

Congressional ESA Working Group Forum

“Reviewing 40 years of the Endangered Species Act and Seeking Improvement for People and Species”

October 11, 2013, 9:30 a.m. Longworth Office Building, Room 1300

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Purpose of ESA. The stated purpose of the Endangered Species Act is to protect species and the ecosystems upon which they depend.

Goal of ESA. The primary goal of the ESA is to prevent the extinction of imperiled plant and animal life, and secondly, to recover and maintain those populations by removing or lessening threats to their survival.

Hands off of nature. Unfortunately, this mission statement has turned into a “hands off of nature” approach the environmental movement has promoted over the past several decades and that the Forest Service has adopted. This misguided position will cause the evitable loss of what the ESA was created to protect. Current forest management practices are guided by the threat of litigation derived from the NEPA and the ESA. The endangered species list will grow exponentially due to the destruction of entire watersheds caused by intense fires burning overstocked and minimally managed forests.

Fire kills. For example, in 2008, the 65,000 acre Moonlight Fire in my back yard of Plumas County totally incinerated 22 California Spotted Owl Protected Activity Centers. The year before the fire, an environmental group used the “do no harm” mantra to challenge a planned forest-thinning project that would have probably stopped that fire close to its point of ignition. The recent 300 square mile Rim Fire by Yosemite is located in the Stanislaus National Forest, which had been identified as a core area for the endangered California red-legged frog. There doesn't seem to be much of a habitat left for anything to exist in. To put that area into perspective, Washington D. C. has 61 square miles of land, and New York City has 300. Each year fires in the west get bigger and more intense. Not only is the loss of crucial habitat increasing, but the millions of government dollars spent on fighting them is increasing, and just 4 months ago we tragically lost 19 fire fighters in Arizona. This is all due to overstocked forests.

Over stocking. Although it is obvious that thinning forests is essential, only minimal activity is being done. Region 5, which covers the entire Sierra Nevada, grows over 3.73 billion board feet of timber each year. For every 1,000 board feet that grows, only 10 are harvested. The other 990 board feet gets added to the overstocking. Every year.

Minimal activity. Forest Service personnel design projects with emphasis on avoiding any action that may be environmentally sensitive and susceptible to litigation. This results in thinning projects of minimal treatment and minimal value, and minimal effect on the overall landscape.

Error on the side of caution. The California Spotted Owl is not listed as endangered, or even threatened, yet the Forest Service designs projects as if they were, even if there aren't any owl in the area, but that the area *may* be suitable for owl habitat. The Forest Service is stymied by threat of lawsuits over the technicalities of the ESA or NEPA. They know that aggressively treating the forests is the only way to save them, but litigation costs valuable time and money that could have been used on actual activity. The Forest Service is constrained from doing the right thing for the ecosystem due to these political constraints.

Focus! Although the ESA is a great idea and an extremely worthy cause, it has caused the environmental focus to be lost in the trees and not on the forest as a whole.

Two choices. We have two choices: Either we manage the lands in a sustainable way that lets the current habitant species thrive, or we can legislatively turn our backs on the mess we've made through a century of misguided forest practices and fire suppression, and accept fire as the exterminator of species and destroyer of California's water supply.

Choice #1. The obvious choice is to treat the overstocked forest to a level where it can be fire resilient, but the Forest Service needs some help before this can be accomplished. Congress needs to enhance the ability of the Forest Service to treat the lands at the necessary pace and scale to get ahead of the fire problem so that all species, including man, can prosper. Yes, humans need to be included in the "natural" biosphere also. This means the treatments need to be economically viable for the industry, so that the work can get done, so that the revenue from the timber comes back to the Treasury, so more projects can get done, so more habitat can be enhanced.

The Pilot Project. The Herger Feinstein Quincy Library Group Pilot Project proved that successful thinning projects enhance the forest for species habitat, drastically reduce and stop fires, and returned 4 times more money back into the treasury than it cost to put up the sales. Additionally, hundreds of jobs were created. The Pilot Project was extremely successful and demonstrated that these thinning projects could be implemented throughout the west. Because of its obvious potential to enable timber harvesting to once again be a productive industry in the most environmentally regulated state in the nation, it was heavily attacked and litigated by environmental groups using NEPA and ESA. Unfortunately the litigation turned a 5-year pilot project into a 13-year project. A substantial amount of its appropriated money was wasted on litigation and delays, making the project to appear to be unsuccessful.

Human species. Although the “human environment” is referenced in NEPA and the ESA, it is minimally considered when the Forest Service prepares timber harvest projects for fuels reduction. The Agency has always had a substantial core of botanists, hydrologists, silvicultureists, and other “ists” too numerous to mention, but only last year did they hire an “economist” to consider the economic aspect of projects that has always been required under NEPA. More emphasis to the human element may generate the economics required to treat the overstocked forests at a pace and scale needed to attain the crucial objective of the ESA, which is to “maintain those populations by removing or lessening threats to their survival.”

No human species. The lack of emphasis on the “human element” causes a cascade of detrimental conditions not only to the forests themselves, but to the jobs in the state, communities in the forests, water supply for California, recreational opportunities, carbon dioxide and carbon monoxide emissions from fires, and imports of wood products from areas with less environmental constraints.

NEPA contributes to global warming. The 4 days of the Moonlight fire emitted more CO₂ into the air than a year’s worth of traffic in L.A. 10 times that amount of Carbon Monoxide, which is more detrimental to the Ozone Layer than carbon dioxide, is scheduled to be released from all the dead biomass left over from the fire that is now left alone to decay. As we all know, these gases contribute to Global warming. The Forest Service proposes salvage logging projects to utilize this biomass and clear the way for replanting, but again projects are litigated past the time when the material makes merchantable material. Some who litigate salvage logging believe these intense fires are natural, and the area should be left to its

own demise. Unfortunately that means the area will convert to a brush field for the next 50 to 100 years. Brush fields have little to no value for foraging by any species. Brush also transpo-evaporates much more water back into the atmosphere than a healthy forest, further reducing much needed water flows to the metropolitan and agricultural area of California.

Mill closures. Current forest treatments focus on the removal of small diameter trees because it is politically safe, which are of minimal saw log value and produce a comparatively large amount of biomass that is expensive to extract from the forest. Without a financial incentive, mills close and jobs are lost, further reducing the ability to treat the forests. The mills remaining in California today are 24% of what there was in 1980. Between 1980 and 2010, California saw 112 mills close, eliminating over 9,000 jobs with average annual salaries of \$42,000 (2010 basis). Additionally, the indirect and induced jobs lost calculate to be over 19,000 jobs in California alone. The negative impact this has on the economic and social stability of rural forested counties is staggering and well documented.

Water. In the northeastern quadrant of California, The Feather River Basin drains into the State Water Project's main reservoir, Lake Oroville, which serves 25 million urban water users from the north to the southern end of the state, as well as supplies water to 750,000 acres of agricultural land in the state. In 2009, The Feather River Basin produced 400,000 acre feet less average annual runoff into Lake Oroville than it produced in 1960 when the Dam was built. Some of that reduction is due to lessening snow packs that have been on a continual decline. But the report also said that reducing the forest canopy cover to 40% would increase water yields by 9%, and sustained treatments could increase the water yield by up to 16%.

Streams and fish. The recent fires burn unnaturally intense due to the massive fuel loads and bake the soil, inhibiting its ability to absorb water for later seasonal release into downstream aquifers. Instead, it immediately runs off causing erosion and diminishing water quality. There is a forest below Mt. Lassen that contains the last two spawning streams for Sacramento River native salmon. A fire the size of the 65,000 acre Moonlight fire would destroy the entire basin of these two streams.

Fire or a chain saw. There are two tools to use to enhance the forest: fire or a chain saw. Low intensity fire produces a healthy cleansing effect on the forest. Unfortunately, the majority of the forest is too overstocked for a low intensity fire to occur, so the chain saw must first be used.

A reluctance to treat. The environmental groups seem to heavily influence the Forest Service. At a recent meeting in Ketchikan, Chief Tidwell made a statement that the agency wants to gain good will from the environmental groups.

The problem is. The problem is not the ESA, but rather the reluctance of the Forest Service to recognize the human element as an equally important species. They should use the “human element” with equal standing to all other species and a substantial reason to justify treating the overstocked forests in a manner that will ensure the survival of all the species in the forest. We have the opportunity to be true stewards of the land if only we accept that responsibility and save the ecosystem before it burns. Remember the exponentially increasing endangered species list?

Summary. On federal forested lands of the west, the ESA has had a profound negative impact that will escalate rapidly unless a paradigm shift in our perception of what is good for the environment occurs. The good intention of the Act has been undermined by the focus on species and undisturbed habitat rather than the health of the forest as whole. The obvious unnatural state that the west is in seems to be overshadowed by the belief that timber companies have cause this mess, so get rid of them. Times have changed, and logging technics have changed to promote sustainability. We need more focus on the human element to fix the problem that we have created. Each year we wait, the more will burn, and the more species will be lost.

Submitted,

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