, owl biologists have proved to be the most incompetent and irrational biologists on the planet.

That same morning in 1991, it was explained to me that Spotted Owls do not eat mice because their “talons are too big.” We then proceeded into the woods to a Spotted Owl nesting stand, where the owl biologist fed laboratory mice to the owl. He placed the mouse on a stick and held it in the air. The owl swooped down and grabbed the mouse deftly with its talons, swooped up to a tree branch and consumed the mouse whole.

We were told that Spotted Owls only eat Northern Flying Squirrels. That proved to be false. They eat all manner of rodents.

We were told that Spotted Owls only nest in hollow snags. That proved to be false. Owls nest in dwarf mistletoe brooms, tree forks, and even K-Mart signs.

We were told that in order to save the owl, 25 million acres must be set aside in No Touch zones. That proved to be false. The set asides happened, but the Spotted Owl population declined by 3 percent per year for 20 years.

Now we are told that an additional 9 million acres must be set aside, as if that would make any difference.

In every case, the owl biologists theorized some fanciful biological characteristic or relationship that manifestly does not exist in the real world and violates the basic principles of wildlife biology.

No highly evolved animal with a wide range is limited to a single prey species. There are literally billions of rodents in the forests occupied by Spotted Owls. They most definitely do not limit themselves to a single prey species. Spotted Owls have a cosmopolitan diet. If they didn't, they would have gone extinct long ago.

Similarly, Spotted Owls are not limited to one nesting situation (a dead old-growth tree 30 inches in diameter 30 feet above the ground, previously hollowed out by a Pileated Woodpecker). Again, Spotted Owls would have gone extinct long ago if they had such restrictive needs to complete reproduction.

Such bizarre pronouncements from owl biologists run counter to logic and science. Indeed, they repeatedly violate Wildlife Biology 101.

Habitat alone does not determine the success or failure of bird populations. Habitat is the arena they compete in, but birds move around, travel for hundreds of miles or more, and encounter a wide variety of habitats.

The owl biologists claimed Spotted Owls live only in old-growth. That proved to be false. They live in a variety of forest structures, as my work and the work of hundreds of other forest analysts proved. For 22 years owl biologists have attempted to define and characterize Spotted Owl habitat. To date, they have failed because Spotted Owl habitat is diverse.

People should not be fooled by junk science, science so bad it defies the smell test, which proposes bogus theories without correspondence to anything in the real world.

We have been gulled by charlatans. Their con job has been obvious and artless, but Congress fell for the lies anyway.

And in falling for the con, being entirely taken in, Congress has inflicted tremendous harm for 18 years on innocent American citizens.

#### IV – The Barred Owl Lie

In the Media Advisory to this Hearing, Rep. Doc Hastings is quoted as saying:

The Obama administration's proposed Northwest recovery plan would increase burdensome regulations, cost thousands of jobs, and place more public land off limits, all while failing to address the Spotted Owl's top predator - the Barred Owl.

That statement perpetuates another pernicious owl biologist lie. Barred owls **do not** predate Spotted Owls.

There has **never** been a documented case of a Barred Owl killing and eating a Spotted Owl.

That myth was promulgated by owl biologists working for the US Fish and Wildlife Service as an excuse for 22 years of failure at protecting Spotted Owls. Unfortunately for all of us and for Spotted Owls, it is a complete and utter lie.

The Barred Owl (*Strix varia*) is closely related to the Spotted Owl (*Strix occidentalis*). They are virtually identical, except that the Barred Owl has horizontal stripes on its breast whereas the Spotted Owl has rows of spots. They are identical in length, weight, and wingspan (although the Barred Owl is more varied, sometimes larger and sometimes smaller than the average).

Barred Owls and Spotted Owls interbreed. They are both hoot owls. They make love, not war.

The USFWS owl biologists claim Barred Owls are “more aggressive.” That is a characteristic that cannot be measured, or at least, has never been measured.

The USFWS owl biologists claim Barred Owls are driving out Spotted Owls. There has **never** been a documented case of a Barred Owl driving a Spotted Owl out of any stand.

What has been observed is Barred Owls occupying stands after (years after) the Spotted Owls have died off.

Based on such flimsy evidence, or no evidence at all, the latest “solution” proposed by the US Fish and Wildlife Service to the Spotted Owl crisis is to arm Federal biologists with shotguns, send them onto public and private property, and have them blast away at Barred Owls. In their own commentary, the USFWS referred to Barred Owl blasting as a “redneck sport.”

Unfortunately, Spotted Owls and Barred Owls are so similar they can’t be readily distinguished. DNA analysis is required to determine the species. But shotgunning is permanent, and the USFWS has given no indication that their redneck sporting biologists are going to search through the forest for enough owl bits to make a satisfactory DNA test.

Congress has bought this biology con hook, line, and sinker. It is illogical, defies common sense, defies everything we know about wildlife biology, and will not save a single Spotted Owl, yet Congress is eager to give it a try.

Barred Owl killing by the USFWS has been going on four years in Northern California, and not one more Spotted Owl resides there. In fact, there are fewer.

## V – Avian Malaria

What then is really killing Spotted Owls? If it’s not “habitat” or starvation or pushy Barred Owls, what possibly could be killing off our iconic little owl?

Wildlife Biology 101 teaches us that population dynamics are controlled by **predator-prey relations**.

Spotted Owls have plenty of rodent prey. They never go hungry.

Their known, documented predators are eagles, hawks, falcons, and much larger owls (Great Horned Owls). It is likely that those known, documented predators have taken their toll on the Spotted Owl population.

It is ironic to note that the USFWS has **not** recommended shotgun blasting of eagles, hawks, falcons, and much larger owls.



Another predator is more insidious, avian malaria. In a 2008 study published in PLoS One, the journal of the US National Library of Medicine and National Institutes of Health [**Blood Parasites in Owls with Conservation Implications for the Spotted Owl (*Strix occidentalis*)** by Heather D. Ishak et al.] the researchers screened 111 Spotted Owls, 44 Barred Owls, and 387 owls of nine other species for blood parasites (*Leucocytozoon*, *Plasmodium*, and *Haemoproteus* spp.).

Spotted Owls had the highest incidence of avian malaria of any species tested (79%). The researchers found that Spotted Owls had more unique lineages (haplotypes) of blood parasites than were found in any other owl species (12 unique out of 17 total lineages).

The 2010 Draft Revised Recovery Plan for the Northern Spotted Owl produced by the U.S. Fish and Wildlife Service makes one single mention of avian malaria, on page 60:

**Avian disease.** At this time, no avian diseases are significantly affecting spotted owls. It is unknown whether avian diseases such as West Nile virus (WNV), avian flu, or avian malaria (Ishak et al. 2008) will significantly affect spotted owls.

The 2010 Plan cites the 2008 study (Ishak et al.), but comes to the diametrically opposite conclusion. Ishak et al. found avian malaria in 79% of 111 Spotted Owls sampled. The USFWS interprets that as “no significant affect” or “unknown.” Avian malaria causes anemia and weakens birds. It can be fatal directly or indirectly.

Either the USFWS owl biologists are grossly incompetent or they are **bold liars** who assume the rest of us are not paying attention.

Certainly Congress is easily duped. They have displayed much more loyalty to bureaucrats and self-important government functionaries than they display to the people who elect them and pay their salaries.

But we the people are not so easily fooled.

The best solution, the one action that might actually save Spotted Owls, is mosquito control. Mosquitoes are the vector of avian malaria just as they are of human malaria.

Control mosquitoes, save the Owl. There is no other rational, biologically workable solution.

## VI – Give Us Our Land Back

The Federal Government is trustee of 53% of the landbase of Oregon, and they have violated that trust exceedingly.

The Federal Government has denied the rights of Oregonians to care for and steward our own forests, watersheds and rangelands; imposed fees and duties on us for use of our own public lands; erected locked gates and refused entry to the People of Oregon into our own public lands; burned vast tracts, incinerating the wealth of Oregon; **destroyed our wildlife**; polluted our air and water; fouled our streams; introduced exotic pests -- and in so doing our homes, businesses and communities have become bankrupted, our schools, roads and public safety have been threatened, and our economy has been crippled.

The Federal Government first set aside our natural resource base in a failed attempt to save Spotted Owls. Then they firebombed those forests.

The best stewardship arises from local ownership and jurisdiction. We residents of Oregon know our environment, appreciate and understand our watersheds, forests, rangelands and wildlife, and we wish to assume responsibility for our own environment, which is our birthright, heritage, and legacy to future generations.

Oregon is not a colony. We are a state with the same rights, responsibilities, and equal footing with every other state in the Union. We swear allegiance to the United States and our democratic and republican form of government, founded on the principle that governments derive their just powers from the consent of the governed.

We suffer directly the effects of Federal mismanagement of our own watersheds, and we no longer consent to such, or to the abrogation of our unalienable rights as free people.

In order to rectify this untenable situation, we have prepared a petition to the U.S. Congress, respectfully requesting redress of our grievances by returning ownership of our public lands to the Counties of Oregon.

The **Petition to De-Federalize Oregon Lands, and to Return Public Land Ownership Rights to the Chartered Counties of Oregon** may be found on the website of Give Us Our Land Back, <http://giveusourlandback.org>

We cordially invite you to visit our site and sign the **Petition**.

If you are an elected official, we would like you to take a stand on the issue, one way or the other. Do you think Oregonians should recover title and jurisdiction over our own lands, or should the Federal Government continue its oversight?

We will publicize your statements on the issue so that your constituents may know where you stand.

Thank you for this opportunity to address this Committee and our US Congress.

Mike Dubrasich, Exec Dir  
**Give Us Our Land Back**