Committee on Resources

Subcommittee on Forests & Forest Health

Witness Statement

Testimony of Craig Thomas, Conservation Staff

Sierra Nevada Forest Protection Campaign

Before the Subcommittee on Forests and Forest Health

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Madame Chairman, and members of the Subcommittee, my name is Craig Thomas. I am a conservation staff member of the Sierra Nevada Forest Protection Campaign. The Campaign is a coalition of sixty-nine national, regional and grassroots conservation organizations throughout California.

Our mission is to protect and restore old growth forest and aquatic ecosystems in the Sierra Nevada and sustain the long-term viability of at risk species that are dependent upon these ecosystems.

Member groups of our coalition have been active participants in the Forest Service land management planning process including the California Spotted Owl Interim Guidelines, the Sierra Nevada Ecosystem Project, the Forest Service Draft and Revised Environmental Impact Statement for Managing California Spotted Owl Habitat (Aug 1996), the Federal Advisory Committee Report which was highly critical of the first Forest Service EIS attempt, and the current Sierra Nevada Conservation Framework process.

Introduction

Over the period of the last ten years we have witnessed the struggle within the Forest Service as the agency moved away from an environmentally destructive clearcut logging program to embrace ecosystem management. The Forest Service has realized that the path to long term sustainability of all the natural resources on public land, including wildlife and water quality, would require moving away from the primary role of commodity producer to conservation leader. It has not been an easy ride.

The American land ethic exists not only in the hearts of American people but it is also exhibited in the key environmental laws of our Nation such as the National Forest Management Act, the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act, that in sum,

require we leave a legacy of intact forest ecosystems, clear flowing streams, and viable fish and wildlife populations, for our children and the generations which follow. These laws demonstrate the clear refusal of the American people to allow further degradation of the American landscape.

Forest Service Land Management Process in the Sierra Nevada

CASPO Interim Guidelines

Driven by concerns for the long-term survival of the California spotted owl, in January 1993, the Forest Service adopted the California Spotted Owl Interim Guidelines as a short term strategy to manage habitat for the owl by protecting important lands around nests sites, maintaining large trees >30" across the landscape, and protecting large snags and large downed logs as the critical and difficult to replace elements of the old forest ecosystem.

The timber cutting strategy was to thin from below to reduce fire risk while maintaining the large trees and existing owl sites.

The CASPO Guidelines are a single species approach with some direct benefit to other wildlife and aquatic species when they were associated with protected activity centers for the owl, however it was not a comprehensive plan for managing the Sierra Nevada ecosystem.

Interestingly, the amount of suitable habitat within an owl's home range was not addressed with specific management guidelines, although the CASPO Technical Report suggested that successful breeding birds had high levels of suitable habitat (approx. 70%) within their individual home ranges.

In terms of protection of suitable habitat, the CASPO decision allowed suitable habitat (outside of Protected Activity Centers) to be reduced below levels necessary to maintain both nesting and foraging habitat, based upon today's best scientific information.

There were no guidelines for maintaining habitat connectivity across the landscape or specific mitigations that would have addressed severely fragmented lands and their impact upon owl viability. **These problems must be solved in the current forest plan amendment process.**

EIS For Managing Habitat for the California Spotted Owl

(Draft/Revised/Discarded)

The Draft EIS for Managing California Spotted Owl Habitat in the Sierra Nevada National Forests of California was issued in February 1995. The Revised Draft EIS was intended for release in the spring of 1996 but was halted and eventually discarded due to scientific and legal inadequacies.

In June 1996 the Sierra Nevada Ecosystem Project (SNEP) report was published providing the most detailed landscape description of any ecosystem ever written. The four-volume text cited numerous studies regarding the health of the Sierra Nevada that suggested a need to embark on the path of restoration of the mountain range. Part of the failure of the early Forest Service EIS effort was the lack of utilization of the new scientific information in the SNEP analysis.

Federal Advisory Committee Report

In December 1997 the Final Report of the California Spotted Owl Federal Advisory Committee was issued. The evaluation by eleven resource and planning specialists was highly critical of the Revised Draft EIS for Managing California Spotted Owl Habitat in the Sierra Nevada.

Some of the key findings include: Spotted owl protection is inadequate, Furbearers have a high probability of extirpation under the preferred alternative, Fire Hazard reduction is lacking, there was a lack of adequate standards and guidelines, the viability assessment methodology and the number of species addressed was inadequate, and late successional forests were not addressed as a unique resource or ecosystem. Also mentioned was the failure to actively involve the science community and the need to provide multiagency oversight.

These are among the issues that must be addressed in the current forest plan amendment process.

The Sierra Nevada Conservation Framework

In July 1998 the Forest Service issued a Sierra Nevada Science Review in an attempt to capture the critical scientific issues that would help frame the basis for the Notice of Intent for the current Environmental Impact Statement.

During this pre-Draft phase of the NEPA process the Forest Service has taken great strides to engage stakeholders and interested parties in California. There were thrity pre-Notice of Intent meetings to help the public formulate issues for analysis. Every National Forest had 1-2 scoping meetings. The Framework Team maintains an active Website. There have been regular Framework Team meetings attended by stakeholder groups and the public. Elected officials have been regularly updated. There have also been workshops and meetings with key EIS team members. All in all, there has been an extraordinary outreach effort.

Out of this new effort to engage the public has come a wide range of alternatives to address the critical issues facing the Sierra Nevada. The NEPA process is served well by formulating a variety of reasonable approaches to solving problems such as fire risk reduction, protection for old growth forests, aquatic species and water quality, addressing the roads issue and more.

Alternatives have been developed by conservation groups, the California Forestry Association, county governments and several alternatives have been created by the Forest Service to address issues raised internally and by other Federal agencies.

The Forest Service has certainly covered the issues with a wide and detailed range of alternatives to aid in informing the public about possible solutions and their associated effects upon the environment.

We have the following remaining concerns regarding the Draft EIS:

The California Spotted Owl

All of the alternatives must comply with Federal environmental law, including the National Forest Management Act species viability language (39 CFR 219.19). Currently, the ongoing California spotted owl demographic studies on three Sierra Nevada National Forests (Lassen NF, Eldorado

NF, Sierra NF) are all showing accelerating downward population trends of 7-10%/yr. after ten years of data collection.

We are very concerned that the preferred Framework alternative falls short in addressing specific owl needs such as providing enough high quality habitat in nest stands and within home ranges for owls across the Sierra. Although the Framework Team assures us that the long term needs of spotted owls will be met we stress that the agency must make an adequate finding for viability, for all the at risk species, within the plan horizon of 10-15 years.

The Pacific Fisher

We understand that the Forest Service is conducting a population viability analysis for the Pacific fisher to assess the long-term viability of the southern Sierra population located on the Sierra and Sequoia National Forests. We understand that the probability of persistence of the population, beyond 50-100 years, is quite low unless the Forest Service initiates appropriate conservation measures to provide adequate suitable habitat and to link the southern population, through corridors and habitat areas, to Yosemite National Park and on to the northern California populations. We believe the current design of the preferred alternative fails to contain a strong, proactive conservation strategy for the fisher.

Under 36 CFR § 219.19, the Forest Service planning regulations require that "habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be distributed so that those individuals can interact with others in the planning area." These habitat areas and the connectivity to the northern populations have not been defined.

Cumulative Impacts Analysis

We believe the EIS analysis is currently inadequate in addressing cumulative

impacts to at risk species, particularly in areas of mixed ownership with large

scale fragmentation associated with private timberlands.

Natural and man-made fragmentation occur throughout the mountain range

and it is of particular concern in the central Sierra Nevada and in the "Areas

of Concern" identified in the California Spotted Owl Technical Report (1992).

The effects of private land management must be carefully analyzed in the EIS, particularly with concern for habitat connectivity and viability of wide-ranging wildlife species such as the California spotted owl, fisher, northern goshawk, and marten.

NEPA requires that the Forest Service consider "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions." 40 C.F.R. 1508.7.

Aquatic Ecosystems

The Sierra Nevada Ecosystem Report defined aquatic/riparian systems as the most altered and impaired habitats in the Sierra Nevada. The draft standards and guidelines must address habitat needs for nearly two dozen listed and sensitive species that are dependent or strongly associated with aquatic and riparian ecosystems. We are concerned that the preferred alternative will not delineate riparian zones or specify what activities are permissible within riparian areas.

Clear conservation goals and standards and guides need to be developed to specifically address the protection and recovery of aquatic and riparian dependent species, the protection of water quality, and the active restoration of these habitats.

Spatial Integrity

The Federal Advisory Committee was highly critical of the last Forest Service EIS attempt for failing to analyze the spatial implications of proposed management actions. Where habitat occurs across the landscape and how it relates to species needs, particularly for the spotted owl and fisher, is critical to understanding the adequacy of the various arrangements of habitats under each of the alternatives.

In a recent Forest Service, Washington Office appeal decision on the Black Hills Forest Plan it was similarly found that "analysis of changes in habitat capability over timeis not in itself adequate for making effects determinations" and it went on to state that "fragmentation analyses are an appropriate part of both the BA/BE (biological assessment and biological evaluation) and the FEIS, for those species where fragmentation effects are suspected or known to affect the species."

To the best of our knowledge the draft EIS and alternatives fail to adequately specify the required distribution or configuration of habitat for these species.

Modeling Outputs

A recent summary of alternatives under consideration projected very low timber outputs for all of the alternatives. It will be critical for the Forest Service to clearly and adequately disclose the modeling assumptions and parameters applied to the alternatives. Equally important, the modeling projections must reflect the discretion and uncertainty in the standards and guides and be based upon a timely depiction of the current language of the alternatives.

Scientific Review

The Federal Advisory Committee Report recommended that the Forest Service develop a planning process that incorporates a scientific review and evaluation of the DEIS. We urge that, at a minimum, Forest Service research scientists, expert in specific fields, comment on the planning product during the draft phase and that any internal or Science Team reviews be published verbatim at the time of publication of the draft.

Implementation of the Record of Decision (ROD) and Final EIS

We are concerned that implementation of the ROD and Final EIS be consistent with the best available science and be applied across the Sierra Nevada with Regional Standards and Guidelines that maintain species viability across all Sierra Nevada National Forest boundaries.

General conservation principles that apply to a species in the southern Sierra must also apply to species on the Plumas and Lassen National Forests. The current best available science for the conservation and management of a species should not vary forest by forest.

Roadless Areas in California

We are in strong support of the President Clinton Roadless Area Initiative and believe that there is broad-based support for this proposal among the full spectrum of the American public. A recent national survey (12/28/99 to 1/2/00) by a leading Republican pollster, American Viewpoint, revealed overwhelming and widespread support for President Clinton's proposal to protect most of the remaining wild "roadless" areas in America's national forests. A staggering 72% of voters surveyed in the West and 76% nation-wide favor the administration's plan. The survey demonstrated support across demographic, geographic and party lines including 62% of Republicans polled.

It is clear to us that the remaining roadless areas in California need protection.

These areas in the Sierra Nevada that have survived the clear cutting heydays of the 1980's are in most cases are too steep, too fragile, lack commercial timber volume and are just plain uneconomical to road and log. In an era when the Forest Service is struggling to maintain a fraction of its road system, it is time to

repair needed roads, close the thousands of miles of excess roads and apply permanent protection to California's last remaining wild lands.

In Conclusion:

It is critical that the Forest Service acts now to protect clean water, declining species and ecosystem values. This process has been ongoing since the early 1990's. Since then many species have been listed or placed on the sensitive species list and are at risk. In 1996 everyone was pushing the Forest Service to release the earlier plan but wisely it was withdrawn for lack of scientific credibility.

The Forest Service is about to complete the information analysis phase and publish the Draft Framework EIS. We will all have time to provide our input. Nearly all the current alternatives provide improvements over past management practices.

In balancing the tradeoffs of fire risk reduction and species viability it is important to note that we have only lost 15 spotted owl activity centers to fire, out of approximately 1300 nest sites, from 1992 to 1998 (1.12%). We aren't losing owls to fire but we are losing them to habitat destruction and weather effects.

In the end, it is important that science informs policy much more efficiently than has happened here and land managers must then use adaptive management to incorporate new scientific information into planning decisions in a timely manner.

We agree that brush and small diameter trees should be the target of burning and thinning treatments but we are faced with the current economics of timber sale planning and a limited ability

to treat the large volumes of small diameter trees and sub-merchantible fuels, minus the "subsidy" afforded by cutting large trees. Given the paucity of large trees on the landscape, it will be a long time before there is any ecological justification for cutting any of them down.

There aren't many Californians who wish a return to the days of massive clear-cut logging programs nor do we want our forests to burn up from inaction but somewhere between those extremes lies the difficult problem of how to treat a 100 year fuel build-up and not sacrifice the key species we are trying to protect.

That is the task of this Framework Decision.

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