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TOPICS FOR MARV'S TESTIMONY

THE FOLLOWING TOPICS/QUESTIONS WILL BE ROLLED INTO TESTIMONY AS WELL AS PREPARED IN THE QUESTION AND ANSWER FORM BELOW. WE BELIEVE THESE ARE THE ISSUES THAT MAY BE PURSUED IN THE HEARINGS.

1) HOW DOES OPTION 9 IMPACT THE OPERATIONS OF THE FISH AND WILDLIFE SERVICE IN CALIFORNIA?

ANSWER

OPTION 9 WILL IMPACT ALL OPERATIONS OF THE SERVICE IN FOREST ISSUES. TO DATE, THE SERVICE HAS NOT HAD THE FEDERAL LAND MANAGEMENT "BACKBONE" COMMITMENT THAT IS PROVIDED IN OPTION 9. THIS COMMITMENT ALLOWS THE SERVICE TO WORK FROM A SOUND UNDERSTANDING OF WHAT WILL BE PROVIDED FOR LISTED AND CANDIDATE SPECIES ON FEDERAL LANDS. THROUGH THIS COMMITMENT, THE SERVICE HAS MORE LATITUDE TO WORK COOPERATIVELY AND INNOVATIVELY WITH THE PRIVATE SECTOR REGARDING TAKE OF LISTED SPECIES, HABITAT CONSERVATION PLANS, AND PRELISTING CONSERVATION AGREEMENTS.

2) THE STATE OF CALIFORNIA HAS BEEN SAID TO BE "DIFFERENT" FROM WASHINGTON AND OREGON. WHAT IS THE "DIFFERENCE" REFERRED TO IN THIS STATEMENT?

ANSWER

HABITAT AND CLIMATIC CONDITIONS IN CALIFORNIA ARE SUBSTANTIALLY DIFFERENT THAN IN NORTHERN SPOTTED OWL HABITAT IN OREGON AND WASHINGTON, PRIMARILY DUE TO THE REDWOOD ZONES IN CALIFORNIA. THESE ZONES PROVIDE SEVERAL SIGNIFICANT DIFFERENCES: A) THERE IS MORE OF A MIXED HARDWOOD/CONIFER FOREST, ALLOWING FOR EARLIER DEVELOPMENT OF CANOPY FROM THE HARDWOOD COMPONENT FOR COVER AND ROOSTING HABITAT; B) DUE TO CHANGES IN LATITUDE AND ALTITUDE, THE DUSKY FOOTED WOOD RAT BECOMES A SUBSTANTIAL PREY (FOOD) BASE FOR THE OWLS IN CALIFORNIA THAT DOES NOT EXIST IN THE NORTHERN PORTIONS OF THE OWL'S RANGE; AND C) THE SOILS, HYDROLOGY, AND GENERALLY Milder CLIMATE IN NORTHERN CALIFORNIA ALLOW FOR A MUCH SHORTER ROTATIONAL CYCLE FOR TREE MATURITY. HARVEST CYCLES IN CALIFORNIA CAN BE AS SHORT AS 40-60 YEARS INSTEAD OF THE 60-80 YEAR CYCLE IN OREGON AND WASHINGTON (DOUBLE CHECK THE YEARS ON THIS). OWLS IN THIS ZONE SEEM TO HAVE ADAPTED WELL TO THE MIXED FOREST AND THE BENEFITS THE CLIMATE BRINGS.

3) IF OWLS ARE DOING SO WELL IN CALIFORNIA, WHY CAN'T WE REMOVE THE NORTHERN SPOTTED OWL FROM THE ENDANGERED SPECIES ACT IN CALIFORNIA?

ANSWER

WHILE THERE ARE MANY POSITIVE SIGNS OF A STABILIZING, HEALTHY POPULATION OF NSO IN CALIFORNIA, SCIENTISTS THAT WORKED ON THE DRAFT RECOVERY PLAN FOR THE NSO CONCLUDED THAT THE NSO IN CALIFORNIA WAS STILL IN PERIL DUE TO DOWNWARD POPULATION TRENDS OVER THE LONG TERM. THEREFORE, BEFORE THE SERVICE COULD TAKE ACTION TO REMOVE THE NSO FROM THE PROTECTION OF THE ACT, WE HAVE THE RESPONSIBILITY TO GATHER MONITORING INFORMATION FOR 8 YEARS (IF WE FOLLOW THE

RECOMMENDATIONS OF THE DRAFT RECOVERY PLAN). IF AFTER THAT TIME THE POPULATION HAS MAINTAINED A STEADY AND HEALTHY POPULATION, THE SERVICE COULD AND SHOULD BEGIN THE PROCESS TO CONSIDER DELISTING THE NSO IN CALIFORNIA.

4) WHEN THE NSO WAS LISTED AS THREATENED UNDER THE ESA, THE STATE OF CALIFORNIA TOOK SERIOUS MEASURES TO ENSURE PRIVATE FOREST HARVEST PLANS CONFORMED WITH ADEQUATE CONSERVATION MEASURES FOR THE NSO. GIVEN OPTION 9 ON FEDERAL LANDS AND STATE REGULATIONS ON STATE AND PRIVATE LANDS, WHAT ADDITIONAL REQUIREMENTS MAY BE EXPECTED OF NON-FEDERAL LAND OWNERS FROM THE 4(d) RULE CALLED FOR IN OPTION 9?

ANSWER

THE PROGRAM FOR HARVEST PLAN REVIEW SET UP BY THE STATE OF CALIFORNIA ENSURES THAT EACH PLAN SUBMITTED FOR PERMITTING UNDER THE STATE FOREST PRACTICES ACT BE REVIEWED BY A PANEL WHICH INCLUDES THE CALIFORNIA DEPARTMENT OF FISH AND GAME AND THE FISH AND WILDLIFE SERVICE. THE SERVICE RECOGNIZES THE COMMITMENT THE STATE HAS MADE TO WISE CONSERVATION OF ITS FORESTS AND IS CURRENTLY REVIEWING THIS QUESTION WITH REPRESENTATIVES OF THE STATE AND PRIVATE SECTOR. PLEASE BE ASSURED THAT THE SERVICE INTENDS TO RECOGNIZE ALL CONTRIBUTIONS PRESENTLY UNDER WAY BY THE STATE AS BONEFIED ACTIONS TOWARD THE CONSERVATION OF THE NSO FROM NON-FEDERAL INTERESTS IN CALIFORNIA, AND WILL MAINTAIN ADDITIONAL RESTRICTIONS ON "TAKE" IN ONLY THOSE AREAS ABSOLUTELY NECESSARY TO ACHIEVE CONSERVATION (RECOVERY) OF THE SPECIES. WE WELCOME ANY ADVICE AND COMMENT YOU MAY HAVE WHEN WE PUBLISH THE PROPOSED 4(d) REGULATION IN THE FEDERAL REGISTER IN THE VERY NEAR FUTURE.

5) WHAT IS THE DIFFERENCE BETWEEN A 4(d) RULE AND A HABITAT CONSERVATION PLAN (HCP) UNDER SECTION 10 OF THE ESA?

ANSWER

A 4(d) RULE IS A REGULATORY AVENUE AVAILABLE TO THE SECRETARY TO PROVIDE ANY MEASURES NECESSARY AND ADVISABLE TO ACCOMPLISH CONSERVATION (RECOVERY) OF THE LISTED (THREATENED) SPECIES. THROUGH THIS APPROACH, THE SECRETARY CAN DEFINE, MODIFY, OR APPROVE TAKE OF A SPECIES IF THE ACTIONS WILL FURTHER THE CONSERVATION OF THE SPECIES, OR HAVE NO NEGATIVE CONSEQUENCE ON THE CONSERVATION OF THE SPECIES. A HCP UNDER SECTION 10 IS MEANT TO ALLOW THE INCIDENTAL TAKE OF A LISTED SPECIES WHILE PURSUING OTHERWISE LAWFUL ACTIVITIES, SUCH AS TIMBER HARVEST. THE MINIMUM REQUIREMENT OF THIS SECTION IS TO MINIMIZE IMPACTS AND MITIGATE FOR UNAVOIDABLE IMPACTS TO THE SPECIES. THESE TWO MECHANISMS CAN READILY BE USED TOGETHER, AS WE ENVISION OUR PROPOSED 4(d) RULE WILL ENCOURAGE.

6) HOW MANY NSO ARE IN NORTHERN CALIFORNIA, AND HOW MANY WILL YOU NEED BEFORE YOU CAN SAY THEY NO LONGER NEED PROTECTION UNDER THE ESA?

ANSWER

OUR CURRENT INFORMATION INDICATES THAT THERE ARE APPROXIMATELY 1000 NSO IN CALIFORNIA, OF WHICH ABOUT 400 ARE ON NON-FEDERAL LANDS. AS TO THE QUESTION OF HOW MANY ARE NEEDED, RECOVERY WILL MORE LIKELY BE DEFINED BY A STABLE POPULATION LEVEL AND THE CONFIDENCE THAT ADEQUATE SUITABLE HABITAT WILL BE AVAILABLE TO SUSTAIN THE POPULATION AT SOME HEALTHY LEVEL FOR 100 OR MORE YEARS. THE EVALUATIONS WE ARE PERFORMING UNDER OPTION 9 AND THE 4(d) RULE WILL HOPEFULLY GIVE US A BETTER UNDERSTANDING OF THE OVERALL TARGET FOR CALIFORNIA, BOTH IN POPULATION AND HABITAT QUANTITY.

7) WHAT IS SUITABLE HABITAT, AND IS IT DIFFERENT IN CALIFORNIA THAN IN OREGON AND WASHINGTON?

ANSWER

SUITABLE HABITAT IS THAT HABITAT THAT PROVIDES FOR THE SUCCESSFUL NESTING, ROOSTING, AND FEEDING OF NSO. ALSO, DISPERSAL OR MOVEMENT HABITAT IS SOMETIMES INCLUDED IN SUITABLE HABITAT DEFINITIONS. DUE TO DIFFERENCE IN HABITAT THROUGHOUT THE NSO RANGE, THERE ARE DIFFERENCES IN SUITABLE HABITAT IN THE DIFFERENT PHYSIOGRAPHIC PROVINCES THAT MUST BE TAKEN INTO CONSIDERATION. WE ARE CURRENTLY EVALUATING THE MOST EFFICIENT WAY TO APPROACH THESE DIFFERENCES, TO INCLUDE LOCAL DETERMINATIONS, SUB-PROVINCE OR PROVINCIAL DESCRIPTIONS, AND GENERAL DEFINITIONS WITH LOCAL OPTIONS FOR CLARIFICATION. WE WOULD WELCOME YOUR ADVICE ON HOW TO BEST ADDRESS THIS ISSUE.



United States Department of the Interior

OFFICE OF THE SECRETARY

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statement

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Statement of E. Thomas Tuchmann
Special Assistant to the Secretary
U.S. Department of Interior

Before the California Senate Committee
on
Natural Resources and Wildlife

August 18, 1993

Mr. Chairman and members of the Committee, thank your for holding this hearing today on the President's plan for northern California and the Pacific Northwest. My name is Tom Tuchmann and I serve as Special Assistant to Secretary Babbitt. In this role I have assisted the Secretary and President in organizing the Forest Conference and subsequent planning effort.

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REGIONAL DIRECTOR SYSTEMS
REGIONAL DIRECTOR PLANNING
and I are*

~~I am~~ accompanied by ~~Jack Ward Thomas~~ and ~~Brian Greber~~. Mr.

Thomas served as the Forest Ecosystem Management Assessment Team's Team Leader and Mr. Greber was the principle economist on the team.

I'd like to briefly talk this morning about context: about past decisions that set the context in which we now operate, and how the President's proposal helps set a context for future forest management decisions.

Californians Speaking Out

Before doing so, I'd like to acknowledge the contribution California's have made to this plan and how they've helped shape the President's approach to this issue.

The April 2nd Forest Conference in Portland was a moving event. The President, Vice-President and Cabinet members heard heart-felt statements from loggers, environmentalists, community activist, clergymen, and others -- many of them Californians.

Fisherman Nat Bingham spoke to the decline of salmon habitat. He said "If we don't do something right now to protect the remaining habitats, we're going to see listings of salmon that will be in the order of magnitude under the Endangered Species Act that will make the spotted owl situation pale by comparison."

Forester Meca Wawona spoke to value of old growth forest protection. She described northern California forests as "the last of our [nation's] primeval forest heritage" and then went on to say "We have a chance to go down in history as people who learned from their mistakes and created a new way forward. Let's do the right thing for our grandchildren."

Logger Buzz Eades spoke to losing his lineage in the forest products industry. He said "... I'm afraid of the future that faces my family. I represent thousands and thousand of timber workers just like me, ordinary, everyday, hardworking people who

face a fearful future.... Mr. President, my people, my family are forest people. We love the beauty of the forest; we respect it. It's part of what we are."

School Supervisor Frank Tallerico spoke to one county's dependence on federal timber harvesting. He said: "... federal timber receipts [from timber harvesting] are very important to us, because that translates into numbers of positions and numbers of teachers, numbers of staff that we are able to provide."

Community activist Nadine Bailey spoke to cooperation. She said "We can solve these problems if we just continue to do what we're doing here today, and that's join together and find a solution that involves the local people."

At the Forest Conference itself, Californians had a significant presence and they had the President's ear. They have continued to play key roles in the development and implementation of this plan.

The Context: Litany of Denials

I want to talk now of past decisions and I do so because the context is important. It explains the narrow range of options that are in fact available to the President. I do so because we are again at a point when we are being warned that our present

management practices will not sustain us into the future. I do so because it is essential to understanding why the President's proposal is such a clean break from the past.

In studying this issue, one fact defines all others: the history of forest management in the region is one of short-sightedness and deliberate procrastination.

Our government knew it was cutting too much timber: there were countless legal warnings. Judge William Dwyer referred to a "remarkable series of violations of the environmental laws."

While everyone in the Pacific Northwest may have heard of Judge Dwyer, this is not the work of one Judge. Others have ruled in this matter. Judges Zilly, Frye, Jones, Choy, Schroeder, Nelson, Goodwin, Pregerson, and Marsh. Nine different judges -- enough to field a baseball team. Each one of them -- every single one of them -- ruled that our Federal timber management policies were not in compliance with the law. ~~These laws were not complex, though our government claimed they were overly complicated.~~ *> checked they are.*

There were numerous scientific warnings, as well. This is not the work of one scientist or the "Gang of Four". There were repeated warnings throughout the mid- to late-1980s. There were, in fact, warnings going back decades.

Our government deliberately set out to become boxed in -- to build anger and resentment at the Nation's environmental laws -- with the clear goal of gutting those laws.

This litany of denials -- of ignored warnings and callous delays -- is the context in which you should judge the President's proposal. It is the reason why the range of options for the President was so very small. It is the reason why we are not trying to head off an environmental train wreck -- we are trying to clean up after one. Had this crisis been dealt with earlier, we would come to you with options allowing more timber into the mills. But this litany of denials makes that impossible.

This litany is also important because we are once again being warned. We are once again at the kind of decision points that have so often been ignored in the past.

Setting a New Context

It is within this context that President Clinton has stepped in to break the gridlock and offer a bold and thoughtful plan.

The plan provides for a sustainable harvest level of 1.2 billion board feet. In addition, \$1.2 billion in new money will be dedicated to help local workers, businesses, and communities

create family-wage jobs, offer new economic opportunities and ensure the region's long-term economic health.

It calls for an innovative, new approach to environmental protection based on key water supplies and valuable old growth forests.

A comprehensive set of late successional/old growth reserves will be established to protect old growth ecosystems.

"Adaptive management areas" -- the largest of which is the 400,000 acre AMA in outside of Hayfork, CA -- will be situated near forest dependent communities to encourage development and testing of forest management techniques that achieve integrated economic, social, and ecological objectives.

The plan recognizes that federal agencies must work as one if we are to escape the finger pointing and inaction of the past. It establishes various means to improve coordination and make sure federal agencies work together with the states, local communities, and the public to help decide the future of their forests.

The President's plan meets the objectives he set out at the Forest Conference in April.

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The plan is ecologically sound. Over 600 scientists and natural resource professionals worked to make sure it reflected the state of the art science and management techniques. The team went beyond protecting currently listed Threatened and Endangered species and developed an integrated plan that will protect the whole old growth ecosystem -- and its associated flora and fauna -- over time.

The plan is legally responsible because it brings forest management into compliance with existing laws. In this way we ensure certainty in terms of long-term ecological health, and certainty in terms of timber supply. This will help avert any future train wrecks.

The plan is balanced. We are doing everything we can, within the limits of the law, to move timber into the mills. When presented with a range of options that were within the law, the President chose the one which would allow the most timber to move; that is an obvious effort to help local economies. In relying on science and following the laws, he is also moving to protect ^{80% OF THE REMAINING} the forest ecosystems.
 OLD GROWTH FORESTS AND THE BEST WORKINGS OF

The plan is compassionate. We know that the proposed harvest levels are too low to support the kind of industry that existed in the recent past. This finding was not taken for granted and that is why the President is committed to providing assistance to

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help promote family wage jobs, diversify communities, and promote new opportunities for "jobs-in-the-woods".

This is a complex plan. One that is on a cutting edge of forestry. It is a very significant achievement.

It is significant because it is honest. We did not expect harvest numbers this low. The fact is, however, that a new and very clear warning has been issued: the timber just isn't there to sustain a higher level of harvest.

It is significant because this Administration refuses to continue the previous practices of denial, flouting the law and squandering. We know this will cause additional injuries, and we deeply regret that. But we also know this plan reflects the best science available at this time. It represents heroic work by hundreds of scientists.

It is significant because it rejects the simple conclusions and recognizes that we need not -- and must not -- choose between jobs and the environment. It recognizes the importance of both; it recognizes that virtually everyone here and everyone in the region cares about both.

It is significant because it is comprehensive. For the first time, we have a context in which we can make all other regional

forestry decisions. No longer will the BLM, on its own, make decisions that will negatively impact a Forest Service management plan. For decades, management decisions have been made in a vacuum. No longer.

In reviewing this plan, I ask that you appreciate its comprehensive approach and that you look at each of its parts in the context of the whole. Like the old growth ecosystem itself, tinkering with the parts can surely cause the entire system to fail.

Improvements Can Be Made

As good as this plan is, it is not perfect. We made the best judgements we can make. The plan was designed for change, anticipates change, and no doubt will need change. We will get better at the management of complex ecosystems, and as we do, we will adjust the details of the plan. Some want permanent immutable reserves -- but that would presume a degree of knowledge that at this time is not there in many instances.

The Clinton Administration is dedicated to implementing the plan in its entirety. We are starting the public comment period now and we look forward to working with the people of California to improve on what we have pulled together to date.

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Thank you for this opportunity to speak with you today. I would be happy to answer any questions you may have.