



SIERRA PACIFIC INDUSTRIES

Growing Forests for our Future

Testimony of Sierra Pacific Industries, Tom Nelson

House Natural Resources Committee

Field Hearing – Longview, WA

May 21, 2012

Background

SPI is a 3rd generation, family-owned and operated business with (3) manufacturing facilities, (2) biomass cogeneration facilities and over 217,000 acres of working forestland in Washington state. We employ nearly 600 crewmembers at these facilities and we are, historically, one of the top three purchasers of State Trust timber sales. We also own more than 438,000 acres of timberland in northern California that lie within the range of the northern spotted owl and operate an additional 10 sawmills and millwork plants within this region that employ more than 2900 employees. We are here today to urge you to direct the US Fish and Wildlife Service (USFWS) to abandon their plans for implementation of the current proposed "Critical Habitat" designation for the northern spotted owls. Our primary reasons for this request are that:

- 1. the proposed critical habitat does not meet the definition of "essential" for this bird's survival,**
- 2. the economic effects of this action have not been adequately analyzed and would undoubtedly add to the ongoing deleterious effects currently being endured throughout the Pacific Northwest, and**
- 3. the proposed actions would inevitably be futile anyway, since the northern spotted owl's fate will largely be determined by the evolution of future populations and territories of the barred owl, and how much habitat will be lost to forest fires, not how much forest habitat is set aside by this proposed action for the northern spotted owl.**

As noted in the Federal Register for this proposed action, the original rationale for listing the northern spotted owl (NSO) as threatened under the Endangered Species Act (ESA) was a widespread loss of its old growth forest habitat and a declining population (55 FR 26114, June 26, 1990). This resulted in an 85% reduction in historic timber sale levels from Federal lands, the closure of hundreds of mills, the loss of thousands of family wage jobs and the virtual elimination of generated timber receipts to pay for county governments.

Critical Habitat

Critical habitat is defined within the Endangered Species Act (ESA) as that which is "essential to the conservation and recovery" of the owl. At the time of listing, suitable habitat that was deemed necessary for recovery of this species consisted of large blocks of suitable, high-quality habitat – primarily old-growth coniferous forest land. As such, the recovery plans for the NSO since 1990 have primarily focused on setting aside large, contiguous areas as essential habitat for the NSO (and eliminating timber management altogether in these areas). After more than 20 years of locking up public timber land as owl habitat – and nearly total devastation of the timber

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industry within one of the world's richest timber-growing regions – it now appears that this was not the right answer. Spotted owl numbers have continued to decline, in spite of these sweeping changes to the culture and infrastructure of the Pacific Northwest. We have fewer owls now than we did in 1990 despite effectively dedicating much of the 21 million acres of Federal land to the NSO.

It is also impossible to determine what habitat is "essential" to the conservation and recovery of the owl when the USFWS lacks reliable information on how many northern spotted owls are alive today and where they are located. In fact, very little monitoring has taken place since the early 1990's. The limited population trend estimates and owl site data that is being relied upon results in significant errors. The USFWS' most recent studies claim that the population has declined by 2.8% per year since 1985. This critical habitat designation is based upon data for 3,439 owl pair sites. Taking into account the 2.8% annual population decline this would mean that there were over 6,300 owl pairs in 1990, which is over three times the 2,000 reported in the 1990 listing document. If there actually were 2,000 owl pairs in 1990 and if the population has declined by 2.8% annually, then there would be only 1,071 remaining. How can the public have any confidence in this 13 million acre critical habitat designation with this type of uncertainty?

Economic Effects

The economic effects brought on by this listing have been catastrophic to the rural communities within this region. The annual amount of Federal timber being harvested has dropped by 85% since the listing, demands for public assistance are up sharply, and entire communities have fallen into a state of deep economic recession as public timber (the lifeblood of many of these communities) was withdrawn for essential owl habitat – rather than sustainable timber management.

As many of us pleaded in 1990, perhaps the NSO is not really so dependent on old growth forests for its survival as some would have us believe. Perhaps we should be more certain of our predictions before we impact an entire generation of people within this region. And now the proposal before us is to "double down" on the same risky theory and set aside even more productive timber land as owl habitat?

Effects of Barred Owl Competition and Displacement, Forest Fires

Over the past 50-60 years, the barred owl (*Strix varia*) has expanded its range from the eastern US and Canada into western North America. The range of the barred owl now intermingles and overlaps that of the NSO in the western US, where they compete for habitat (and appear to be winning).

As the Service states in their recent announcement for this proposal, "We now know that the suite of threats facing the northern spotted owl differs from those at the time it was listed; in addition to the effects of historical and ongoing habitat loss, the northern spotted owl faces a new, significant, and complex threat in the form of competition from the congeneric (referring to a member of the same genus) barred owl" (USFWS 2011, pp. I-7 to I-8). Emphasis added.

We now know that competition from barred owls (not a listed species) is a significant threat to the continued existence of northern spotted owls – something that was not considered or acknowledged at the time of listing in 1990. We also know that both barred owls and spotted owls select very similar habitat for breeding, feeding, and shelter. Given this, does it really make sense to set aside even more "essential habitat" for spotted owls before we figure out how to deal with their threatening cousins, the barred owl? Wouldn't this simply amount to more land precluded from sustainable forest management so that the barred owl can expand while the NSO continues to decline in numbers?

In addition, even if the barred owl threat were somehow solved, the additional threat of essential habitat loss due to forest fires is ignored (or, at best, grossly underestimated) in this analysis.

This is especially true in the Klamath province, central Cascade range, and eastside owl habitats. And, it is compounded in areas of these provinces where there is an ownership pattern dominated by "checkerboard" sections, a remnant of the original railroad land grants. Checkerboard blocks of owl habitat in private ownership will eventually fall victim to fires as non-management of adjacent Federal land continues – rampant fires will not adhere to property boundaries. The lack of forest management brought on by single species-focused management for the NSO has actually compounded the risk of catastrophic wildfires.

Summary

In short, the current theory that we must designate massive chunks of federal timber land in order to save the northern spotted owl seem to be highly questionable – it has not worked over the past 20 years, why should it work now? Moreover, even if you expect it to change course and begin to increase NSO populations immediately, we have never closely looked at the severe economic effects that the previous listing action caused – shouldn't we review this carefully before we compound these effects with even more land withdrawals in the name of the spotted owl?

And, finally, aren't we simply trying to interject our own personal values in this case by trying to "override" evolution and natural selection? Given what we have learned since the listing of the NSO in 1990, any objective review of these events would have to conclude that the northern spotted owl is going extinct – regardless of how much forest land we set aside for preservation. Barred owls appear to be replacing them at a fairly rapid rate.

The sensible approach would be to reject this proposal for more set asides as "essential habitat" for the northern spotted owl until, and unless, the USFWS can actually demonstrate how this habitat will reverse spotted owl declines and that an adequate barred owl control program has been implemented. Unless we look at all the variables in this complicated equation, the answer will always be incorrect.

Thank you for the opportunity to comment on this important issue.

Respectfully,



Tom Nelson
Washington Timberlands Manager
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