

Michael Garrity of the Alliance for the Wild Rockies submitted written testimony on this legislation to the Public Lands and Forests Subcommittee. He reiterated these concerns at a meeting with Congressman Rehberg held in Deer Lodge on Friday, January 8, 2010. Testimony:

My name is Michael Garrity and I am the Executive Director of the Alliance for the Wild Rockies. The Alliance for the Wild Rockies is a Helena, MT based conservation organization with over 2000 members. Our mission is to protect wildlife habitat in the Northern Rockies region of the United States. Please accept these comments in opposition to Senator Tester's Forest Jobs and Recreation Act, S. 1470. We agree with the Obama Administration's position as articulated by the Undersecretary in charge of the U.S. Forest Service.

We agree that mandating particular levels of timber harvest on some of Montana's National Forests is likely unachievable and unsustainable and far exceed historic logging levels on these forests, and would require an enormous shift in resources from other forests in Montana and other states to accomplish the logging levels specified in the bill.

Senator Tester's bill would require the U.S. Forest Service to log more acres on the Beaverhead-Deerlodge National Forest than have ever been harvested there in the last 50 years except for one year. The Forest Service would have to see that those acres were harvested every year no matter what the demand for timber happens to be. The economically naïve idea behind this timber harvest mandate is that if large volumes of timber are harvested, our lumber mills will operate at a higher level and more Montana workers will be employed. Advocates believe that a constant timber supply will assure constant production and employment at mills.

This did not work very well in the old centrally planned Soviet Union; I don't know why Senator Tester thinks it will work in our capitalist economy. In our market economy, producing a constant level of supply no matter what economic conditions happen to be destabilizes the market, businesses, and communities even more. During periods of excess supply, it drives prices lower than they otherwise would be. During periods of excess demand, it drives prices higher than they otherwise would be. Stable levels of production lead to unstable prices as market conditions fluctuate. Mandating a constant flow of trees into the market does not stabilize communities. It does the opposite.

The mandated harvests in Tester's bill are also likely to cost taxpayers well over 100 million dollars as on most of Montana's National Forests, logging takes place at a loss to the U.S. Treasury. The Forest Service's budget shows that the Beaverhead-Deerlodge National Forest loses over \$1400 per acre when they log. To log 70,000 acres over the next ten years as the Beaverhead-Deerlodge proposal requires would cost taxpayers \$98 million. Senator Tester's bill also mandates logging of over 3000 acres a year in the Three Rivers Ranger District

of the Kootenai National Forest. This would add another \$42,000, 000 cost to the bill. The Forest Service will have to take money from other projects and or other forests to subsidize the harvest of those trees that the market does not want or need.

Senator Tester's bill would also open up over one million acres of roadless lands to logging. The problem is that not only would these roadless lands cost millions of dollars to log, these roadless lands important for the long term survival of many fish and animal species, including grizzly bears.

Before European settlement of the American West, grizzly bears (*Ursus arctos horribilis*) roamed west from the Great Plains to the California coast, and south to Texas and Mexico, inhabiting almost every conceivable habitat. With westward expansion, grizzlies were shot, poisoned, and trapped wherever they were found. Once over 50,000 strong in the lower 48 states, grizzlies were reduced to less than 1,000 bears. Thus, in a historical blink of an eye, from the 1800s to the early 1900s, humans reduced the range of the grizzly bear to less than 2% of its former range south of Canada, limiting the bear to a few isolated populations in remnant wildlands. One of these remnant and isolated grizzly bear populations is found in the Cabinet-Yaak Ecosystem of northwestern Montana and northern Idaho. The Cabinet-Yaak landscape alternates from rugged, alpine glaciated peaks, to dense coniferous forests, to lush meadows and riparian areas along the meandering Yaak River. The majority of the Cabinet-Yaak Ecosystem - 90% - is National Forest land, managed by the Forest Service. In particular, 70% of the Cabinet-Yaak Ecosystem is managed exclusively by the Kootenai National Forest in the Three Rivers Ranger District. The grizzly bear's natural characteristics make it particularly vulnerable to human persecution: grizzlies are hard to grow, but easy to kill. Due to their late age at first reproduction, small litter sizes, and the long interval between litters, grizzlies have one of the slowest reproductive rates of North American mammals.

The Forest Service estimates that 69% of grizzly bear mortalities are caused by humans. In particular, the Wildlife Service cautions that roads probably pose the most imminent threat to grizzly habitat today. Roads literally pave the way for these mortalities; they provide humans with access into grizzly bear habitat, which leads to direct mortality through illegal shootings, and to indirect mortality through habituation.

In 1975, the Wildlife Service listed grizzly bears in the lower 48 states as a "threatened" species under the ESA. In 1993, and again in 1999, the Wildlife Service concluded that the Cabinet-Yaak grizzly population had deteriorated to the point of warranting an "endangered" classification. The Wildlife Service stated that the Cabinet-Yaak population was "in danger of extinction" due in part to the cumulative impacts of timber harvest and its associated road construction.

Over the past two decades, dozens of bears have been killed by humans. Accordingly, predictions regarding the bear's survival have become increasingly bleak. The Cabinet-Yaak population is small - estimated at 30 to 40 bears. In 2006, the Wildlife Service found a 91.4% probability that the population is declining. The Wildlife Service has also found that the mortality rate is increasing. The most recent monitoring report concludes that the Cabinet-Yaak population failed all recovery targets between 2000 and 2005.

The 1995 Biological Opinion on the Kootenai Forest Plan concluded that the effect of high road densities on grizzly bears in the Kootenai National Forest resulted in "significant habitat modification or degradation which results in actual injury to grizzly bears by significantly impairing normal behavioral patterns, including breeding, feeding, or sheltering."

By mandating more logging and therefore more logging roads in the Kootenai National Forest, Senator Tester is mandating the extinction of grizzly bears in north-west Montana. The Northern Rockies is the only place in the lower 48 states where native species and wildlife are protected on lands that are virtually unchanged since Lewis and Clark saw them. This is public land belonging to all Americans.

Science tells us that wildlife populations cannot survive for long periods of time on isolated islands of habitat. Without plentiful habitat, populations eventually become genetically weakened and suffer from inbreeding effects. University of Utah Museum of Natural History Research Curator William Newmark testified at a U.S. House hearing in 2007 on the Northern Rockies Ecosystem Protection Act (NREPA) that we are in the midst of the world's sixth major extinction event and the only place in the world we have a chance of stopping this extinction is in western North America and ecosystem protection bills like NREPA is the most effective way of reducing species loss not mandated logging that Senator Tester proposes.

Some people in the environmental community concede NREPA is a good bill but it is not politically viable. Instead, critics propose that we turn more roadless areas over to loggers as Senator Tester's bill would do.

Senator Tester claims he is creating jobs by logging and restoration work. Senator Tester mandates the logging but not the restoration work. Unfortunately for Montana workers, restoration is more labor intensive. For example, H.R. 980, the Northern Rockies Ecosystem Protection Act offers a better way to create jobs. It establishes a pilot wildland recovery system. Over 6,000 miles of damaging or unused roads will be restored to roadless conditions, providing employment for over 2,000 workers while saving tax-dollars from subsidized development.

NREPA produces more jobs because of the habitat restoration work associated with wildland recovery areas. The costs of this work will be approximately \$130 million over ten years. This cost is \$245 million less than the \$375 million projected net loss for logging these areas.

Moreover, the number of timber jobs will continue to decline with technological advancement. Capital intensive technology is the main cause of the fall in timber related employment, not lack of trees. Employment in the wood products industry in Montana peaked in 1979 when 11,606 employees cut and milled 1 billion board feet of timber. In 1989, the timber industry harvested a record amount of timber, almost 1.3 billion board feet, but only 9,315 people were employed. In 2006 at the peak of the housing boom, 926 million board feet was cut and milled by 3,524 people. In the those 27 years employment has decrease 70% while timber production has only decreased 7%. Because of the housing marker decline even less people are employed in the timber industry today. Senator Tester's proposal to mandate more logging is not going to cause people to buy more houses and therefore it will not cause an increase in the demand for lumber.

Senator Tester's bill is a waste of taxpayers' money and will hurt the main driver of Montana's economy, its beautiful wildlands. The Montana Department of Fish Wildlife and Parks found in a survey that people spend more money on fishing, hunting and wildlife watching in Montana that the timber, mining and agricultural industries combined bring into Montana.

The Forest Service, in a 2000 report titled Water and the Forest Service, found that water originating from lands that NREPA would protect has a value of at least \$1 billion. It makes no economic sense to lose hundreds of millions of dollars on logging that harms the most valuable commodity our forests produce, water.

Senator Tester also proposes a change in the Forest Service appeals process. Currently any American can comment and appeal a timber sale on any National Forest. The Alliance for the Wild Rockies for example comments and appeals timber sales on many different national forests in the Northern Rockies. If these forests are a long ways from our offices or the roads are bad due to heavy snow, we will often participate via telephone. Senator Tester's bill changes this procedure to require that all appeal resolution meeting on the Beaverhead-Deerlodge and Kootenai National Forests be held in person on the Ranger District in question. Appeal resolution meetings on all other National Forests can still be able to held over the phone.

The only reason we can see for Senator Tester to propose this is make it unduly burdensome on people who want to have a say in the management of our public lands and to allow the intimidation of the appellants. We have many members who live in these National Forests who wish to remain anonymous or don't want

be subject to harassment by the timber industry or the Forest Service. We therefore often handle the appeals from our main office. We do not have the resources to travel to the distant parts of the Kootenai and Beaverhead Deerlodge National Forests on icy highways in the middle of the winter to attend appeal resolution meetings nor do we want to subject our members to intimidation in these rural communities when they want to have a say in the management of their public lands.

Senator Tester as repeatedly stated that he worked with anybody who wanted to work with him on his bill. I met with Senator Tester in December of 2006 and told him that I would like to work with him on a wilderness proposal. I talked to Senator Tester's MT Chief of staff Bill Lombardi a year before the bill was dropped and he promised me that he would let me see a draft bill proposal to offer suggestions before they made up their mind.

I talked Senator Tester's aide in Missoula several months before the bill was introduced and told her that I would rather work with them than against them on their bill. The aide, Tracey Stone-Manning said thank you but they first had to get everything signed off by their inner circle before they let people outside that inner circle look at it, I then called a day before the bill was introduced and asked why I wasn't allowed of offer constructive suggestions. Tracey said she was sorry but it took longer than they thought to get the inner circle signed off. So Senator Tester is incorrect when he said that members of Mr. Koehler's coalition did not try and work with the Senator or his staff.

Tracey Stone Manning also told me that I would be able to offer suggested changes as the process continued. I read Senator Tester following comments in the Montana Standard newspaper on 12/27/09 that he was not willing to make any changes to his bill.

Standard View: Culture change does not come easy

By The Montana Standard Staff - 12/27/2009

<http://www.mtstandard.com/articles/2009/12/27/opinion/hjjaihhcjijhf.txt>

U.S. Sen. Jon Tester, D-Mont., is remarkably unfazed that a high-ranking federal official expressed serious concerns about his Forest Jobs and Recreation Act.

At the bill's first committee hearing in Washington Dec. 17, Agriculture Department Undersecretary Harris Sherman balked at a main provision of the bill that mandates logging or thinning on 7,000 acres of the Beaverhead-Deerlodge National Forest every year for the next 10 years.

Sherman, who oversees the Forest Service, said the plan was "not reasonable" and called on the senator to "alter or remove highly site-specific requirements." Was Sherman's testimony a game changer?

Not at all, Tester told The Standard during a phone interview last week. He "absolutely" thinks the bill still has a good chance of passing despite Sherman's opinion and said he knows of USDA officials above him who support the bill along with many rank and file Forest Service employees who agree it's time for a fundamental change in how the agency manages our national forests.

Is the senator even slightly inclined to take another look at the acreage mandates?

Not even slightly, Tester said, and neither are the original parties who forged the Beaverhead-Deerlodge Partnership upon which the bill is based in part. In a national forest where 1.9 million acres have been identified as suitable for timber activity, surely the agency can find 70,000 over the next decade that can be cut.

"They can do this," Tester said. It will be a stretch, he acknowledged, and it won't fit nicely into the templates the agency is used to following, but it can be done. "We're here to help set policy," he said.

Whether or not you support this legislation, you can't help but admire the senator for standing firmly behind his Montana constituents who spent years hammering out the tough compromises on logging, wilderness and recreation areas that are contained in this bill.

He said it would be "unfair" at this point to start picking the agreements apart after so much work went into putting them together, and we tend to agree that now is not the time to start backtracking.

The 7,000-acre annual mandate does not mean all-out clear-cutting on the Beaverhead-Deerlodge. Broad landscapes would be carefully considered, with priority given to reducing wildfire risk in the wildland-urban interface regions and managing beetle-killed timber. Treatment would include thinning in some areas and removing conifers that are encroaching on natural meadows and aspen groves in others.

Remember, the whole thrust of this bill is to finally break the wilderness-versus-logging gridlock that has paralyzed forest management for decades and lies at the heart of why 7,000 acres annually is virtually unprecedented.

Tester said he didn't expect Sherman's strong testimony against the bill, but perhaps he should have. This proposed legislation is unprecedented, combining logging mandates with wilderness and recreation area designations, and it would launch a brand new chapter in national forest management. Keepers of the status quo rarely embrace radical change.

Increasingly, lawmakers in western states are recognizing the urgent need for a new management style, however, and they're taking cues from grassroots collaborative efforts. U.S. Sen. Ron Wyden, D-Ore., recently introduced a bill strikingly similar to Tester's that would guide forest management in eastern Oregon. Tester said Sens. James Risch, R-Idaho, and Maria Cantwell, D-Wash., are considering bills, too.

As for his Forest Jobs and Recreation Act, Tester said the next goal is to get it moved out of committee and on to the Senate floor for a vote. Let's hope he can accomplish that early next year, as the health care debate winds down. The sooner the better, for Montana's ailing timber industry and wilderness advocates alike.

Therefore, I believe Senator Tester is incorrect when he stated at the committee hearing that he worked with anybody who wanted to work with him. Thank you for taking the time to read my comments.

Sincerely Yours,
Michael Garrity
Executive Director
Alliance for the Wild Rockies
Helena, MT