

OREGON Fish & Wildlife JOURNAL

Furthering The Concept of Multiple Use of Our Lands For 45 Years!



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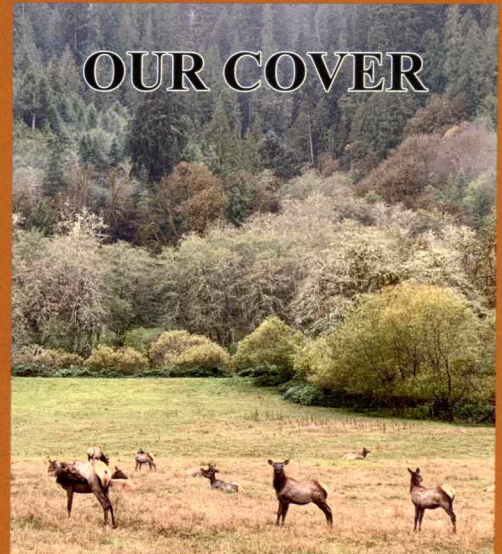
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OUR COVER

Our cover photo is of a heard of elk in the Central Oregon Coast area.

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My Voice

By *Cristy Rein*

Kate Brown's final farewell blow to Oregon comes in the sale of our Elliott State Forest. A forest that loses money every year due to the lack of management for anything other than species "habitat". How can that possibly make money? State forests are to benefit our schools and counties. Now the Elliott will become a "research forest" and it will produce next to nothing. Oregon government will just find something more to tax or raise a tax to make up the difference. This is wrong!

More than 90 percent of the Elliott State Forest has formed part of Oregon Common School Fund, lands devoted to supporting public education statewide. The Oregon Department of Forestry previously managed the Oregon Common School Fund lands for the Oregon State Land Board, composed of Oregon's governor, secretary of state, and treasurer.

"Protecting and enhancing the Common School Fund is arguably the most important thing we do as a state agency," says Vicki Walker, director, Department of State Lands, the Land Board's administrative arm. "Our goal is to have every education advocate understand its role in funding K-12 schools."

The Elliott State Forest has been managed for timber production, among other uses, for over a century. But because it was found to be home to the endangered northern spotted owl and marbled murrelet, as well as threatened coho salmon, environmental lawsuits were filed and it is now being passively managed for "critical" wildlife habitat. And why it started losing money. Once again Oregon officials lost sight of the goal.

The value of the Elliott State Forest was originally assessed at between \$600 million and \$1 billion and now the State is selling it to itself for only \$221 million, at the entire expense of Oregon taxpayers and public schools! The first \$100 million was borrowed and the legislature is giving them the other \$121 million to finalize the purchase.

Selling a state asset valued at up to \$1 billion to

itself for only \$221 million should be an impeachable act for our Governor (too late, her term is up), Tobias Reed our State Treasurer, and Shamia Fagan our Secretary of State!

It's infuriating that the public (who owns the land) has very little say or voice in these decisions.

The Elliott State Forest is still capable of producing a sizable income and hundreds of jobs every year, for decades to come even if only partially managed for timber production and species habitat. And both can create a healthier and more productive forest.

Between 1997-2012, with wildlife restrictions, the Elliott still contributed between \$3.6 million to \$16.6 million annually to our schools. The sale at \$221 million is a major loss for schools. It's a loss for our taxpayers. The Elliott has produced \$300 million to schools and would continue to do so for decades to come if our state was managing it productively!

It's time to take these decisions away from governors, treasurers, and a secretary of state. Their knowledge of forestry and land management is obviously limited. Contributions to their campaigns made by preservationist groups motivate them more than what is actually good for our state. These decisions need to be made by our foresters, scientists, and economists.

The impact of our governments decisions regarding land management has resulted in the catastrophic wildfires we now see every year. Their decisions cost us resources, human lives, wildlife lost in large numbers, and now even future funding for our schools.

Our roads are bad, our infrastructure weak, our police and fire underfunded and yet we continue to make decisions that compound these problems. There are already over two million acres set aside in Oregon alone that is untouchable to any kind of industrial activity.

Actively managing our resources is the only way to protect them, while producing safe environments, needed jobs and better schools. Enough is enough!



Eisenhower Was Right Redux: Government Science Is Still Killing Our Trees

By Bob Zybach, Ph.D

Excerpt from President Dwight D. Eisenhower's Farewell Address, January 17, 1961

"...Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

"In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of the Federal government.

"Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

"The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded.

"Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become captive of a scientific technological elite."



This an update and reconsideration of an article I wrote for this magazine in 2016. Things have not changed much and only become worse so far as the issues discussed at that time: wildfire frequency and extent, wildlife mortality, rural unemployment, private property destruction, air pollution, and aesthetics.

During the past ten years I have written a series of articles and editorials for this magazine that have specifically looked at federal forest management policies, laws, and regulations -- and the so-called "best available science" that is said to be their foundation. These writings have been mostly inspired by the massive changes that have taken place on federal forestlands in Oregon during my lifetime and that have directly resulted in ruined rural economies, broken families, depleted wildlife populations, air and water pollution, degraded landscapes, and millions of acres of dead and dying trees. Almost all of it unnecessary and preventable.

Most of the articles have focused on specific topics, such as wildfire economics, spotted owl habitat, reforestation planning, streamside buffer regulations, cattle grazing along fish bearing streams, or catastrophic wildfire mitigation. This article is essentially a "bottom line" summary of these earlier writings, and less detailed as one result.

The article's title is somewhat misleading in order to be concise and provocative. Eisenhower didn't actually say that "government science" might result in the adverse descriptions given above; he said that government funded

scientific research could compromise "intellectual curiosity" and potentially result in misguided policies dictated by a "scientific technological elite."

That is the very process that most concerns me and is typified -- at least in my mind -- by the catastrophic wildfires that have been ravaging our federal forestlands and rural counties the past 35 years.

I Like Ike

The only US President I have ever seen in person was Dwight Eisenhower, with his wife Mamie, traveling in a motorcade from the airport to downtown Portland in 1956. I was a 3rd-grade student at Fernwood Grade School at the time, and our entire class made the short walk to 33rd and Sandy to wave to the President as he passed by. Not much politics in grade school, but "I Like Ike" buttons and stickers were prized possessions of several students with politically involved parents. And everyone knew the jingle:

*"Whistle while you work,
[Adlai] Stevenson's a jerk,
Eisenhower has the power,
so whistle while you work."*

Eisenhower was a war hero to many of our parents and grandparents and he was a popular peacetime President, largely responsible for our Interstate Highway system and other accomplishments during his tenure.

1961 Eisenhower Speech

I was a 12-year-old 6th-Grader in Baker, Oregon when President Eisenhower delivered his famous "Military-

Industrial Complex” speech on January 17, 1961. This was his televised farewell address to the American people and, even though it has been widely viewed and quoted ever since, I had never read a complete transcript or watched the entire speech until a few years ago.

When I read the complete speech and watched it on YouTube, I was shocked at the accuracy of Eisenhower’s warnings and predictions, and particularly as I thought they applied to “science-based” federal forest management policies. His concerns for the future had been transformed into my concerns for the present.

Eisenhower’s speech is rightfully famous for its warning to “beware the military-industrial complex” of centralized government agencies and international corporations in control of our food and chemical production, transportation networks, and armament manufacturing. His principal



President Dwight Eisenhower and wife Mamie in motorcade following a speech at the Portland Airport, October 19, 1956. Thousands greeted the President at his speech and thousands more lined the streets and cheered as he went by. This photo, by an unknown photographer, was taken at 42nd and Prescott Street, a short distance from 33rd and Sandy along the way to a downtown political rally.

concerns were that Americans might become subjected to a police state ruled by wealthy and influential elites – one potentially in a constant state of warfare because of profits

and political power involved. To avert such an undesirable outcome he called for an ever “alert and knowledgeable citizenry.”

This warning, of course, was very familiar to me as with most other public-school students in the US during the past 60 years. The part of the speech that was new to me were the following sentences: “The prospect of domination of the nation’s scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded,” and “we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific technological elite.”

To my mind this perfectly described my concerns that agenda-based government research funding and the legal profession were being used to develop expensive computer-



1933 Oregonian newspaper caption: "Looking very much like a head of cauliflower, this column of smoke rising from the terrific [Tillamook] forest fire burning over the coast range was photographed yesterday [August 24] by J.H. Clark of Portland from a plane piloted by Lieutenant B.B. Smith. The head of smoke was between 30,000 and 40,000 feet high, Mr. Clark said."

based models to dictate policy and expand control over the nation's natural and cultural resources.

On the surface this could possibly be discounted as a "conspiracy theory," but what alternative theory fits any better? The teaching and practice of science has become overtly politicized in the computer age and public policy is being based on the assumptions and manipulations of modelers, "pal reviews," and lawsuits, rather than practical experience and empirical evidence. Or traditional scientific challenges.

1964 Wilderness Act

I was an incoming freshman at Grant High School in Portland when Lyndon Johnson signed the Wilderness Act in September 1964. The first Wilderness areas totaled 9.1 million acres. The action seemed generally popular at the time, but I can't recall a single student or teacher commenting on it and only saw occasional mentions in the news.

This new law recognized "Wilderness" as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." The Act further defined Wilderness as "an area of undeveloped Federal land retaining its primeval character and influence without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions."

This was an expression of an emerging public desire to "scientifically" manage fragile and uncommon lands and wildlife as protective custodians, rather than as active resource managers.

Over time designated Wilderness areas grew dramatically, including millions of acres of former timberlands, ranches, mines, and fisheries. When historians, anthropologists, and archaeologists began to produce strong scientific evidence that people had been "trammeling" many of these areas for thousands of years – including ancient rock carvings, burials, camas meadows, huckleberry fields, obsidian tools, and more recent traces such as orchards, cabins, fences, and wells – the response was to mostly ignore these findings and simply redefine "wilderness."

By the 1980s taxpayer-funded "best available science" (BAS, according to the government) somehow began to support "wilderness" concepts of "natural balance," "niche ecology," and "non-declining, even-flow, naturally-functioning ecosystems," in which humans were mostly seen as pathogens and their observed presence only degraded and threatened "the natural environment."

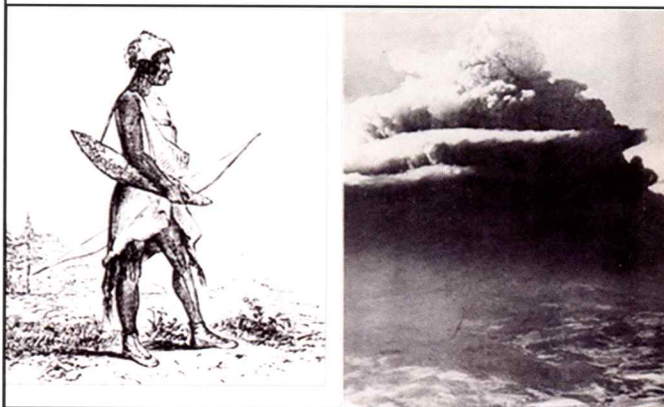
Today, four federal agencies -- USDA Forest Service, USDA National Park Service, USDI Bureau of Land Management (BLM), and US Fish and Wildlife Service -- administer 759 Wildernesses encompassing 109,754,604



Inside. Workman's Compensation Update

The author, planting trees in the old Yaquina Burn near Eddyville, Oregon in 1981. Photo by Bruce Fraser, Phoenix Communications.

The Great Fires



Indian Burning and Catastrophic Forest Fire Patterns of the Oregon Coast Range 1491-1951

By Dr. Bob Zybach

Reprinting of Dr. Zybach's 2003 PhD dissertation. Includes: 364 pages, full text; 60 maps (47 color); 38 figures (17 color), and 26 tables.

Available now on Amazon Books.

acres, totaling more than 5% of all US lands.

1966 Endangered Species Preservation Act

I was an 18-year-old High School graduate with my first tree-planting job, near Diamond Lake in Douglas

County, when Congress passed the 1966 Endangered Species Preservation Act. Whooping cranes, grizzly bears, timber wolves, and bald eagles had been in the news for several years and most people – myself included – thought

it was probably a good idea to “conserve, protect, restore, and propagate certain species of native fish and wildlife.”

In March 1967 the original “endangered species” list included 14 mammals, 36 birds, three reptiles, three amphibians and had a budget of \$15 million per year. The money was intended to purchase “habitat” for animals on the list for the new National Wildlife Refuge System.

In 1973, with strong support of the Nixon administration, Congress almost unanimously passed a completely rewritten Endangered Species Act (ESA). The new law distinguished threatened from endangered species, allowed listing of a species in danger in just part of its range, allowed listing of plants and invertebrates, authorized unlimited funds for species protection, and made it illegal to kill, harm, or otherwise “take” a listed species. In effect, according to the Center for Biological Diversity, “the law made endangered species protection the highest priority of government.”

Today, in 2023, citing laws and regulations requiring “the best scientific data available,” there are more than 2,370 plants and animals listed by the ESA, of which only 46 (1.9%) have ever been determined “recovered” -- including most recently a wolf, a flying squirrel, and four wildflowers. The annual budget is now more than \$300 million per year.

1970 EPA Clean Air Act

In January 1970 I formed a reforestation business with two friends and began performing tree-planting projects for BLM in Coos County; I was a young business owner with a wife and new baby to support. The previous month President Richard Nixon had signed the National Environmental Policy Act (NEPA) into law, declaring: “the 1970s [will be] a historic period when, by conscious choice, [we] transform our land into what we want it to become” in his State of the Union Address.

It is interesting to consider what Nixon “wanted our land to become” in 1969 compared to what we now have, and how people now might “want the land to become” in the future. In Nixon’s time loggers were

Year	Wildfire Name	Acres	County 1	Ownerships & Agencies
1951	Hubbard Creek	15,600	Douglas	Private
1951	Vincent Creek	28,200	Lane	USDA Siuslaw NF
1951	Sardine Creek	17,500	Marion	Private
1951	HeeHee	5,000	Marion	USDA Willamette NF
1951	Tillamook IV	32,700	Tillamook	County
1966	Oxbow	42,900	Lane	USDI BLM O&C Lands
1987	Bland Mountain I	10,300	Douglas	USDI BLM O&C Lands
1987	Douglas Complex I	30,000	Douglas	USDI BLM O&C Lands
1987	Silver Complex	96,000	Josephine	USDI Kalmiopsis Wilderness
1991	Warner Creek	9,000	Lane	USDA Willamette NF
1992	East Evans	10,100	Jackson	USDI BLM O&C Lands
1994	Hull Mountain	8,000	Jackson	Private
1996	Spring	16,400	Douglas	USDA Umpqua NF
1996	Charlton	10,400	Lane	USDI Waldo Lake Wilderness
2002	Apple	17,600	Douglas	USDA Umpqua NF
2002	Tiller Complex	69,800	Douglas	USDA Umpqua NF
2002	Timbered Rock	27,400	Jackson	USDI BLM O&C Lands
2002	Biscuit	500,000	Josephine	USDI Kalmiopsis Wilderness
2003	B&B Complex	90,800	Linn	USDI Mount Jefferson Wilderness
2004	Bland Mountain II	4,700	Douglas	USDI O&C Lands
2005	Blossom	14,800	Curry	USDA Wild Rogue Wilderness
2005	Deer Creek	1,548	Josephine	USDA Siskiyou NF
2008	Rattle	19,800	Douglas	USDA Umpqua NF
2008	Middle Fork	21,100	Jackson	USDI Sky Lakes Wilderness
2009	Boze	10,600	Douglas	USDA Umpqua NF
2009	Rainbow Creek	6,100	Douglas	USDA Umpqua NF
2009	Williams Creek	8,400	Douglas	USDA Umpqua NF
2009	Tumblebug	14,600	Lane	USDA Willamette NF
2010	Oak Flat	7,500	Josephine	USDA Siskiyou NF
2011	Dollar Lake	6,300	Clackamas	USDI Mount Hood Wilderness
2013	Douglas Complex II	48,700	Douglas	USDI BLM O&C Lands
2013	Whiskey Complex	18,000	Douglas	USDA Umpqua NF
2013	Big Windy Complex	26,700	Josephine	USDI BLM O&C Lands
2014	Oregon Gulch	25,800	Jackson	USDI BLM O&C Lands
2015	Collier Butte	12,300	Curry	USDA Siskiyou NF
2015	Stouts Creek	26,500	Douglas	Private
2015	National Creek Complex	21,000	Klamath	USDI Crater Lake National Park

Table 1. Major Western Oregon Wildfires, 1951-2016 (66 Years).

Year	Wildfire Name	Acres	County 1	Ownerships & Agencies
2017	Chetco Bar	191,000	Curry	USDI Kalmiopsis Wilderness
2017	Happy Dog	31,400	Douglas	USDA Umpqua NF
2017	Horse Prairie	16,400	Douglas	USDA Umpqua NF
2017	North Umpqua Complex	43,200	Douglas	USDA Umpqua NF
2017	Eagle Creek	48,800	Hood River	USDA Mount Hood NF
2017	High Cascades Complex	27,500	Jackson	USDI Crater Lake National Park
2017	Miller Complex	39,700	Jackson	USDA Siskiyou NF
2017	Spruce Lake	14,500	Jackson	USDI Crater Lake National Park
2017	Horse Creek Complex	33,800	Lane	USDA Willamette NF
2017	Jones	10,100	Lane	USDA Willamette NF
2017	Whitewater	14,500	Marion	USDI Mount Jefferson Wilderness
2018	Klondike	175,300	Curry	USDI Kalmiopsis Wilderness
2018	South Umpqua Complex	28,700	Douglas	USDA Umpqua NF
2018	Miles	54,300	Jackson	USDA Rogue River NF
2018	Taylor Creek	52,800	Josephine	USDI BLM O&C Lands
2018	Terwilliger	11,600	Lane	USDA Willamette NF
2019	Milepost 97	13,100	Douglas	Tribal
2020	Riverside	138,100	Clackamas	USDA Mount Hood NF
2020	Archie Creek	131,600	Douglas	USDA Umpqua NF
2020	Thielsen	10,000	Douglas	USDA Umpqua NF
2020	South Enchain	32,700	Jackson	USDA Rogue River NF
2020	Slater	34,000	Josephine	USDA Siskiyou NF
2020	Holiday Farm	173,400	Lane	Private
2020	Beachie Creek	193,600	Marion	USDI Opal Creek Wilderness
2020	Lionshead	204,500	Marion	USDI Mount Jefferson Wilderness
2021	Chaos Complex	28,800	Douglas	USDA Umpqua NF
2021	Jack Creek	24,200	Douglas	USDA Umpqua NF
2022	Rum Creek	21,300	Josephine	USDI BLM O&C Lands
2022	Cedar Creek	127,300	Lane	USDI Waldo Lake Wilderness

Table 2. Major Western Oregon Wildfires, 2017-2022 (6 Years).

still “getting out the cut,” and often entire hillsides were “slicked off” during logging operations. There was no such thing as a “riparian buffer strip,” and logging and tree planting were routinely conducted to the very edge of rivers and streams. Fishing, hunting, hiking, and camping were generally excellent and new roads and trails were going everywhere the fish and game – and logs and wildfires – were.

The Clean Air Act was signed into law by Nixon during 1970 and, on December 2nd, he created the Environmental Protection Agency (EPA) to enforce these new regulations.

This Agency almost single-handedly created an entirely new industry – one that has continued to grow and thrive to this time: the practice of “environmental law” by hundreds of EPA lawyers responding to the hundreds of legal suits filed by hundreds of lawyers paid by taxpayer-subsidized non-profit organizations.

Computerized “models” of “habitat” and “climate” and “fire return intervals” and the number of government scientists, technicians and lawyers needed to develop, promote, and defend these new regulatory terms accelerated rapidly following the creation of EPA. New policies, laws, and regulations sprang – and continue to spring – from their wake. The agency now has an annual budget in excess of \$8 billion and employs more than 17,000 people, of which more than half are highly paid engineers, scientists, lawyers, and “policy analysts.”

1994 Clinton Northwest Forest Plan

In 1981 my reforestation business was identified as one of the “500 fastest growing businesses in the US” by Inc. Magazine -- the only such business (#332) so identi-

fied from Oregon that year. I now had two kids, a small fleet of trucks, more than 30 regular employees, a new log home of my own design, a few hundred acres of manicured timberland, and represented the reforestation indus-



Dr. Ben Stout and snags remaining from 2002 B&B Complex Fire near western shore of Round Lake. May 15, 2004 photo by author.

try at a Congressional hearing about Oregon Wildernesses, chaired by Senator Mark Hatfield. A few years later we were broke, my wife and I separated, and the land and property sold -- just like hundreds of other rural family-owned forestry businesses in the western US at that time.

When I subsequently attended forestry classes at Oregon State University in the late 1980s and 1990s there was a lot of interest in such concepts as “preserving old-growth forests,” “maintaining spotted owl habitat,” and “riparian enhancement.” And virtually nothing on active forest management, timber sales, or reforestation planning.

These concepts were typically rationalized by unfounded theories of “steady-state ecosystems” and idealistic descriptions of such circumstances as “non-declining, even-flow, naturally functioning” forests and grasslands. It didn’t seem to matter that such conditions had never actually been observed in nature, measured, or documented – only that, for some reason for some people, they were strongly desired.

In 1994 these theoretical “ideals” were integrated into President Clinton’s “North-west Forest Plan” as a “focus on scientifically sound, ecologically credible, and legally responsible strategies and implementation.” Since its adoption, the plan has been directly associated with worsening of rural forestry-based economies; a significant increase in the number and severity of large-scale wildfires; and a documented decrease in several desired native plant and animal species, including deer, elk, spotted owls, oak, and huckleberries.

Table 1 is how it appeared in the 2016 version of this article, documenting the size and location of major Oregon wildfires in western Oregon since 1950. The following year included the final “Six Year Jinx” of Tillamook Fires, beginning in 1933 and recurring in 1939 and 1945, before ending in 1951. In 1962 I filled my first deer tag in the Tillamook Burn, and in 1963 my High School Biology Club planted seedlings there, among thousands of other Oregon students who had similarly helped reforest the area over the years.

The Oxbow Fire was dying down as I was planting my first commercial seedlings in the Fall of 1966. For the next 20 years of my reforestation career, there were no major forest fires in western Oregon. None. The lands were being actively managed, rural economies, schools, parks, and roads were all in good shape, no homeless people to speak of, and then the Wildernesses began catching fire.

These fires were soon followed by the passively managed Clinton Plan “reserves” bursting into flames -- as publicly predicted by me and several others. These predictions -- based on experience, documentation, and traditional scientific analysis -- were ignored in favor of the government and university modelers focused on “old-growth,” “critical habitat,” “streamside buffers,” and other no-logging set asides. When these measures failed -- as predicted -- the excuse became “Global Warming,” and even more job security for the modelers, politicians, lawyers, and “non-profit” environmental organizations.

Look at the numbers beginning in 1952 and continuing until 1986 -- 35 years -- and compare them with the wildfires that took place from 1987 until 2016 (30 years). Now look at Table 2, which lists the major western Oregon wildfires of 2017 through 2022 -- only six years! Next, compare the catastrophic 1951 wildfires to those of 2017 and 2020. Note that more than 90% of these fires are taking place on federal lands -- which has the same climate as private, state, and tribal lands -- as predicted.

The stark difference in recent fire histories has been identified and discussed in several of my earlier articles as “active management vs. passive manage-

ment.” Active management is typified by such activities as road and trail maintenance, vegetation and wildlife management, reforestation planning, and/or recreational developments -- all of which took place on federal forestlands from 1951-1986 and continue to take place on private and industrial forests today. Passive management is typified by Wilderness creations, roadless areas, spotted owl habitat, and riparian buffers, as outlined, and characterized by decisions to do very little or nothing until these areas are in flames.

2016 (and 2023): Science vs. Modeling

Eisenhower was right. In the years since his farewell address, taxpayer-funded research and related policies and litigation have been accompanied by massive numbers of expensive and restrictive federal regulations requiring huge bureaucracies and thousands of lawyers to enforce -- and all apparently based on findings and desires of a like-minded corps of government-funded computer-centric modelers and technicians: the “scientific technological elite.”

Most of the current policies, laws, and regulations governing our federal, state, tribal, private, and municipal lands, waters, and resources are now based upon the dictates of these elites. One problem of many, is that a significant number of these policies are also based on disproven theories that are inherently racist and strongly biased against past cultures and current populations; a fact that has gone largely unnoticed and unchallenged. Why that is might be hard to explain, but these biases are obviously based more on personal values and political realities than on empirical findings or actual research. The added fact that this growing fountain of environmental laws and regulations is claimed to be -- and is being taught as -- “science-based” is even more troubling.

The practice and teaching of science has been seriously compromised during this process, and our rural economies and environments have been significantly damaged as one result. The same argument can be made regarding damages to our native plant and animal populations, the degraded quality of our scenery, air, and waters -- as well as the teaching and practice of science itself.

Better late than never. My opinion remains that now is still a good time to return to traditional scientific methods to guide our resource management policies -- and to also develop a common faith and understanding of legitimate experience, earned knowledge, and to better value “intellectual curiosity” over “government contracts,” as Eisenhower counseled.

It only seems right that we leave our descendants something similar to the wonderful conditions we were given by our own ancestors on the land.

