

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Statement

Testimony Mr. Ken Zimmerman

Committee on Resources California Cattlemen's Association

Subcommittee on Forests and Forest Health

Chairman Chenoweth-Hage and distinguished members of the Subcommittee on Forests and Forest Health, my name is Ken Zimmerman. I am a businessman and a rancher in Bishop, California. Currently I am serving as Co-Chair of the California Cattleman's Association (CCA) Public Lands Committee and I am also Chairman of the Range Management Advisory Committee for the Board of Forestry. Today I am here representing the CCA to provide you with written and oral testimony on the effects of the Sierra Nevada Framework Project undertaken by the United States Forest Service (USFS) and its detrimental effects on the environment, the cattle industry and the people of California. I would also like to propose a solution to this problem.

The Sierra Nevada Framework as we know it today, can be traced back to earlier research on the status and viability of the California Spotted Owl. The results from this research suggest that certain California Spotted Owl populations were at risk, and recommended interim management guidelines to protect California Spotted Owl populations until a more comprehensive management plan could be developed. An environmental assessment to implement interim guidelines was prepared and a decision notice was signed on January 13, 1993. In 1995 a Draft Environmental Impact Statement (DEIS) was prepared and a decision notice was released for public comment and a Revised DEIS (RDEIS) was developed and scheduled for release in 1996.

After an internal review of the RDEIS, the Secretary of Agriculture chartered a California Spotted Owl Federal Advisory Committee (FAC) to review the DEIS and determine whether there was complete integration and analysis of all significant information relevant to National Forest management in the Sierra Nevada. The FAC concluded that the RDEIS was insufficient, either as a Spotted Owl management plan or as a broader ecosystem management plan.

The work of the FAC was influenced by the report of the Sierra Nevada Ecosystem Project (SNEP) submitted to Congress in June 1996. Having followed the SNEP and attending numerous public meetings, this caused the CCA to seriously question the science and data being reviewed. To the best of our knowledge the entire SNEP Report has not been peer-reviewed prior to its release to Congress and did not represent the best science available. In August 1998 the Pacific Southwest Range and Experiment Station contacted Dr. Barbara Allen-Diaz (Range and Plant Ecologist, University of California) and asked her to assemble a team of scientists to review existing science based knowledge regarding Sierra Nevada ecosystems in the presence of livestock. The Rangeland Science Team was asked to review existing research, literature and other information including the SNEP report and the Sierra Nevada Science Review (SNSR). The purpose was to

provide an assessment of the completeness and quality of the current science base for addressing questions relating to the influence of livestock on Sierra Nevada ecosystems.

Attached to my written testimony I have included the Executive Summary of the Rangeland Science Team report. As you will see the Executive Summary states very pointedly, "Without detailed descriptions of grazing season, frequency, intensity, as well as a quantitative description of the range site, riparian type, or stream class it is difficult to interpret the work with regard to current livestock management in the Sierra Nevada. Unfortunately, this problem permeates much of the existing rangeland literature." Therefore decisions on alternatives are not founded on good science. They are based on broad generalities that are often times not accurate.

At the July 26, 1998 meeting of the Public Lands Subcommittee RMAC requested from Kent Connaughton of the USFS (Project Leader) an extension of time of 120 days prior to public comment for an independent science panel to review and make recommendations on the Sierra Nevada Science Report. The committee was told that it was impossible to grant the extension of time due to the accelerated schedule of the DEIS.

On March 18, 1999 RMAC again requested that through the Board of Forestry someone be allowed to sit on the Advisory Committee for Sierra Nevada Framework to research and review possibilities that meet Federal laws and still represent the State's interests. At the January 2000 meeting of the Board of Forestry, the State of California had still not been granted co-lead agency status as advised by Congress when funding was initially granted for the Framework. RMAC in its year-end report to the Board of Forestry in January 2000 reported that the 120-day extension is imperative for an adequate peer review by an independent science team prior to release of the DEIS to the public for comment.

There are many questions pertaining to science and the sustainability of the entire ecosystem in the Sierra. These include but are not limited to public safety issues. For example, fuel hazard reduction, catastrophic wildfires, smoke management issues and water quality. Other issues of concern are the historic beneficial uses (such as watershed condition and connectivity, without any mention of potential impacts to existing private water rights or ditch rights), negative impacts to wildlife management, negative economic impacts to rural counties and the overall benefit to the general public. These issues are of concern due to the inability to meet the goals and objectives by utilizing the alternatives because of manpower availability, budget constraints and public safety considerations.

There has been a lot of discussion about the alternatives the USFS is proposing. They boast that they are providing a large choice in the eight available alternatives. These alternatives however, are in a very narrowly orchestrated plan that does not adequately address the mentioned concerns. Instead, the plan is focused on endangered species management, which would also be impacted negatively if anyone of these alternatives were chosen because there is no mechanism in the plan to maintain the appropriate level of seral stages to maintain these species.

At the CCA Annual Convention in December of 1999 the USFS said they were using the logic for developing the alternatives in the Framework from the recent study on the Southwestern Willow Flycatcher conducted by the United States Fish and Wildlife Service. Reference is made to research and literature and they state ⁽¹⁾ "Although a significant body of literature on the effects of grazing exists, very little is based on credible experimental research." Yet, the single most impacted use on the forest is livestock grazing. The DEIS refers

to livestock grazing throughout the document and gas utilization standards that do not allow livestock grazing within 5 miles of occupied Willow Flycatcher habitat, yet there is no grazing plan. In response to this we have developed a comprehensive draft Adaptive Grazing Management Plan.

In summation, the Sierra Nevada ecosystems are not in a state of emergency and they require no immediate action. However, do to the lack of fire, harvesting, grazing, and other impacts necessary to periodically set back seral stages, it is imperative that the best scientific data available be used to develop alternatives so that they are based on the best available sound science. The current process is seriously flawed due to the narrow range of alternatives and the lack of input from the affected rural counties. I am requesting your assistance in helping us secure a 120-day review period prior to the release of the final DEIS. This is necessary so that an independent, University based science team can review the final DEIS and make changes if necessary to this plan to provide for public safety, protect bio-diversity and provide for the good of Californians. We are also requesting that the USFS be instructed to grant joint lead and/or cooperating agency status to the State of California and affected counties that are involved in the planning process pursuant to 40 CFR 1506.2.

We thank you for the opportunity to present testimony to the Subcommittee on Forests and Forest Health. Our association is ready to assist the Committee in any way possible.

Enclosures:

Rangeland Science Team Executive Summary

California Department of Fish & Game December 13, 1999 Comments USFS-PSW

Draft Alternative Grazing Plan

1. ¹ *USFWS issue paper Final Draft Nov. 1999 " Management of Livestock Grazing in the Recovery of the Southwestern Willow Flycatcher" Pages 2,4*

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