

Testimony of Mr. Craig Thomas
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Sacramento, CA

Regarding H.R. 5760: The Giant Sequoia National Monument Transition Act of 2006

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Thank you for this opportunity to address the Subcommittee on Forests and Forest Health regarding the Giant Sequoia National Monument Transition Act of 2006, HR 5760 by Representative Nunes.

My name is Craig Thomas and I am the Executive Director of the Sierra Nevada Forest Protection Campaign, a 98-group conservation coalition formed in 1996 and focused on the management of the eleven national forests in the Sierra Nevada, from the Oregon border to the Giant Sequoia groves in the southern Sierra. Since 1996, we have expressed particular interest in, and support of, science-based management of the Giant Sequoia groves and the Kings River Project study area. I am here today not only to express our opposition to what is an override of important federal statutes to protect our Nation's environment contained in the pending legislation, HR 5760, but also to express our desire to work collaboratively with all parties to find a long term solution to the important forest management issues on these two southern Sierra National Forests—the Sequoia and Sierra National Forests.

The Giant Sequoia National Monument

First, I will address the so-called “grandfathered” Giant Sequoia National Monument timber sales and the need for a re-assessment of their environmental impacts. NEPA requires that the Forest Service revisit its environmental review documents after 3-5 years if those projects have sat on the shelf to determine if the analysis and documentation should be corrected, supplemented or revised (FSH 1909.15 § 18, effective July 6, 2004). NEPA 40 CFR § 1502.9 (c) also requires the Forest Service supplement their environmental analysis if there is “significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” The Supreme Court in *Marsh v. Oregon Natural Resource Council*, 490 U.S. 360, 371, 374 (1989) stated the agencies’ obligations under NEPA as a “continuing obligation to take a ‘hard look’ at the environmental effects of its planned action, even after a proposal has been initially approved” in order to ensure that an agency “will not act on incomplete information, only to regret its decision after it is too late” (emphasis added).

The fundamental purpose for these policies, regulations and case law is to protect the human environment for the American people. It is the foundation of the National Environmental Policy Act. The fact that the Saddle and Ice Timber Sales were “stored on the stump” for six years suggests not a fire emergency, but a risky and speculative decision on the part of Sierra Forest Products and the Forest Service to capitalize on future increased timber prices. Over the six year period from 1999 to 2005, the environmental circumstances changed dramatically on the Sequoia National Forest. The Pacific Fisher (*Martes pennanti*) was recommended for Federal listing by the Bush Administration and the U.S. Fish & Wildlife Service (Federal Register, p. 18770) in April 8, 2004. This recommendation, in the form of a 12-month finding stating that the fisher was warranted for listing, arrived absent litigation. There is little disagreement that the fisher is in dire straights and needs consistent protection, habitat restoration and reintroduction into the restored forests of the northern Sierra of the future.

The deeper story is not about fisher but rather the loss and degradation of old growth forests in the Sierra Nevada since 1850. The Fisher finding (FR p. 18778) states, “[T]he extent of past timber harvest is one of the primary causes of fisher decline across the United States and may be one of the main reasons fishers have not recovered in Washington, Oregon, and part of California compared to the northeastern United States.” Franklin and Fites-Kaufman (SNEP 1996) find that forests with high late successional/old growth structural rankings “are now uncommon in the Sierra Nevada of California (8 percent of the mapped area).”

The 2000 Giant Sequoia National Monument Proclamation states: “The mid-elevation forests are dominated by massive conifers arrayed in a complex landscape mosaic, providing one of the last refugia for the Pacific fisher in California. The fisher appears to have been extirpated from the northern Sierra Nevada mountain range.” The Proclamation specifically reserves the land of the Monument for the purpose of protecting key resources including the Pacific fisher.

President Clinton’s “commitments” in the GSNM Proclamation to the “grandfathered timber sales” was not intended to override or muzzle NEPA and other important guidelines for scientifically sound management of our national forests. In late July 2005, the conservation community asked the Federal court to place a hold on logging in the Giant Sequoia Monument for the Ice and Saddle timber sales until the Sequoia National Forest met its obligations under NEPA to conduct an adequate environmental review of significant new information related to the fisher, specifically the fisher impending extinction. With

roughly 350 fishers remaining in the southern Sierra Nevada, the local Forest Service official chose to short-cut the review process and to expedite the logging. The Forest Service twice extended the deadline for implementing these timber sales due to low timber prices while simultaneously claiming a fire emergency. They extended the deadline without informing the public or updating their environmental documentation, and cutting began late July 2005.

The Federal Court enjoined the Forest Service until such time as the proper review is completed. The requested review could have been completed in the year that has elapsed.

The Kings River Project on the Sierra National Forest

The Kings River Project as currently designed would occur over a thirty year period and covers 131,000 acres (Phase One alone is 13,800 acres). H.R. 5760, if passed, would exempt this massive logging experiment from all environmental laws and regulations as long as the Forest Service practices “uneven-aged management.” As currently proposed, the Kings River Project includes 613 acres of clear cuts, each up to three acres in size. This bill would remove the limits on the number of openings, size of trees harvested, and canopy cover maintained, and will likely lead to the extinction of the fisher from the Southern Sierra Nevada.

Uneven aged management can be anything from individual tree harvesting of any size to “group selection” harvest of up to three acres in clear cuts (as proposed in Kings River Draft EIS, p. 9). The photos below are examples of group selection logging on another forest and are provided for the sake of definition...the Kings River Project logging will be worse, larger and more destructive, all done under the prescription “ un-even aged management.” Under HR 5760, the logging will have no meaningful environmental review. Scientists have already stated the Kings River Project is a flawed project--the Forest Service defense of its own EIS has collapsed, only to be “rescued” by this flawed legislation.

Ironically, while University of California fisher scientists such as Dr. Reginald Barrett warn about the potential cumulative impacts of multiple projects and the risks associated with the loss of even one animal, HR 5760 compounds the likelihood of assuring the extinction of the Pacific fisher in the southern Sierra Nevada by providing sufficiency language for NEPA, NFMA and other applicable environmental laws for the Kings River Project. HR 5760 claims to support scientific investigation but will block public review of the analysis of the impacts of the project upon the fisher. The Kings River Project is an aggressive, risky and poorly designed experiment from its beginning. I would ask the Subcommittee members to note letters from California Attorney General Bill Lockyer, Federal EPA, Dr. Reginald Barrett, U. of Cal. Wildlife Professor, fire ecologist Carol Rice of Wildland Fire Resources, and Robert Heald, forester and former forest manager of UC Berkeley’s Blodgett Research Forest in the central Sierra Nevada—all critical of the Kings River project. The Forest Service and U.S. Fish and Wildlife Service have also expressed serious concerns over the Kings River Project, including the lack of any valid monitoring plan for the faltering fisher research.

Based upon these concerns, in the spring of 2006, the Bush administration provided \$225,000 to the Forest Service to study the cumulative impacts to the fisher in the southern Sierra Nevada to better understand the effects of logging and habitat alteration and its long term impacts on the remaining fisher population. The Conservation Biology Institute is conducting this research and will report results this winter or early 2007. H.R. 5760 threatens to disrupt this analysis and inflict a fatal blow to this rare, old growth dependent forest dweller (the fisher) before scientists or land managers have a chance to understand how to save it.

In conclusion: I would like to inform the committee members of the Sierra Campaign’s community forestry program and our desire to find ecologically and economically sustainable solutions for forest restoration while maintaining the infrastructure to do such work—equipment, man-power, and processing capacity.

We have joined with the Forest Service to form the Biomass Working Group in Region 5. This solution-oriented collaboration includes Forest Service staff, timber industry officials, biomass consultants, university experts on woody biomass conversion, and conservation leaders. We are currently working together to support several small-scale biomass efforts in the Lake Tahoe Basin, Amador County, Placer County and elsewhere.

We wrote the successful Forest Service \$250,000 grant to South Lake Tahoe High School for conversion of their gas furnace to biomass fuel, thus helping to solve--by providing a reliable market--the extensive forest fuels problem in the Lake Tahoe Basin.

For the past two years we have funded six Fire Safe Council contractors to participate in the Fire Safe Councils of Butte, Nevada, Placer, El Dorado, Calaveras counties and Lake Tahoe. Their work consists of hands-on chain saw brush clearing for community fire emergency exit routes, running the chipper program of Butte County, working on the Community Wildfire Protection Plans in several counties, and initiating a FireWise community training program in Calaveras County where homeowners are taught to make their homes fire-safe and fire resilient even without fire protection support. We

have conducted fire-safe education in Placer County, FireWise landscaping in El Dorado County, and we have successfully written grants to support a local Native American group in West Point, Amador County, for training and feasibility studies for a woody biomass utilization project—the West Point Solutions.

We are currently working with the Forest Service and natural resource consultants to develop several small-wood utilization pilot projects in the central Sierra Nevada that will provide support for business plans, demonstration projects for post and pole utilization, branding and marketing support for ecologically sound restoration projects, biomass-to-market, woodchip-based winter greenhouse farming operations, and chip-driven kilns for drying wood locally.

I know of no other environmental coalition of our size in the country that has made as strong a commitment to community fire safety and also to watershed-based forest restoration. Nearly one-half of our total budget is dedicated to this important work.

We have to restore our national forests and restore trust and cooperation at the watershed level by building a new model for ecological and economically sustainable forest management...I encourage you to ask the Regional Office in Region 5 if this commitment is real.

Lastly, and unfortunately, proceeding under this legislation will only aggravate

the disputes and undo the opportunities for improving scientific understanding of how to manage important forest resources and it will squelch current collaborative efforts in Region 5 for finding a lasting solution to the log flow issues facing the Sierra Forest Products Mill. I refer Subcommittee members to a recent memo to Deputy Regional Forester, Beth Pendleton, requesting a serious, interest-based discussion with all parties regarding how to sustain the resource values at risk in the southern Sierra forests and maintain the options for effective treatments without trading one value for another.

We ask that the Forests and Forest Health Subcommittee and Congress play a more constructive role by working to establish the appropriate infrastructure in the region needed to deal with small diameter trees and biomass produced by fuels reduction projects near communities; restoration projects on forest lands damaged by past logging and fire suppression; and creating fire resiliency in existing plantations. If forest ecosystem health matters, then the fisher matters, fire resiliency matters, forest restoration work matters, and people matter—people to do the work that we all agree needs to be done.

The Sierra Nevada Forest Protection Campaign, Sierra Club, Wilderness Society, the California Attorney General's office, and our California Senator's staff have offered to sit down at the table with the Forest Service and key stakeholders to develop a plan for the right kinds of forest restoration projects that will not threaten at-risk wildlife and will also decrease the likelihood of damaging wildfires near communities on the two national forests and Giant Sequoia National Monument. Instead of legislation that overrides current scientific data and forces the federal government to pursue projects contrary to its own policies and purposes, our time would be better spent working on a lasting solution we can agree upon.

We ask that the Forest and Forest Health Subcommittee table action on HR 5760

and give the people of California and those of varied interests and concerns a chance to work out a fair and honestly negotiated solution on our own. We would ask that you defer action, but not lose interest, as we will need your support for a longer term solution

Thank you for the opportunity to speak before you today.