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HEARING TO REVIEW FOREST RESOURCE MANAGEMENT IN NORTHERN WISCONSIN

HEARING

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS, OVERSIGHT, NUTRITION, AND FORESTRY

OF THE

COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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HEARING TO REVIEW FOREST RESOURCE MANAGEMENT IN NORTHERN WISCONSIN

MONDAY, July 20, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
OVERSIGHT, NUTRITION, AND FORESTRY,
COMMITTEE ON AGRICULTURE
Appleton, WI

The Subcommittee met, pursuant to call, at 9:00 a.m., at the Radisson Paper Valley Hotel, 333 W. College Avenue, Appleton, Wisconsin, Hon. Joe Baca [Chairman of the Subcommittee] presiding.

Members present: Representatives Baca and Kagen.

Staff present: Jamie W. Mitchell, Lisa Shelton, Brent Blevins.

OPENING STATEMENT OF HON. JOE BACA, A REPRESENTATIVE IN CONGRESS FROM CALIFORNIA WISCONSIN

Mr. BACA. I would like to call the meeting to order at this time. This is a hearing of the Subcommittee on Department of Operations, Oversight, Nutrition, and Forestry to review the forest resource management in northern Wisconsin. That's why it will come to order at this point. I'll begin with a little bit of an opening statement.

I had an opportunity to talk to Matt a little bit, and besides being head of the cheese country and dairy country, forestry is very important in Wisconsin as well.

I happen to hear you've got quite a few golf courses in the area as well. I wish I had a little bit more time. I would have loved to have gone to play. I know that Matt said that he played on Saturday.

But I'm pleased to be here with my good friend and colleague, Dr. Steve Kagen, to examine forest resource management here in Wisconsin. I appreciate his leadership and vision, and I state his genuine concern for the district and involvement in the Agriculture Committee as well. He has been very instrumental in assuring that we had the hearing here, and his persistence and "stick-to-ity" is to make sure that I did not fade away and not come to Appleton, Wisconsin. And there was a time that I was tempted to say maybe we should cancel the hearing, but he came back and said, look, I care about this area, forestry is an interest that we have to look at, it impacts not only Wisconsin, but it impacts the nation, too. So I really want to thank Dr. Kagen for his invitation and being persistent and having this hearing here this morning as we begin to

hear about the forest product industries and the forest communities here in the heart of the dairyland.

This is not the first time I've been here. As I stated to some of you earlier, I've had numerous trips back in the 1970s to the 1980s that I used to come into Appleton and then play ball in Kimberly, so I used to stay right here. I played a lot of the fast pitch, because they had the International Softball World Tournaments that were held here in Kimberly, so I came back here to play ball during my younger age, which is only a few years ago. As we are maturing in age right now, we lose sight and count of how old we are. But I do remember coming out here and playing ball here in Wisconsin. And during that period of time, I had an opportunity to also play a little bit of golf, and I enjoy the golf that I played out here.

By way of introduction, I'm from San Bernardino, California, just outside of the L.A. area, about 35 miles east of L.A., and we have the San Bernardino National Forest that borders my district. And, of course, it provides, like anything else, recreational opportunity, economic benefits, and it creates a high quality of life for residents. And this is what we care about not only in here, in this area, but in the Inland Empire. And as a Californian and as an American I know it's critical that we find concrete solutions to the many hazards facing the future of our forests. And this is why we're having this hearing: to look at—attempt to look at dynamic environments. Forests are part of ongoing policy discussions and challenges, issues like climate change. Similarly, Federal forest policies must be flexible enough to meet these challenges. And I state they must be flexible enough to meet these challenges. Ultimately, we, in Congress, must work to find solutions to the questions that plague American forest policies, and that means collaborating in a partnership and coming together. And I think when we can come together as a region, as a state, as a nation, we can begin to address a lot of our problems.

Questions that we'd like to look at is how do we best limit the devastating impact of invasive pests on our forests? What balance do we strike between development and forestland preservation? How can we better equip our brave men and women who fight fires and maintain our forests to ensure that continued protection a success? How can we best work with business, labor, and communities to ensure the survival of timber-related industries during these times of economic difficulties? And that's one of the things we heard this morning before the hearing. How do we manage it? And how do we control the resources? How can we utilize America's forests and better protect the health of our water resources as well?

I'm sure today's hearing will be very instructive and effective to evaluate our current forestry policies in this country, so I look forward to listening and learning from these excellent witnesses on their views of forests right here in Wisconsin.

I want to thank you and your staff, Dr. Kagen, and everyone who has been here in putting this hearing together, and thank you for being persistent and having courage and caring about your district and about the nation.

With that, I'd like to turn it over to Dr. Kagen for an opening statement.

STATEMENT OF HON. STEVE KAGEN, A REPRESENTATIVE IN CONGRESS FROM WISCONSIN

Mr. KAGEN. Thank you, Chairman Baca, for holding this hearing and thank you to the staff for not having the customary clock up here with the five-minute limit. I understand that I've got five minutes; is that correct? Somebody is keeping time somewhere, that's how government works.

We have talked about having a hearing on the issues that are facing the forestry for sometime, and I'm really, really glad to welcome you to Wisconsin. Again, it's appropriate that we are having this hearing here at the Paper Valley Hotel because the name itself reflects just how important the paper and forestry industry is to my district and to our continued economic success. While many parts of the country can boast of their forests, very few states have both the breadth and depth of forestry that we take for granted here in Wisconsin. Wisconsin has over 16 million acres of forestland which nearly encompasses half the state. It also has a diverse mix of both private and public forest that includes the Chequamegon-Nicolet, National Forest, over ten million acres of private forestland held by 360,000 private landowners and state and county forests.

This diversity means that the challenges and promises facing Wisconsin's forests are reflective of the issues surrounding forests nationwide. Even though all forests are not the same, sometimes management of these forests is one size fits all. I can tell you as a physician if you have asthma and allergies, every patient has a unique set of circumstances that they bring to the table, so is that also true with our national forests. Each one has unique problems and situations.

Northeast Wisconsin has always been known for its extensive forests, which have played an important role in the housing and paper industries. And now, as our country moves towards greater energy independence, the forests of northeast Wisconsin have the potential to meet our nation's needs for renewable energy. I think it's very important that Congress continue to support the renewable energy activities of northeast Wisconsin.

While this is a time of great promise for the forest industry, it's also a time of extreme struggle. We have seen paper industries struggle under the weight of subsidized foreign competition, illegal paper being dumped into our domestic markets. Timber sales have slowed along with the housing market and the credit crunch which has affected all of Wisconsin and the entire nation. But it's not only about our financial markets and the credit crunch. It's about having sales. It's about having contracts. No business person, no business owner in their right mind, would be looking to take out more debt at a time when they don't have the sales they need to even pay back the debt they might encounter themselves.

I look forward to listening to the witnesses assembled here today as they speak about how we manage our forests here in Wisconsin. I look forward to learning what lessons we can share with our colleagues on the Agriculture Committee and in Congress more generally.

As we look to craft policies that help our forests meet their full potential today as well as the future generations, I also look for-

ward to discussing what challenges are facing Wisconsin forestry. While Congress may not be able to solve all these challenges, and perhaps Congress shouldn't be looked to for all the solutions, it is crucial that we are cognizant of the realities that face the forestry industry.

So thank you again, Chairman Baca, for convening this Congressional hearing here in northeast Wisconsin. I look forward to the testimony we're about to hear.

Mr. BACA. Again, thank you very much for bringing Washington, D.C., to Appleton and setting history right here in Appleton and having the first hearing here.

With that, I'd like to begin with the first panel that we have. I'm going to have Dr. Kagen introduce each of the panelists. The panelists will have five minutes. There's a light in front of you that will go on. We turned it off for you just to make sure we allowed you the additional time. But there's a light in front of you and it will go from the green to the yellow and then the red which means that you'll be able to end your testimony. But your testimony will be taken and it will be recorded, and for anybody else that didn't have an opportunity to speak this morning, you'll have five legislative days to submit your testimony, and it will be part of the record.

With that, Dr. Kagen, I'd like you to start by introducing each of the panelists, and then we will start with the first one and then you'll have five minutes.

Mr. KAGEN. Let me begin by thanking you for coming here to the Paper Valley Hotel to present testimony to the United States Congress. And first up we have Ms. Jeanne Higgins, Forest Supervisor of Chequamegon-Nicolet National Forest, U.S. Forest Service, U.S. Department of Agriculture, Park Falls, Wisconsin.

Next up will be Matt Frank, who we have come to know very well as Secretary of Wisconsin's Department of Natural Resources. And I would say that he's from Madison, but I get to see him everywhere in the state, so I'm not sure where he's from.

So, Ms. Higgins, if you'd begin.

STATEMENT OF JEANNE HIGGINS, FOREST SUPERVISOR, CHEQUAMEGON-NICOLET NATIONAL FOREST, U.S. FOREST SERVICE, EASTERN REGION, U.S. DEPARTMENT OF AGRICULTURE, PARK FALLS, WISCONSIN

Ms. HIGGINS. Mr. Chairman, Dr. Kagen, thank you very much for taking the time to come to northern Wisconsin and talk about forest resource management. As evidenced by the attendance here today, issues facing our forests and forest resource management are important to many of us. Your presence and interest is greatly appreciated.

With that, it's an honor for me to speak before you today. I am Jeanne Higgins, Forest Supervisor for the Chequamegon-Nicolet National Forest, Wisconsin's only national forest. We more affectionately refer to it as the Cheq-Nic or the Che-Ni or Chequamegon-Nicolet will be a mouthful. But that forest is comprised of over 1.5 million acres across northern Wisconsin in 11 counties and 65 townships. These forests are composed of land that was once logged over, burned over, and abandoned. And in the 1930's the Forest Service acquired the land. Since then, the

Chequamegon-Nicolet and numerous partners have worked hard to create the landscape we see today.

However, we must acknowledge we had challenges in managing forests in these landscapes. These challenges are not unique to Wisconsin. However, I believe Wisconsin is uniquely positioned to provide leadership to successfully tackle these challenges. So what is the role of the Forest Service and, specifically, the Chequamegon-Nicolet National Forest?

Those of us who are responsible for managing this public trust must ensure we maintain a sustainable forest. In doing so, the Land and Resource Management Plan is a key instrument in our success to meet this obligation. We must also look and work across the landscape to ensure forest sustainability. Our relationship with our partners and other stakeholders is critical to our collective success in addressing the challenges. We must also have the appropriate tools to respond to these challenges and other dynamic situations that affect the sustainability of our forests.

Management of the Chequamegon-Nicolet National Forest is guided by the 2004 Land and Resource Management Plan, more commonly known as "the forest plan." The forest plan is set up to ensure sustainable forests to provide what we as society desire. This includes the products we value, the wildlife that live here, and all of the other amenities and resources we use in our forests. It provides a balance of the demands that we place on our forests. The primary goal of the forest plan is to provide guidance to land managers to maintain a sustainable forest and developed through strong public involvement.

When the plan was revised there was strong interest and active engagement process for many stakeholders, many of whom are here today. The plan represents what people value most about their forests, such as clean air, clean water, wildlife habitat, wood products, and outdoor recreation. Sustainable forest management has renewed and recovered healthy ecosystems and provided significant contributions to the nation's well-being. The Chequamegon-Nicolet as we know it today is the result of over 80 years of intensive restoration efforts. So managing these diverse landscapes cannot be done alone or only within the confines of the national forest boundary. The assistance of our partners in working collaboratively with other landowners is critical. Collaborative relationships are essential to sustainable forests. It is imperative that dialogue continue to occur to discuss issues that we face managing these forests. No one entity can work alone to resolve the challenges we face, such as nonnative invasive species, climate change, and parcelization of private forestland.

Forests are dynamic, and appropriate tools are needed to be able to respond quickly to situations and events that could impact the long-term sustainability of forest resources. As land managers of this national forestland, we use a wide range of tools that are available to us to make management decisions. These tools are critical for assisting us to manage these public lands in a balanced and sustainable way. For example, the Healthy Forest Restoration Act being utilized to rapidly respond after the quad-county tornado in 2007. The tools we have available also assist us to work with many partners to accomplish work that benefits the forest as well as local

communities. The tools such as community wild park protection plans and stewardship contracting are important to our success.

These are just some of the challenges we face, but as I mentioned earlier, we are in a position to provide leadership. We have dedicated staff on the Chequamegon-Nicolet to address these challenges. These folks are very committed to our work of managing the national forest.

Thank you for the opportunity to speak with you. I look forward to questions you may have.

[The prepared statement of Ms. Higgins follows:]

SUBMITTED STATEMENT OF MS. JEANNE HIGGINS, FOREST SUPERVISOR, CHEQUAMEGON-NICOLET NATIONAL FOREST, EASTERN REGION, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, PARK FALLS, WISCONSIN

Statement of
Jeanne Higgins
Forest Supervisor
Chequamegon-Nicolet National Forest
Eastern Region
U.S. Forest Service
U.S. Department of Agriculture
Before the
Subcommittee on Department Operations, Nutrition, and Forestry
Agriculture Committee
United States House of Representatives

July 20, 2009

Concerning

Review of Forest Resource Management in Northern Wisconsin

Thank you for the opportunity to come before this Subcommittee to discuss forest resource management in northern Wisconsin. I am Jeanne Higgins, the Forest Supervisor for the Chequamegon-Nicolet National Forest, the only National Forest in Wisconsin. The Forest Service collaborates with a wide range of interests to accomplish our mission of sustaining the health, resilience, and productivity of the Nation's forests and grasslands for the benefit of present and future generations. Our partners include states, tribes, other federal agencies, local governments, and a host of non-profit and private entities. I would like to give you an overview of the National Forest offices in Wisconsin and then tell you about activities on the Chequamegon-Nicolet National Forest.

The Forest Service in Wisconsin

The forested landscape of Wisconsin is a mix of ownerships: private, industrial, tribal, county, state and federal. The total forested land in Wisconsin is 16,000,000 acres. The Chequamegon-

Nicolet National Forest, headquartered in Rhinelander and Park Falls, is 1.5 million acres or 9 percent of the State total, with one-half-million acres of private property within its boundaries. The national forest spans across the north woods and is composed of land that was once logged over, burned over and abandoned. In the 1930's the Forest Service acquired the land primarily through Weeks Act authority. Since then the Chequamegon-Nicolet and numerous partners have worked hard to create the landscape we see today.

The Forest Service presence in Wisconsin also includes the Forest Products Laboratory located in Madison, the Northern Research Station in Rhinelander, the Eastern Region Regional Office in Milwaukee, and the Blackwell Job Corps Center in Wabeno. The State and Private Forestry branch of the agency that serves Wisconsin is located in St. Paul, Minnesota.

The Forest Products Laboratory is part of the Research branch of the Forest Service. For almost 100 years, the Forest Products Laboratory's mission has been to use our Nation's wood resources wisely and efficiently. Areas of research include nanotechnology, engineering properties of wood and wood-based materials, bioenergy, and durability and wood protection.

The Northern Research Station's Institute for Applied Ecosystem Studies in Rhinelander, Wisconsin is also part of the Research branch of the Forest Service. Among the research projects underway by Institute scientists is work focused on issues such as carbon sequestration, climate change, silviculture and forest productivity, land use change, effects of human population growth on ecosystem services and recreational opportunities and invasions of exotic species. Scientists are looking at ways to accelerate the growth of hybrid poplar to increase its use for bioenergy. Milwaukee, Wisconsin is the headquarters of the Eastern Region of the Forest Service. The Region oversees 14 national forests and one tall grass prairie within its 20-state boundary.

The Blackwell Job Corps Center opened on the Chequamegon-Nicolet National Forest in 1965. The mission of the Center is to teach eligible young people skills they need to become employable. Since 1965 when the Center opened, over 15,000 students have benefited from this Forest Service program.

The State and Private Forestry branch encourages and supports sustainable management of the region's non-federal forest land. In Wisconsin, the Northeastern Area's Field Office located in St. Paul, Minnesota, works with the Wisconsin State Forester to deliver programs such as fire management, forest health protection, forest legacy, forest stewardship, urban and community forestry, and watershed protection on non-federal forest lands. In 2008, Northeastern Area Office provided over five million dollars to the Wisconsin Department of Natural Resources, Division of Forestry, and other partners for sustainable forest management activities.

Chequamegon-Nicolet National Forest

The Chequamegon-Nicolet National Forest is managed for multiple purposes, including: recreation, wildlife habitat, heritage resources, timber and other forest products, water quality, and fire hazard mitigation. Sound science and public participation drive the management goals and objectives that comprise the 2004 Land and Resource Management Plan. The management goals describe conditions the Forest strives to achieve such as ecosystem restoration, recreation, and wildlife habitat improvement work. Projects are developed to meet a variety of resource objectives and accomplished through collaboration with stakeholders. I would like to give you an example.

On June 7, 2007 the Quad County tornado leveled 14,000 acres in Shawano, Menominee, Oconto, and Marinette counties. The tornado path was approximately 40 miles long and averaged a half mile across. As with all natural disasters, this one crossed many boundaries. Over 5,600

acres of National Forest System lands on the Chequamegon-Nicolet National Forest were impacted by the tornado. Many small communities near the Chequamegon–Nicolet National Forest were heavily impacted; thankfully no lives were lost in this event. The aftermath of the tornado was significant. Roads were blocked, power lines and phone lines were down, and people were unable to get out of their own homes.

After any natural disaster it is important to assess and address safety and health issues first. The Forest Service, State and County governments worked together to swiftly ensure that people were safe. Then they moved to the important work of clean up and planning for the future.

The Forest Service assessment revealed whole stands of red pine and hardwoods were snapped and blown over. Although the tornado caused much damage to property, infrastructure, and to the Forest, it also provided some unique forest restoration opportunities. The Chequamegon-Nicolet National Forest staff collaborated with other government entities, Tribes, partners and community interests to determine how the restoration work could be designed to restore health to the forested ecosystems, improve wildlife habitat and help carry out the objectives of the land management plan. For example, within the impacted area were thousands of dead, standing snags. Forest biologists and some private stakeholders identified this as an opportunity to provide habitat for rare, disturbance-dependent species like the black-backed woodpecker.

The Forest Service and surrounding communities agreed that priorities included reducing fire hazard and limiting the likelihood of insect and disease infestations. Prompt removal of downed trees would satisfy these objectives, and local contractors were employed to do this. This work was accomplished in a manner that retained high numbers of dead trees for wildlife habitat and diverse tree species such as red pine and hardwoods would occupy the forest as it regenerates.

The Forest Service also worked within existing statutory authorities to streamline required reviews to expedite cleanup, in compliance with the National Environmental Policy Act as well as to ensure compliance with other environmental requirements and further our environmental stewardship of the Forest. Six existing timber sale contracts were immediately used to clean up about 700 acres; additionally 11 large salvage sale contracts, along with 10 smaller ones, were established. As a result, over 40 million board feet of hardwood and conifer timber were harvested from the tornado damaged area on the National Forest. Trust fund revenues collected from these sales has been used for regeneration and monitoring efforts. Approximately 10,000 tons of biomass were removed and used for bio-energy.

Because the community was involved early-on in deciding how to address the damage from the tornado, the idea of assisting the Chequamegon-Nicolet National Forest spread to other interested parties. Not long after the clean up began, a variety of stakeholders quickly began assisting. The Paul Bunyan Riders, Iron Snow Shoe Incorporated and the Chute Pond Snowmobile Club volunteered to clear approximately 15 miles of heavily damaged snowmobile trails, one of many examples of volunteerism. The Langlade Area Mountain Bike Association has been working over the past two years to clear and reconstruct the many miles of mountain bike trails on National Forest lands that were damaged. Other actions have contributed to the clean up and restoration efforts. The Chequamegon-Nicolet National Forest contracted with a local business owner to clear the Oconto River Barrier Free Fishing Trail. The Chequamegon-Nicolet National Forest also donated over 1,000 pine tree seedlings to local communities impacted by the tornado. Because of the dialogue about how to accomplish the clean up, a wide variety of interest groups came together and developed a broader range of possibilities to be considered. This resulted in community ownership in the outcomes and employment for local contractors.

To date approximately 3,000 acres of down tree removal and fuel reduction have been accomplished. Most of this area has naturally regenerated to a mixture of hardwood forest types. Pine replanting is scheduled to be completed over the next two springs. All of this work is helping to restore pine and hardwood forests to provide a healthy forest, habitat for wildlife species and recreational opportunities, while providing wood fiber to local communities. This example demonstrates that working closely with a wide range of stakeholders and industry is integral to sustaining the health, diversity, and productivity of the National Forest.

Challenges

As we design and implement projects to implement the Forest Plan, we find that not everyone agrees on the best means to accomplish forest landscape restoration work. As a consequence forest management projects on the Chequamegon-Nicolet National Forest are sometimes appealed and litigated. Within the last six years, six vegetation management projects have been litigated on the Chequamegon-Nicolet National Forest. In two of the six cases, the decision of the District Court of the Eastern District of Wisconsin was to uphold the adequacy of the analytical models and methods, and affirm the soundness of the Forest Service's scientific approach, allowing the agency to implement projects that improve forest health and contribute to the local economies. In another case, the District Court affirmed dismissal of an administrative appeal on procedural grounds. These three cases are on appeal to the Seventh Circuit. One project subject to prior challenge has now been administratively resolved; two cases are still before the District Court.

The Forest Service is working with many stakeholders, including industry, during a stressful economic time. We are fully reviewing timber sale design criteria to ensure that projects are economically viable but still meet environmental standards. The Chequamegon-Nicolet National Forest has used several authorities to extend contract time periods. One is called market-related

contract term addition. On the Chequamegon-Nicolet, 13 contracts were given additional time using this authority. In addition, the Forest has relied on the Secretary of Agriculture's determination that the extension of certain specified contracts is in "substantial over riding public interest." Approximately 40 sales on the Chequamegon-Nicolet have received these extensions. Emergency Rate Re-determinations as authorized by the 2008 Farm Bill were also utilized to help timber purchasers.

Working towards the future

1. Stewardship Contracting

Congress provided the Forest Service with stewardship contracting authority as a tool to help manage National Forest System land while working to meet the needs of local and rural communities. Active public participation is a requirement and cornerstone of planning stewardship projects. The stewardship contracting authority allows the Forest Service to offset the value of goods for the cost of services received. For example, projects can be designed so that the value of the timber may be exchanged for services such as fisheries restoration work. Stewardship contracting benefits both the Forest Service and local communities.

The Chequamegon-Nicolet National Forest sees the value in the use of Stewardship Contracting to accomplish Forest Plan objectives. Two projects most recently completed include the Day Lake Integrated Resource Timber Contract (IRTC) which reduced hazardous fuels around a busy campground and the Whiskey Oak IRTC which focused on slowing the spread of Oak Wilt. To date the Chequamegon-Nicolet has awarded nine stewardship contracts to reduce hazardous fuels, improve forest health, water quality, public safety, fish passage, and to help control invasive species.

2. *Woody Biomass*

Removal of woody biomass from the Chequamegon-Nicolet National Forest is of interest to wood products industries and may provide for local economic development in northern Wisconsin. Woody biomass includes the tops and limbs of trees and other smaller diameter trees which are a byproduct of trees harvested to meet resource objectives. In some cases within the wildland urban interface, removal of this material is important to reduce fire hazards, but there is concern that removing too much of this material may have an impact on ecosystem objectives, especially within hardwood forests. To better understand the effects of removing this material, the Chequamegon-Nicolet is collaborating with researchers from the Forest Service's Northern Research Station and the University of Wisconsin on a woody biomass harvesting research trial in a hardwoods forest. This research project will increase understanding of sustainable woody biomass harvesting. The project will utilize timber sale contracts to remove the timber and woody biomass. In addition, the Chequamegon-Nicolet National Forest has participated in the development of woody biomass Best Management Practices harvesting guidelines within Wisconsin.

3. Responding to Climate Change

It is important to learn how to help forests adapt to changing climate conditions as well as play a role in mitigating greenhouse gas emissions. The Chequamegon-Nicolet National Forest is participating in a pilot project with Dr. Tom Gower of the University of Wisconsin- Madison that will produce a model managers can use to analyze different land use scenarios and determine the potential for carbon sequestration. The Forest is also participating in an assessment that will involve identifying ecosystem components that are most vulnerable to change under a variety of future climate scenarios. It will also include an assessment to describe options to increase carbon

stocks in forests and wood projects, as well as increase the use of wood for biofuels and will include stakeholders across the landscape in the process.

4. Water

The Chequamegon-Nicolet National Forest plays a role in providing clean drinking water for communities, healthy habitat for fish and wildlife and recreation opportunities. Northern Wisconsin is rich in lakes, streams and wetlands. The Chequamegon-Nicolet National Forest works with a wide cross-section of interests to restore and protect water resources. Since completing the Forest Plan in 2004, 290 miles of stream have been restored and 1,100 acres of lake habitat improvement work has been accomplished. Aquatic habitat has been greatly improved through partnership efforts the Forest Service has done in collaboration with the State and other partners to restore the natural flow of streams, prevent erosion, and replace culverts as well as 57 problem road and trail stream crossings since 2004.

Conclusion:

Mr. Chairman, healthy forests that provide clean drinking water, carbon sequestration, quality recreation and beautiful scenery can be accomplished and will require everyone working together. I would be happy to answer any questions the Subcommittee Members may have.

SUBMITTED MATERIAL OF MS. JEANNE HIGGINS, FOREST SUPERVISOR, CHEQUAMEGON-NICOLET NATIONAL FOREST, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, PARK FALLS, WISCONSIN

CHEQUAMEGON-NICOLET NATIONAL FOREST FACTS

07/16/09

The former Chequamegon and Nicolet National Forests, established in the early 1930's, were officially combined into the *Chequamegon-Nicolet National Forest* in February 1998. The Forest operates out of 9 District Offices and 2 Supervisor's Offices. The Forest is also home to the Blackwell Job Corps Civilian Conservation Center, in operation since 1965. The Center, with its capacity of 205 students, has served over 15,000 enrollees.

Land Ownership

The Forest is comprised of just over 1.5 million acres in 11 northern Wisconsin Counties and 65 Townships. The Forest is part of the treaty-ceded areas for 11 Indian tribes that retain hunting, fishing, and gathering rights on national forest lands.

Low: 2 percent in Oneida County **High:** 52 percent in Forest County **Average:** 21 percent

Other Lands within NF Boundary: Over 1200 separate parcels, 3 large land owners (Board of Commissioners of Public Lands, State of Wisconsin, industrial fores land) and many privately owned individual parcels.

Lands with Many Waters

Class I, II, and III Trout Streams: 1,255 miles (13 percent of the state total) **Warmwater streams: 745 miles**

Lakes: 2,020; 609 larger than 10 acres **Spring Ponds:** 440 **Wetlands:** 347,000 acres

Recreation Opportunities

Water-related recreation sites: 51 campgrounds; 39 picnic areas; and 24 designated swimming beaches with 121 drinking water wells

Annual Visitors to the Chequamegon-Nicolet: 700,000 (Based on 2007 National Visitor Use Monitoring Report)

Public Access to Lakes over 10 acres: 119 boat ramps; 59 walk-in trails

Areas of Solitude:
44,000 acres in 5 Wildernesses (2.9% of the Forest); 68,100 acres in 19 non-motorized areas (4.5% of the Forest)
Non-motorized trails: 493 miles (20 ski trails; 49 hiking trails; 4 horse trails; 56 hunter walking trails; 6 bike trail loops)
One National Scenic Trail and 4 National Recreation Trails

Motorized Recreation: 9,000 miles of road; 284 miles of developed ATV trails; over 800 miles of groomed snowmobile trails

Special Forest Products: Christmas Trees, Evergreen Boughs, Floral Greenery, Firewood

A Working Forest

Timber Sold/Value in 2008: 70.5 million board feet/$3.6 Million

Timber Harvested/Value in 2008: 86.7million board feet/$5.9 Million

Estimated Payments to Local Governments: $3.1 million

A Variety of Life

Federally Threatened and Endangered Species: Fassett's Locoweed, Gray Wolf

State Threatened and Endangered Species: 20 plants and 14 animals

Rare Biological Communities: Pine Barrens (10% of state total on Forest)

Diversity: Great variety of plant and animals species because of location at intersection of northern forests, eastern forests, and Great Plains.

A Glimpse of History

Archeological Sites: Approximately 2100 known, ranging from 10,000 year old prehistoric campsites to 20th century homesteads. The Forest contains over half of the archeological sites recorded in the 15 counties of northern Wisconsin.

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Mr. BACA. Thank you very much for sticking with the time tables.

Mr. KAGEN. That was very good. Mr. Frank?

STATEMENT OF MATTHEW J. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF NATURAL RESOURCES, MADISON, WISCONSIN

Mr. FRANK. Mr. Chairman, Congressman Kagen, thank you so much for holding this hearing in Appleton and in Wisconsin today. We are just honored to be here with you. I appreciate, in particular, Congressman Kagen, your focusing Congressional attention on this very important issue. Thank you, Mr. Chairman, for coming back to Wisconsin. Appreciate it.

It's appropriate we are here in Appleton. Appleton has been a National Arbor Day Foundation winner of Tree City USA for 25 years, including 17 growth awards. Has one of the most progressive urban forestry programs in Wisconsin. And I think it's appropriate that we are here not only in your home area, Congressman Kagen, but in this city that is really committed to urban forestry.

I really appreciate this opportunity to appear before you to discuss the significant value—ecological, economic, and social—that Wisconsin's forests provide to the people of Wisconsin and the nation. These values stem from our abundant and sustainably-managed forest resource; leadership in providing certified wood on public and private lands; successful programs that promote the sustainable management of our privately-owned forests; a large pulp and paper industry, number one in the country, and diverse solid wood businesses; strong tourism and outdoor recreation base that includes the connection between our forests and high quality water resources, including more than 15,000 lakes; abundant habitat for diverse wildlife; leadership in research and innovation in renewable energy; and active protection of the forest resource from fire and invasive species.

Our forests provide these values through the hard work of many partners. The state works closely with our governmental partners. Federal, we have an excellent relationship with Jeanne Higgins and the U.S. Forest Service here. Our other state partners, county partners, county foresters, municipal levels of government, as well as myriad other partners including landowner groups, environmental and conservation organizations, universities, businesses, our tribes, and countless others. We cannot achieve success working independently, but there is much we can do and accomplish working together. To that end, the Federal Government is a key partner in a number of ways, which I hope to be able to discuss with you more this morning.

Wisconsin's 16 million acres of forestland covering nearly half of Wisconsin's landscape significantly enhance the quality of life in our state. Wisconsin's forested acreage has been steadily increasing for the better part of a century, and provides an array of benefits that accrue to us all, even if we often are unaware of their origin. Our forests are often overlooked as part of our strategic infrastructure. In fact, forests are a strategic national resource that we must work together to protect and sustainably manage. Our forests work day in and day out to produce an array of benefits, many of which

accrue to the public at large, not just the forest owner. These benefits include clean air, clean water, wildlife habitat, flood control, carbon sequestration, wood products, jobs, renewable energy, displacement of fossil fuels, settings for recreation and tourism, and scenic beauty. Trees and forest also play a role in conserving energy, reducing floods, and enhancing the quality of life in our cities, villages, and towns.

Our pulp and paper and solid wood industry is a key industry in Wisconsin and in the country contributing roughly $20 billion in value to our economy. Wisconsin leads the nation in the production of paper and in the value of forest product shipments. Over 1,300 wood product companies employ over 68,000 people with an annual payroll of over three billion representing 13 percent of all manufacturing employment in the state. And I might add that Wisconsin recently went into first place in the number of manufacturing jobs per capita of any state in the country. We are now at about 19 or 20 percent of our economy. We remain second only to California in total employee wages from the forest products industry. In addition, we have $13 million tourist industry with forest-based recreation, which also adds another $5 billion in economic output to the state.

There are some critical issues that I hope we have a little more time to discuss this morning. We need to invest in our nation's forests. I think the Federal Government does have an important role to play there. We have some thoughts about how the Federal Government can help us control invasive species. I think one of the areas that we really need to focus on is looking at the interstate movement of firewood, and we can talk more about that. Certainly investing in our forests through programs like the Forest Legacy Program or the Forest Stewardship Program, supporting our urban and community forestry programs, also depend, in part, on Federal funding. Focusing on the area of forest fire protection, making sure that the Forest Service has adequate funding to fight the fires so they don't have to take money out of other parts of their budget. I applaud Congress for taking some steps in that direction to address that issue in the current budget. Climate change and energy are also very, very important issues. We have an enormous opportunity here to be a leader. Governor Doyle has made Wisconsin—has positioned Wisconsin as a national leader in the development of clean and renewable energy, and bioenergy is an important part of that, and our forests are a key asset in terms of developing that.

It looks like I'm over time. And I hope that we have a little bit more time to talk about some very big and complex issues. But, once again, thank you so much for coming here. We look forward to working with the Committee and with Congress.

[The prepared statement of Mr. Frank follows:]

SUBMITTED STATEMENT OF MR. MATTHEW J. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF NATURAL RESOURCES, MADISON, WISCONSIN

Mr. Chairman and Committee Members:

Good morning and welcome to Wisconsin. I appreciate this opportunity to appear before you to discuss the significant value — ecological, economic and social — Wisconsin's forests provide to the people of Wisconsin and the nation. These values stem from our:

- abundant and sustainably managed forest resource;

- leadership in providing certified wood on public and private lands;
- successful programs that promote the sustainable management of our privately owned forests;
- large pulp and paper industry and diverse solid wood businesses;
- strong tourism and outdoor recreation base that includes the connection between our forests and high quality water resources, including more than 15,000 lakes;
- abundant habitat for diverse wildlife;
- leadership in research and innovation in renewable energy;
- active protection of the forest resource from fire and invasive species.

Our forests provide these values through the hard work of many partners. The State works closely with our government partners - Federal, state, county and municipal - as well as myriad other partners including landowner groups, environmental and conservation organizations, universities, businesses, tribes, and countless others. We can not achieve success working independently, but there is much we can and do accomplish working together. To that end, the Federal Government is a key partner in a number of ways, which I will outline.

Wisconsin's Abundant Forests

Wisconsin's 16 million acres of forest land, covering nearly half of Wisconsin's landscape, significantly enhance the quality of life in our state. Wisconsin's forested acreage has been steadily increasing for the better part of a century and provides an array of benefits that accrue to us all, even if often we are unaware of their origin. Our forests are often an overlooked part of Wisconsin's strategic infrastructure; in fact, forests are a strategic national resource that we must work to protect and sustainably manage. Our forests work day in and day out to produce an array of benefits, many of which accrue to the public at large, not just the forest owner.

The benefits we derive from forests include clean air, clean water, wildlife habitat, flood control, carbon sequestration, wood products, jobs, renewable energy, displacement of fossil fuels, settings for recreation and tourism, and scenic beauty. Trees and forest also play a role in conserving energy, reducing floods, and enhancing the quality of life in our cities, villages and towns.

Wisconsin's traditional bio-economy — pulp & paper and solid wood — collectively contribute $20.5 billion in value to our economy. Wisconsin leads the nation in the production of paper and in the value of forest product shipments. Over 1,300 wood products companies employ over 68,000 people with an annual payroll of $3.1 billion representing 13% of all manufacturing employment in the state. We remain second only to California in total employee wages from the forest products industry, which in Wisconsin is the number one employer in 23 counties and either second or third in an additional 15 counties. Wisconsin has a $13 billion tourism industry with forest-based recreation estimated to add an additional $5.5 billion in economic output in Wisconsin.

Relationship with USDA Forest Service (USFS)

Wisconsin DNR has a positive working relationship with the USFS, working in collaboration across all three branches of the agency.

With over 1.5 million acres, the Chequamegon-Nicolet National Forest (CNNF) covers nearly 10% of Wisconsin's forest land and 30% of the forested public land. Intermingled with our State (1.1 million acres) and County forests (2.4 million acres), the CNNF shares the joint responsibility for providing the full array of benefits I outlined above. These include raw materials that support jobs and local communities, forest-based recreational opportunities, wildlife habitat and so on. We value our very positive working relationship with CNNF Forest Supervisor Jeanne Higgins and her staff. She recognizes that the CNNF sits within a broader landscape of public and private forest lands and many communities. We work together to collectively address both challenges and opportunities, some of which I will outline here this morning.

WDNR also has a long-standing collaborative relationship with the USFS research, particularly initiatives supported through the USFS Northern Research Station and the Forest Products Laboratory, which we are proud to host here in our state. Long-term field research such as that done on the Argonne Experimental Forest, studies on issues such as old growth, and the Forest Inventory & Analysis (FIA) program are among those research programs important to us here in Wisconsin. The Lab has for decades been a major contributor in advancing the efficient use of our renewable forest resources and remains a critical player as we move forward as a

nation to address opportunities such as those associated with renewable, homegrown bioenergy.

The branch of the USFS that we interact with the most is State & Private Forestry (S&PF). This is not surprising given that private forests comprise more than two-thirds of our forest land and are owned by more than 300,000 individuals. The USFS S&PF program provides Wisconsin approximately $2 million annually to help support our efforts to provide an array of public benefits from our private and community forests. Funding for private forest stewardship, urban & community forestry, Forest Legacy, forest health, and several cooperative fire initiatives are an important component of our program to protect and enhance the public values that we derive from our forests. Furthermore, S&PF provides a conduit for effective cross-state collaboration on forestry issues, enhancing the effectiveness of efforts to maximize the delivery of goods and services from forests across the country.

S&PF programs have supported our work to address destructive invasive species, address how to effective engage the next generation of family forest owners in whose hands lies the future of our private forests and the benefits they provide us, design and implement efforts to mitigate the hazards facing communities at high risk from wildfire, assess the extent and health of the trees and forests in our communities, and conserve large blocks of private forest land at risk of being subdivided and fragmented. To elaborate briefly on just one of these, through our partnership with the USFS, we have used Federal Forest Legacy funds to help acquire conservation easements on more that 100,000 acres of working forest lands, including the Wild Rivers Legacy Forest in Northeast Wisconsin. The final phase of this project is in the FY'10 budget as proposed by President Obama and passed by the House. These easements protect environmentally important forestlands threatened by conversion to non-forest uses while also providing a wide array of public benefits, including exceptional water resources and valuable settings for public recreation.

The Federal investment in S&PF is has been declining, just as recognition of the value of our forests as a strategic national asset has been increasing. For example, the allocation of forest stewardship funds, which support efforts to keep our most vulnerable forests in forest and managed well for the long-term, is scheduled to be reduced by 45% for Wisconsin. This seems at odds with the direction I believe we need to be headed if we are to realize the full potential of our forests both ecologically and economically.

Before shifting gears, I want to close by reiterating our opposition to the proposed merger of USFS Region 9 and the Northeastern Area, which was in a recent *Federal Register* notice. We strongly support increased collaboration among all three branches of the USFS in the East. However, the proposed merger is not an effective way to accomplish that and it fails to recognize the need for the agency to increase its focus on the compelling Federal interest in the protection and sustainable management of the nation's forests, not primarily the National Forests. The air and water purified by our forests, and the carbon they sequester, does not vary by ownership; it varies by how the land is treated. We ask that the USFS be a committed partner to work across our forests and in our communities to maximize how our forests best serve us all.

Wisconsin a Leader in Providing Environmentally Sustainable Wood

Over the last decade, third-party forest certification has taken root as a credible public assurance that forests are well-managed. During this time Governor Doyle recognized the important role of Wisconsin forests in his original 2003 "Grow Wisconsin" plan. He directed the Department of Natural Resources and the Council on Forestry to explore opportunities to certify land in DNR administered programs to build the supply of verified, sustainably produced source material. The Department moved quickly to complete forest certification and, as a result, we now have nearly six million acres of State Forest, County Forest, other state lands and private land enrolled in the Managed Forest Law program that are third party certified via the Forest Stewardship Council (FSC), Sustainable Forestry Initiative (SFI) and/or the American Tree Farm system. A growing number of manufacturers are marketing products made from certified wood and paper because the associated trust is very good for business. The concentration of certified forests in the Lakes States has especially helped Wisconsin's paper makers weather the recession and poises them for a more rapid recovery.

A continuing key to this success is that nearly half of Wisconsin forestlands are recognized by leading international and North American forest certification programs. That compares to only about 12% of forests nationwide, making Wisconsin and our neighboring Upper Great Lakes states a distinct forest certification "hub". Last year Wisconsin completed FSC certification of more than 42,000 small private estates covering over 2,000,000 acres, a record no one else comes close to anywhere

in the world. This was accomplished through our Managed Forest Law program, giving Wisconsin the largest group of certified family-forest owners under both Forest Stewardship Council and the American Tree Farm System. But we are not satisfied with these accomplishments.

So what's missing from the certification picture? Quite prominently, our National Forests. The CNNF has 1.5 million acres here in northern Wisconsin ready and willing to engage in forest certification. I encourage Congress and the Administration to provide leadership in bringing certification to Federal lands and to expand forest certification for small family forests. Outside of the Managed Forest Law program, Wisconsin has another 8 million acres of small land ownerships that need USDA technical forestry assistance and land management incentives that could enable their land to be certified. Certification is also one of several tools that we can use to ensure future bio-fuel and carbon sequestration programs are implemented in a manner that balances environmental, economic and social needs.

Maintaining our Industrial Base in a Global Economy

Although we continue to lead the nation in paper production, the paper industry, along with others aspects of our forest produces industry, is under stress due to foreign competition, high energy costs and high fiber costs that have reduced companies' competitive position in the global marketplace. Although jobs have declined in this sector over recent years due to the global economy, we still have approximately 35,000 jobs in the pulp, paper and printing sectors alone. The pulp and paper industry is restructuring globally and must add products and streamline operations to regain a competitive advantage. We must also work together to maintain a vibrant cadre of professional loggers who play a key role in achieving sustainability on the ground and getting product to market.

The future health of the industry directly affects Wisconsin's economy; however, it also affects our ability to sustainably maintain forests. Our robust industry has provided an incentive to keep forest land forested and managed sustainability, and encouraged landowners to undertake activities to ensure the long-term capacity of their forests to provide an array of benefits, including feedstock for industry but also such things as recreation opportunities, wildlife habitat, and clean air and water that benefit the public as a whole. As a result, the loss of industry is not only a detriment to Wisconsin's economy, but also to the health of our environment and quality of life in our state.

Climate Change

In 2007 Governor Doyle signed Executive Order 191 creating the Global Warming Task Force. One of the missions given to the task force was to advise the Governor on ongoing opportunities to address global warming locally while utilizing an appropriate mix of fuels and technologies in Wisconsin's energy and transportation portfolios. In addition to sequestering carbon, Wisconsin's forests can provide a feedstock for generating renewable energy. By displacing fossil fuels, our forests reduce our collective carbon footprint.

Governor Doyle has also been a leader in the Midwest Governors Association process to develop a strategy for addressing climate change. Both the Wisconsin and MGA processes have resulted in recommendations that should influence how we proceed on climate change legislation nationally. To that end, Wisconsin has been active in advocating that Federal climate legislation account for the positive role forests can play.

Climate Change will have an important effect on the future of the 1.7 billion tons of carbon stored in Wisconsin's Forests. Our forest ecosystems will likely be changed by a warming climate and but also have a role to play in mitigating the extent to which that warming does occur. I appreciate the efforts of the House to pass H.R. 2454 with provisions that for the most part recognize the important contribution of forests to addressing climate change. First, the bill provides for the use of forest biomass as a renewable energy resource. Substituting this fuel for traditional sources in energy generation provides an avenue for energy producers and manufacturers to reduce their greenhouse gas emissions. Second, this bill includes provisions for forest offsets. Under these offsets, tree planting and forest conservation can act as a low cost means for Wisconsin's greenhouse gas emitters to meet their reduction obligations while implementing more efficient systems.

This same bill also provides assistance to states in working to protect sensitive forest ecosystems that will be put at risk by a changing climate. There was a positive change made in the version that passed the House to ensure some adaptation funding is available to address forests, however, given the critical role that forests play ecologically and economically, the percentage directed to forests remains low. Should the Senate decide to increase adaptation funding for forests, I encourage

your support for that when it goes to conference. For our part, Wisconsin has created the Wisconsin Initiative on Climate Change Impacts (WICCI), of which the DNR and University of Wisconsin are partners. WICCI is already working to model the impacts of a changing climate of our forests and recommend adaptation strategies to reduce the detrimental impacts on our most sensitive forest species. Furthermore, this same group is working with the USGS to compete for the creation of a Federally funded Midwest Area Science Hub in the State that would study the impacts of climate changes on natural systems in Minnesota, Michigan and Wisconsin.

A Leader in the Green Economy

Since coming into office, Governor Doyle has led efforts to make Wisconsin a leader in the development of clean and renewable energy, advancing energy efficiency and moving Wisconsin toward energy independence. He wants our energy to come from the Midwest, not the Middle East. Governor Doyle has set a goal of generating 25% of electricity and transportation fuels from renewable sources by 2025, capturing 10% of the emerging bio-industry and renewable energy market by 2030, and becoming a national leader in groundbreaking energy research. Governor Doyle has identified our forests and farms as one key component of Wisconsin's energy future. Last year Governor Doyle committed $50 million to build the Great Lakes Bioenergy Research Center. The synergy that is being created between the research center, the University of Wisconsin and the USDA Forest Products Lab positions Wisconsin to be the national leader in developing innovative solutions to meet our energy needs, from increasing biomass yields to working renewable energy solutions into the state, national, and global economies. It is important that we continue to see Federal investment in this area if we are to achieve the goals outlined by both President Obama and Governor Doyle.

Pulp Mills as Biorefineries

Wisconsin's large pulp and paper industry positions the state to take advantage of the existing infrastructure to add production of renewable energy at a large scale. The pulp and paper industry uniquely enables the state to be a significant producer of not only pulp and paper, but bioenergy, bio-chemicals and bio-feedstocks as well. As integrated "biorefineries" the mills could extract energy and other bi-products from wood while also making their traditional products. This has the potential to significantly increase their revenue stream from the same wood they currently bring into the mill. As a result, adding renewable energy to the products produced at our existing pulp mills would help keep the industry competitive globally while also helping Wisconsin achieve Governor Doyle's targets for renewable energy production.

In addition to producing energy from wood used to produce value-added products, opportunities exist to utilize biomass from the forest that is not used by existing industry. The department estimates that our forests contain over 600 million dry tons of biomass in our forests. Our forests already provide nearly 600,000 tons of wood for energy production today, and another 1.2 million tons of currently unutilized wood are available to use in energy production. This is all in addition to wood that might be used to produce energy prior to being pulped for the production of other products.

In order to ensure that our forests can sustain the production of woody biomass for energy, the Wisconsin Council on Forestry initiated a public process to develop Biomass Harvest Guidelines designed to assess the how material can be removed from the forest in a manner that will maintain the ability of the forest to provide the array of other public benefits long into the future. We were one of the first states in the nation to put such guidelines in place to ensure the array of values from our forests can be sustained.

Strategic Choices

Policies that promote bioenergy should be crafted in a manner that allows existing industry to compete on a level playing field. Using wood for energy clearly helps us meet identified targets for renewable energy, thereby reducing our carbon footprint and increasing our use of "home grown" energy. On the other hand, to the extent that using wood for energy displaces using that wood for traditional products (e.g., pulp & paper, solid wood products) there is a significant drop-off in economic value. Our forests can provide both traditional forest products and increased energy; we simply must be thoughtful to chart a course that will enhance both existing and new industries.

It is also important not to lose sight of all the different renewable energy products that can be produced from wood, such as transportation fuels, syngas, electricity and heat. We should strive to use wood in a manner that maximizes the energy return to the U.S. from investment in the forest.

As an important step, the RES and RFS definitions must acknowledge wood as an important source of renewable energy. That energy must be extracted in a manner that is sustainable long-term. We believe sustainability can best be determined at a state level, as evidenced by our development of Biomass Harvest Guidelines. The RES definition in H.R. 2454 as passed by the House acknowledges forests to a greater degree than previous versions, however, the final version should more clearly recognize the contribution that can occur on Federal lands and have provisions for states to outline clear sustainability guidelines.

Forest Fire Protection

An expanding Wildland Urban Interface (WUI) in Wisconsin and elsewhere, continued droughts, warming climate, and an increasing forest health crisis have created a difficult situation and stressed forest fire management capabilities to protect communities and the forest resource. In Wisconsin, as in the eastern United States generally, the states have the majority of forest fire protection responsibilities, equipment and personnel. We collaborate closely with local fire departments and our Federal partners both in-state and out-of-state when called upon to provide aid to other states. In these difficult budget times we will continue to work with our Federal partners to see what we might do to further streamline the protection of people, property and natural resources in Wisconsin from forest fires.

At the Federal level, there is a continued need to advocate for a solution to the ever increasing impact of emergency fire suppression costs on the U.S. Forest Service (USFS) and the Department of the Interior's (DOI) constrained budgets. Fire suppression costs for the agencies have exceeded $1 billion every year since 2000. In 2009, the Forest Service will spend over 50% of its budget on wildland fire suppression.

This increase has placed sustainable forest management efforts at risk on both public and private lands. Unless this diversion of funding is successfully addressed, state forestry agencies will not be able to successfully address national priorities and objectives. Extraordinary emergency fires should be treated the same way as other disasters and should not come at the expense of all other USFS and DOI priorities and programs. To that end, I appreciate the overwhelming bipartisan support shown in the House for the Federal Land Assistance, Management and Enhancement (FLAME) Act (H.R. 1404). The bill is currently being considered in the Senate and we strongly advocate its passage as introduced in S. 561. I hope you will join me in urging action by the Senate and quick turnaround in conference so that President Obama can sign the FLAME Act into law this year.

Invasive Species

Invasive species pose a major challenge to our forests. The Emerald Ash Borer (EAB), for example, has been found in two locations here in Wisconsin since last August. The DNR, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and the University of Wisconsin (UW) and UW Extension are working closely with Federal agencies — USDA Forest Service and Animal Plant Health Inspection Service (APHIS) to implement a cooperative EAB program. This program is focused on delimiting existing infestations, detecting new finds, testing management options and conducting outreach and education. Using EAB as an example of extraordinary invasive species impacts to our forests, the entire ash resource equating to more than 760,000,000 ash trees are at risk, as are 20% of the trees in our communities. Federal grant funds are a key source of support for detection and management of this pest. Using a competitive grant from USFS S&PF, we will be conducting workshops for municipalities and forest landowners in the fall of 2009, helping these communities cope with this destructive pest. DNR is also supporting two research projects using funds from this same competitive process in an effort to learn more about EAB and how we might most effectively detect and manage it.

On DNR-managed properties, we continue to enforce our firewood rule that restricts the distance that firewood can originate from to 50 miles from the property. While this is important, we believe action is also needed at a Federal level. We strongly advocate development of a national program to regulate the movement of firewood, which has been found to be a common vector for a number of destructive pests. We would like to see this move forward quickly, working with state forest health program leaders, state plant regulatory directors, environmental, forestry and forest industry groups, the firewood industry and other affected parties. The Federal Government plays an important role in managing these invasives, which know no political boundaries, to coordinate and lead in the detection, monitoring and long term management of priority invasives. Likewise, investments in research are critical to develop new tools to respond to invasive species.

Looking Ahead

Our forests, like those throughout this nation, are a strategic asset that provide a large array of benefits both today and, if managed well, long into the future. In order to do so, we need to be thoughtful in how we approach use of our forests to best maximize the positive outcomes - ecologically, economically, and socially. We face many critical challenges that we will need to work cooperatively with out partners, including our Federal partners, to address, locally, regionally and nationally.

The DNR looks forward to continuing to work with you to help accomplish this. I appreciate this opportunity to discuss these issues with you and would be glad to take any questions you might have.

SUBMITTED MATERIAL OF MR. MATTHEW J. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF NATURAL RESOURCES, MADISON, WISCONSIN

U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations,
Oversight, Nutrition and Forestry
July 20, 2009

Secretary Matt Frank
Wisconsin Department of Natural Resources

Priority Federal Actions

1. Conserving the Nation's Forests: Congress should increase its investment in the protection and sustainable management of the nation's forests, a strategic national asset. The majority of this asset lies on non-federal land suggesting the need to increase investment in State & Private Forestry programs.
   a. Invasive species: Additional investment in both research and management is needed to combat the highest priority invasives pests. We also strongly advocate the *development of a national program to regulate the movement of firewood* which is a known vector of a number of destructive pests.
   b. Private forest stewardship: Investments are needed to keep forest land forested and providing public benefits long into the future. Forest Stewardship, Forest Legacy and EQIP are key programs for accomplishing this. Federal assistance is also needed to expand third-party certification on family-owned forest lands.
   c. Urban & community forestry: Additional investment is needed to realize the fully array of benefits from the trees and forests where 4 out of 5 of us live.
   d. Forest fire protection: State and local fire departments provide key resources for combating forest fires both within Wisconsin and in other states when called upon. Federal investments help ensure these resources will remain available to meet a growing challenge.
   e. Region 9/Northeastern Area Merger: Wisconsin opposes the proposed merger of R9 and the Northeastern Area. We believe the focus should instead be on a coordinated strategy – involving State & Private Forestry, the National Forest System and Forest Service Research, to maximize the public benefits derived from our nation's forests.

2. Climate and Energy: Forests play a critical role in both climate mitigation and in providing a source of renewable energy.
   a. Legislation working its way through Congress has recognized the role forests can play in providing offsets and renewable energy. Work remains to ensure that all forests are viewed as part of the solution under RES and RFS, and that the contribution forests make is done so sustainably.
   b. There appears to be increasing recognition of the need to assess how forests can adapt to the changing climate and, as a result, the proposed investment in this should be increased significantly in recognition of the public benefits at risk.
   c. Additional federal investments through USDA, DOE and DOI are needed in both R&D and commercialization to realize the full potential for sustainably-derived renewable energy from wood.

3. National Forest Management: The Chequamegon-Nicolet National Forest (CNNF) is an important part of the Wisconsin Landscape.
   a. The USFS should continue to implement the CNNF management plan approved in 2004, collaborating with DNR and other partners.
   b. Congress and the Administration should advance third-party certification of the CNNF to advance Wisconsin's commitment to being a hub for certified wood. This is both an important market niche for our businesses and an opportunity to increase consumer awareness of and support for purchasing forest products harvested from well managed forests.

4. Forest Fire Management:
   a. The FLAME Act is necessary to properly account for the costs of fire suppression and not undercut the important work done to steward this nation's public and private forests. We urge passage of S.561 as introduced and ask the House to concur in conference. Action is needed this year.
   b. States are an integral component to the forest fire suppression activities of the USFS both in Wisconsin and nationally. Additional work is needed to identify and implement efficiencies between the state and federal programs to ensure we implement a cost-effective program to protect people, property and natural resources from forest fires.

Mr. BACA. Thank you very much, Matt.

And don't be intimidated by the lights. We are intimidated ourselves when we are back in D.C. When time expires and all of a sudden we either got a one-minute or two-minute or five-minute question and answer or presentation. It seems like the light comes on all of a sudden, you are trying to rush through to get everything. But hopefully, Matt, I'm sure that we'll be able to hear some of the other concerns or areas that are very important.

With that, then, we will begin with some questions and answers hopefully from both myself and Dr. Kagen to both you and your assistants that are here, too. We will have five minutes ourselves. And I'll start with Ms. Higgins.

I'm a big baseball fan, as you heard before, and especially interested in what I have in terms of the Forest Service and the Forest Product Laboratory in Madison, what it's doing to solve the crisis of broken bats. Can you provide me with an update in terms of what's going on there?

Ms. HIGGINS. I'd be happy to. Our Forest Products Lab in Madison took on the challenge of trying to understand why bats were breaking as frequently as they have. We have——

Mr. BACA. They're not cork bats, right?

Ms. HIGGINS. And I think what the Forest Products Lab found is that maple bats have been utilized a little bit more frequently in recent years than ash bats, and maple bats have had a tendency to break and splinter. So they did their magic, went into their laboratory and figured out what exactly was causing the bats to break and came out with actually nine points for Major League Baseball to consider in terms of manufacturing and utilizing bats. And so those have been forwarded to Major League Baseball, and I understand they have been adopted in terms of how to manufacture bats so that they don't break. So I'm going to be watching to see how many of those bats break as I watch.

Mr. BACA. Maybe they should come from the forests right out here.

Ms. HIGGINS. We have a lot of maple here in northern Wisconsin.

Mr. BACA. Thank you. Can you tell me what you are doing in your forest resource management practice to anticipate and incorporate the effects of climate change?

Ms. HIGGINS. Climate change is something we should all be concerned about. We are currently undertaking vulnerability and mitigation assessment to understand how best to adapt our forests to adapt to climate change, and we are working with our partners across the state to understand how we can respond.

Mr. BACA. You mentioned in your testimony the tools for management. Can you elaborate a little bit more about managing the forests, about the kind of tools?

Ms. HIGGINS. Well, the Healthy Forest Restoration Act has been a very important tool for us to be able to respond quickly to events that occur in the forest such as the quad-county tornado which hit four counties in northern Wisconsin in 2007, and it impacted 8,000 acres of national forest system land and essentially leveled it. We were able to respond quickly to do the environmental analysis, much quicker than our normal processes, which allowed us to get in and salvage timber and begin to restore that forest after that tornado within a matter of months. So we were very appreciative of that tool to allow us to be able to respond as quickly as we were.

Mr. BACA. Thank you. You mentioned the use of emergency rate redeterminations we've added to the farm bill for certain timber contracts. With the country in such difficult economic times, is there any additional authority you could use to help local timber producers?

Ms. HIGGINS. Well, certainly the tools that we have, which include contract term extensions and rate redeterminations, I think have been a tremendous help. I would encourage you to ask that question of the second panel members as to whether or not there's any additional help that they could use. We have heard that the tools that we have been able to use have been very helpful in these times.

Mr. BACA. Thank you. In California, water is always a major concern for a lot of us, especially for those of us in southern California *versus* the northern portion. You mentioned water resources in your testimony, but I wondered if you could expand on your comments by explaining how Wisconsin watershed fits into the larger regional water resource picture?

Ms. HIGGINS. Well, normally, and the Chequamegon-Nicolet is no different, we are at the headwaters of many of our nation's waters, and so it's an important role for the national forests, and specifically the Chequamegon-Nicolet, to provide clean water. Our challenge is not necessarily so much about water quantity but it is about water quality. Actually, certainly water quantity has been a bigger concern here in northern Wisconsin with the drought that we've had over the last several years, but our focus on the national forest is trying to reduce sedimentation from roads, trying to ensure that we restore streams and rivers that at one point in time were actually used as a transportation source to haul logs—to transport logs from the headwaters down to the mills, and in that

process we modified habitat in our streams. So our work has been focused on restoring streams and reducing sedimentation.

Mr. BACA. Thank you. I know my time has expired, but I want to ask Matt, you mentioned firewood. Could you elaborate a little bit more on the interstate transport of firewood?

Mr. FRANK. Yes. Well, invasives, I think, is one of the major challenges to long-term forest health in not only Wisconsin but across the country. We have an excellent program within Wisconsin to deal with this challenge. DNR works very closely with the Department of Agriculture, Trade & Consumer Protection. We have a lot of good local partnerships. We work with the Federal and county forest folks who do this work. I think where we could use more help and attention from the Federal Government in looking at the interstate movement of firewood. That is one of the vectors that has been identified, scientifically, as how invasives will move across state lines.

And up until the last year, we did not have emerald ash borer in this state. We have not been able to prove exactly how it got here, but the strong suspicion it is from the interstate movement of firewood. And the states—we like to do as much as we can on our own, we don't like to go to the Federal Government to ask for help on all things, we know there's a responsibility we have, but this is an area where the Federal Government really can play a role. We would like to see the Forest Service, through USDA and also APHIS, focus on this and really work in partnership with the states to design a system that will prevent the spread of invasives through the interstate movement of firewood. It's a hole in the system, and I don't think it's a hole that just the states can address. I think we gotta work with Federal Government on it.

Mr. BACA. Matt, can you please provide some examples of how you have used the Federal, state, and private forestry funding to protect and sustain forests in Wisconsin?

Mr. FRANK. Well, absolutely. The Forest Legacy fund, Federal Forest Stewardship funds have been absolutely essential in us protecting and preserving forested land in Wisconsin. We are fortunate in this state that the people of Wisconsin have committed to a strong state stewardship fund. I think we have a model for the nation, one of the best ones in the country. Governor Doyle has been a huge supporter of that fund. We recently got it reauthorized for another 10 years with additional money. Under that program we set aside over 500,000 acres for public use and enjoyment for generations to come.

We are able to be successful in that program because we leveraged dollars, state taxpayer dollars, with other sources. One of those sources is the Federal Legacy Act, which has allowed us to acquire, for example, Willow flowage. We have, I think on the current Congressional list, there is the Chippewa flowage acquisition and Wild Rivers acquisition. We are able to acquire additional lands because the Federal Government makes those dollars available. We are very pleased that there's additional Legacy Act funding in the Administration's budget that's before Congress.

We'd like to see, as we move along here, to see a greater commitment to the stewardship side of the budget as well. Those dollars from the Federal Government help us work with private land-

owners to work on sustainability and certification, good forest management. Those are also important dollars. We are not asking the Federal Government to pay for all of it, but those partnership dollars are really important to our efforts.

Mr. BACA. One last question, then I'm going to turn it over to Dr. Kagen. What is the State of Wisconsin doing to improve the timber market?

Mr. FRANK. Well, that—it has been very difficult in the timber industry with the state of the national economy. With what's happened in the housing market, wood products in general, it has been a very tough few years, and I think you'll probably hear from some folks on the second panel who will talk about that. One of the things we are trying to do is we are working with our loggers to try to ameliorate the impacts of this downturn. We've had contracts that we'll enter into them to harvest wood on state properties. It may be that given the market the way it is, it just doesn't make economic sense to be able to get that wood out on the market because the prices are too low. We're engaging in a variety of practices to try to work with our loggers so that they aren't hit too hard by that, and we have engaged in a number of things.

I think, obviously, number one, a turnaround in the national economy will be helpful across the board. If you can get the housing part of the economy moving again and people building homes and buying furniture and all the things that our wood products industry supports, that will be helpful. But, second, I think key strategic investments that will help the health of our forest economy in the future are real important. Getting money in from the Federal Government to support things that—we are very happy that the Department of Energy has made a grant to the University of Wisconsin to be a leader in researching cellulosic ethanol. That kind of research, those kind of investments, can really benefit our forest and our economy strategically in the long run. As we move to research and develop commercial uses of cleaner renewable energy from our forests, we have the opportunity, I think, to really add to the underlying strength of that economy, one that would grow beyond what we have now with the paper and wood products to have other economic values for our forests.

The second part of that is under the climate change bill to make sure we have a strong forestry and agricultural offset program that takes advantage of the fact our forests and our ag lands can be carbon sinks, as we're trying to get reduced greenhouse gases. Waxman-Markey, it's important that that bill, as it goes through the Senate, contain a strong offset program. We think that will benefit our forests as well and give it even greater economic value because it will encourage forest to stay in forest. So there's a range of Federal policies, I think, that ultimately impact that economic future of our forests.

Mr. BACA. Thank you, Matt. I'll turn it over to Dr. Kagen for some questions.

Mr. KAGEN. Thank you, Mr. Chairman. Thank you, again, for your testimony, Mr. Frank. You mentioned a couple things that interest me. Cellulosic ethanol, biotechnology, the University of Wisconsin has been leading the way. In many respects, Wisconsin in its forward thinking has been leading the way, but if we don't

sustainably manage and harvest our national forests, what's the point of investing in cellulosic if we can't then begin to level the playing field and allow this activity to take place? Do you have a—can you make a comment about the harvesting of our hardwoods in our national forests?

Mr. FRANK. Yes, Congressman. I believe that the national forest has come up with a very strong plan. The plan was approved in 2004. It was a management plan that we applaud the Forest Service for getting input from many partners. Wisconsin DNR had input. There were a lot of stakeholders that had input into that. We firmly believe that you can grow our economy with clean and renewable energy and do it sustainably. I think there's a good groundwork for this in our national forest with that forest management plan; we'd like to see it implemented. And, yes, we think that we should give some consideration, at least here. Now, this is where you may, as you look at this issue across the country, it may differ by national forests. Congress Baca and Congressman Kagen, you may hear different things in other parts of the country. Here we do believe that there are parts of the national forest that the Forest Service could responsibly and sustainably harvest, and that should be part of the equation. And we hope that Congress will work with the Federal agencies and continue to work with us on looking at that.

Mr. KAGEN. You also mentioned the idea of certification, and maybe you could speak to this importance of having certified forests. What difference does it make to educate other Members of the Agriculture Committee in Washington? Can you make some comments about the certification, the value of having certified forests and certified woodlands?

Mr. FRANK. Absolutely. We've been very committed in Wisconsin to sustainably certifying our forests, and just late this last year, we just introduced another two million acres into a third-party certification program which is, I think, one of the largest private entries into the program—in any program in its history. We have a big—Governor Doyle made a big commitment to this on our state lands when he first came in 2003. We've got our state lands certified. We've made progress with our private lands. We'd like to see our national forests be part of that program.

It's important for two reasons. Number one, it helps grow our economy. More and more the marketplace is looking for that certification to say, we want to know that you are committed to sustainable management. You've got catalog companies like Patagonia that want to make sure that the paper that they're printing their catalog on is coming from sustainable forests. That's just one example. We are seeing that more and more in the marketplace. We're seeing consumers demand it. We're seeing companies down the supply chain demand it. So it's important, we believe, for our economic future to have that sustainable imprint or that certification imprint.

The second reason it's important is because it also says—it also means something very important for our environment. As we harvest and manage our natural resources, we are committed to doing that sustainably, and private landowners who are certified are

making that commitment. So certification is important both for a strong economic reason and for an environmental reason.

Mr. KAGEN. Thank you very much. There was a group that couldn't be here this morning, that's the Menominee Tribal Enterprises, and we are very fortunate to have here in Wisconsin I think the only virgin forest in America that remains. And they do sustainably manage and harvest their woodlands and their forests, and they are a certified forest.

And to that end, Ms. Higgins, is the national forest certified?

Ms. HIGGINS. No, we are not.

Mr. KAGEN. Is that a problem?

Ms. HIGGINS. Well, certainly, as you heard from Secretary Frank, there would be some benefits certainly to the State of Wisconsin and to the economies in Wisconsin if we were certified.

Mr. KAGEN. Is there a process in place?

Ms. HIGGINS. There has been an evaluation of the certification process, and the Chequamegon-Nicolet was one of six national forests where there was a test completed related to the certification process. That testing process helped the agency determine what sort of issues were at play in terms of becoming certified. And we are currently as an agency in discussions with the certifying bodies about what it would take to actually certify the national forest.

Mr. KAGEN. Is there any roadblock that you feel is in the way of the certification process that you need Members of Congress to be working on or is this something you can work through on your own.

Ms. HIGGINS. Well, I believe it's something the agency can work through. Although, certainly further information about the challenges of the national forest becoming certified would be, I think, of benefit to you to understand a little bit better.

Mr. KAGEN. Secretary Frank also mentioned the forest management plan, and you have such a plan. And how is that plan being carried out? Have you met your goals for harvesting? What percent of the harvest have you met.

Ms. HIGGINS. The 2004 Land Resource Management Plan, as I mentioned, is a balance of providing lots of benefits. If we were to fully implement our plan, we would be treating about 20,000 acres a year of our vegetation, which could supply up to 131 million board feet of timber per year. We were currently treating about half of that, which is allowing us to supply about 70 to 80 million board feet per year.

Mr. KAGEN. This concerns me very greatly, because without those board feet coming out of the national forest, you are not really feeding the mills and the arts that are in close proximity. It really hurts our economy, wouldn't you agree?

Ms. HIGGINS. Well, certainly we have been able to sustain the level between 70 and 85, and so we have been able to maintain a sustainable level of timber to the markets. Could more help our local economies? I would expect most people would agree that to be true.

Mr. KAGEN. So you'd be in agreement to opening up the national forest to additional harvesting?

Ms. HIGGINS. Well, certainly our forest plan allows for that and would be sustainable up to that level that I mentioned before.

Mr. KAGEN. Thank you very much. Does that red light really mean anything? You are on the record.

Mr. BACA. I am on the record. It's supposed to mean something. We go beyond the time limit. And we have additional time.

Mr. KAGEN. Let me go back to Secretary Frank and ask about the Stewardship Program and what other programs you think Congress should be investing into to assess Wisconsin's forest economy?

Mr. FRANK. Well, I do think we talked about the Forest Stewardship Program, Forest Legacy Program, very, very important. I would like to bring up an issue I alluded to in my opening remarks, and that is the issue of fire suppression. This is an important issue all over the country. And I know, Chairman Baca, we were talking just a little bit about the challenges that California has. We also have challenges in this state. It's been very dry, as Jeanne mentioned, and we have more fires here, and we move quickly to try to put those out. But I think one of the things we'd like to see in the Federal budget is to have more dedicated funding within the Forest Service budgets to fight fires. What's happened in the past is there hasn't been enough money appropriated initially, and then the agency is looking for where do they get money to fight fires. Well, they then look to other parts of the budget, and they have to take money out of there. Well, so, the dollars ultimately end up supporting the fire efforts, which is critical, but then you are kind of taking money away from other strategic areas of the budget. So that's an area that, as I mentioned, I think this current legislation before the Congress and the budget makes a step in the right direction. We'd like to see it go even further. But have that dedicated funding.

If you look at a map of the United States in general, and you look at the number of forest fires we're having, certainly in the West we know that, we're seeing a greater incidence of forest fires. We need to acknowledge that and make sure that we have enough money to get the job done.

The second thing I think we could do in terms of that is to better coordinate state efforts and Federal efforts in fighting fires. We have a lot of cooperation. I know we send fire fighters to California to help California out once in a while, and we do this across state lines, but we think there's even greater opportunity to get efficiencies in fighting forest fires by a greater collaboration between state and Federal authorities. And I think this is a challenge, it's going to get greater before it gets less. And I think it's an area that we've got some good cooperation, but I think we can even do better.

Mr. BACA. Excuse me, if I could——

Mr. KAGEN. One more question.

Mr. BACA. In the same vein, then you can ask an additional question. On the same subject matter of fighting fires, on the equipment that we have, is the equipment coming from us or are we outsourcing part of it to fight fires in the areas? Are we getting some—if it means helicopters, airplanes, or something that comes in from Canada or some other place? Matt?

Mr. FRANK. We do, Congressman, we do use Federal dollars to help purchase fire fighting equipment, and it helps us in a couple ways. Federal dollars help us upgrade our fire fighting equipment

that we have in the forest division within the DNR. These are big pieces of equipment that we have to basically modify and retrofit specifically for the purpose of fighting fires. We have people in our agency who actually know how to do that. It's a very specialized kind of work. We get Federal dollars to do that. And I can tell you with budgets being the way they are, we are maintaining a level, but you're looking at an infrastructure in that equipment that's getting older and older, and then you look at the question of how long has this equipment been out there? It's been 18 years. Can we get another 2 years out of it or do we replace it? Those are the kinds of decisions you make. So Federal support for that is important.

The other thing is the money that we get from the Federal Government flows through the DNR and we, in turn, then get that money out to local fire fighting agencies. We couldn't do the work we do fighting fires in Wisconsin without coordinating with the Federal Government, as well as working with local units of government. Townships, municipalities, local fire crews, they come out, and they work with us in helping put out forest fires, and those Federal dollars are passed through to them. So that's another important funding source that we need to support.

Mr. BACA. I agree with you. I just wanted to make sure that we had all the equipment, that we're not always outsourcing to other entities to provide for the safety of our forests as well. I know in California sometimes we are outsourcing, much of it comes outside the area, and there's a concern that our fire fighters, our forest fire fighters have the kind of equipment that they need to prevent any casualties. I'm sorry to interrupt you, go ahead.

Mr. KAGEN. No, I appreciate the line of questioning. And my concern is, I'm sure everyone in this room and everyone in this country is aware, in these challenging economic times, asking Washington for additional funding may not be very successful for you. So I would come back to the key word, which is prevention. It works pretty well in healthcare, and it must work pretty well in the management of our forests. But is it true, is it your understanding, that by harvesting the woods is a manner in which to prevent forest fires?

Mr. FRANK. Certainly sustainable forestry management includes as a component trying to—you know, if you do have a forest fire, so that you don't have a catastrophic forest fire.

Mr. KAGEN. Doesn't that also mean that our national forestland here in northeast Wisconsin is at risk of suffering from a forest fire because it is not being—you are not meeting your goals of harvesting 100 percent of the trees you've intended to under the plan for 2004.

Mr. FRANK. I think I would be hesitant to say there's a direct correlation. I think sustainable management——

Mr. KAGEN. Would you agree that we would be reducing the risk by following the plan.

Mr. FRANK. Yes. I think a good sustainable forest plan, whether it's national forest or state forest or a private forest, one of the factors you take into account is forest fire prevention. And I think that is——

Mr. KAGEN. Jeanne, would you like to comment? Would you like to comment on that? Would you also agree that by meeting your goals in the 2004 management plan, you could reduce the risk of forest fire in the forest.

Ms. HIGGINS. Yes. Yes, I concur. The statistic that I think is important to recognize in the national forest, that we have over 350,000 acres that's within the wildland urban interface. There's a lot of private land within the boundaries of the national forest, so it is very important that we fully implement our plan so that we can reduce that risk.

Mr. KAGEN. My final question would be, I'm looking for an explanation as to why you have been unsuccessful in meeting your goals from the 2004 plan. What's holding you up, the process? Is it people? Is it funding? Is it just bad weather.

Ms. HIGGINS. We have a highly dedicated staff of people on the national forest that they're very dedicated to their work, so I don't think it's the people that work on the national forest. Certainly we have been—many of our decisions have been in litigation the last several years, and so in terms of fully implementing the plan, a portion of that has been challenged.

Mr. KAGEN. Would it be fair to conclude then if we are putting our—is it true that we're putting our national forest at greater risk of fire because of a litigious process? If it's not the people and it's not the weather, I'm looking for, what do you think.

Ms. HIGGINS. Well, I believe that our—being able to fully implement the plan is certainly going to help reduce that fire risk.

Mr. KAGEN. Thank you. Mr. Chairman.

Mr. BACA. Thank you. Ms. Higgins, I have an additional question, it's probably along the same lines, how closely are you working with the state, county, and private foresters to limit the spread of an invasive species like the emerald ash borer.

Ms. HIGGINS. We have a very good cooperative relationship with the state and our other Federal partners, too, in terms of trying to reduce the spread of insects and disease. And we have several of those that affect our forests. But in terms of the greater risk, I think we probably all agree right now that emerald ash borer, which is on our doorstep, could have a fairly significant impact on our forests. And so we have worked closely to put together closure orders to prevent firewood from being transported. Our efforts have been around prevention and education associated with the possible effects emerald ash borer could have if it is transported across the state.

Mr. BACA. And, Mr. Frank, can you answer that, because that also goes right back to the original question that we were talking about fire fighters or fires in our forests, because that also has an impact if we don't deal with the insects that we have in the area. In our area we have the bark beetle.

Mr. FRANK. Definitely. The thing about our forests is forests are themselves and part of an ecosystem. All of these issues are interrelated, so. And I appreciate your tying these issues together in that fashion. I think a good—a good, strong sustainable forest management plan deals with invasives, deals with fire protection, deals with economic harvest, and brings all those things together in a way that makes sense. So, yes, I think dealing with the invasives

issue is important. And I'll tell you, it's important even if the trees ultimately don't burn down. When you look at—we have 760 million ash trees in Wisconsin. Twenty percent of our urban forests in Wisconsin are ash. If that invasive pest ends up attacking all of those—so far we are doing the research, but it's always fatal to the tree right now. Once you've got it it's fatal to the tree—that has a tremendous impact on our forest for all sorts of reasons. So this invasives issue is of great concern, and I think it's something that we need to strengthen. And I think we need to think about more than just education.

It's difficult for us to—we work cooperatively with Illinois, for example. We love it when people from Illinois come up and camp in our forests, but we encourage them to buy firewood up here. We've got to look at the commercial transfer of firewood across state lines. You know, you can now go in stores and buy firewood from a lot of places. Firewood could be ending up in Wisconsin not just from Illinois but halfway across the country. You've got 13 states with emerald ash borer right now. This is an area that we think needs more attention, and we need to have a more coordinated Federal policy looking at this issue.

Mr. BACA. Thank you. I know that we've run out of time, but hopefully you'll submit some kind of written statement, both of you, in reference to the endangered species that may impact our forests as well, what can be done, or what changes need to be done, as we address that area, because I'm very much concerned. Although I am a Democrat, I'm very much concerned with its impact in California in some of the habitats that are listed in areas that have a lot of growth and development. And how do we protect the environment? And what about endangered species? I hope we can address those sometime in the future.

Mr. BACA. With that I want to thank the first panelists for being here this morning. Thank you very much for your expertise.

Mr. KAGEN. The second panel is Henry Schienebeck, Executive Director, Great Lakes Timber Professionals, Rhinelander, Wisconsin; Kathrine Dixon, State Attorney, Environmental Law and Policy Center, Chicago; Butch Johnson, Bill Johnson, from Johnson Timber, Hayward, Wisconsin; and also joining us is Gary Zimmer with the Ruffed Grouse Society. If you would come up and take a chair.

We will begin with Henry Schienebeck. You may start the clock now.

STATEMENT OF HENRY SCHIENEBECK, EXECUTIVE DIRECTOR, GREAT LAKES TIMBER PROFESSIONALS ASSOCIATION, RHINELANDER, WISCONSIN

Mr. SCHIENEBECK. I'll just apologize right up front; loggers are just used to doing a job until it's done.

My name is Henry Schienebeck, I'd like to offer the following testimony on behalf of the Great Lakes Timber Professionals Association in regards to forest resource management in northern Wisconsin. First of all, we'd like to take this opportunity to thank the Committee, especially Congressman Kagen, for acknowledging the importance of the forest products industry to society and the need to find a reality in management of that resource.

The forest products industry has long been a viable source of revenue for the State of Wisconsin as well as the entire nation for well over 100 years. Like many of the members our organization represents, I'm a third-generation logger with a great amount of passion for the timber industry and the people who work in that industry both directly and indirectly. In order for us to remain in business for generations to come, we understand that—we understand more than most the need to maintain healthy sustainable forests. We support multiple-use forests, and we also agree there should be parts of the forest that should remain untouched and unmanaged and managed only by nature itself. We understand the need to balance all the marvelous things nature has to offer with a forest product industry which has been a backbone of this nation since its beginning.

The forest products industry is the second largest industry in Wisconsin generating over $26 billion for the state's economy. From 2005 until the present time, Wisconsin forest products industry has lost over 24,000 jobs in all sectors from harvesting trees to manufacturing of paper, paperboard, and furniture. Over 38 percent of those jobs have been lost in the elimination of 16 paper mills since 2002. Several reports show that the lack of available stumpage is one of the major reasons for job loss in Wisconsin and the United States as a whole. Raw material to make paper, lumber, furniture, and a variety of other products has been hampered severely by the lack of available timber, especially from the Federal forest. Because of the lack of timber being offered for sale in Federal forests, more pressure has been put on county, state, and private lands to support industry with raw material. Because of the unnecessary lack of raw material from Federal forests, the cost of that raw material has been driven high enough to put Wisconsin and the United States at a competitive disadvantage in the world economy. And that alone has put over 92 major companies out of business in region nine.

Nationwide the Federal forest—or the Federal Government owns 597 million acres of land of which 107.7 million acres are included in wilderness designation, and that excludes all harvesting and most recreational activities. Over 100 million additional acres of Federal land are in designations that exclude harvesting trees as a tool to maintain forest health, leaving about 389 million acres.

By comparison, the Chequamegon-Nicolet National Forest encompasses just over 1.5 million acres of which 1.3 million acres are forested. Of that 1.3 million acres, 446,000 acres, or a full ⅓, are placed in designations that exclude timber harvesting. On the remaining 854,000 acres, the growth rate is in excess of 150 million board feet per year, which should be removed to maintain a healthy forest. The current management plan calls for removal of 131 million board feet per year, and of that 131 million board feet an average of only 85 million board feet have been removed over the last five years. In other words, just over 50 percent of sustainable harvest have been removed from the Chequamegon-Nicolet. By comparison, the State of Wisconsin as a whole has harvested an average of 69 percent of its current annual growth. And to put that in perspective, 20,000 board feet of timber provides enough raw material to sustain one job in the forest products industry. Over

the last five years the amount of timber that went unharvested could have provided 4,400 jobs for Wisconsin alone.

For the above reasons, the forest products industry is at an all-time low in Wisconsin and the United States. In order to get help the forest products industry—in order to get help to get our industry moving again in a timely fashion, we would offer the following suggestions:

First, once the forest management plan is agreed on, let the Forest Service implement the plan without interruption. We find it inconceivable that tens of thousands of dollars are spent on a draft and then a final management plan only to have them litigated once they are put into action. In our opinion, there are millions of dollars being spent tying up the legal system on issues that could most likely be worked out in face-to-face meetings with other groups and industry.

Second, Congress should fully fund the forest management plans once they are implemented. If it is the mission of this Committee to get the economy back on track, then it is imperative that the forest products industry can count on a constant supply of raw material to manufacture. It would simply be impossible for any company to create a business plan for investing in a new business or grow an existing one knowing that raw material may not be available on a continuous basis.

Third, Wisconsin forests have been dual certified by FSA and SFI to supply industry with sustainably harvested fiber. We would suggest that the Forest Service be certified as well, or possibly use the Master Logger Program to harvest Federal timber in support of the industry to provide sustainably-managed products to the world economy.

Thank you for the opportunity, and I will be happy to answer any questions.

[The prepared statement of Mr. Schienebeck follows:]

SUBMITTED STATEMENT OF HENRY SCHIENEBECK, EXECUTIVE DIRECTOR, GREAT LAKES TIMBER PROFESSIONALS ASSOCIATION, RHINELANDER, WISCONSIN

Good morning Mr. Chairman and Committee Members:

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Over 38% of the jobs have been lost in the elimination of 16 paper mills alone since 2002.

Several reports show that a lack of available stumpage is one of the major reasons for job loss in Wisconsin and the United States as a whole. Raw material to make paper, lumber, furniture and a variety of other products has been hampered severely by the lack of available timber especially from Federal Forests. Because of the lack of timber being offered for sale on the Federal Forest, more pressure has been put on county, state and private lands to supply the industry with raw material. Because of the unnecessary lack of raw material from Federal Forests, the cost of that raw material has been driven high enough to put Wisconsin and the United States at a competitive disadvantage in the world economy. That alone has put over 92 major companies out of business in Region 9.

Nationwide the Federal Government owns 597 million acres of land of which 107.7 million acres are included in wilderness designation which excludes all harvesting and most recreational activities. Over a hundred million additional acres of Federal forest land are in designations that exclude harvesting trees as a tool to maintain forest health leaving about 389 million acres for other uses.

By comparison the Chequamegon-Nicolet National Forest (CNNF) encompasses just over 1.5 million acres of which 1.3 million acres are forested. Of that 1.3 million forested acres, 446,000 acres or a full ⅓ of the forested acres, are placed in designations that exclude timber harvesting. On the remaining 854,000 acres, the growth rate is in excess of 150 million board feet per year which should be removed to maintain a healthy forest. The current CNNF management plan calls for removal of 131 million board feet per year. Of that 131 million board feet an average of only 85 million board feet per year have been removed over the last five years. In other words just over 50% of the sustainable harvest growth has been removed from the CNNF. By comparison the state of Wisconsin as a whole harvested an average of 69% of current annual growth. To put that in perspective, 20,000 board feet of timber provides enough raw material to sustain 1 job in the forest industry. Over the last five years the amount of timber that went un-harvested could have provided 4,400 jobs for Wisconsin alone.

For the above stated reasons the forest products industry is at an all time low in Wisconsin and the United States. In order to help get the Forest Products Industry moving again in a timely fashion we would offer the following suggestions:

- First, once the forest management plan is agreed on, let the Forest Service implement the plan without interruption. We find it inconceivable that tens of thousands of dollars are spent on draft and final forest management plans only to have them litigated once they are put in to action. In our opinion there are millions of dollars being spent tying up the legal system on issues that could most likely be worked out in face to face meetings between industry and other groups of interest.
- Second, Congress should fully fund the Forest Management plans once they are implemented. If it is the mission of this Committee to get the economy back on track, then it is imperative that the Forest Products Industry can count on a constant supply of raw material to manufacture. It would simply be impossible for any company to create a business plan for investing in a new business or grow an existing one knowing raw material may not be available on a continuous basis to support the project.
- Third, Wisconsin forests have been dual certified by FSC and SFI to supply industry with sustainably harvested fiber. We would suggest that the Forest Service be certified as well or possibly use the Master Logger Program to harvest Federal timber in support of the industry to provide certified products to the world economy.

Thank you for the opportunity to testify and I will be happy to answer any questions.

Mr. BACA. Thank you very much. Ms. Dixon.

STATEMENT OF KATHRINE DIXON, STAFF ATTORNEY, ENVIRONMENTAL LAW AND POLICY CENTER, CHICAGO, ILLINOIS

Ms. DIXON. Good morning, Mr. Chairman, Congressman Kagen. I am Kathrine Dixon, staff attorney with the Environmental Law & Policy Center, which is the Midwest's leading public interest environmental advocacy organization. Thank you for your invitation to testify before you today on forest resource management in north-

ern Wisconsin. Your leadership on this issue is greatly appreciated, and we are very glad to be part of the discussion.

For the past eight years, ELPC attorneys and policy advocates have partnered with members of the Wisconsin scientific and conservation community to push for restoring balance to forest management in the Chequamegon-Nicolet National Forest. In recent years, the balance, the Federal forest management and the Chequamegon-Nicolet, has tipped heavily in favor of logging to the detriment of other uses and values. In short, the Forest Service has simply proposed too much logging, too fast, in too many of the places that are most important for wildlife habitat, clean water, and recreation.

My written testimony discusses three primary areas of concern that must be part of future forest management in Wisconsin.

First, Forest Service must take steps to reduce landscape fragmentation. Recent studies published by University of Wisconsin Professor Don Waller show that severe fragmentation of Wisconsin's forestlands is seriously impacting both plant and animal species across the state. The Forest Service must implement a policy of sharply reducing roads and other fragmenting features. It must also take active steps to preserve large patches of interior forest and create movement borders to expand habitat options.

Second, the Forest Service must do more to ensure viable populations of native and desired nonnative plant and animal species. Scientific evidence demonstrates that populations of several of Wisconsin's species are dwindling at an alarming rate in Chequamegon-Nicolet. Forest Service must set enforceable target population numbers for each of the species that it manages. It must also make a serious effort to determine the impacts of its management practices on sensitive species through rigorous monitoring and analysis.

Third, the Forest Service must begin to take climate change into account in forest planning. New evidence shows that the Chequamegon-Nicolet is storing carbon dioxide at a rate that far exceeds its size as a percentage of the nation's forested land. Forest Service must adopt management practices that are designed to maximize this carbon sequestration potential, which is not only good for the environment, but could also be good for the Wisconsin economy when the carbon market becomes a reality.

Forest Service must set a standard for forest management that addresses these three concerns based on the best available scientific evidence and silvicultural knowledge.

However, before we can think about developing and implementing new policies, Forest Service must take a fresh look at existing logging proposals. The Forest Service has proposed 17 major timber sales since 2002, adding up to over 150,000 acres. Our coalition of supporters is not opposed to logging. We appreciate the Forest Service's mandate to managing its land for multiple uses, but the amount of logging proposed in the Chequamegon-Nicolet is not environmentally responsible, nor is it sustainable over the long term. This trend must change.

With new agency leadership being put in place, there is an opportunity to craft new policies that account for the full range of resources that the Forest Service must oversee. But, in the mean-

time, we cannot lose important resources based on old and outdated ideas. Once trees are cut, they cannot be stuck back in the ground like matchsticks. We need a chance to step back and reassess. The LPC and our colleagues have presented the Forest Service with reasonable middle ground proposals for modifying each of their major logging proposals in ways that would allow significant amounts of logging to go forward, while also preserving the most important ecological areas. These proposals are grounded in good science and in an intimate knowledge of the resources at stake. We are calling on the Forest Service to adopt these proposals now so the important resources are not lost while we begin the process of developing a new long-term approach that factors in many of the recommendations made before the panel today.

Thank you for your interest in this topic. We look forward to working with you, with the Forest Service, and with the other people in this room today on policies that protect Wisconsin's natural lands and their many values. I'm happy to answer any questions.

[The prepared statement of Ms. Dixon follows:]

SUBMITTED STATEMENT OF MS. KATHRINE DIXON, STAFF ATTORNEY, ENVIRONMENTAL LAW AND POLICY CENTER, CHICAGO, ILLINOIS

TESTIMONY OF KATHRINE DIXON
STAFF ATTORNEY
ENVIRONMENTAL LAW & POLICY CENTER

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS, OVERSIGHT, NUTRITION AND FORESTRY

UNITED STATES HOUSE COMMITTEE ON AGRICULTURE

July 20, 2009

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Harry Drucker - Chairperson Howard A. Learner - Executive Director

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Mr. Chairman and Members of the Subcommittee:

I am Kathrine Dixon, Staff Attorney with the Environmental Law & Policy Center of the Midwest (ELPC). Thank you for the invitation to testify before you today on forest resource management in northern Wisconsin. Your leadership on this issue is much appreciated by the Midwest conservation community.

As you know, Wisconsin's forest lands are a large part of what makes this state such a special place for residents and visitors alike. Every year thousands of people enjoy spending time in Wisconsin's Northwoods. The Chequamegon-Nicolet National Forest—with its 1.5 million acres of land, 1,255 miles of trout streams, and 2,020 lakes—is a particularly beautiful place to experience the outdoors.

Unfortunately, in 2002 the Chequamegon-Nicolet was identified by a coalition of forest advocacy organizations as one of America's "Ten Most Endangered National Forests." In fact, it was the most heavily logged forest in the entire National Forest system that year. Since that time, accelerated logging proposals have continued to threaten clean water, wildlife habitat, recreation values, and the overall health of forest ecosystems. We need to shift away from old policies that involve too much logging, too fast, in too many of the wrong places, and instead chart a new path that strikes an appropriate balance between use and preservation of Wisconsin's unique natural resources.

Background

The Environmental Law & Policy Center is the Midwest's leading public interest environmental legal advocacy and eco-business innovation organization. Our teams of attorneys, communications specialists, and policy advocates develop and lead strategic campaigns designed to improve environmental quality and protect the natural heritage of the Midwest.

Since 2002, ELPC attorneys have partnered with the Madison-based Habitat Education Center and a blue-ribbon team of scientists from Wisconsin's academic community to advance smart forest management. Over the past several years the Forest Service has proposed seventeen (17) major timber sales across the Chequamegon-Nicolet National Forest and numerous salvage logging projects, totaling over 150,000 acres of logging. (See Exhibit 1). Our team of advocates has provided detailed legal and scientific comments on each major logging proposal. Where necessary, we have challenged irresponsible logging projects in court.

ELPC and our colleagues do not oppose all logging. We believe that forest management is appropriate if done in a responsible, sustainable way based on the best available science. To that end, we have negotiated several agreements with the Forest Service that limit logging in the most important places for clean water, wildlife habitat and recreation, while still allowing environmentally-responsible resource use.

The "Boulder" timber sale, located near Langlade, is a particularly successful example. After negotiations with ELPC and our scientist colleagues, the Forest Service has deferred approximately 1,500 of the 6,000 total acres of proposed logging in the project area. If allowed

to go forward, logging in these acres would have negatively impacted the Second South Branch of the Oconto River, a high-quality Class I trout stream. (Currently, more than half of all the Class I trout streams in the Chequamegon-Nicolet already fail to meet temperature standards for brook trout.) The proposed logging would also have affected habitat conditions in an area that is home to a high concentration of Red-shouldered hawks, which are listed as a threatened species in Wisconsin. In the opinion of our scientists, logging should never have been proposed in these key areas. Our agreement ensures that these important resources will be protected from disturbance for the foreseeable future.

Another example is the "Cayuga" timber sale, a 5,200-acre logging project near Clam Lake. ELPC and our scientist clients challenged the Cayuga timber sale in federal court in 2005, on grounds that the Forest Service failed to fully consider the environmental impacts of its proposed logging. The Court agreed with us and issued a permanent injunction against the Cayuga project. Four years later, after a new environmental analysis and further negotiations, the Forest Service has now agreed to defer logging on 2,000 acres that provide some of the last remaining habitat for Wisconsin's only endangered mammal, the American pine marten. Under the terms of our April 2009 agreement, this critical habitat will remain undisturbed while the Wisconsin Department of Natural Resources works to restore this dwindling marten population over the next several years. This is exactly the approach that ELPC and our clients have advocated for since 2005.

Whereas recent accelerated logging proposals in the Chequamegon-Nicolet have tipped the balance in favor of more and more logging, these agreements represent a responsible and balanced approach to forest management that benefits logging interests as well as natural resources values. These are the kinds of management decisions we would like to see the Forest Service making over the long term.

Recommendations

Although there are many specific recommendations we could make today, ELPC and our scientist colleagues have identified three primary areas of concern regarding federal forest management in Wisconsin:

1. The Forest Service must take serious steps to reduce landscape fragmentation.

A new study by University of Wisconsin Professor Don Waller (also a member of ELPC's Science Advisory Council) shows that the fragmentation of Wisconsin's forestlands has taken a significant toll on the health of its forest ecosystems. (See Exhibit 2). For animals, habitat fragmenting features such as roads can increase vulnerability to predators and can limit access to suitable habitat. Habitat fragmentation can also isolate populations of native plants, leading to local extinction and eventual losses in biodiversity over time. Fragmentation also tends to increase already over-abundant populations of white-tailed deer, which thrive in openings and edge habitats.

ELPC and our colleagues have repeatedly encouraged the Forest Service to address fragmentation by: (1) decommissioning and obliterating unnecessary roads forest-wide; (2) strictly limiting new road construction and reconstruction; and (3) creating and preserving larger patches of interior forest. Ideal habitat conditions for some sensitive species, including Northern goshawks and Red-shouldered hawks, require interior forest patches in the thousands of acres.

The Forest Service must also make a serious effort to create movement corridors that connect large interior forest patches. Movement corridors can help counter the isolating effects of a fragmented landscape. Corridors will become more important as the impacts of climate change become more severe. As global temperatures increase, corridors will help species adapt to changing conditions by allowing them to relocate to suitable habitat in cooler climates.

Wisconsin's forest landscape is also highly fragmented in ownership, with various lands being managed for different purposes and at different levels of intensity. To achieve effective and coordinated management across the heterogeneous ownership of Wisconsin's Northwoods, the U.S. Forest Service needs to set high standards and actively engage and cooperate with the Wisconsin DNR, the County Forests, and small and large private forestland owners in and around the CNNF. These owners and managers look to the USFS to provide leadership on forest management generally and corridors and landscape management in particular.

2. The Forest Service must do more to ensure viable populations of native and desired non-native plant and animal species.

The Chequamegon-Nicolet's 2004 Forest Management Plan requires the Forest Service to maintain viable populations of sensitive species across the forest. However, the Forest Service has set no enforceable target population numbers. The Forest Service instead appears to presume that if enough suitable habitat is available, then species will remain viable.

There are two problems with this approach. First, it does not appear to work in practice. Although the Forest Service might contend that there is abundant suitable habitat for the American pine marten, in reality, the Chequamegon population of that species is dwindling so rapidly that the Wisconsin Department of Natural Resources is preparing to import pine marten from Minnesota to forestall a population collapse. The numbers of pine marten on the Chequamegon (approximately 20-30) fall far below the minimum viable population of 500 animals that Forest Service scientists originally recommended in 2000.

Second, there is evidence that the Forest Service does not accurately define what constitutes "suitable habitat" for most sensitive species. Many of these species only inhabit a small fraction (often less than 1%) of the habitat that is purportedly "suitable" for them. The reason for this may be that the Forest Service defines habitat suitability based on one or two habitat characteristics (e.g., stand age and tree type), and then assumes that those characteristics correlate to a much broader suite of other relevant variables.

ELPC and our colleagues have repeatedly urged the Forest Service to take serious steps toward ensuring viable populations of native and desired non-native species by: (1) setting target

population numbers and engaging in rigorous population monitoring to assure that those targets are achieved; and (2) adopting more accurate habitat suitability models that account for a range of relevant habitat variables.

3. The Forest Service must take climate change into account in forest planning.

It is widely recognized that forests have the capacity to capture and store greenhouse gases from the atmosphere. A new ELPC analysis shows that although the Chequamegon-Nicolet amounts to only 0.2% of the nation's total forests, it is responsible for between 1.1 percent and 1.9 percent of the entire U.S. forests' sequestration—capturing and storing 4.1 and 7.2 million tons of carbon dioxide annually. This means the Chequamegon-Nicolet is acting as a much larger carbon sink than its size would suggest.

Moreover, recent scientific studies show that older forests including those here in Wisconsin continue to accumulate carbon indefinitely. We also now know that logging tends to release large amounts of carbon, both from the logging slash and from forest soils, requiring several decades to recoup through forest growth.

Forest resources will rapidly increase in environmental and economic value as the world becomes increasingly concerned with global warming. This Administration has proposed and committed significant funding toward research into alternative fuels and alternative energy production as a means of addressing the climate problem, but adjusting nationwide forest management practices to maximize overall carbon sequestration potential could have equally beneficial results.

As a first step, it is time for the Forest Service to revise and update its 2004 Forest Management Plan for the Chequamegon-Nicolet National Forest to account for climate change impacts and mitigation opportunities. This process should involve input from climate experts in the academic community and other relevant fields to implement peer-reviewed standards. As part of this process, the Forest Service should adopt new management practices, such as longer harvest rotations, that are designed to maximize the Chequamegon-Nicolet's carbon sequestration value.

In reality, all of Wisconsin's forests have tremendous carbon sequestration potential. Increasing these benefits outside the boundaries of the Chequamegon-Nicolet will require coordinated efforts among federal, state, and county forest managers, as well as the cooperation of private and industrial forest managers. Coordinated efforts among forest managers throughout the Northwoods, including other Great Lakes forests, would also help to preserve and create new carbon sequestration benefits across the region.

Conclusion

The Chequamegon-Nicolet National Forest plays a vital role in Wisconsin's natural history and in the world's low-carbon future. It must be managed in a way that balances its multiple uses and protects the valuable ecosystem services it provides, including wildlife habitat, clean water, and carbon sequestration. Citizens of the state of Wisconsin and the Midwest look to the U.S. Forest Service to set the standard for forest management across the region. This standard needs to include our best available scientific and silvicultural knowledge as well as informed concern and management of the full range of resources the agency oversees.

ELPC and our colleagues and supporters thank you for your interest in this topic, and we look forward to working with the Subcommittee, with the Forest Service, and with other interested parties on policies that preserve and protect these vital lands and their many values.

Exhibit 1

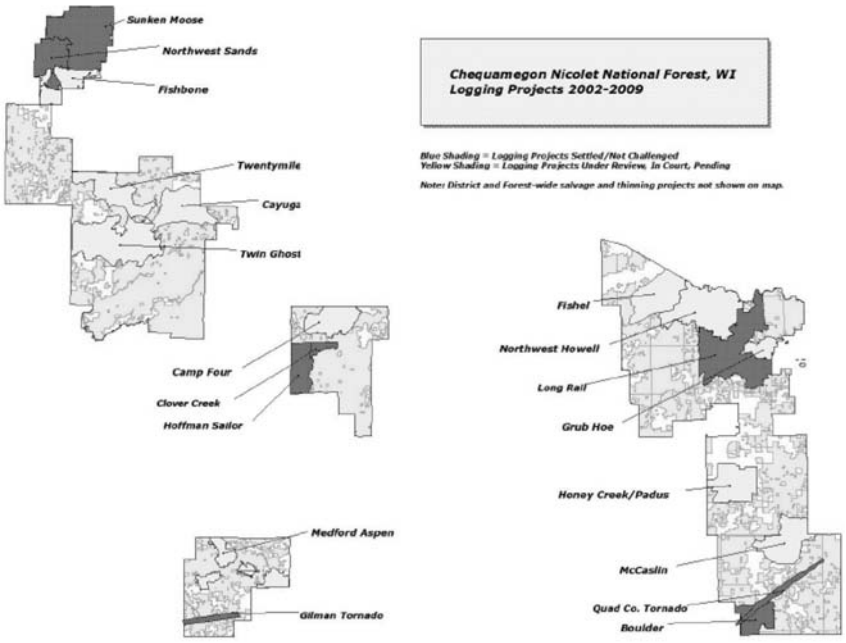
Sunken Moose
Northwest Sands
Fishbone
Twentymile
Cayuga
Twin Ghost
Camp Four
Clover Creek
Hoffman Sailor
Medford Aspen
Gilman Tornado
Chequamegon Nicolet National Forest, WI
Logging Projects 2002-2009
Blue Shading = Logging Projects Settled/Not Challenged
Yellow Shading = Logging Projects Under Review, In Court, Pending
Note: District and Forest-wide salvage and thinning projects not shown on map.
Fishel
Northwest Howell
Long Rail
Grub Hoe
Honey Creek/Padus
McCaslin
Quad Co. Tornado
Boulder

Exhibit 2

Ecologists are finding that the ecological health of patches of southern Wisconsin's forests (such as this one outlined in green) are strongly impacted by the number of nearby farm fields, buildings (red), and roads (purple). Forest fragmentation by increasing development is reducing the abundance and diversity of native plants, according to a new study led by UW-Madison ecologist Don Waller. (Credit: Don Waller, UW-Madison)

SUBMITTED MATERIAL SUBMITTED BY MS. KATHRINE DIXON, STAFF ATTORNEY, ENVIRONMENTAL LAW AND POLICY CENTER, CHICAGO, ILLINOIS

ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

Committee on Agriculture
Subcommittee on Department Operations, Oversight, Nutrition, and Forestry
Representatives: Baca (Chair), Cuellar, Kagen, Schrader, Dahlkemper, Childers, Fortenberry (Ranking Minority Member), King, Schmidt, Lummis
1301 Longworth House Office Building
Washington, DC 20515

August 19, 2009

Dear Subcommittee Members:

At this Subcommittee's July 20 hearing in Appleton, Wisconsin, Congressman Kagen requested that the Environmental Law & Policy Center submit supplemental testimony outlining specific objections to the 2004 Forest Management Plan for the Chequamegon-Nicolet National Forest. Enclosed is an administrative appeal of the 2004 Chequamegon-Nicolet National Forest Management Plan, originally submitted to the Forest Service by our partners at the Habitat Education Center in August of 2004. This document contains detailed and specific legal, scientific, and policy objections to the 2004 Plan.

Some noted deficiencies in the Plan include:

- the Forest Service's failure to consider a meaningful range and variety of management alternatives, including conservation management options;
- the Forest Service's failure to fully and fairly analyze the direct, indirect, and cumulative environmental impacts of proposed management activities on important resources;
- the Forest Service's failure to set enforceable target population standards and monitoring objectives for threatened, endangered, sensitive and declining species; and
- the Forest Service's over-emphasis on management for early successional species, such as aspen, in areas that already exceed historic ranges for those species.

These flaws, among others, are described in detail in the attached document.

As noted in our original testimony, now is the time for the Forest Service to take a new direction and to revise the 2004 Chequamegon-Nicolet National Forest Management Plan. The National Forest Management Act provides that forest plans shall be revised "from time to time when...conditions in a unit have significantly changed, but at least every fifteen years." 16 U.S.C. § 1064(f)(5).

Circumstances in the Chequamegon-Nicolet National Forest have changed significantly since the Plan was approved. Demand for Wisconsin timber has slowed due to a slumping

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housing market and competition from foreign paper producers. Sensitive species on the Chequamegon-Nicolet such as the American pine marten are in decline, forcing the Wisconsin Department of Natural Resources to restock a population that is facing certain extinction. Finally, new scientific evidence shows that forests, including the Chequamegon-Nicolet, will play a significant role in mitigating the effects of global climate change. As Congress considers creating a national market for carbon, forest managers can do something good for the environment and for the economy by managing their resources to maximize this carbon sequestration potential.

We urge the Forest Service to undertake a meaningful Plan revision process that seeks input from a full range of interested stakeholders early enough in the process to avoid future litigation. A new management plan must be grounded in the best available science while also accounting for scientific uncertainty by taking a precautionary approach.

ELPC and our colleagues are committed to continuing a productive dialogue with members of this Subcommittee, with the Forest Service, and with other interested parties about forest resource management in northern Wisconsin. Thank you, again, for the opportunity to submit testimony in support of a better balance among the many uses and values of Wisconsin's forest lands.

Sincerely,

Kathrine Dixon
Staff Attorney, Environmental Law & Policy Center

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USDA Forest Service
Region 9
Milwaukee, WI

Habitat Education Center, 1345 Morrison Ave. #1, Madison, WI 53703, And Defenders of Wildlife, 1101 14th Street, NW #1400, Washington, DC 20005 Appellant, vs. Appellee Randy Moore, Regional Forester of the Eastern Region, USDA Forest Service Eastern Region 626 E. Wisconsin Ave. Milwaukee, WI 53202	Case No.: Appeal of the 2004 Chequamegon Nicolet National Forest Land and Resource Management Plan (LRMP), Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) of 3/30/04.

Dated this 6th day of August, 2004

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Parties

This administrative appeal is being filed on behalf of Appellant Habitat Education Center (HEC) and Defenders of Wildlife (Defenders).

HEC (1345 Morrison Ave. No. 1, Madison, WI 53703, 608-294-5930 ext. #1) is a grassroots organization with interests in forest and wildlife protection and management. HEC has been active in CNNF management for two years and has supporters and members that regularly use and enjoy the areas throughout the Chequamegon Nicolet National Forests (CNNF) identified in the challenged ROD of the CNNF Forest Plan. Members and supporters of HEC use and enjoy the areas in and around the CNNF and would be harmed by timber harvests and road construction/reconstruction, opening maintenance and other activities called for in the selected alternative of the CNNF Forest Plan ROD.

Defenders of Wildlife is one of the nation's largest and oldest conservation organizations dedicated to protection of wildlife. (1101 14th Street, NW #1400, Washington, DC 20005 202-682-9400). Defender's members also regularly use and enjoy the areas throughout the Chequamegon Nicolet National Forests (CNNF) identified in the challenged ROD of the CNNF Forest Plan. Members and supporters of Defenders of Wildlife use and enjoy the areas in and around the CNNF and would be harmed by timber harvests and road construction/reconstruction, opening maintenance and other activities called for in the selected alternative of the CNNF Forest Plan ROD.

INTRODUCTION

Our organizations are appealing the ROD, FEIS and LRMP for the Chequamegon Nicolet National Forest (CNNF). Although the Selected Alternative represents an important and much-welcomed move towards more sustainable forest management on the CNNF, Forest Service presents no evidence that land management changes reflected in the Selected Alternative are sufficient to reverse the damage that has been done to CNNF ecosystems. The Selected Alternative must reflect and respond to updated scientific data and knowledge and changing social, economic, and environmental concerns. Under the 1986 Plan, the Forest Service implemented a course of resource management that resulted in:

- excessive early-successive-species management that has created: the conditions that support ecologically devastating populations of white-tailed deer; increased severity and duration of pest and pathogen infestations (e.g. gypsy moths); damage to surface water resources, damaged soils; and ongoing economic stagnation in the timber sector by focusing on pulp and paper extraction at the expense of alternative management and recreational opportunities;
- a failure to adhere to old growth designations;
- altered landscape patterns that negatively impact timber viability, recreational use, and wildlife habitat;
- extensive resource damage from both legal and illegal off-road vehicle ("ORV") use, in particular use of ATVs. This legal and illegal ATV use has resulted in the spread of non-native invasive species, significant erosion and long-term, permanent riparian

damage, and results in major conflicts with non-motorized Forest users;

- loss of wildlife viability in many species, including but not limited to: the Canada lynx, the American pine marten, red-shouldered hawk, the northern goshawk, and a variety of neotropical migratory song birds;
- the loss of plant species viability as a result of habitat change and excessive deer browsing;
- excessive habitat fragmentation as a result of logging and the associated road building; and
- reductions in the viability of important historic, native forest tree species, such as hemlock, paper birch, yellow birch, and other native tree species across the planning area.

Our appeal focuses on the Selected Alternative's inadequacies in addressing these issues in an efficient and timely manner consistent with requirements of NFMA and NEPA.

While we support the change in management direction we remain very concerned that the changes are insufficient to restore and protect biological diversity on the CNNF. Despite these modest gains, the Selected Alternative and the accompanying FEIS fall short of meeting the standards mandated by the applicable laws, including the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321-4370f; the National Forest Management Act ("NFMA"), 16 U.S.C. §1600 et seq.; the Endangered Species Act ("ESA"), 16 U.S.C. §§ 1531-1544; the Clean Water Act ("CWA"), 33 U.S.C. §1251 et seq.; and the National Historic Preservation Act, 16 U.S.C. § 470 et seq.

Reasons for Appeal

Our organizations are appealing the ROD, FEIS and 2004 LRMP Selected Alternative for three primary reasons: 1)the Selected Alternative allows ATV use of the Nicolet side of the CNNF 2)the Selected Alternative lacks sufficient standards and guidelines and management area designations to ensure the viability of all native species across the planning area; and 3) the proposed plan is based upon flawed analyses stemming, in part, from the fact that over the life of the 1986 forest plan, the CNNF entered significantly more acres for timber harvest than called for by, or analyzed in, the 1986 FEIS and LRMP:

> *The 1986 suited forestland is approximately 864,000 acres or 58% of the Chequamegon-Nicolet National Forests' land base (Chequamegon LRMP, p. IV-11; Nicolet LRMP, p 29). However, due to volume-per-acre shortfalls, Chequamegon managers had to enter lands that were originally determined as not needed to meet timber demand. So, based on actual use, the current suited forestland for the two Forests is approximately 1,106,000 acres (Task Team 22 Report), or 74% of the land base.* FEIS 3-265.

This astonishing fact, buried in the FEIS on page 3-265, has profound implications for the 2004 LRMP and FEIS as well as for the timber sales now in the planning process or under litigation on the CNNF. Clearly, the 1986 FEIS is flawed in that it's analyses were based on 864,000 acres of suited forestland, not 1,106,000 million acres, a value that added an additional 29% to suited forestlands (or 18% of the total CNNF land area)above and beyond

the level considered in the 1986 FEIS and LRMP. Timber sales on the CNNF with NEPA analyses that were tiered to the 1986 LRMP and FEIS are also flawed in that the original FEIS did not anticipate logging on the additional 242,000 acres.

More importantly, for purposes of this appeal of the 2004 LRMP and FEIS and ROD, the overrun in forestland acreage entered for logging during the life of the 1986 plan calls into question several aspects of the 2004 LRMP Selected Alternative (SA) and its supporting documentation. First, population trend modeling and risk assessments used in the FEIS for Threatened, Endangered and Sensitive Species (TES) are flawed in that participants in these species assessment processes could not have been aware that nearly 1/3 more acreage would be entered for logging on the CNNF by the time the new plan was adopted than was anticipated or analyzed in the 1986 planning process. There is a high likelihood that perspectives of the participants in the TES risk assessment process would be influenced by this information and that predictions of species viability would be affected as well.

Second, the FEIS and its supporting documentation failed to analyze the effects of this very significant overrun of predicted timber harvest areas on the range of values assessed in the FEIS and addressed in the LRMP. This failure creates a significant gap in the NEPA analysis for the Selected Alternative as well as other alternatives.

Third, the CNNF is also fully engaged in the process of approving several timber sales calling for logging on over 40,000 acres and construction and/or reconstruction of over 100 miles of roads. Implementation of the individual timber sales called for by these major projects will continue for the next five to seven years, nearly half the life of the revised Plan. As such, the Forest Service is, through its actions, extending the expired Plan's management directives while simultaneously attempting to implement a new plan, with different, more scientifically accurate management alternatives. Thus, for nearly half of the time the new Plan is in effect, the CNNF will still be undertaking logging and road construction and/or reconstruction activities based upon the outdated and expired 1986 Plan despite the fact that the CNNF entered 242,000 acres of land that were not analyzed in the 1986 FEIS. Many of the acres proposed for logging in these timber sales have not been entered during the life of the 1986 Plan; they are entering new areas despite the admitted acreage overrun. The FEIS and ROD for the 2004 LRMP could not have properly considered these timber sales within the context of cumulative effects analysis despite the fact that they represent a significant portion of the Forests' timber harvest for the next several years.

The Selected Alternative and its accompanying FEIS do not account for these impending timber sales in their analyses, despite the fact that these sales constitute a large portion of the timber program on the CNNF. The execution of these planned sales under the old Plan undermines the Forest Service's ability to implement its goals and objectives under the Selected Alternative. At the same time, the failure to consider the NW Howell, Cayuga, Hoffman Sailor West, McCaslin and Sunken Moose timber sales (as well as Gilman Tornado salvage and other salvage sales on the CNNF) within the context of the NEPA analysis for the 2004 LRMP, and within the context of their representation of continued overrun of suitable forestlands means that the FEIS failed to analyze properly the effects of the SA and the other alternatives considered.

On the ground, the CNNF's timber program has done considerable damage to natural resources including wildlife populations, aquatic ecosystems and forest health. This damage is alluded to in the purpose and need discussion of the FEIS. However, the public and professional contributors to the planning process have no way of knowing what portion of the damage to resources has occurred as a result of the CNNF's unplanned and unanalyzed entry into 242,000 acres of the Forest over the life of the 1986 LRMP. If resource damage was incurred by resource before the additional acreage was entered, then that has profound implications for the current proposed suitable timber base. However, if the damage was not caused by the original proposal but by the additional 29% increase in acres entered for logging, then that has a different set of implications, no less important.

The Selected Alternative still contains few mandatory requirements that would enable Congress, the federal judiciary, or the public to hold the Forest Service accountable for the implementation of site-specific actions. This lack of real and measurable management targets, when coupled with the gaping loopholes in monitoring and evaluation enable managers to circumvent guidelines and ignore standards rendering the Selected Alternative unacceptable. For example, many of the Selected Alternative's Guidelines and Standards are discretionary. There are too few mandatory requirements established for the protection of plant and animal species, even those species that the Forest Service itself has identified as necessary for monitoring and protection.

In addition, the Selected Alternative lacks sufficient procedural detail in a variety of areas. Specifically, monitoring and evaluation, Threatened, Endangered, and Sensitive Species ("TES") management, Regional Forester's Sensitive Species ("RFSS") management, and aquatic and terrestrial ecosystem management provide some examples of these deficiencies.

II. Appeal Points: Final Environmental Impact Statement

Range of Alternatives

The range of alternatives is inadequate because the action alternatives presented fail to provide the public with a meaningful range of management options. For example, all action alternatives propose:

- between 100,000 and 168,000 acres as established for early successional aspen management;
- between 36,000 and 62,000 acres of even-aged northern hardwood management;
- between 112,000 and 152,000 acres of upland conifer management; and
- between 68,000 and 93,200 acres of old growth and natural feature complexes.

FEIS 2-5. These action alternatives with respect to timber management are essentially indistinguishable. Furthermore, the FEIS admits that, "total road density goals do not vary by alternative and remain at 3.0 miles per square mile." FEIS 3-67. Similarly, "the primary difference among the alternatives is in the proportion of long-lived conifer and hardwood in the future. All alternatives are similar after the first decade for all vegetation types and with regards to open, short-lived conifer and short-lived hardwood over the long term." FEIS 3-37 (emphasis added). Here, the

Forest Service has failed to provide the public with any alternatives with respect to road density or landscape diversity beyond ten years.

Likewise, despite rhetoric to the contrary, the Forest Service is asking the public to wait for real change on the forest. In some cases, real change only occurs after many decades (assuming the management direction will continue as planned). Because of the CNNF's over-emphasis on timber harvest, the Selected Alternative allows for immediate logging in high-quality areas while asking the public to wait decades for restoration of some natural conditions in previously harvested areas. For many species, this delay could mean the difference between survival on the Forest and extirpation.

These narrow ranges of alternatives for timber management and road density contrast directly with the wide range provided by the Forest Service's recommendation of available potential wilderness, which is essentially, a floor and a ceiling of that management designation. For potential wilderness acreage, the alternatives range from 6,300 to 45,300 acres; this is over 7-fold difference in proposed levels. FEIS 2-5. This same situation occurs in the alternatives presented for Proposed Management Area 6A and 6B (semi-primitive non-motorized areas) where the acreage ranges from 58,800 to 148,800 acres (2.5-fold difference). Id. Here again, Forest Service has artificially limited the range of alternatives to ensure high levels of logging while offering significantly different levels of recreational opportunities such as wilderness and semi-primitive non-motorized areas.

The lack of range and variety expressed in the alternatives analyzed by the Forest Service in the FEIS does not reflect the public's desire for significantly more Wilderness and non-motorized areas (FEIS 1-9 and 1-10) as well as continuation of game management via early successional silvicultural methods. Why not propose an alternative that recommends all RARE II areas on the CNNF for Wilderness designation, establishes alternative management areas (e.g. 2B, 8G, 6A & B, etc.) in areas surrounding those core areas and manage for other game species in suitable upland habitats? The list of possibilities for management direction that restore and protect rare and sensitive plants and wildlife, unique natural features and critical ecological functions while harvesting timber is long; the list of alternatives presented in the FEIS is short and narrow. This lack of reasonable alternatives, along with the lack of detailed analysis of each alternative, does not comply with minimal requirements of NEPA.

Furthermore, no alternatives examined alternative management options such as:

- wildland restoration (e.g., road removal areas);
- explicit corridors for wildlife and plant dispersal and genetic interchange;
- a moratorium on road construction;
- establishment of watershed reference areas; and
- a "no commercial logging" alternative.

These are all potentially feasible management options that should have been examined in one or more of the alternatives. The Forest Service's failure to fully examine all viable alternatives violates NEPA's implementing regulations. 40 C.F.R. § 1502.14.

Direct and Indirect Effects

The FEIS contains little analysis of the direct and indirect effects of management activities on the resource. The FEIS uses descriptive, general,

statements but provides the reviewer with scant analysis. One of the most glaring examples of this practice occurs in the FEIS's section on Hydrology and Hydrological Connections. Here, the FEIS admits that the CNNF does not have a comprehensive GIS road coverage for 6,700 miles of level 1 & 2 roads. FEIS 3-20. The FEIS further admits that stream crossings by roads and motorized trails are not inventoried on these 6,700 miles. Id. The absence of this data renders the FEIS's analysis of the direct and indirect effects on watershed health flawed.

Stream crossings on low-order streams are likely to be as great or greater a threat to watershed health than are crossings on higher order waterways. Site-specific information on high-order stream crossings is essential to accurately and fully determine the extent of resource damage, cumulative impacts and effects and the utility of monitoring methods for detecting adverse impacts before significant resource degradation takes place. Furthermore, the FEIS fails to provide sufficient detail on the current status of aquatic ecosystems on the CNNF and ignores the impact on cumulative watershed effects from low order stream crossings by motorized and non-motorized traffic. Instead, the FEIS states that, "While some hydrologic effects occur, particularly in the areas described above, roads and trails generally have a small effect on hydrology across the Forest." This generality is directly contradicted by personal experience of members of our organization, data from CNNF files (e.g. see Cayuga Timber Sale FEIS BE, for example), and represents an unacceptable representation of the true status of CNNF aquatic resources.

Similarly, effects on fish passage from flawed or damaged culvert placement are generally referenced (FEIS 3-24), yet no site-specific information is provided on:

- the species that are affected in specific river basins or stream catchments;
- how far into the watershed those effects remain detectable;
- how multiple road crossings impeding fish passage combine to exert cumulative negative effects on aquatic organisms and aquatic ecosystem function; and,
- how these impediments to fish passage interact with erosion and channel morphology changes from stream crossings on low order streams.

The absence of this detail makes it difficult, if not impossible, for the public to evaluate and comment substantively on the impacts of the various action alternatives and their possible direct and indirect effects on the CNNF. This violates NEPA.

Cumulative Effects

The cumulative effects analyses for 1) Aquatic Resources (FEIS 3-30); 2) Terrestrial Ecosystems (FEIS 3-83); Landscape Pattern (FEIS 3-102); Wildlife (FEIS 3-140); Management Indicator Species ("MIS"), Management Indicator Communities, RFSS and Threatened and Endangered Species (FEIS 3-171) are inadequate and fail to meet the lowest standards of NEPA. All of these sections list and/or describe possible adverse cumulative effects but never provide actual site-specific information regarding those effects or analysis of the cumulative effects. Furthermore, none of the cumulative analysis in the FEIS examines the past, current, and reasonably foreseeable future impacts, as required by NEPA.

The most pronounced examples of this failure are seen in the FEIS's treatment of cumulative effects to fish and wildlife. With respect to the TES, MIS, and FRSS, the FEIS asserts that the amount of habitat for each of these species will remain stable or increase. The FEIS, however, provides no consideration, let alone analysis, to of the effects of past actions on these species. Population numbers for these species are non-existent in the FEIS, yet generalized claims of habitat sufficiency are made throughout the document in a boilerplate manner. For example, the FEIS's Biological Evaluation ("BE") claims that populations of red-shouldered hawks will remain stable under Alternative 5, yet no information documenting the current population trends of this species on the CNNF is included. The most recent information on red-shouldered hawk population trends dates from 1999. These data are totally insufficient to support claims of population stability. The absence of population data is problematic for two reasons. First, the Forest Service and the public are left without a baseline to determine, in the future, whether the population has, in fact remained stable. Second, by failing to provide accurate, current population figures, the public is unable to determine the accuracy of the Forest Service's statement that the population is currently stable and viable. Third, recent evidence shows decline and continued strong concern for the viability of Red-shouldered hawks on the CNNF (see Biological Evaluations and project file reports for Cayuga, Northwest Howell, McCaslin and Sunken Moose timber sales documenting these ongoing concerns and population declines).

This same situation exists for the northern goshawk ("goshawk"). Here, however, the information not contained in the FEIS and BE is available to the public via scientific publications and resource agencies. The data suggest that goshawk populations are trending downward and that this species is already not viable on the Chequamegon side of the Forest. The protections afforded these species are unproven and thus far, all mitigation measures implemented on the CNNF have proven unsuccessful in restoring populations of the red-shouldered hawk and goshawk. This situation is also present with regards to black terns, trumpeter swan, black-backed woodpecker, brown creeper, Swainson's thrush, cerulean warbler, American marten, wood turtle, ellipse mussel, West Virginia white butterfly, snaketail dragonfly, pygmy snaketail dragonfly, northern myotis bat, and other species, including many sensitive plant species. The FEIS and BE fail to provide the minimum information necessary to comply with NEPA.

Likewise, cumulative effects are given the same cursory treatment in the Biological Evaluation. FEIS Appendix J. For example, the BE devotes two short paragraphs to cumulative effects of the proposed management alternative on viability of upland mesic hardwood plant species, despite much new information documenting the decline in plant communities throughout northern Wisconsin, including within the CNNF (Waller, et al. 2004 Conservation Biology. Similarly cursory treatment of cumulative effects are found throughout the BE. This level of treatment falls far short of the requirements of NEPA and the needs of the public for evaluating the impacts of the selected alternatives. Furthermore, the lack of cumulative effects analysis for all alternatives is a further violation of NEPA; without a thorough cumulative effects analysis for all alternatives, how can the public properly evaluate and compare the alternatives? The FEIS must include a proper cumulative effects analysis for <u>all RFSS and TES and resource categories for each alternative</u>, including the no action alternative.

Finally, the BE fails to provide information and analysis regarding the cumulative effects of actions undertaken since adoption of the 1986 Plan.

What impact has the hundreds of thousands of acres of logging and thousands of miles of road construction and reconstruction had on plants and animals, particularly the RFSS and T & E species? What impact has the increased legal and illegal use of ATVs had on the Forest's health and the viability of its species? The FEIS fails to provide this critical information, in part, because monitoring and evaluation of the effects of these actions are spotty and incomplete. Sufficient data on populations, ranges and threats, however, exist to provide a substantive discussion of cumulative effects. Unfortunately, and in violation of NEPA, the FEIS fails to present such analysis or discussions.

III. Appeal Points: LRMP Selected Alternative

Goals, Standards and Guidelines

a) Objective 1.1b: Guidance has not been provided to ensure that actions taken to "improve habitat" translates into increased populations and lower risk of extirpation from the planning area or listing under the ESA. Without measurable standards for populations of TES, the public nor the agency has any way of objectively measuring attainment of this objective.

a) Objectives 1.3a - 1.3g: These objectives are insufficient in both scope and specificity to ensure viable populations of aquatic organisms and "ecologically healthy" streams, riparian areas, lakes, and wetlands. The Forest Service has not provided evidence that objectives adequately meet the current and future needs of aquatic organisms and their habitats. While these are all sound ideas, 1.3c contains a temporal standard - "annually" - while none of the other objectives have such a standard. All of these objectives should have temporal standards to guide agency decisions and allow for ongoing progress monitoring.

- Goal 1.4: This goal fails to meet the requirements of NFMA for maintaining viable populations of native and desired non-native species in all National Forests. 36 C.F.R. § 219.19. While this goal is important, it fails to address viable populations and instead focuses on habitat with a high likelihood of supporting viability. Of course, habitat is directly related to viability. However this wording allows the Forest Service to assess habitat and assume its relationship with wildlife rather than assess habitat and assess wildlife populations and develop an empirical rather than subjective relationship.

Objective 1.4g: We support Integrated Pest Management for NNIS on National Forest Lands. This includes appropriate use of herbicides for pest control and eradication and ecological restoration purposes.

Objective 1.4a: Much greater percentages of red and white pine in MA 4B and interior northern hardwoods in MA 2B should be restored to their "desired condition" than is called for in this objective. Alternative 5 fails to provide enough emphasis on restoring large patches of uneven-aged white pine and red-pine in suitable areas across the CNNF. Similarly, much more interior northern hardwood forest must meet desired conditions (as modified per these comments) to protect and restore populations of TES. This is particularly true given the fact that the CNNF entered 242,000 acres of forestland above and beyond that analyzed in the 1986 FEIS and called for in the LRMP. We note some changes made in this category but also observe that

no information is provided in the FEIS linking these levels of 4B management with species' needs.

The LRMP contains no objective specifically related to coarse woody debris and snags. Downed woody debris, snags and multi-layered canopies are rare in northern hardwoods due to ongoing management activities. Many species rely on the presence of this material for their habitat. The forest plan should call for 8 to 10 50,000 acre patches of interior northern hardwoods with much higher levels of large snags (>50 cm dbh), large downed woody debris (>50 cm diameter; > 9 meter long), tip up mounds, living cavity trees and disturbance regimes based upon historic patterns of wind throw and disease or pest infestations. Patches should be well distributed across the CNNF to ensure associated wildlife and plant species are able to freely interact. We applaud Forest Service's recognition of the need for large blocks of interior forest habitat well-distributed across the planning area. Unfortunately, several areas deserving of 2B MA designation and lower road density standards are not included in the SA. Our appeal includes by reference The Nature Conservancy's comments on the Draft EIS and Proposed Alternative now located in the project file. Specifically, 2B management areas lack connections in a north-south orientation, important for global climate change effects mitigation.

Objective 1.4f: The selected alternative should include 40,000 to 50,000 acres of early-successional forests that will succeed naturally toward late-successional forest types. The Forest Service should explicitly consider the spatial distribution of habitat patches, landscape context, and should establish and manage wildlife and plant movement corridors when designating stands for natural succession. A cumulative effects analysis would reveal the impacts the over-emphasis on early successional species has had over the past fifteen years; significantly more than 5,000 acres of conversion to longer-lived species is needed to rectify this imbalance and to mitigate the effects of excessive clearcutting for aspen regeneration, particularly on the Chequamegon side of the forest.

Goal 1.5: This goal fails to meet the minimal standards of NFMA for maintenance of viable populations of native and desired non-native species across the planning area (CNNF). The proposed goal for wildlife and fish habitat is to "Conserve habitat capable of supporting viable populations of existing native and desired non-native species, and retain the integrity and function of key habitat areas." Selected Alternative 1-3. This statement, while similar to NFMA's viability requirement, requires something far different than is expected by NFMA and its implementing regulations. Conserving habitat capable of supporting viable populations is not the same as conserving viable populations. NFMA requires the latter. The Selected Alternative calls only for the former, a clear contradiction with current law. The Selected Alternative must reflect NFMA and its implementing regulations in full. The current proposal falls far short of that standard.

Objective 2.1d: This objective has not been evaluated fully within the FEIS and conflicts with other goals and objectives for the Forest.

Water Resources

Standards for watershed protection and management do not address the wide range of threats to surface and ground water resources on the CNNF. The FEIS presents no evidence that maintaining minimum in-stream flows at 25% of base flows will protect the range of species and processes dependent upon natural

stream flows. The Guidelines presented for watershed protection and management fail to insure that the full range of biota and processes dependent upon aquatic ecosystems in the CNNF will be protected.

Riparian Areas

The Selected Alternative's Standards and Guidelines refer only to some general management practices and ignore the need for no-cut riparian buffers. No consideration is given to protection of riparian functions (e.g. corridor functions) and the Selected Alternative does not consider the integrated role that these corridors serve with respect to overall ecosystem health and viability.

Wetlands

The Selected Alternative's Standards and Guidelines for wetlands are inadequate. Past experience on the CNNF demonstrates the Forest Service's failure to protect wetlands and their functions when constructing roads and supervising Forest Service authorized timber harvests. Members of our organizations have repeatedly observed and documented stream damage from road crossings, skid trails, slash disposal and log landings as well as the logging process itself. The FEIS and Selected Alternative do not contain any recognition of the damage that currently exists throughout the CNNF, nor do they provide for restoration of these already damaged resources. In addition, the Forest Service should not be constructing artificial open wetland habitats by constructing low head type impoundments as called for under Guidelines. Selected Alternative 2-16.

Woodland Ponds

The section on ephemeral(woodland) ponds fails to meet the minimum standards of NFMA. The failure to fully assess the impacts of low grade roads on aquatic ecosystems, including woodland ponds of all types, is a violation of NEPA. Aside from permanent woodland ponds larger than one acre (a category that requires specialized guidelines), all woodland ponds, both ephemeral and permanent, of all sizes must be afforded full protection from road construction, fill, hydrological alteration, logging activity, slash disposal or other adverse impacts. Buffer strips of 15 feet are inadequate to protect sensitive species that use these habitats. For example, isolated forested wetlands located north of FR 184 in the Cayuga project area are currently suffering from low grade road construction from previous harvests; any development of roads or logging in the area would damage these woodland ponds. The guidelines presented for their protection in the Selected Alternative are inadequate to ensure that microclimate and other site-specific conditions are maintained and communities associated with them are protected. Furthermore, there is no biological basis for the differentiation between the arbitrarily designated rarity of permanent woodland ponds smaller than one acre. Whether ponds are common or rare, this makes no difference to their sensitivity to logging and road building nor does it affect the need to protect them. Because the FEIS fails to analyze adequately the current status of woodland ponds, these standards fail to meet the minimum requirements of NFMA and NEPA.

Vegetation Management

Vegetation management prescriptions presented in the Selected Alternative are insufficient to ensure that wildlife viability will be maintained,

particularly in the absence of scientifically supportable species-specific standards and guidelines for RFSS and TES. The over-emphasis on even-aged management continues the present management situation that has resulted in serious declines in red-shouldered hawk, northern goshawk, sensitive plant species, and a failure of the American pine marten to disperse and colonize new areas on the CNNF.

All timber prescriptions should include guidelines for retention and recruitment of large downed woody debris (suitable for each forest type), standing snags (suitable for each forest type), and other micro-habitat structural characteristics necessary to ensure that viable populations of plants and animals well-distributed across the planning area. Current levels of coarse woody debris and snags are insufficient to ensure viability for dependent and/or associated plants and animals, including fungi, over time.

Prescriptions for the management trajectory in the Selected Alternative of northern hardwoods are in conflict with the known needs of a variety of species with viability concerns. A more rigorous uneven-aged management prescription should be followed. Desired size classes for northern hardwoods should be up to 25 inches, rather than 22 inches as called for in Table 2-4. Harvest at 22 inches is too early and below optimal growth levels. All northern hardwoods should be managed using criteria in Table 2-5. The number of large trees (25 inches or more) per acre must be increased beyond the levels provided in Table 2-5 to ensure the health and viability of this important vegetation type. Aspen levels in MA 2C, 3A, 3C and 4A are also outside of historic ranges of variability. This contributes to excessive deer populations, a serious problem that is not addressed adequately in the FEIS.

Standards and criteria are insufficient to ensure the full range of plants and animals will persist and prosper within the red oak forest type. The emphasis on even-aged management will harm sensitive wildlife and plants utilizing this forest type. No evidence is provided by Forest Service to support gypsy moth control plans.

Timber harvest reserve areas and reserve trees provide an important component to the Forest, indeed a vital one when clearcutting management techniques are implemented. Specific size and height guidelines must be included in the final Plan for downed woody debris, standing snags, and recruitment trees for these forest components. Currently, the Selected Alternative includes inadequate guidelines for snag height or size or for numbers and sizes of recruitment trees for all of these components. Snags lose much of their value if left exposed to the sun and wind, which frequently occurs in timber harvest units where clearcutting has occurred. Snags must be retained with sufficient adjacent cover to ensure their integrity over reasonable time periods and to prevent desiccation. The size of snags and downed woody debris must reflect historic age class distributions to the extent possible with the goal over time to recruit large (>50 cm) downed woody debris and snags (>50 cm dbh; >5 m in height).

Recreational Uses

Off Road Vehicle Use

The FEIS recognized that "future national forest visitors will increasingly demand remoteness and solitude experiences." FEIS 1-9. The FEIS also acknowledged that the previous Plan "underestimated the quality of non-

motorized recreational opportunities to meet user demands." Id. at 1-10. This has resulted in public having "difficulty finding areas free of mechanized sights and sounds." Id. Nevertheless, the Selected Alternative seeks to expand motorized recreational use throughout the Forest, including 135 miles of increased ATV trails/routes. FEIS 3-203. This will be especially prominent on the Nicolet side of the Forest where there are currently very few areas designated for legal ATV use.

The cumulative effects analysis of ORV usage in the FEIS is void of any real analysis of the environmental impact or cumulative effects of motorized vehicle usage on the Forest. See FEIS 3-204-05. This section provides the reviewer with no insight into how the proposed increase of 135 miles of ATV trails will impact forest resources, including but not limited to, non-native invasive species infestations, erosion - especially within riparian areas, destruction of wildlife habitat and increased conflicts between motorized vehicles and animals, or the conflict between ATV users and others non-motorized users of the Forest such as mountain-bikers and hikers. The Forest Service simply states that ATV use "can have both direct and indirect effects to wildlife populations. Direct effects include animals being crushed, compaction of soil and snow, and the modification of the subterranean and subnivean spaces." FEIS 3-123. These statements do not provide even the minimal cumulative effects analysis required by NEPA.

Furthermore, there is no analysis of the environmental impact of illegal ATV usage, despite the fact that the Forest Service acknowledges it occurs. The FEIS states, "ATV use on the Nicolet is not allowed except in short stretches of road designated by local Townships. ATV use still occurs. Encounters between District personnel and users have taken place where a few citizens gladly pay fines for illegal ATV use in exchange for the convenience of motorized access." FEIS 3-205; see also 3-124. The FEIS, however, does not discuss the environmental impact of illegal use or the cumulative effects of illegal and legal use.

The FEIS's complete failure to describe and analyze the cumulative impacts of legal and illegal ATV/ORV use on Forest resources and user experiences is a violation of NEPA and its implementing regulations. Absent this analysis, the public is unable to determine how the preferred alternative will effect either directly, indirectly, or cumulatively the Forest.

Neither the FEIS nor the Proposed Forest Plan contain any information regarding what mitigation measures are either available or will be implemented in the construction of the 85 miles of proposed trails on the Nicolet side of the CNNF. For example, the Selected Alternative states, "new all-terrain vehicle connectors, with appropriate mitigation measures, may be located in any portion of the Forest that is not specifically designated as non-motorized." Selected Alternative 2-34. The Selected Alternative then says nothing more. Simply referring to the availability of mitigation measures is inadequate. The public must be provided with specific mitigation measures that will enable it to make meaningful comments regarding the adequacy of the mitigation measures and the impacts of this proposed use.

Other Recreational Opportunities

Recreational boating is one of the primary modes of transporting aquatic NNIS from one water body to another. The only effective means to prevent spread of aquatic NNIS into unaffected waterbodies is to limit motorized access. Lakes across the northwoods are rapidly being developed. This development

has resulted in loss of critical riparian and littoral habitat, degradation of water quality, alterations in hydrographic parameters, and deterioration of the recreational and visual resource. The Forest Service should not authorize any new motorized access to lakes that currently do not possess it. Standards and guidelines for lakes should call for a net decrease in motorized accessibility on lakes with CNNF access locations.

Standards and Guidelines should also require the Forest Service to post information regarding NNIS invasions at all recreational sites, visitor's centers, and lake/river access points. Signage should be appropriate to the natural surroundings. Furthermore, the Guidelines should call for the construction of mountain bike rinse stations at developed trail access points, boat rinse stations at developed lake and river access points, and ATV/ORV rinse stations at developed access points.

Although the growth of mountain biking on the CNNF continues, the Selected Alternative does little to foster this form of recreation. Currently, trails such as the Anvil complex in the Nicolet offer exciting and challenging mountain biking. These trails, however, are maintained by a citizen's organization. The nearby North trail system, which connects with the Anvil system, also claims to be suitable for mountain biking yet attempts to ride these trails by experienced riders from our organizations continue to meet with unmanaged trails that prevent or impede their use.

The FEIS analysis and the Selected Alternative ignore the opportunity for significantly expanding mountain biking opportunities while closing roads to motorized uses. No analysis on the impacts of mountain biking on trails and the attendant recreational infrastructure (including a sound economic analysis) is provided in the FEIS. Furthermore, no substantial discussion of the growing conflicts between ATVs, mountain biking, and hiking is provided. The FEIS falls short in either addressing or mitigating these conflicts.

Wilderness Areas

Throughout these comments we have stressed the need for increased acreage devoted to designated wilderness and semi-primitive, non-motorized recreation areas (SPNMAs). Given the strong public demand for increased areas of non-motorized recreational opportunities (see FEIS 1-9 and 1-10), the Selected Alternative's failure to include additional wilderness and SPNMAs is inexplicable. This is particularly so in light of the substantial growth of tourism industry to the region. Given the public support for increased access to this unique type of recreation and its relationship to the economically important tourism industry, the Forest Service's failure to designate additional acreage for wilderness recommendation and SPNMA use is inconsistent with the needs of fish and wildlife and to ensure a balance between over-emphasized motorized access and non-motorized access.

In addition to providing a unique recreational experience, wilderness areas and SPNMAs provide important corridors for plant and animal species. As described through these comments, the absence of important intact forest ecosystem corridors has resulted in the failure of species such as the gray wolf and the pine marten to disperse throughout the CNNF. The designation of wilderness areas also helps to protect under-represented forest types with in the CNNF and can help contribute to the overall ecosystem health.

All Research Natural Areas should have been designated at the same time that the Forest Service issued the Record of Decision on the Forest Plan.

Postponing the designation of these areas marginalizes their role within the overall Forest management and does not provide the public with the necessary assurance that any Research Natural Areas will be designated under the new Forest Plan.

Wildlife

As described above, the Biological Evaluation ("BE") falls far short of providing an adequate cumulative effects analysis. For example, the BE acknowledges the direct and indirect effects of logging on Regional Forester Sensitive Species ("RFSS") yet the cumulative effects analysis ignores the impacts of activities undertaken or planned during the last planning period. FEIS, Appendix J at 22, 25. The Forest Service is required, under NEPA, to analyze past impacts on these species, including the past impacts of actions under the previous Forest Plan. Road density and road use levels as well as intensive logging have accelerated under the 1986 Plan. What are the effects of these actions on RFSS and threatened and endangered species? Absent information describing the cumulative effects of past, present, and reasonably foreseeable actions on both federal and non-federal lands within the Forest, the public is unable to comment on the FEIS. As such, decisions based on the FEIS are likely to be flawed.

Threatened and Endangered Species

The Goals included in the Selected Alternative for the protection and conservation of species designated as threatened or endangered under the ESA are ineffective and will not provide the Forest Service or the public with adequate direction as to the protection of these important species. The Goals for these species should be clearer and more specific. For example they should be:

- Maintain, protect, or improve habitat for all threatened and endangered species by emphasizing and working toward the objectives of federal recovery plans and management direction in this Forest Plan.

- Reduce or mitigate adverse effects on threatened and endangered species from the spectrum of management activities on NFS land

Canada Lynx

The FEIS dismisses the potential that there are and/or could be a population of Canada lynx ("lynx") within the Forest. FEIS 3-141. The FEIS states that the Forest lacked "sufficient or adequate lynx habitat and lacked evidence that resident lynx populations were present or that lynx occurred persistently over time." Id. at 3-141-42. This statement, however, is belied by data gathered by the Wisconsin Department of Natural Resources ("WDNR") that provides important and substantial information regarding regular lynx sightings within the Forest area of six to a dozen lynx. This constitutes a breeding population within Wisconsin. See Interview of Adrian Wydeven, Mammalogist, Wisconsin Department of Natural Resources, dated November 2002, attached hereto as Exhibit 1. Given this data, the FEIS must include a discussion of the impact of the Selected Alternative on the lynx and its habitat.

The lack of habitat and recovery standards included in the Selected Alternative for Canada Lynx is unacceptable. Lynx are present in the CNNF

but are limited by conditions created during implementation of the 1986 Plan. The CNNF forest plan must contain habitat management standards and guidelines based upon the best available science based upon an analysis that reflects the true status of relevant resources.

At a minimum, the Forest Service should adopt the Standards and Guidelines for the lynx as set forth in the Canada Lynx Conservation Assessment and Strategy, a multi-agency document. Ruediger, Bill, et al., Canada Lynx Conservation Assessment and Strategy (2nd edition, August 2002). To this end, the Forest Service should establish Canada Lynx Analysis Units (LAUs) on the CNNF using the most up-to-date scientific and commercial data. Once established, the Forest Service should manage these areas to provide for the protection and conservation of lynx and their habitat. In addition, the following management practices from the Canada Lynx Conservation Assessment and Strategy should be implemented:

- Within LAUs on National Forest lands, moderate the timing, intensity, and extent of management activities, if necessary, to maintain all required habitat components in lynx habitat, to reduce human influences on mortality risk and inter-specific competition, and to be responsive to current social and ecological constraints relevant to lynx habitat.

- Limit disturbance within each LAU on National Forest lands as follows: if more than 30% lynx habitat within an LAU is currently in unsuitable condition, no further reduction of suitable conditions shall occur as a result of vegetation management activities by the National Forest.

- Management activities shall not change more than 15% of lynx habitat within an LAU on National Forest lands to an unsuitable condition within a 10-year period.

- Within an LAU on National Forest lands, maintain denning habitat in patches comprising 15% of the area that is capable of producing stands with the characteristics listed below. Where less than 15% of forested lynx habitat within an LAU provides denning habitat, defer those management actions that would delay achievement of denning habitat structure.

- Denning habitat: Variety of forested habitats with large woody debris, including both down logs and root wads, in sufficient amounts to provide escape and thermal cover for kittens.

- Following a disturbance such as a blowdown, fire, insect, or disease that could contribute to lynx denning habitat, generally do not salvage harvest when the affected area is smaller than 5 acres unless needed to protect human health and safety or to address high scenic integrity objectives. Where larger areas are affected retain a minimum of 10% of the affected area per LAU on National Forest lands in patches of at least 5 acres to provide future denning habitat. In such areas, defer or modify management activities that would prevent development or maintenance of lynx foraging habitat.

- In LAUs on National Forest lands allow no net increase in groomed or designated over-the-snow trail routes unless the designation effectively consolidates use and improves lynx habitat through a net reduction of compacted snow areas.

- Generally, maintain total open road and snow compacting trail densities (all roads and trails and land ownerships) within LAUs below 2 miles/square mile. If open road and snow compacting trail densities exceed 2 miles/square mile in an LAU, identify those with potential for access restrictions or decommissioning, and carry out this management prescription when practical.

- If the option exists within LAUs, designate or authorize new snow-compacting trails for activities such as snowshoeing, snowmobiling, or dog sledding on unplowed roads or trails where undesignated or un-authorized snow-compacting activities regularly take place. This authorization will be through the permit system.

- Where a designated trail for snow-compacting activities, such as snowshoeing, snowmobiling, or dog sledding, is desired within LAUs and no currently used road or trail is available, the proposed route must be shown to:

    - Move recreational use away from more sensitive or better quality lynx habitat;

    - Concentrate use and/or;

    - Be located within the outer boundaries of a currently used road and trail system.

- Effectively close to access trails, temporary roads, and Class 1 roads that intersect or branch off a newly designated or authorized snow-compacting trail and are not planned as part of the trail system and are not being used for other management purposes. Obliteration of the road is preferred to ensure that passage does not seem feasible and is not attempted. In some cases, Class 2 roads may be required to be blocked roads on a seasonal basis when not being used for management purposes.

- Access to a newly designated or authorized, snow-compacting trail would usually be by higher standard roads (Class 3, 4, and 5). In order to concentrate recreational use on the designated route, the access should not become a de facto trail, offering an easy link to other trail systems or undesignated trails.

- Dirt and gravel roads under the jurisdiction of the National Forest and traversing lynx habitat on National Forest lands (particularly those that could become highways) should generally not be paved or otherwise upgraded in a manner that is likely to lead to significant increases to lynx mortality or movement and dispersal. If above described dirt and gravel roads are upgraded or paved in order to meet human health and safety or other environmental concerns and essential management needs, conduct a thorough analysis on effects to lynx and its habitat to determine minimum road design standards practical (including measures to minimize traffic speeds), to minimize or avoid foreseeable contributing to development or increases in human activity, and to otherwise avoid adverse impacts to lynx and its habitat.

Bald Eagle

The bald eagle, while appropriately examined as a threatened species, should not be included as a Management Indicator Species ("MIS") for the Forest. The bald eagle has recovered primarily due to the banning of the pesticide DDT, and not due to significant habitat restoration on the Forest.

Eastern Couger

The FEIS fails to consider eastern cougar as an endangered species with habitat on the CNNF despite documented evidence of cougar in Michigan.

Moose

The FEIS and Selected Alternative fail to mention the presence of moose within the CNNF. The FEIS and the Selected Alternative should examine the movement of moose into the CNNF and account for their role within the Forest's ecosystem within the Selected Alternative.

Regional Forester's Sensitive Species

All RFSS occurring on the forest should be listed in the Forest Plan along with specific management guidelines and population targets for each species that will ensure their viability across the CNNF over time (100 years). The FEIS should address the current status of each RFSS on the CNNF and the contributions to that status made by the actions taken under the previous 1986 Plan. The failure to address these issues is a violation of NEPA, because it ignores the cumulative impacts of past actions on these species. Absent this essential data, actions taken based upon this seriously-flawed analysis will likely violate NFMA and ESA.

Standards for RFSS plant sites in the Selected Alternative, while representing an improvement from the 1986 LRMP, remain unproven and lack sufficient specificity to protect species viability. Similarly, the inadequate guidance provided for protection of RFSS animal species is so vague as to be nearly meaningless. All RFSS require specific standards and guidelines to ensure viability across the planning area. The Forest Plan must include maintenance of species viability across the planning area as a primary goal of management. RFSS must be provided sufficient protection, via habitat preservation and enhancement, to ensure that populations persist over time and space within the CNNF and across the region. While we support the forest-wide standards and guidelines for Regional Forester's Sensitive Species (RFSS) in principle, 100 feet of buffer is almost always insufficient to protect habitat conditions for sensitive species and features.

Timber harvest, opening creation and/or maintenance, and other forms of management that increase deer herd size must be eliminated within effect distances for RFSS plant species and their habitats. The failure to address adequately the effects of excessive deer populations on RFSS and other forest features is one of the most serious flaws in the FEIS; the failure to expand management areas that do not benefit deer to an extent whereby real reductions in the deer herd can be realized is a violation of NFMA. The resulting damage to some species from deer browsing is leading some to being petitioned for listing under the Endangered Species Act (ESA).

The Guidelines included in the Selected Alternative are amorphous and do not ensure RFSS viability on the CNNF. For example, the Selected Alternative includes as a Guideline the statement that "establishing larger RFSS bird habitat patches may also compensate for the effects of parasitism and

predation." Selected Alternative 2-23. This is not a Guideline. Habitat patches for RFSS bird species must be of sufficient size and distribution to ensure a viable population across the planning area; patch size should be determined and provided in guidelines for MIS, RFSS and T & E species.

The FEIS approach to ranking the environmental impacts on RFSS of each of the alternatives is flawed on multiple levels. First, the FEIS does not contain a list of the Species Viability Evaluation panel utilized in developing the rankings. Second, because the FEIS does not contain a proper cumulative effects analysis that provides the ranking experts with an understanding of the past, present, and reasonably foreseeable actions that may impact the RFSS, any ranking of them is incomplete because it cannot be based upon this important information. Third, the FEIS does not contain species specific population data. This absence renders the rankings incomplete, because there is no baseline population information for the majority of these species. Fourth, the FEIS states that "many of these species have always been rare in this area and may continue to be rare despite management decision [sic] by the Forest [Service]." FEIS 3-143. This statement does not provide the reviewer with adequate information regarding which species are historically rare versus those which are rare because of habitat loss. These deficiencies are significant and render the FEIS inadequate with respect to its analysis of the RFSS.

Northern Goshawk

The FEIS's analysis of the northern goshawk ("goshawk") acknowledges that the goshawk faces a number of threats, including "loss of nest sites, collection for falconry, and increased predation by great-horned owl [sic], and fisher." FEIS 3-145. To find a listing of "the greatest threats" to the goshawk, however, one must turn to Appendix J, of the FEIS, which contains the BE. There, the Forest Service identifies "forest fragmentation and other forms of habitat alteration" such as clear cutting and selective cutting as the greatest threats to the goshawk. Appendix J, J-60. The BE further acknowledges that these two activities, clear cutting and selective cutting, will occur under all alternatives. Id. This, however, is not mentioned in the main text of the FEIS. In addition, in its cumulative effects analysis, the BE acknowledges that increased human development and increased forest fragmentation on private lands surrounding the Forest will likely decrease the quantity and quality of goshawk habitat. Id. at J-61. Despite these acknowledgements, the Forest Service asserts, without support, that "goshawk populations are expected to remain stable or increase under all alternatives because the quantity and quality of habitat are expected to remain stable or increase." Id. These statements, appearing on the same page of the BE, completely contradict one another. If the greatest threats are to occur under all alternatives, it is folly for the Forest Service to assert that goshawk populations will be fine under any of the alternatives. This disconnect is continued in the Selected Alternative.

Standards and Guidelines for the goshawk are inadequate to protect and restore the goshawk. For example, take permits can be issued without any scientific justification or analysis and road closures and restrictions can be waived if the Forest Service is unable to identify feasible alternatives. Other threats not acknowledged by the Forest Service include predation by red-tailed hawk. The Forest Service must revisit its analysis of the goshawk and should utilize the best and most up-to-date scientific and commercial data in its analysis.

These comments are also applied to red-shouldered hawks on the CNNF with the added caveat that FEIS analysis of RSH habitat did not take into account the influence of wetlands on RSH habitat use.

Overall, the LRMP and associated FEIS fails to demonstrate the sufficiency of the proposed standards and guidelines claimed to be beneficial to goshawk, red-shouldered hawk and others such as pine marten (discussed below).

American Pine Marten

The Standards and Guidelines included in the Selected Alternative are inadequate to ensure American pine marten ("marten") viability across the planning area. Micro- and macro-habitat standards must be developed to ensure marten viability and dispersal across the CNNF and region over time. The pine marten Standards and Guidelines in the Selected Alternative do not address forest structure, forest composition, size and age-class distribution of snags and downed woody debris. The Standards fail to address the threats of predation on marten by the fisher and raptors. Nor do the Standards provide for travel corridors or roadless security areas, which are important aspects of marten viability. The failure to promulgate sufficient marten standards and guidance is a violation of NFMA.

The FEIS's failure to analyze the effects on marten viability of timber harvest and road construction implemented under the 1986 Plan and envisioned by the five timber harvesting projects currently proposed under the expired 1986 Plan is a violation of NEPA. Despite the fact that the marten is an endangered species under the Wisconsin Endangered Species Act and the FEIS acknowledges that marten lack a strong dispersal capability and are dependent upon habitat continuity, large woody debris, large cavity trees, and tip-up mounds, the Selected Alternative fails to take these needs into account and in the direct and indirect effects section of the analysis asserts simply that, "habitat conditions are expected to remain stable or improve under all alternatives." FEIS 3-161. This is not analysis. This is a conclusory statement unsupported by evidence. NEPA and NFMA require more.

The FEIS also points to Standards and Guidelines for retention of woody debris and large cavity trees within MAs 2A, 2B, and 2C, however, no scientific data is provided that supports the Forest Service's contention that these Standards and Guidelines will protect marten viability.

Finally, recent evidence from marten monitoring activities by Great Lakes Fish and Wildlife Commission and others suggest a decline in marten since the PVA and risk assessment for the FEIS was completed. This information is not included in the FEIS and definitely not reflected in the LRMP. Failure to ensure the viability of marten across the CNNF is a violation of NFMA while the FEIS's failure to adequately assess the impacts of the 1986 LRMP on marten (including analysis of the added 242,000 acres of land entered for logging) is a violation of NEPA.

Management Indicator Species

The Forest Service has failed to uphold NFMA's requirements regarding the monitoring of Management Indicator Species ("MIS"). NFMA's implementing regulations require the Forest Service to state and evaluate planning alternatives "in terms of both amount and quality of habitat and of animal population trends of the management indicator species." 36 C.F.R. $

219.19(a)(2) (emphasis added). The FEIS acknowledges that the Forest Service had inadequate data regarding populations of MIS. The FEIS states:

> "[t]he end-of decade monitoring report for the two forests (Implementing the Forest Plans, 1986-1996) was unable to make strong conclusions about population changes in Management Indicators because of inconclusive monitoring data. Additionally, the report was unable to associate population changes or trends with changes in habitat quality of quantity. Essentially, some basic assumptions made about habitat specificity, response to change, and the ability to monitor effectively were weak or invalid."

FEIS 3-146. Despite this admission, Forest Service continues to propose unsuitable species for use as MIS. Species such as northern goshawk and pine marten are at such low population levels that they cannot be used to monitor habitat quality in a manner consistent with the intent of NFMA. Furthermore, no MIS have been selected to assess warm water aquatic communities, wetlands, or to represent amphibians and reptiles. No evidence of verification of species/habitat relationships is provided for proposed MIS as well. The proposed alternative falls far short of identifying scientifically supportable MIS for the CNNF and thus falls short of the requirements of NFMA. Clearly, the selection of MIS and the range of species represented are inadequate to comply with NFMA; their selection also lacks adequate analysis thereby violating NEPA.

Monitoring and Evaluation

The proposed monitoring and evaluation program is incomplete. Population trends of Management Indicator Species and their relationship to habitat changes and management actions are not integrated with the goals and objectives found in Table 4-2a: Chequamegon-Nicolet Forest Plan Monitoring Questions. FEIS 4-7 This omission leaves a large gap between the population data gathered via MIS monitoring and answers to "monitoring questions" that are related to specific objectives which are in turn related to specific goals. Without this integration, data from MIS population monitoring have no identified role in answering monitoring questions or more broadly, fulfilling objectives and meeting goals. The LRMP lacks a means for integrating MIS information into the matrix of monitoring and management interactions.

Road Density

Road density across the CNNF is too high and is preventing use of the Nicolet side of the forest by eastern timber wolf. This high density also harms marten and lynx within the CNNF by viability by limiting dispersal within and through the CNNF. In addition to damage to wildlife resources, high road density damages surface water resources and facilitates the spread of NNIS and pests and pathogens throughout the Forest.

The FEIS fails to address the impacts that the past eighteen years of road construction has had on fish, wildlife, surface waters, forest health and other resource characteristics. Nevertheless, the Selected Alternative continues to call for excessive road density levels across the Forest, including in riparian areas. Road density on the CNNF should be reduced to between 2 and 3 miles of road per square mile of land. There should be a significant expansion of areas with zero road density or very low road

density (<1 mi/sq. mi.). Lowering the overall road density of the Forest contribute substantially to the overall ecosystem health of the Forest, while also providing more opportunities for recreation free from mechanized sights and sounds, as requested by the public. FEIS 1-9-10. The SA fails to address the $43,000,000 road maintenance backlog on CNNF roads in a timely or efficient manner.

Conclusion

Despite movement towards more scientifically-defensible management of the CNNF, the Record of Decision for the 2004 CNNF LRMP and FEIS fails to reflect the effects of past management on the Forest, the effects of ongoing management on the Forest and the effects of reasonably foreseeable changes in private and non-federal land management in surrounding areas. Reasons for this failure include an inadequate FEIS that unreasonably constrained the range of alternatives considered and failed to account for the fact that the CNNF entered 242,000 acres of additional land for timber harvest during the life of the 1986 Plan. It also fell short in analysis of the decision to open ATV trails on the Nicolet side of the CNNF and in its' analysis of the status and impacts to woodland ponds, TES, RFSS, and fish and wildlife from past, present and reasonably foreseeable logging and road-related activities.

The shortfalls in the NEPA analysis have led to a Selected Alternative which in turn falls short of what is required by the state of the science in conservation biology, NFMA and the people of Wisconsin and the nation. Thank you for the opportunity to submit this Appeal and we would be happy to answer any questions you may have.

Sincerely,

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Mr. BACA. Thank you. Mr. Johnson.

STATEMENT OF WILLIAM "BILL" E. JOHNSON, PRESIDENT, JOHNSON TIMBER, HAYWARD, WISCONSIN

Mr. JOHNSON. On behalf of my family's business, Johnson Timber and Flambeau River Papers, I'm pleased to submit the following statements for the record.

Mr. Chairman, Congressman Kagen, on behalf of our 358 employees, I appreciate the opportunity to appear before you today to talk about the future of our industry and the role national forests can play in that future.

We are members of the American Forest & Paper Association. AF&PA is the national trade association of the forest products industry, representing forest landowners, pulp, paper, paperboard, and wood products manufacturers. Like our fellow AF&PA members, we produce products essential for everyday life from renewable and recyclable resources that sustain the environment.

The next paragraph goes on about Wisconsin. I think we've heard enough about that from previous speakers, so I'll skip over that.

We are leaders in efforts to reduce carbon emissions and to increase the use of renewable energy. Between 2000 and 2006, AF&PA member companies reduced their greenhouse gas emissions intensity by 14 percent. Our recycling efforts help prevent the emissions of 21.1 metric tons of CO_2 from landfills, and managed forests and forest products store enough carbon each year to offset approximately ten percent of U.S. CO_2 emissions.

We are also the leading producers and users of renewable biomass energy. We produce 28.5 million megawatt hours annually, enough to power 2.7 million homes. In fact, the energy we produce from biomass exceeds the total energy produced from solar, wind, and geothermal sources combined. Sixty-five percent of the energy used at AF&PA member paper and wood products facilities is generated from carbon-neutral renewable biomass.

At Flambeau River Paper, we have taken the steps to make us the first completely fossil fuel-free pulp and paper mill in North America. By purchasing biomass more efficiently for our biomass boiler, we have reduced our consumption of coal and natural gas by over 60 percent since we purchased the mill in 2006, and by the end of August—excuse me, by the first of August, we expect to become 100 percent free of coal at our facility. Further, within three years we anticipate we will be the first fully functioning integrated biorefinery pulp mill producing approximately 18 million gallons of cellulosic green diesel from forest residuals. This will reduce our carbon footprint by approximately 140,000 tons per year while employing an additional 40 people directly at our facilities and an additional 125 indirectly who are in the woods.

Companies like Flambeau River Papers and our sister companies in the wood and paper industries are big businesses, employing hundreds and in some cases tens of thousands of people. But we are a large business that creates and sustains and, in turn, depends on dozens of small businesses. When we acquired Flambeau River Papers in 2006 and took the steps to reopen the mill, Governor Doyle estimated that this would help sustain 300 small logging businesses whom we rely on to supply—that we rely on to

supply the 140,000 cords of pulp that we continue to use annually. The national forests of Wisconsin, particularly the Chequamegon-Nicolet, rely on these small businesses to help them achieve their management objectives. We consume approximately 13,000 cords of Forest Service fiber at Flambeau River Papers, and in addition to that in the future we would require, the company estimates, we'd procure about 38,000 additional cords.

The interdependence of businesses such as ours, small logging contractors, and national forests becomes even more important during difficult economic times. Before we entered the paper business, Johnson Timber was one of the leading innovators in chip supply for the paper industry, as well as supplying peeled logs to the sawmill industry in the state. The economic downturn that the rest of the economy has been experiencing in recent months came early to our industry, and has had a profound and lasting impact. Since 2006, nationally, the wood and paper products industries have shed over 300,000 jobs, almost a quarter of our work force. Paper and lumber production have both declined by well over 20 percent in the recent years, with the housing market remaining extremely depressed.

This depression in the market for lumber has made the economics of our industry, which are always difficult, even more precarious. That makes it critical that policies which are intended to promote biomass utilization are carefully crafted to ensure that the existing wood and paper industries receive fair and equitable treatment.

We applaud the leadership shown by the Agriculture Committee, in particular you, Congressman Kagen, as it was a full Committee Chair, Chairman Peterson from Minnesota, in pressing for positive changes to the American Climate and Energy Security Act of 2009 which recently passed the House. In particular, we strongly support the inclusion of language that clarifies that any mill residues from wood, pulp, or paper product facilities will qualify as renewable biomass for the various components of the legislation, including the renewable electricity standards, the renewable fuels standard, and the cap and trade portion of the bill. Without this key change, wood and paper products facilities would be faced with the need to purchase carbon offsets for all the renewable biomass that we burn. In other words, renewable biomass, such as spent pulping liquor, would be treated the same as coal or pet-coke. Further, without the expansion of the RFS definition, the cellulosic green diesel we plan on producing at Flambeau would likely not qualify as renewable fuel.

I see I'm over time, but I just want to make one more point before I'm done.

We are greatly surprised and disappointed to learn, however, that the version of the bill brought to the floor included a new provision, Section 553, which would allow the Administrator of the EPA, with the concurrence of the Department of Agriculture, to modify the definition of *renewable biomass* after a one-year study. We believe this provision is an open invitation for the EPA to revert to the overly-restrictive definition included in the Energy Independence and Security Act of 2007, which has, in essence, excluded all fiber from Forest Service lands and will only allow the wood

fiber from existing plantations on private lands to qualify as renewable biomass.

As an example, by relying exclusively on wood from existing plantations, the RFS definition would exclude all aspen acreage, whether on Forest Service, state, or private forestlands. This would exclude fiber from aspen forests on over 6.9 million acres in Minnesota, 2.8 million acres in Wisconsin, and 3.4 million acres in Michigan, not to mention tens of millions of acres of aspen in the mountain west. The definition would potentially exclude 118 million acres of mixed pine/hardwood forests in the eastern and southern U.S. As well.

You have the rest of my testimony, and I appreciate the opportunity that you have given me today. Thank you.

[The prepared statement of Mr. Johnson follows:]

SUBMITTED STATEMENT OF MR. WILLIAM "BILL" E. JOHNSON, PRESIDENT, JOHNSON TIMBER, HAYWARD, WISCONSIN

On behalf of my family's business, Johnson Timber and Flambeau River Papers, I am pleased to submit the following statement for the record. Mr. Chairman, Congressman Kagen, on behalf of our 358 employees, I appreciate the opportunity to appear before you today to talk about the future of our industry and the role the National Forests can play in that future.

We are members of the American Forest & Paper Association (AF&PA). AF&PA is the national trade association of the forest products industry, representing forest landowners, pulp, paper, paperboard, and wood products manufacturers. Like our fellow AF&PA members, we produce products essential for everyday life from renewable & recyclable resources that sustain the environment.

The forest products industry accounts for approximately 6 percent of the total U.S. manufacturing output and employs approximately a million people with an estimated annual payroll exceeding $50 billion. Here in Wisconsin, we employee more than 60,000 people, with a payroll of more than $3.7 billion, producing some $18 billion worth of wood and paper products and paying more than $235 million in State and local taxes.

We are leaders in efforts to reduce carbon emissions and to increase the use of renewable energy. Between 2000 and 2006, AF&PA member companies reduced their greenhouse gas emissions intensity by 14 percent. Our recycling efforts help prevent the emission of 21.1 million metric tons of CO_2 from landfills, and managed forests and forest products store enough carbon each year to offset approximately 10 percent of U.S. CO_2 emissions.

We are also the leading producer and user of renewable biomass energy. We produce 28.5 million megawatt hours annually, enough to power 2.7 million homes. In fact, the energy we produce from biomass exceeds the total energy produced from solar, wind, and geothermal sources combined. Sixty-five percent of the energy used at AF&PA member paper and wood products facilities is generated from carbon-neutral renewable biomass.

At Flambeau River paper, we have taken steps that will make us the first completely fossil-fuel free pulp and paper mill in North America. By purchasing biomass more efficiently for our biomass boiler, we have reduced our consumption of coal and natural gas by over 60% since we purchased the mill in 2006, and by the end of August we expect to become 100% free of coal. Further, within 3 years, we anticipate we will be the first fully functioning integrated biorefinery/pulp mill, producing approximately 18 million gallons of cellulosic green diesel from forest residuals. This will reduce our carbon footprint by approximately 140,000 tons per year while employing an additional 40 people directly and an additional 125 indirectly.

Companies like Flambeau River Papers and our sister companies in the wood and paper industry are big businesses, employing hundreds, and in some cases, tens of thousands of people. But we are a large business that creates and sustains, and in turn depends on, dozens of small business. When we acquired Flambeau River papers in 2006 and took steps to reopen the mill, Gov. Doyle estimated that this would help sustain 300 small logging businesses whom we rely on to supply the 140,000 cords of pulp wood we consume annually. The National Forests of Wisconsin, particularly the Chequemegon-Nicolet, rely on these small businesses to help them achieve their management objectives. We consume approximately 13,000 cords an-

nually of Forest Service fiber at Flambeau River, and we harvest an estimated 38,000 cords annually for other operations.

The inter-dependence of businesses such as ours, small logging contractors, and the National Forests becomes even more important during difficult economic times. Before we entered the paper business, Johnson Timber was one of the leading innovators in chip supply for the paper industry, as well as supplying peeled logs to the sawmill industry. The economic downturn that the rest of the economy has been experiencing in recent months came early to our industry and has a profound and lasting impact. Since 2006, nationally, the wood and paper products industries have shed over 300,000 jobs, almost a quarter of our workforce. Paper and lumber production have both declined by well over 20% in recent years, with the housing market remaining extremely depressed.

This depression in the market for lumber has made the economics of our industry, which are always difficult, even more precarious. That makes it critical that policies which are intended to promote biomass utilization are carefully crafted to ensure that the existing wood and paper industries receive fair and equitable treatment.

Biomass Energy

We applaud the leadership shown by the Agriculture Committee, in particular by you, Congressman Kagen, as well as full Committee Chairman Peterson from Minnesota, in pressing for positive changes to the American Climate and Energy Security Act of 2009 which recently passed the House of Representatives. In particular, we strongly support the inclusion of language that clarifies that any mill residues from wood, pulp, or paper product facilities will qualify as renewable biomass for the various components of the legislation, including the Renewable Electricity Standard, the Renewable Fuels Standard, and the cap and trade portion of the bill. Without this key change, wood and paper products facilities would be faced with the need to purchase carbon offsets for all of the renewable biomass that we burn. In other words, renewable biomass, such as spent pulping liquor, would have been treated the same as coal or pet-coke. Further, without the expansion of the RFS definition, the cellulosic green diesel we plan on producing at Flambeau River would likely have not qualified as a renewable fuel.

We were greatly surprised and disappointed to learn, however, that the version of the bill that was brought to the floor included a new provision (Section 553) which would allow the Administrator of the Environmental Protection Agency, with the concurrence of the Department of Agriculture, to modify the definition of renewable biomass after a one year study. We believe this provision is an open invitation for the EPA to revert to the overly restrictive definition included in the Energy Independence and Security Act of 2007, which in essence excluded all fiber from Forest Service lands and only allowed wood fiber from existing plantations on private lands to qualify as renewable biomass. As an example, by relying exclusively on wood from existing plantation, the RFS definition would exclude all aspen acreage, whether on Forest Service, State, or private forest lands. This would exclude fiber from aspen forests on over 6.9 million acres in Minnesota, 2.8 million acres in Wisconsin, 3.4 million acres in Michigan, not to mention tens of millions of acres of aspen in the Mountain west. The definition would potentially exclude 118 million acres of mixed pine-hardwood forests in the Eastern and Southern U.S. as well.

We believe a preferable approach would be to keep the a simpler definition of renewable biomass, such as the one used in the 2008 Farm Bill, with the addition of reasonable sustainability requirements such as a written harvest or forest management plan developed by a credentialed forestry professional, or adherence to a forest management or wood procurement certification system. As members of AF&PA, Johnson Timber and Flambeau River Papers are both committed to the principles of sustainable forest management and are 3rd Party Certified by both FSC and SFI. Since 1995, all AF&PA members must subscribe to the principles of the Sustainable Forestry Initiative® (SFI), which sets rigorous forest management standards that are reviewed by external partners from conservation groups and research organizations. With over 226 program participants and 156 million acres of certified well managed forests, the SFIr program ensures that America's forest and paper companies are committed to sustainable management. We believe this standard, and other forest management programs such as the American Tree Farm System, can help assure the Congress and the American public that wood-based biomass energy will be a sustainable part of the forest economy.

We continue to believe that promoting the development of renewable energy must be accomplished while providing adequate safeguards to ensure that new mandates do not create undue economic or environmental harm. With that in mind, we recommend that the Committee include a comprehensive study of the impact of renewable energy mandates on both economic and environmental factors, with a provision

allowing a waiver from all or part of the renewable electricity standard if it is necessary to prevent economic or environmental harm. We have attached specific language which we believe would accomplish these objectives.

We are concerned that the current legislation unnecessarily restricts the use of wood biomass from Federal public lands. As this Committee has heard recently from the Administration, between 60 to 80 million acres of National Forests are densely stocked and at risk of catastrophic fire. The current version of ACES restricts harvesting of renewable biomass from a number of categories of Federal lands, most of which are not open to commercial activities under most circumstances. While we believe these restrictions to be mostly redundant, the provision prohibiting the removal of biomass from "old growth" and "late successional stands" is particularly damaging. While it is an improvement over the version of the bill that was approved by the Energy & Commerce Committee, it fundamentally misunderstands modern forest management and creates the opportunity to inadvertently, and unnecessarily, exclude fiber from legitimate timber sales, particularly from aspen forests here in Wisconsin.

Many forest types, including Aspen, lodgepole pine, and many mixed hardwood stands in the Eastern U.S. are not harvested until the stand has reached biological maturity. The term "old growth" is highly controversial and many forest plans adopt differing definitions, and differing goals regarding the development and retention of old growth. In our view, all byproducts of legitimate hazardous fuels reduction projects or any Forest Service timber sale which complies with the extensive projections required under existing law should qualify as renewable biomass.

National Forest Management

As I noted above, the management of many Lake States forests types, such as aspen, jack pine, spruce, and paper birch, thrive with periodic harvest. Many of these species are regenerated through periodic cutting, after which a new stand grows from the root system of the old stand. Keeping a diverse forest landscape not only supplies the raw materials needed by our industry, but it provides a diversity of habitat types which help insure abundant wildlife populations. Grouse, deer, and other game thrive in managed forests, helping to support another key element of the Wisconsin economy.

The National Forests of the Lake States are among the best performing in the Nation in terms of achieving timber supply goals. Unfortunately, the Chequamegon-Nicolet sold only 64% of it's Allowable Sale Quantity in 2007, and performance in the last two years has not improved greatly. Even more unfortunately, this is far above the National average for the Forest Service: The average national forest region sells only 40% of the allowable sales quantity.

We have appreciated the support that the Congress has shown for the National Forest timber sale program in the last several years. It is important for Congress to find a way to more fully integrate the hazardous fuels reduction program, which has received almost $1 billion in the last 18 months, with forest management projects which produce merchantable wood fiber. Doing so would allow the Forest Service to free up management funds for regions such as the Lake States which could easily offer more volume for sale.

Recent Controversies

In the last several weeks, several old controversies, including what to do with the roadless areas in National Forests, and how to best manage the process for revising forest plans, have resurfaced. I realize that some of these controversies are being forced upon the Administration by active litigants and other activists who oppose active management of the National Forests. I'd urge this Committee not to replay the old controversies which have led to such a precipitous decline in the management of the National Forests, reducing timber harvest levels by more than 80 percent in the last two decades. The relatively modest management program that is taking place on the National Forests should not be subjected to endless appeal, debate, and delay. Large scale, wholesale revisions of forest management policies will do nothing to keep our forests healthy and even less to help keep our workers in the woods.

Conclusion

Thank you again for the opportunity to appear before you today. America's wood, paper, and forest industry is critical to the resilience and health of our forests and our economy. We have a long and proud history of commitment to sustainable forest management, and we have been blessed with abundant forest resources. I thank you for your efforts to ensure that the management of these forests will remain a conservation achievement which future generations should emulate.

Mr. BACA. Thank you, Mr. Johnson. Mr. Zimmer.

STATEMENT OF GARY ZIMMER, SENIOR REGIONAL WILDLIFE BIOLOGIST, RUFFED GROUSE SOCIETY

Mr. ZIMMER. Mr. Chairman, Congressman Kagen, I'm a 45-year resident of northern Wisconsin. I live in Congressman Kagen's 8th Congressional District and can still throw a rock from my house to the Chequamegon-Nicolet National Forest. I am also a senior regional biologist for the Ruffed Grouse Society. The Ruffed Grouse Society is a nonprofit wildlife conservation organization dedicated to improving the environment for ruffed grouse, American woodcock, and other forest wildlife.

Man's disruptions of natural disturbance regimes is arguably the single greatest threat to sustaining healthy forest ecosystems across the United States. We can't turn the clock back a century or more, but we can learn from past mistakes and recognize the critical role periodic disturbance plays in shaping our forested landscapes.

The virtual elimination of fires in the east has not only complicated efforts to sustain aspen, birch, oak, and some pine forests, it has hampered the establishment of important young forest habitats and associated forest wildlife. Young forest habitats are dominated by a dense growth of shrubs and small trees that are free to flourish when the canopy of a mature forest is removed by fire, mechanical treatment, or some other disturbances. Young deciduous forest habitats less than 20 years old have declined by 41 percent over the past two to three decades in the eastern United States. Between The 1960s and 1993, Wisconsin has lost about 1.5 million acres of Aspen forests, about a million acres between 1980 and 1993 alone, as these forests converted to mid to late successional species.

Today, due to man's intervention, fire's no longer allowed to play its natural role in removing old aspen to make way for a new aspen forest. Therefore, the only means available to ensure long-term forest health and ecosystem integrity in some communities is through periodic mechanical disturbance. Currently, most aspen forests in Wisconsin that have not already been regenerated are overmature, unhealthy, and extremely susceptible to death and conversion. Once this conversion occurs, it will be virtually impossible to restore these aspen communities. Over 81 percent of the aspen forest communities in the eastern U.S. Grow in the Great Lakes region. This region provides the only realistic opportunity to conserve these critical components of biological diversity.

These habitats support a suite of wildlife species that do not exist in mature forests or exist only at very low population densities. Wildlife that rely upon young forest habitats include the ruffed grouse and American woodcock, two important game species pursued by almost one million sportsmen and women each year in the eastern U.S., and many nongame wildlife that require the protection from predators afforded by thick, young forest habitats. Researchers have documented that of 187 species of neotropical migratory songbirds that breed in the Midwest, more than half use shrub, sapling, or young forest habitats to some degree during the breeding season. As these habitats decline, so do these and many

other wildlife species that have been depending on young forest habits. It is estimated that 78 percent of the continent's golden-winged warbler population is in the upper Midwest, a bird the U.S. Fish and Wildlife Service considers a species of "highest conservation priority." It appears likely that these forests include some of the main sources of golden-winged warbler populations in the entire U.S., and some of the last opportunities to halt the downward decline.

Of major concern to my constituents is the inconsistent management of our forests. Limited funding, as well as management tied up for years by appeals and lawsuits, hamper agency efforts to follow the approved forest plan on the 1.5 million acres in the Chequamegon-Nicolet. The process to revise the original 1986 plan began in 1996 and took 8 years to complete and approximately 2 years to finalize the appeal process. Since then, nearly every vegetative management project proposed for implementation on the forest has been appealed and/or litigated, with close to 2 years of harvests tied up in the legal limbo. Not since 1989 has this forest met its forest plan annual goals for aspen regeneration. The cumulative loss of young forest habitat across the forest is, in part, the reason that species like the American woodcock, brown thrasher, golden-winged warbler, loggerhead shrike and veery are listed as species of greatest conservation need in Wisconsin.

I encourage this Committee to work with the Forest Service to get forest plan implementation back on schedule, reduce the ability of groups or individuals to tie up management activities for years and years at little cost to them, but at a very high cost to those that live and work in the city or the forest and to the taxpayers of this great nation. We are seeing mills close, schools being forced to consolidate, and multigenerational family businesses going under while a renewable natural resource in our backyard is off limits. It is a shame to see mills in northern Wisconsin having to haul in wood products from Canada or overseas in order to stay in business when ample resources exist only a few miles away that has been managed sustainably in the past.

These forests provide some of the last opportunities to maintain essential young forest habitat as an important part of the biodiversity of our northern forests and meet the social and economic demands of society. We urge the Committee to consider these important factors in shaping the future of our forests. Thank you very much.

[The prepared statement of Mr. Zimmer follows:]

SUBMITTED STATEMENT OF MR. GRAY ZIMMER, SENIOR REGIONAL WILDLIFE BIOLOGIST, THE RUFFED GROUSE SOCIETY, LAONA, WISCONSIN

TESTIMONY BEFORE THE SUBCOMMITTEE ON DEPARTMENT OPERATIONS, OVERSIGHT, NUTRITION AND FORESTRY

GARY ZIMMER
SENIOR REGIONAL WILDLIFE BIOLOGIST
RUFFED GROUSE SOCIETY

REVIEW OF FOREST RESOURCE MANAGEMENT IN NORTHERN WISCONSIN

20 JULY 2009

Mr. Chairman:

I am a 45 year resident of Northern Wisconsin and live in Congressman Kagen's 8th Congressional District. I am also a Senior Regional Biologist for the Ruffed Grouse Society. The Ruffed Grouse Society is a nonprofit wildlife conservation organization dedicated to improving the environment for ruffed grouse, American woodcock, and other forest wildlife.

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Today, due to man's intervention, fire is no longer allowed to play its natural role in removing old aspen to make way for a new aspen forest. Therefore, the only means available to ensure long-term forest health and ecosystem integrity in some communities is through periodic mechanical disturbance. Currently, most aspen forests in Wisconsin that have not already been regenerated are overmature, unhealthy, and extremely susceptible to death and conversion. Once this conversion occurs it will be virtually impossible to restore these aspen communities. Over 81% of the aspen forest communities in the eastern U. S. grow in the Great Lakes region. This region provides the only realistic opportunity to conserve these critical components of biological diversity.

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Of major concern to my constituents is the inconsistent management of our forests. Limited funding, as well as management tied up for years by appeals and lawsuits hamper agency efforts to follow the approved Forest Plan on the 1.5 million acre Chequamegon/Nicolet National Forest. The process to revise the original 1986 plan began in 1996 and took eight years to complete and approximately two years to finalize the appeal process. Since then nearly every vegetative management project proposed for implementation on the Forest has been appealed and/or litigated, with close to two years

of harvests tied up in legal limbo. Not since 1989 has this Forest met its Forest Plan annual goals for aspen regeneration. The cumulative loss of young forest habitat across the Forest is in part the reason that species like the American woodcock, brown thrasher, golden-winged warbler, loggerhead shrike and veery are listed as Species of Greatest Conservation Need in Wisconsin.

I encourage this committee to work with the Forest Service to get Forest Plan implementation back on schedule. Reduce the ability of groups or individuals to tie up management activities for years and years at little cost to them, but at a very high cost to those that live and work in the vicinity of the Forest and to the taxpayers of this great nation. We are seeing mills close, schools being forced to consolidate, and multi-generational family businesses going under while a renewable natural resource in our backyard is off limits. It is a shame to see mills in Northern Wisconsin having to haul in wood products from Canada or overseas in order to stay in business when ample resources exist only a few miles away that had been managed sustainably in the past.

These forests provide some of the last opportunities to maintain essential young forest habitat as an important part of the biodiversity of our northern Forests and meet the social and economic demands of society. We urge this committee to consider these important factors when shaping the future of these Forests.

Thank you very much for the opportunity to speak to you today and I would be glad to answer any questions.

Mr. BACA. Thank you very much. I thank each of the panelists for being here.

I begin by asking the first question to Henry Schienebeck. In your testimony you mentioned the need for certifying Federal forests sustainable. Could you please explain some of the benefits and features of the certification, particularly in the Master Loggers Program?

Mr. SCHIENEBECK. Well, the certification program has basically enabled us to kind of stay in business during some of these troubling times. The public is requiring that, and this goes beyond forestry now. I mean, they are even asking that potato seeds be certified. They want to know where the fiber is coming from. They want to know that it's sustainably managed and sustainably harvested. And that has helped us be able to sell timber to some of the mills that are doing business in more than one country.

And the Master Logger Program is a fairly new program, and there's a group of loggers in Wisconsin right now, we have 52 master loggers and another 12 to 15, I believe, that are going through the process. And what that group does is they basically go through a third-party certification. And I believe Maine has the most master loggers, the program originated there. They have 142, I believe, at this time. But what we do is we go through a third-party certification process. In other words, for all aspects of timber management, from on the ground to business practices to ensuring that we are following all the qualifications, which is best management practices, for logger BMPs are you doing the job, are you not running up the woods, are you aware of invasive species, are you aware of exotic species and those types of things, and they be sure that it's a full package of protection. And that's something that we promote. All of our members are trained, but the master loggers can take it to the next level. And it's just a little bit more of a program that says that you are willing to put your business in an audit, that you are going to pass that audit, and that you are well aware of what's going on for the whole package when it comes to management.

Mr. BACA. Thank you. In your testimony you indicated, and I've heard a couple of different figures, that 20,000 jobs have been lost. What impact has it had on the quality of life in the area?

Mr. SCHIENEBECK. It's basically loss of a whole industry in a village or town. In the Village of Butternut where I live we had three mills there at one time. We're down to one. Actually, you could say we're down to half of one, because most of the people there are laid off and they are looking for other things to do and going off. I know, that in different areas of the country, there's not much going on there, either. Like Mr. Johnson said, that paper mill was shut down, that involves a couple of counties in our area. That's the Village of Butternut and the City of Park Falls. I mean, it's a two-county business. There were 300 some jobs there. When that was shut down for the period that it was, it was like a ghost town. Downtown businesses were closing up because they are so dependent on that paper mill. And those aren't just $9 jobs, they're good paying jobs. They are livable wage jobs that put money back into the community. I mean, we've lost two schools. We just had a two-school consolidation again. And luckily, we were able in Butternut to not have that right now, but it's going to come. Eventually they

are going to run out of money if we don't do something about it, and we live right on Chequamegon-Nicolet National Forest.

Mr. BACA. Maybe Mr. Johnson, you can answer that question or elaborate on it, because not only does it impact, when you have a loss of jobs, not only in school but the quality of life in the area, but the revenue. And, then, also, does it impact the population of those communities, too, as well that means as we're going right now, we are going to be going through the Census that is coming right before us, and so the loss of jobs also will impact the Census and the amount of Federal dollars or dollars that will be coming back to the cities and counties in the state. Could you elaborate? You mentioned that over 300,000 some thousand jobs were lost because of the timber market.

Mr. JOHNSON. Yes. As Mr. Schienebeck mentioned, in 2006, when the mill that we purchased went bankrupt, before we bought it, there was definitely an economic impact felt throughout the not just Park Falls, Price County, Ashland County region but the entire northwest Wisconsin. The fact is we were going through the process of putting together the plan to purchase the mill. We invited the University of Minnesota-Duluth School of Business to put together an economic impact study of a mill closure of that size in northwest Wisconsin, that lost 300 jobs, and what that has on the economy, and what it showed is about a $200 million impact not just to the county but really to northwestern Wisconsin.

I'm trying to remember the employment figures that were lost due to that, but I can tell you driving through Park Falls from February 16 of 2006 when it was announced that the mill was closing through July 25, 2006, when we purchased the mill, took ownership, in the City of Park Falls, about 3,000 people, there was well over a quarter of the homes that went up for sale. Being a school board member in Hayward, I certainly know the impact of losing the facilities and whatnot, and the stress that it can cause on the school district is tremendous. Thankfully, Park Falls was one of the lucky areas that someone was able to come in and resurrect the mill and put 307 people back to work there.

Mr. BACA. Thank you. Ms. Dixon, thank you for being here today and for your ongoing work. You represent an important voice in the process of public policy. I know that you and the local timber community don't always agree, but like Congress, policy is made like sausage; it's an unpleasant process with good results.

Your testimony mentioned fragmentation as a priority for you. Do I understand correctly that this refers to the patchwork of the forest parcels in the state?

Ms. DIXON. That is correct. And I would just respond to your earlier comment about not seeing eye to eye with the timber community. I don't think that's entirely true. It's not the logging community that we have issues with. We certainly don't. We recognize logging is an important part of Wisconsin's economy. It's necessary, it's appropriate in many circumstances and in appropriate amounts. The Forest Service and the forest managers are responsible for setting those amounts. And it's our opinion, and the opinion of our scientists, clients, and colleagues, that some of the timber proposals that have been issued are in places that are important for key habitat for wildlife, for clean water, and other rec-

reational opportunities. So I would just clarify that it's not an issue with the timber community, it's just an issue of appropriate amounts and appropriate places.

Mr. BACA. Thank you. Along the same lines, access to water and water conservation are two areas dear and near to my heart with the ongoing drought situation in southern California. What is, in your opinion, is the best way for us to best utilize the water resources of America's forests.

Ms. DIXON. Best utilize water resources?

Mr. BACA. Yes.

Ms. DIXON. I think water is a key issue, particularly in Wisconsin. There are a number of—there are thousands of lakes in the state, there are private—there are people that enjoy using those lakes for recreation, for fishing, trout fishing and so on, so I think maintaining access, use, and quality of those water resources is of optimal importance. I believe that management of forestlands has a lot to do with the quality of our water resources in Wisconsin. As Jeanne Higgins testified in the earlier panel, one of the major issues associated with logging is sedimentation of water resources. And I think I may have mentioned in my written testimony that over half of the trout streams in the Chequamegon-Nicolet currently fail to meet temperature standards for brook trout, which require cold water conditions. Our scientists have told us that some of those impacts are a result of management practices not necessarily in recent days, but the forest management plan indicates that Wisconsin's water resources were heavily impacted by—through the cutover period by excessive sedimentation. So we recognize that as a problem, and we believe that the Forest Service is taking steps to address that problem, and we support their efforts.

Mr. BACA. Thank you. Mr. Zimmer, what can we do to best promote the regrowth of young forest habitat.

Mr. ZIMMER. We have to address the need that's out there. Currently the Chequamegon-Nicolet, if you go with the current management level, is harvesting, and if we continue that harvest over the next ten years or so, we are at lower levels than ever has been, aspen levels, in historic times. We need to increase that because we have the suite of species and a lot of species that are indirectly related. Even species like the northern goshawk, which relies on species for prey that utilize young forest habitats, like snowshoe hare and ruffed grouse are the top two prey species. There is that interlink that is needed, and we need to maintain that habitat across our forest spectrum, and in those places we can do it.

From our standpoint, the people that I work for, we have a big desire for hunting ruffed grouse and woodcock, and Wisconsin, the U.P. of Michigan, and northeastern Minnesota are the three best places left in the United States to hunt ruffed grouse and woodcock. So our folks are seeing that every October. Come join us in the October, we will take you on a hunt, but also come and see the license plates of the visitors to the national forest and the state and county forest in northern Wisconsin. It's remarkable how much tourism is in the pursuit of just those two species every October.

Mr. BACA. I may take you up on that as long as I can go golfing.

Mr. ZIMMER. We can work that in.

Mr. BACA. I know that we are running out of time, but, Mr. Johnson, you mentioned biomass. In June, the Subcommittee held a hearing on the future of the forest. At that hearing nearly every witness emphasized the need for a broad and workable definition of *renewable biomass* in both renewable fuel standards and the renewable electricity standards. As a result of that hearing, I worked with Mr. Peterson, as did Dr. Steve Kagen, to a get sensible definition in the climate change bill, and I am pleased with those results. The definition of *renewable biomass*, as it passed the House, has two important pieces.

The first is the definition for *private land*. Mr. Waxman, the Chairman of the Energy and Commerce Committee, agreed to include the farm bill definition for *private lands*, and this is a broad definition that is already in the law.

The second piece is for Federal and public lands. The definition that was passed in the House permits the use of forest biomass in a sensible way. I realize these definitions are not perfect.

With that, I'd just like to ask if there are any suggestions on the best way that we can construct the legislative language, I would appreciate your thoughts and any suggestions or ideas that you may have in that area.

Mr. JOHNSON. Do you want them now or written?

Mr. BACA. Well, we don't have enough time for it all right now. But I would appreciate it, if you can, just make a short comment on that.

Mr. JOHNSON. Well, I think the thing that we really need to address as we're going forward and in talking definitions and other things, is we are trying to promote or to build a new industry. Especially in these tough financial times that we are in, to get a new industry off the ground like the biorefineries or biofuels or renewable energy projects is tough. And one of the top things they are always asking, how long is your feedstock supply agreement? And without a solid definition moving forward, that allows us to utilize the natural resources that we have sustainably, be it private, be it a Federal forest, that we are ensured a supply for at least ten to 20 years for the financial community, we will never get the funding to get these projects off the ground. And it's important, as we push through with legislation, with policy, that we keep in mind that these projects are only as good as the feedstock that's going to be supplying them.

And a wide definition, one that certainly allows time to implement and to secure the feedstock be it from private or governmental forests or field or whatever the case may be in terms of feedstock, is one that I think we need to address and continue to push forward to ensure that feedstock in the industry.

Mr. BACA. Thank you. Mr. Kagen.

Mr. KAGEN. Thank you, Mr. Chairman. I'll start off by just making a comment or two about how important the forestry industry is not just to Wisconsin but to our entire country. We cannot become a stronger nation, a nation that's independent of foreign sources of energy, without a successful method of sustainably managing our forestlands all across the country, whether or not they are county, state, or Federal or private forestlands. It is critical that Congress get it right. And you've also noticed in this room how

important a few sentences are in a piece of legislation. So that's why you have experts like physicians on the Agriculture Committee. We have to have a secure nation. We can get a strengthened national security by having a successful process of sustainably managing our forestlands. I think everyone would agree with that.

In this room, we have tremendous assets of institutional knowledge, people who have been living and growing up in the forest, not just for their own generation, but for several generations. We have tremendous talent and knowledge that if we can harness this and really begin to work together on some of these problems, we can lead the way here in Wisconsin and northern Illinois. We can lead the way in terms of making certain that we have sustainable practices not just in the forests but also on our farms, because we have the definition now, the trees are an agricultural product.

It's very important as well that the forest industry be successful to mitigate climate change. Now more than ever we understand the interconnectivity. As an allergist I would say that if you are a tall man in China and you sneeze, well, there's an American person here that has it on the back of their neck. What they are doing with their environment affects us here. That's why 42 percent of the mercury in our waterways, in the Great Lakes and our northern lakes and streams, came from dirty coal in China.

Most importantly, in today's economic stressful time, we cannot afford to waste any of the trees or branches or debris that fall in any forestland anywhere. We have to be very efficient and must not waste anything. And I'll remind all of you that, you may already be aware of this, but I'll remind you that I'm aware of it, and that is about the carbon cycle of our planet. The global carbon cycle has to do with where this carbon is located. Well, in our soil, there are 3,195 gigatons of carbon. In the plants we have 654 gigatons. And every year we put into the atmosphere, apart from man's contribution, 58 gigatons of carbon. And because of the photosynthesis that takes place in our plant life, in our trees, in our forestlands, we take out 58 gigatons as well. So what we have to do is reach a balance.

There was a balance until mankind, in the recent centuries, began to kick in seven gigatons of carbon every year due to anthropogenic effects of emitting the fossil fuel carbon. What we have to do now is mitigate that. And the best way to do it is to manage our soils and our forests in a sustainable way.

So let me just get a head nodding or a raising of the hands of the panel to see if we can't agree on one thing, and the one question I have is, wouldn't you all agree that we need to do everything possible to maximize the carbon dioxide retention in plant life? Would you all agree? And isn't it also true that younger——

Mr. BACA. They have to respond. I mean they nodded their heads. Would you, for the record.

Mr. KAGEN. Let the record reflect there was a lot of head nodding going on, and it wasn't because they are falling asleep. It's not Congress, after all.

So if we all agree that it's really paramount for the survival of our climate, for the survival of our human species and our economy and our national defense, our national—strength of our national security, we have to remove as much carbon dioxide as soon as pos-

sible, isn't it a fact, we will start with Henry and move down the line. Isn't it a fact that younger trees, rapidly growing trees, take in more carbon dioxide than older trees?

Mr. SCHIENEBECK. To the best of my knowledge, that is correct.

Mr. KAGEN. Ms. Dixon.

Ms. DIXON. I would actually disagree. That has been common knowledge until recently. Studies that have recently come out as early as September, I believe it was 2008, and I have copies of the paper with me if you'd like to see it, there's a study——

Mr. KAGEN. If you could make those studies available. Mr. Johnson.

Mr. JOHNSON. I'd agree.

Mr. ZIMMER. I'd agree.

Mr. KAGEN. Isn't it—doesn't it just make common sense that we have to have a rebirth and a regrowth and a replanting of our forests in order to replant them and grow our forests anew, don't we have to sustainably harvest tree life that exists? Would anyone disagree with that statement.

Ms. DIXON. I'd agree that harvesting can be done sustainably, absolutely. But as I mentioned, there are studies showing that older trees actually continue to sequester carbon indefinitely. So I would echo the comments made by Secretary Frank in the earlier panel that carbon sequestration benefits actually would create an incentive for leaving more older trees standing, and that's the position that's taken by the Environmental Policy Center.

Mr. KAGEN. So we have some disagreement. I look forward to making sure we come with some better, more stable agreements—more sustainable agreements in the future.

My question to Ms. Dixon is, who do you believe is best able to manage the forestlands, someone who's closest to the farm, or someone who's further away?

Ms. DIXON. I absolutely agree that the Forest Service is the expert agency, they have the expertise. There are many, many knowledgeable people on the Forest Service staff that have dedicated their lives and their careers to managing Federal forestlands.

Mr. KAGEN. So you'd agree people closest to the tree farm, the people closest to the forest, might have better knowledge of what's going on on the ground.

Ms. DIXON. I would agree in general. I agree that the policies, however, are set at a higher level, and it is to some extent——

Mr. KAGEN. Which leads me to my next question, that is, which specific sections of the 2004 Forest Management Plan do you and your organization specifically disagree with? And if you don't have time at the moment, perhaps you could itemize that in a written response.

Ms. DIXON. Yes, I'm happy to submit specific written responses.

Mr. KAGEN. I'd appreciate that very much.

Ms. DIXON. Absolutely.

Mr. KAGEN. Henry, any other comments? You mentioned three things that were important. And I really used to enjoy meeting people because they put their hand out in the vertical position. But now when they come up to me and I'm a Member of Congress, they go for the horizontal position. You mentioned funding, full funding. How difficult would it be, do you think, for Congress to fully fund

the forest plans, to make sure that we have the funds necessary to carry out the job of keeping a healthy forest.

Mr. SCHIENEBECK. I wouldn't think it would be that difficult because anytime you start to manage the forest, you are bringing money back into the system. It's not like we're asking for something for nothing all the time and saying, hey, just give us a pot of money and we'll go until it's gone and then we'll come back for more. We're looking at value added. With biomass and everything, we're looking at creating more income and generating revenue from that with the add-on product and making the country—and, actually, by the time, I would imagine, if you'd figure out how many barrels of oil we don't have to buy and how many things that are attached to that barrel of oil, the savings could be huge.

I mean, we look at the forest and, obviously there has been mistakes made in the early 1930s and stuff with the cutout and everything. Our point of view is basically, I think, we have changed all that. I don't think we are over-harvesting because all you have to do is drive around on the roads. Go to northern Wisconsin. We have more trees throughout the whole country than we have ever had before. I mean, scientifically or not, the evidence is there. The trees are standing. We are cutting. We have been able to support the industries we have so far. Could we do better? Absolutely. We could create more jobs, and we can still——

Mr. KAGEN. And could you respond to the written testimony of Ms. Dixon and her group about irresponsible logging projects? What do you think that means, and do you have any response to that comment and that opinion.

Mr. SCHIENEBECK. I'm not exactly sure. I didn't read that testimony. But irresponsible logging, I think, is a thing of the past. We have gone through more training in the last 15 years as loggers. It's required every year that you continue your education and training, and that's forest management, that's safety, that's value of timber that you are cutting, how to get the most value out of that product. It's best management practices for water it's basic species training. All those things we are continually putting classes on, from that to the economics part of it. How do you sustain your industry, how do you sustain your business, by accounting practices and those types of things as well. But it's not all about the money, it's about ensuring that that forest is there. I mean, I'm third generational, a lot of the members are fourth, and my two sons chose to go somewhere else because they didn't see the future.

Mr. KAGEN. Ms. Dixon, what do you think are the responsible logging projects? How do you define that.

Ms. DIXON. Let me just respond for a quick second to Mr. Schienebeck's comments. It's not the loggers themselves, as I mentioned earlier, it's not the loggers themselves we have issues with. We don't believe that the loggers in Wisconsin are doing things irresponsibly. We appreciate the amount of training that they go through and the amount of expertise that they have in their field. The issue for us is the amount of logging that is proposed by the Forest Service.

Mr. KAGEN. Except there are more trees now than we've had before, so if we are cutting too many down——

Ms. DIXON. I think that's generally true. My written testimony, however, explains, or at least gives examples, of two specific timber sales that we were able to come to an agreement with the Forest Service over, and there were very specific areas of those timber sales where our scientists, clients, and colleagues determined that if logging occurred in those areas, it would have environmental impacts to species, habitat, and to clean water. Of the 6,000-acre timber sales, specifically I'm thinking of the Boulder timber sale, which is located on the Nicolet side of the forest, of the 6,000-acre project, we agreed that the Forest Service would defer maybe 1,500 acres of those. So it's a small percentage.

We look at the specific timber projects project by project and stand by stand, and if there are—there are usually generally significant amounts of the project area where it's appropriate to log and necessary, and that's fine for us and our clients, but there are often some stands where we believe that logging should not happen. And we have had numerous discussions with Forest Service leadership at that specific level. So that's all that we are talking about here is really portions of larger projects.

Mr. KAGEN. Finally, Mr. Johnson, if you have any other additional comments at this time, I'd appreciate hearing them now. I thank you and your family for employing more people than less people and doing it in a sustainable way, making certain that the economy around you will continue to grow, and I really appreciate what you've been doing. Any other final comments.

Mr. JOHNSON. Thank you. I guess the one thing that I would caution Congress and the state and others on is as we move forward and look at renewable electricity standards, portfolio standards, and everything else is to really have a strong understanding of the feedstocks that we are looking at. If we are looking at woody biomass as a feedstock to go into a renewable fuel standard, electricity standard, whatever the case may be, I just urge the Congress to remember that woody biomass is a finite resource and there is truly a best use of wood out there. And while we have a great traditional industry going and potential great industry coming up with biofuel plants and others, do we really want to start putting a finite resource into old technology, such as old electric-generating facilities, 25, 30, maybe 35 percent efficient facilities, when we can find new technologies, new industries that are coming on board, such as a biofuels plant or others, that are coming on board making transportation fuel, waxes, electricity, natural gas replacements, as long as they have a steam house, and be able to utilize 70 to 80 percent of the thermal efficiency within that woody biomass instead of the 25, maybe 35 percent.

As I said, it is a finite resource, and I just urge this body to find the best use of wood available and not just throw it because a number sounds good or a goal sounds good.

Mr. KAGEN. Mr. Zimmer.

Mr. ZIMMER. What I would just like to say is having lived in the north woods for all my life, basically, I see a proud people, hard-working people, that spend days and days—I know loggers, and I'm not really a logger. I cut some wood for firewood and things like that. I see guys that get up at 3 o'clock in the morning to get out, work most of the day, come back tired, just to make ends meet, at

the night. They don't want to go on unemployment, and they won't if they can help it. We have the natural resources up there. The national forest, ⅓ of it, as you heard from Mr. Schienebeck's comments, ⅓ is hands-off already. Only ½ of the remaining forested land out there is even or only ½ of the goals are being met on the remaining portion. Let's put that forest to work for these people so they can and I can raise a family and raise it the American way. Thank you.

Mr. KAGEN. Amen.

Mr. BACA. Thank you very much. I appreciate each and every one of the testimonies. I know that we've got a lot of work ahead of us as we look at the challenges and the solutions. And I appreciate the fact, just even the last few statements that were just made about the outdated equipment and looking at new technology and looking at how we preserve our environment at the same time, how do we create jobs and maintain jobs in the area and allow people to put food on the table and enjoy their quality of life. These are real people that are being affected. These are people that have lost their jobs, don't have a job, can't feed their families right now, but are relying upon the forest for jobs, whether they are loggers or have any other kind of job, or whether they work with Mr. Johnson's timber factory.

One final statement that I have before I turn it over to Dr. Kagen to give his closing remarks, how can state, Federal, and the private entities best work together? Because I think that's what Dr. Kagen said, how do we all come together and how do we work together in looking to solutions to the problems we have. What is impact not only in the 21st Century, but how it will impact our future in terms of the community? Any final comments you have on that?

Mr. JOHNSON. Me directly?

Mr. BACA. Anyone. Federal, state working together. We all need to work together, and private entities as well.

Mr. JOHNSON. I think a relationship—as you know, as we look at litigation and some other things, we heard in the room before this hearing from the gentleman, I can't remember which county he's from, county forester, Marinette County, or I can't remember which it was, but talking about some of the counties here in Wisconsin passing resolutions to say, let us maybe help manage our Federal forests. And I'll tell you, the state and county foresters and the work that they do is absolutely tremendous. And possibly to help some of this litigation that we see coming forward, maybe a partnership between Forest Service employees, county foresters, state foresters, come together as a group before litigation is pressed and go over it, almost to have the county and state portion come in as a third party to look at it until there's forest certification on the national forest. Maybe that would be a way around some of this costly litigation that costs taxpayers money, costs businesses money because our timber is tied up and they can't harvest it to produce the product they need. Cooperation to find solutions to problems that really don't need to be there I think would be the greatest thing, and a great working relationship to find ways around this.

Mr. BACA. Ms. Dixon, from your area.

Ms. DIXON. Absolutely, I agree that there should be greater coordination among Federal, state, and county forest managers. I think you may have noticed from my written testimony, Wisconsin landscape is fragmented not only by roads and other features but in ownership, and greater coordination among those various forest owners would really help the process of managing Wisconsin's forestlands overall more sustainably.

There are many forest managers in Wisconsin, the Board of Commissioners of Public Lands being one, Menominee Indian Tribe being another, that manage their forests in a historically sustainable way, and I believe all parties would benefit from having all those forest managers talking together more.

Mr. SCHIENEBECK. I guess I would say let's start looking at the big picture. We are in a world economy, not the United States economy, and I think that, obviously, we are doing a good job of managing our forests now. Can we get better? Absolutely. But if we weren't doing a good job, we wouldn't have to sit here and talk about it because nobody cared, there wouldn't be anything there to talk about. So that's just kind of a simple, straightforward thing that, yes, we are doing a good job, we can do better. But when we look at the world picture, what we have here and what we can promote, that we are sustainably harvesting *versus* Brazil or somewhere where they are illegally clear-cutting their rainforests, or doing things like that, I think we can promote that, because we do have the technology, we do have the skill, we have the workforce, and we need to have the product out there to be a world player.

Mr. BACA. Thank you.

Mr. ZIMMER. Just kind of a touch-up for Mr. Schienebeck's comments there. We have, across the board, you've heard some of the evidence today, state, county, Federal, consultants, foresters, things like that, we have some of the best experts in the world right here to manage our forests. Let's let those experts do the right job and get it done.

Mr. BACA. Thank you. Before we adjourn, I'd like to ask Mr. Kagen for closing remarks.

Mr. KAGEN. Well, I'll be the contrarian, as I won't be quite my normal self. I'll be brief, how's that. I want to thank Chairman Baca for allowing Congress to come here to northeast Wisconsin. I think it's very important that the voice of northeast Wisconsin, particularly in our timber and lumber industry, our forest industry, get back to Washington. I feel like quoting one of my favorite poets, Walt Whitman. In one of his poems there was this line that said, "I'm the grass, let me work." We've really got to get back to working and taking common-sense solutions and getting everybody back at work. It's really about the success of our economy. We can protect our environment, we can secure our nation and harvest our national forests all at the same time. It will be great for the health of our forests, great for the health of our county and the health of our people. I look forward to working with other Members of the Agriculture Committee.

And I'll say one other comment. In my early 2½ years of experience being a Representative of the people, I'm very proud of some of the institutions who have more than three letters in Washington, like the USDA. I really believe that they are the closest

people that can best manage and help to manage our farmland, including our forests. I look forward to working with them and making certain that we get full funding of programs that need full funding and make certain that we eliminate waste wherever possible. But in this economic time we can't afford to allow any waste to occur in our healthcare system, in our economy, and certainly not in our forestlands. And thank you again, Chairman Baca, for allowing this hearing to take place. Thank you all for participating. I look forward to working with you.

Mr. BACA. Thank you very much, Mr. Kagen. As you indicated, working together becomes very important to a lot of us as we look at the challenges and solutions, both the private and the public sector, and working with our educational institutions; whether it's community college or a state college or university, and looking at the kind of research that we need to do to see where we are today and where we need to be tomorrow.

With that I'd like to thank each of the panelists today for your expertise and your knowledge and sharing information as we look at the many challenges we face in our economy, and the environment. With that I want to thank you. I want to thank Dr. Kagen, again, a special thanks for hosting this hearing and making history right here in Appleton by bringing Congress here.

And with that, I'd like to just state that before we adjourn, under the rules of the Committee, the record of today's hearing will remain open for 10 calendar days to receive additional materials and supplementary written responses from the witnesses to any questions posed by any Members of this hearing. The Subcommittee on Department Operations and Oversight, Nutrition, and Forestry is now adjourned. Thank you very much.

[Whereupon, the Subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

SUBMITTED STATEMENT OF DAVID P. BARTZ, STURGEON BAY, WISCONSIN

July 23, 2009

Jamie W. Mitchell, Hearing Clerk
1301 Longworth Building
Washington, D.C. 20515

My name is David P. Bartz and I live in Sturgeon Bay, WI. I am 74 years old, and have retired from teaching high school science for 40 years.

I attended the Sub-Committee on Department Operations, Oversight, Nutrition, and Forestry Field Hearing on July 20, 2009 in Appleton, WI. chaired by Congressman Joe Baca of California. Also present was Congressman Steve Kagen of WI.

The purpose of the hearing was to review forest resource management in Northern Wisconsin. I have a lifetime use of the Chequamegon-Nicolet National Forest (CNNF); this Forest has provided my family and me with hunting, fishing, hiking, skiing, and other recreational activities this beautiful forest provides.

Since 1992, I have been very concerned about the lack of sufficient timber harvest and habitat enhancement within CNNF. Of particular concern is the decline of harvest and regeneration of aspen acreage in Wisconsin and other Great Lakes forests

The early sucessional forest habitat provided by young aspen forests provide the proper environment for many animals, birds (both game and non game species) and a huge variety of plants so necessary for the food supply available to these animals. The forest plan approved for CNNF in 2004 provided for a timber harvest of 131 million board feet per year, but that allowable harvest of timber has not met allowable goals. In fact, the harvest level is only between 50-60% of the approved level per year. Much timber ready for harvest merely goes to waste.

Our country, our economy and our citizens need this timber for a huge variety of essential products. The local logging industry, which provides many job opportunities in Northern Wisconsin, has suffered economically from a lack of timber available. Many jobs have been lost and businesses closed.

The insufficient harvest is not a lack of effort by the Forest Service personnel.

The problem results from nearly every proposed timber sale challenged by various organizations that are anti-logging, anti-hunting, anti-access, etc. The challenges of organizations normally end in litigation and bound up in the court system for years. It is ironic that lawyers and judges can determine timber harvest rather than the professional foresters employed by our government.

This problem, relative to the methodology that currently determines the timber harvest and management of our forest resources, needs to be addressed and corrected by Congress immediately.

Weather and soil conditions in our country and, in particular the Midwest, make forest resources renewable. Conditions in Central and South America and elsewhere do not allow depleted rain forests to be renewed and therefore, comparison to our forest management is meaningless.

Thank you for giving me the opportunity to comment on the management of forest in our National Forest system.

Sincerely,

David P. Bartz

David P Bartz

SUBMITTED STATEMENT BY GORDON P. CONNOR, PRESIDENT, NICOLET HARDWOODS CORP., LAONA, WISCONSIN

Written Statement of Gordon P. Connor, President
Nicolet Hardwoods Corp., Laona, WI. 54541
To the House of Agriculture Subcommittee, July 20, 2009
Appleton, WI.

Subject: Input of management and mismanagement of the Chequamegon Nicolet National Forest of Wisconsin (CNNF)

Mr. Chairman, and members of the committee, we appreciate your coming to the 8th district to hear from people who live in or near this National Forest.

The impact of the mismanagement has many facets.

1. Nine out of Eleven counties in the National Forest have been designated as a poverty area and continue to be for over 30 years.
2. There has been little or no pest control, and limited salvage work in most of the forest, and the USFS inflates their harvest volume with the blow down salvage which the 10 year plan did not call for.
3. The economic impact of reduced forest related jobs and activity is severe.
4. The potential of utilizing the biomass generated on the National Forest is doubtful. The '07 Act precludes any biomass from National Forests qualify for the $1.00/gal. subsidy or any tax credit.

The original charter of establishing a National Forest in Wisconsin was to keep the lands in a multiple use, managed forest program. This promise has been abrogated by aggressive lawyers using or misusing the ESA or NEPA acts to achieve a status of "no management" of the forest except what the Seirra Club deem acceptable, which is cutting or obliterating the Red Pine plantations of the 1930's.

The problem of having a landowner, who does nothing about their property is that it endangers the neighbor. In our area, forest pests are a big threat and concern. The Emerald Ash Bore has private owners taking sensible precautions, yet the USFS has done nothing and will be predictably incapable of a timely response. The attitude and policy of benign negligence is a scandal, and a terrible waste of resources, whether caused by wind or pests.

The USFS has effectively relinquished management to the Sierra Club and those who use NEPA and ESA to bludgeon the forest personnel to do nothing. Either turn the forest management over to the Sierra Club or turn the forest land back to the counties, who have a proven record of good forest management, are certified under FSC and are not handcuffed by lawyers and born again environmentalist, who have never visited the area, never will be in our area, and have no skin in the game. Local management and input has proven more effective and better stewards of the land.

The designated road less areas and set-aside's makes no sense. All of these lands were purchased on tax deeds from the counties, and are not virgin timberlands of coastal redwoods. "Roadless" not only reduces timber potential but makes access impossible to either man or beast.

Producers of Biomass need reliable long term supply of raw material, because significant investment is required. The USFS has never engaged in long term contracts, whether with existing forest related industry or new enterprises. Today's sawmills require heavy capital expenditures to achieve maximum yield from the resource and provide high quality product for global markets. The whole policy of short term sales and uncertainty of supply has bankrupted most of the lumber industry. Only those with their own timber or long term contracts on private lands are able to weather the uncertainty of the markets and plan investments. That's why, without administrative reform, biofuel, although intriguing and even necessary, is just wishful thinking.

The reduction of forest related activity has severely impacted employment, tax related revenues, and infrastructure in Northern Wisconsin. We are losing population, railroads, the paper mills, and other forest related operations. No amount of tourism is ever going to replace the economic base. Realistically, not many tourists seek out vacations in areas without good restaurants, five star accommodations or even first responder infrastructure. Those granola crunchers that do come to the CNNF, don't spend any money, and the counties reflect that fact.

Forest County has passed a strong resolution, requesting the USFS disband, and return the land to the County Forest. Despite the glowing speech of the Forest Supervisor, Higgins, that's what people near the forest feel about the "do nothing" USFS. If the USFS cannot manage their lands, they should get out, and leave the job to the counties.

ATTACHMENT

RESOLUTION

Resolution offered by FOREST COUNTY LAND AND WATER COMMITTEE

RESOLVED BY THE Board of Supervisors of Forest County, Wisconsin, That

WHEREAS, the United States Forest Service fails to recognize the need to manage the National Forests as productive managed forests and continues to regulate National Forests as though they were National Parks, which is contrary to the congressional authority granted to the United States Forest Service for the purchase and management of the Chequamegon-Nicolet National Forest, and

WHEREAS, the United States Forest Service has not managed the National Forests consistent with the provisions of the Clark-McNary Act to furnish a continuous supply of timber for the use and necessities of citizens of the United States, and

WHEREAS, for the most part these lands were purchased from the counties where said lands are located under the pretext and commitment that these lands would be returned to a forested condition and that these lands would again provide a sound base for the local and regional economy and that local governments would play a major role in the management and operation of the Chequamegon-Nicolet National Forest, and

WHEREAS, the United States Forest Service has failed to consider the negative impact of reduced employment, and loss of local and state tax generation created by the National Forest Service refusal to manage the forest as a sustainable timber resource, and

WHEREAS, the United States Forest Service has failed to accommodate tourism opportunities that rely on motorized access to public lands within counties and communities where the Chequamegon-Nicolet National Forest is located in its recently published United States Forest Service's Travel Management Project Environmental Assessment, and

WHEREAS, lands within the National Forests should be accessible to the citizens of these Untied States of America and not just experienced from the edges of the forest boundaries along major highways, and

WHEREAS, the lands within the Chequamegon-Nicolet National Forest boundaries are not large tracts of contiguous property such as within National Parks but include significant private property that relies upon travel upon roads, that have been closed and those that are planned to be closed, for a variety of purposes such as access to handicapped persons, access to employment, their private lands, routes for emergency vehicles, and emergency evacuation routes in times of disaster, without regard to concerns expressed by local governments within the National Forest, and

WHEREAS, the United States Forest Service has failed to recognize the importance of operating the National Forests as a sustainable resource that greatly contributes to the wood and forestry, paper making, packaging, furniture, and building material industries, throughout Wisconsin has forced those industries to secure raw material from outside of the United States, and also caused numerous wood industries to either close or relocate outside of Wisconsin, and

WHEREAS, the United States Forest Service has failed to recognize the importance of operating the National Forests as a sustainable resource, that could utilize new technologies in alternative fuel productions using cellulose that would reduce American dependence on foreign oil, and

WHEREAS, the United States Forest Service has contributed to displacement of jobs held by American citizens in favor of citizens of Canada and other foreign countries, and

NOW THEREFORE, BE IT RESOLVED, THAT THE FOREST COUNTY BOARD OF SUPERVISORS recognize the tremendous importance of transportation networks within the Chequamegon-Nicolet National Forest and the Chequamegon-Nicolet National Forest is an exceptional natural resource that has the capacity to provide recreational, social, and economic benefits on a sustainable basis provided that the lands within the Chequamegon-Nicolet National Forest remain accessible to the traveling public, are properly managed as a sustainable, renewable timber resource, and are managed with consideration to the local units of governments that contain the National Forests, and

BE IT FURTHER RESOLVED THAT, the United States Forest Service's Travel Management Project Environmental Assessment has failed to properly address forest ecology, local historic uses, multiple use principals, and social and economic needs of the region, and

BE IT FURTHER RESOLVED THAT, severe reductions in timber harvesting below sustainable levels within the Chequamegon-Nicolet National Forest constitutes continuing evidence that the United States Forest Service is unwilling or unable to properly manage the Chequamegon-Nicolet National Forest and that this Board of Supervisors demands that all lands within the Chequamegon-Nicolet National Forest should revert back to the counties where said forest lands are located by virtue of a breach of promise by the Federal Government and their failure to comply with the Clark-McNary Act, and

BE IT FURTHER RESOLVED THAT, copies of this Resolution be presented to President Barack Obama, Secretary of the Interior, Secretary of the Department of Agriculture, Chief of the Forest Service, Chequamegon-Nicolet National Forest, all Wisconsin Federal Representatives, Governor James Doyle, area Wisconsin State Representatives, and respectfully request that all counties in Wisconsin take similar action in order to safeguard natural resources that all Wisconsin citizens rely upon for recreation, commerce, employment and energy production, and forward same to the Wisconsin Counties Association, and

BE IT FURTHER RESOLVED THAT, the Wisconsin Counties Association adopt this Resolution and take whatever legislative action is deemed necessary to Wisconsin Counties Association to return these lands to the counties in which they are located.

SUBMITTED STATEMENT BY WENDY GEHLHOFF, DIRECTOR, FLORENCE COUNTY ECONOMIC DEVELOPMENT COMMISSION, FLORENCE, WISCONSIN

FLORENCE COUNTY
Economic Development Commission
Your Northwoods Business Resource
Wendy Gehlhoff – Director
P.O. Box 88, Florence, WI 54121

July 29, 2009

Congressman Steve Kagen
333 W. College Ave.
Appleton, WI 54911

Dear Congressman Kagen:

Please enter this letter into written testimony for the House Agriculture Subcommittee on Department Operations, Oversight, Nutrition, and Forestry public hearing that took place July 20th, in Appleton, WI ***to review forest resource management in northern Wisconsin.***

As Economic Development Director for Florence County, I am in frequent contact with our 22 forest products related businesses. It is my job to help grow this industry cluster since it provides the largest payroll and second largest number of private jobs in our county. Florence County is home to 83,341 acres of the Chequamegon – Nicolet National Forest (CNNF). That represents 26% of our entire county.

As the chart below shows, actual timber harvests in the Eagle River/Florence district of the CNNF **decreased by 27%** when comparing a 5 year average of 1997-2001 and 2002-2006 due primarily to hardwood timber sales being halted or delayed in the court systems. To compare harvest volumes, an average of 8,709 MBF was harvested from the 36,486 acre Florence County forests over the 2001-2006 period versus a total of only 10,387 MBF harvested on the much larger 320,000 acre Eagle River/Florence district of the CNNF.

This reduction in real timber harvests resulted in the closing of a Florence County sawmill, Pine River Lumber (PRL) who, at the time, was one of our top ten employers. PRL built a new sawmill in Amasa, MI in 2008 to better meet their timber resource needs. This not only affected the 25 employees who lost their jobs in Florence County, but the local loggers who cut wood for this hardwood flooring facility were negatively impacted as well.

Studies show that hardwood forests are more healthy and productive and provide better food and habitat for most animal species when they are sustainably managed by proper thinning practices. Managed timber is also a better carbon sink due to greater levels of plant growth in the understory versus old growth or unmanaged timber tracts.

Another concern related to forest resource management by the USFS in the CNNF is their continuing trend to close more and more roads into our national forests. Especially as our population ages, it is becoming more and more difficult for our average citizen to enjoy various forms of recreation in the taxpayer owned national forests. Roads were closed here in Florence County that were used for generations by fathers and sons to access their favorite hunting and fishing locations. The original creation of these forests back in the early 1900's was to guarantee

FLORENCE COUNTY
Economic Development Commission
Your Northwoods Business Resource
Wendy Gehlhoff – Director
P.O. Box 88, Florence, WI 54121

long-term public access and forest products industry raw materials to continue to provide economic benefits to the communities in and near these publicly owned acres.

It has been suggested that management of some CNNF acres be turned over to county forest administrators who have an excellent record of managing the county owned forests for sustainable harvests and high quality wildlife habitat. This is just one idea to positively impact this dire situation.

Congressman Kagen, I ask that you please consider all possible solutions to increase the ability of these national forest public lands to provide accessible quality recreation and sustainable timber harvests to ensure forest industry jobs, taxes, and tourism dollars remain a viable part of our Northwoods economy.

Sincerely,

Wendy Gehlhoff – Director
Florence County Economic Development

HARVESTED BY DISTRICT FY97-FY06
CHEQUAMEGON - NICOLET NATIONAL FOREST
EAGLE RIVER - FLORENCE DISTRICT

FISCAL YEAR	HARVESTED VOLUME (MBF)	5 YEAR AVERAGE
97	14,954.76	
98	14,868.04	
99	12,983.27	
00	9,758.11	
01	20,944.91	**14,701 MBF**
02	13,630.08	
03	11,666.00	
04	11,399.22	
05	8,183.24	
06	9,059.77	**10,787 MBF**

Based on 5 year average there was a 27% reduction in timber harvests from 1997 to 2006 in Eagle River - Florence CNNF district.

*Information from end of year's TSA570p1 report

HARVESTED BY DISTRICT FY97-FY06

CHEQUAMEGON - NICOLET NATIONAL FOREST

EAGLE RIVER - FLORENCE DISTRICT

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06	9,059.77	**10,787.66**

Based on 5 year average there was a 27% reduction in timber harvests from 1997 to 2006 in Eagle River - Florence CNNF district.

*Information from end of year's TSA570p1 report

Florence County Forest Sold Values Through Spring 2009

Summary 1997-2009

Year	Number of sales sold	Acres sold spring	Acres sold fall	Total Acres	Average sale size	Total Volume Cords		Logs		Total MBF	5 year MBF average	Total Value	$/Acre sold	$/Acre C.F.*	Ave $/cd
2009	**7**	**459**		**459**	**65.6**	**12640**	**cds**	**25**	**mbf**	**6345**		**$500,274.50**	**$ 1,089.92**	**$ 13.78**	**$ 39.58**
2008	11	476	276	752	68.4	17260	cds	116	mbf	**8746**		$ 838,254.85	$ 1,114.70	$ 23.09	$ 48.57
2007	11	516	452	968	88.0	18725	cds	62.5	mbf	**9425**		$ 646,469.06	$ 667.84	$ 17.81	$ 34.52
2006	12	437	481	918	76.5	19370	cds	36	mbf	**9721**		$ 893,567.50	$ 973.39	$ 24.62	$ 46.13
2005	13	388	314	702	54.0	16725	cds	106.7	mbf	**8469.2**		$ 1,033,336.15	$ 1,471.99	$ 28.47	$ 61.78
2004	14	451	364	815	58.2	18345	cds	103.6	mbf	**9276.1**		$ 849,557.50	$ 1,042.40	$ 23.41	$ 46.31
2003	9	203	499	702	78.0	13,020	cds	139	mbf	**6649**		$ 486,884.35	$ 693.57	$ 13.41	$ 37.40
2002	15	426	447	873	58.2	18862	cds			**9431**	**8709.26**	$ 713,318.90	$ 817.09	$ 19.65	$ 37.82
2001	12	346	361	707	58.9	12757	cds			**6378.5**		$ 414,742.70	$ 586.62	$ 11.43	$ 32.51
2000	10	227	362	589	58.9	10597	cds			**5298.5**		$ 309,928.00	$ 526.19	$ 8.54	$ 29.25
1999	12	357	356	713	59.4	14149	cds			**7074.5**		$ 440,287.00	$ 617.51	$ 12.13	$ 31.12
1998	9	246	362	608	67.6	8090	cds			**4045**		$ 244,879.00	$ 402.76	$ 6.75	$ 30.27
1997	13	237	312	549	42.2	10450	cds			**5225**	**5604.3**	$ 343,697.00	$ 626.04	$ 9.47	$ 32.89

*** Based on County Forest acreage of 36,296.81 acres.**

Allowable Cut Acreage 996 acres

updated 7/30/2009

SUBMITTED STATEMENT BY STEVE GUTHRIE, WOODLANDS MANAGER, NICOLET HARDWOODS CORPORATION, LAONA, WISCONSIN

Dear Mr. McGourty and Mr. Mitchell:

I am writing to ask for your support in improving the management of the Chequamegon-Nicolet National Forest. The CNNF has greatly reduced the amount of timber available for sale in the past 10 years. Currently the CNNF is harvesting less than half of the timber volume in their allowable harvest plan. This translates to a huge loss of revenue to local communities from direct Forest Service payments, and a significant reduction in the wood needed to sustain our forest industry.

Wisconsin communities within the national forest boundary are being shorted over $5 million annually in direct payments from the Forest Service that would be paid if the national forests were managed sustainably. This is placing an unfair tax burden on property and business owners who cannot continue to make up this deficit.

Last year the CNNF failed to harvest 88 million board feet of timber available for harvest in their management plan. That shortfall is exporting the demand for timber to private lands that are unable to supply the volume needed to sustain Wisconsin's forest industry. Over 7500 jobs have been lost in the paper industry since 2000. Nineteen large sawmills have closed in the last 5 years, and 23% of our logging contractors have gone out of business in the last 10 years.

I understand the public pressure and the politics involved with managing our national forests. Certainly the long term health of our forests is the ultimate desire of most people concerned. A great deal of public and professional involvement went into writing the harvest plan for the CNNF. I strongly feel that getting the Forest Service to follow that plan is the best way to maintain a healthy forest and all of the benefits it provides.

I thank you for the interest you have taken in our national forests and our industry. Your help in improving the harvest level on the CNNF would be greatly appreciated. If there is anything I can do to help in that regard please let me know.

Sincerely,
Steve Guthrie, Woodlands Manager
Nicolet Hardwoods Corporation
[REDACTED]

SUBMITTED STATEMENT BY STEWARD P. HARRISON AND MICHAEL J. SCHWANTES, PARTNERS, TIMBERLAND POWER COMPANY, A DIVISION OF CREATIVE ENERGY AND DATA SOLUTIONS, LLC, GREEN BAY, WISCONSIN

The partners and associates of Timberland Power Company, a division of Creative Energy & Data Solutions, LLC, appreciate the opportunity to address the important work of the House Subcommittee on Department Operations, Oversight, Nutrition and Forestry at the July 20th, 2009 Field Hearing.

Timberland Power Company strongly supports the wise management of our National Forests. To our way of thinking this includes the allowance of aggregation of biomass off of U.S. Government land, National Forests, and BLM acreage.

It goes without saying that all government grant or guaranteed loan programs, whether local, state, or Federal, focus on **job creation**.

President Obama has talked about the importance of **green jobs**, and how those jobs are going to transform our economy

Biomass has several distinct advantages over other forms of renewable energy projects, particularly solar and wind energy. The major advantage is that biomass is reliable.

When the last construction worker leaves the site of a wind or solar energy development project; the economic benefit to the local workforce ends. Not so with a wood fueled biomass energy project! People are needed to harvest the biomass and bring it to the biomass facility. It is estimated that each biomass facility will require 20 – 30 full time jobs at the plant and upwards of 150 people in the field keeping the biomass facility supplied with fuel. These **jobs stay in the community**, and are not just transmitted down a power line!

If you want to transform the economy with **jobs**, those **jobs** need to provide employment all the time, not just when facilities are being built. The local economy and its citizens benefit for the 40 to 50 year useful life of a biomass renewable energy project.

On top of this, there is parity in the development costs of either wind, solar, or biomass projects. Right now, development costs for new renewable energy projects range from $3 to $7 million per installed MW. It is also a fact that both wind and solar only run approximately 20% - 30% of the time; not so with a biomass CHP plant, which is a baseload operation running in excess of 85% of the time.

When "Joe Bag of Doughnuts" goes into his basement and flips the light switch on and nothing happens, try telling him that the reason he is not getting electricity is because it is nighttime and the solar farm down the street is not generating electricity or the wind is not blowing and the wind farm in the next county is not producing electricity.

So, the question is, "Why would any investor, including the U.S. Government, want to invest or guarantee a loan for an energy project when it is operational only 20% - 30% of the time?

Biomass provides America with a renewable electricity source that very reliable. It is a win/win for everyone!

Another advantage of biomass over other forms of renewable energy is that it is a two-for. Biomass allows you to manage forests and generate electricity. By removing biomass from the forests it allows you to reduce the threat of wildfire and insect infestation in American's Forests while generating electricity.

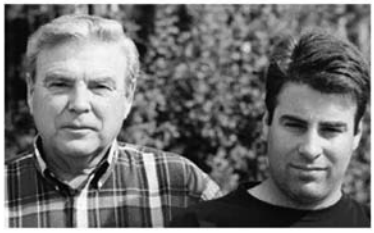
The net benefit to the entire forest industry is the clean up of the highly flammable leftover biomass residue left on the forest floor by lumbermen after a cutting takes place. The leftovers consist of treetops, branches stumps and diseased wood that cannot be sold to pulp, paper, and stud sawmills.

Although there is an argument concerning "leftovers" and whether or not that is useful for the re-growth and health of the forest; decomposition adds to global warming by the methane and CO2 it produces. Notwithstanding, the all important leaves are left on the forest floor to provide the nutrients necessary for future forest growth and sustainability.

Again, the partners and affiliated interests of Creative Energy & Data Solutions are pleased to offer these comments to the House Subcommittee on Department Operations, Oversight, Nutrition and Forestry.

STEWART P. HARRISON
Partner
July 17, 2009

MICHAEL J. SCHWANTES
Partner



For The Rights Of Loggers

St. John Forest Products is the recipient of the 1999 Logging Business of the Year award.

By Rich Donnell
SPALDING, Mich.

This summer, American Loggers Council (ALC) representatives refused to participate in the Sustainable Forestry Initiative (SFI) National Forum Summer Conference. ALC participants who serve on the SFI Forum bypassed the event because of what they perceive as a lack of progress on the part of American Forest & Paper Assn. companies toward various logger issues, most importantly the goal that AF&PA member mills accept fiber only from "professional" loggers who have received sustainable forestry training and education.

That ALC's action continues to reverberate throughout industry ranks says a lot for the growth and influence of the five-year-old organization.

Earl St. John of St. John Forest Products Co., based here in the Upper Peninsula, was one of the founders of ALC, and has been instrumental in its evolvement. While ALC is perhaps St. John's greatest accomplishment as an activist on behalf of loggers, for many years St. John has promoted his industry to the public--from clearing and landscaping a new little league baseball field, prompting the Spalding community to name it Earl St. John Baseball Field, to conducting in-woods forestry seminars for school children and harvesting demonstrations for UP tourists.

As recently as August, for three days St. John hosted a national club of 55 motor home owners at his hunting lodge and grounds, building two miles of 24 ft. wide road in a circle where they could park, and putting on cut-to-length and chipping operation demonstrations, along with portable sawmilling, chain saw carving and blacksmith's shop presentations.

Activism and public relations are important criteria for *Timber Harvesting*'s Logging Business of the Year award, but another component obviously is the business itself. St. John Forest Products, with Earl at the helm, has long been a leader in new machinery implementation, in fiber production (currently at 150,000 cords annually) and in business management. Frankly, St. John Forest Products has for many years been one of the most successful, most professional logging operations in the U.S.

The business isn't slowing down, even if 63-year-old Earl is. That's because Earl's 32-year-old son, Tom, has already accepted the torch, and has already proven his capabilities in managing the massive business in a computer-driven age. He's also following in his father's footsteps as a spokesman for loggers. This year Tom received Michigan Assn. of Timbermen's Excellence in Logging award. (Earl's logging and civic awards are too many to list.)

Adding endurance to the award's mix of criteria--Earl began logging when he was in high school--means that St. John Forest Products, out of an extensive lineup of impressive nominations, becomes the second recipient of the award, which was won last year by Allen Bedell of Circle B Logging in Fordyce, Ark. (*Timber Harvesting* presented the award to Earl and Tom St. John during the American Loggers Council meeting in Wintergreen, Va. last month.)

The Operation Today

St. John Forest Products employs 55, which is down nearly half from the peak employment years of the 1980s. A major reason for the labor decline is the operation's conversion to cut-to-length systems, a process that began nine years ago when the company was one of the first in the country to commit to CTL, using a Norcar/Hydro-Ax system.

Today, St. John Forest Products run six CTL harvester/forwarder jobs and when *TH* visited was prototyping the new Caterpillar 550 harvester/forwarder dual. Three harvester/forwarder jobs run Ponsse, including the latest HS16 series harvester. The Ponsse harvesters use Cat engines and the forwarders operate with Perkins engines. The other three jobs operate with Valmet machinery, including the 911 and 546 harvesters. The newer Valmets run Cummins engines. The CTL lineup runs on Nokian 700x26.5 mm tires, which are designed to not be as "aggressive" on the forest grounds. Oregon bars and chains are preferred.

Along with the CTL jobs, operations include one chipping crew (Morbark chipper) and two treelength/slasher crews (which can call on eight John Deere grapple skidders--640s, 648s and 740s, three Denis delimbers riding on Hitachi and Case carriers, a 410 Prentice knuckleboom loader, a Case rubber tired loader, two Timberjack 608 track feller-bunchers with Koehring saws and backup equipment such as a Hydro-Ax 411 f-b and Case 1187 f-b). Roadbuilding equipment includes nine Dresser bulldozers (TD25s down to TD12s), a Dresser 540 front-end loader, Dresser grader and three dump trucks.

During the 1970s-1980s, the operation ran three chippers and produced up to 8,000 tons a week. Now, chip production is down to 400 fuel chip tons per week for Mead Corp.

At least 80% of production is pulpwood. Major pulp markets include Mead Corp. at Escanaba (softwood and hardwood), Champion International at Quinnesec (hardwood), Consolidated Papers at Wisconsin Rapids, Wis. (softwood) and Louisiana-Pacific's aspen oriented strandboard plant at Sagola. Small sawmills and pallet shops in the area receive St. John's sawlogs and bolts. Indeed, sorting is the name of the game, with as many as 20 on certain jobs, when considering softwood and hardwood species and market sorts.

Private landowners, state and federal government lands, and Mead Corp. land provide most of the timber. Average size tract is 40 acres with 600 cords. Skidding regulations and forestry trends away from conventional methods forced the conversion to CTL, which handles selective-cutting and sorting more efficiently on the smaller tracts. St. John Trucking, a separate business, operates six truck and pup rigs with Hood self-loaders, grossing 164,000 lbs. on 11 axles, four chip and bark trucks and four trucks for moving equipment on lowboys. Four Peterbilt models are the newest, but the operation also runs Mack, International, Western Star and Autocar.

When *TH* visited, Tom St. John was overseeing a major overhaul of the operation's computer systems, including an upgrade of the server, the work stations and the network system. The changeover was required when the old maintenance software was found not to be Y2K compatible, and the newly purchased maintenance software would not run on the old server system or the old network system. Because of a lack of easily accessible computer service, Tom has taken it upon himself to be the company's computer expert so to speak, just as he became the company's cut-to-length specialist when that conversion began in 1991.

The computerization built into the CTL harvesters and the computerization required back at the office for everything from maintenance charting to timber cruising to communicating by e-mail speaks volumes for what logging has become. Having Tom around made this new age of logging somewhat easier to adapt to for Earl. But no matter how different it has become to maintain a business that fells trees and moves fiber to the mills, what hasn't changed from Earl to Tom are the basic ingredients of hard work, treating employees with respect, juggling enough markets so that one market's downfall doesn't cause all of St. John Forest Products to stall, and staying on top of business finances so that the business works "for" itself instead of "against" itself.

Other key personnel here include Earl's brother, Terry, who runs the office; Todd Fournier, who runs the shop; Dick Leaveck, whom is referred to as "our all-around man"; and forester Steve Hruska. Employee longevity is common in this organization, which is well into a profit-sharing plan and offers extensive benefits.

What also hasn't changed from Earl to Tom is a tremendous love for the remote UP, its vast forests, rivers and wildlife, and its timber industry traditions. While Earl's great-grandfather, grandfather and father worked in the UP woods but never prospered financially, Earl achieved wealth through logging, land brokering and outside investments, and now Tom has the difficult task of building on the successes of his father, with his own children in mind.

Through The Years

Earl St. John started logging when he was 16, not with his father who had been forced out of the woods by then with illness, but with several high school classmates whom St. John hired as his first crew. They skidded with a rented horse and cut with hand saws and axes (the very first set of which hangs on St. John's wall at his hunting lodge). St. John likes to boast good-naturedly that during his senior year he made more money working in the woods than his teachers did teaching him in the classroom. Of course he confesses that at times he was in the woods when he was supposed to be in the classroom.

After high school graduation, St. John worked briefly for a local logger before venturing to southern Montana in the summer of 1955 as a chain saw operator cutting pulpwood. He lived in a camp with 80 men in West Yellowstone. For five years during the warm months St. John worked out of the camp. During the winter he would return to Spalding, hire a couple of men and work in the UP forests.

This cross-country occupational endeavor ended in 1959, mainly at his wife's urging. St. John had married his high school sweetheart, Rosemary Bellefuiel, after they graduated in 1954. She had accompanied Earl on his travels, but now her father had built a restaurant in Spalding and the young St. Johns returned home in 1959 to run the restaurant. Rosemary's parents hadn't been crazy over their daughter becoming involved with a logger, and now St. John appeared to be out of the woods.

He was, but only for a year and a half, when he left the restaurant and started up a crew in 1961 contract-cutting on timberland owned by Badger Paper Mills (4,000 acres which St. John purchased four years ago). He picked up additional work through a timber broker, soon added American Can and Procter & Gamble markets and continued to expand, operating as far as 80 miles out of Spalding. He also had considerable success cutting and hauling white cedar post logs for a fencing company, a low cost item that most loggers wouldn't mess with. Then in 1968 he started hauling for Mead in Escanaba.

"I started diversifying and spreading out," St. John recalls. "Most of the mills didn't know I was cutting for more than one. I was running four or five logging operations. In those days that wasn't done."

Mead expanded at Escanaba in the early '70s and asked St. John to start whole tree chipping. Mead financed much of the equipment. St. John negotiated three- and five-year contracts with Mead for the next two decades and was producing 8,000 tons a week, "with a load coming out of the woods every 15 minutes."

At the same time, St. John's other markets continued to expand and so did his machinery inventory. At one point, he was running 18--that's right, 18!-- Drott 40/Case 1187 feller-bunchers. "We've always been heavily mechanized," St. John says. "We were the first up here with grapple skidders. We were always on the cutting edge of technology."

St. John purchased his first feller-buncher in 1967. His peers laughed at it because they thought it was too big to work in the woods. But suddenly St. John had increased production, saved on workers' comp and received an investment credit against his income tax, an example of his business savvy that gave him an edge.

St. John always relied on his operators for input on these new systems. "We can never make an operator compatible to a machine, we have to make the machine compatible to the operator," St. John says. "If you put a fella on a machine whose not happy with his machine, you're not going to get the production out of it."

As far back as 1974, St. John operated an early version of a processor head, attaching the Lajoie head to a Drott 40 carrier. But it didn't provide the necessary production, and today is an "artifact" in St. John's sprawling equipment boneyard.

"We could always produce," St. John says. "That's really what created the relationship with the mills. They could count on us to get the wood. We always fulfilled the contract."

At Earl's side during this growth was his wife, who kept the records and the office in order. "It takes a loving, strong lady, and that's Rose," he says.

And then in 1991, recognizing that tracts were shrinking and more attention was being paid to soil disturbance and forest aesthetics, and that the number of employees on his payroll was climbing, St. John sent his son, Tom, to a demonstration of a Hydro-Ax/Norcar 15 series harvester and forwarder. The St. Johns bought and began operating the system--sold through Blount, Inc.--in the fall of 1991. Tom led the effort to refine the company's CTL effort.

"You have to have an open mind when you're working on them," Tom says of the CTL machines. "They're complicated, but once you understand them, they're not that bad."

Tom's Turn

Meanwhile, Earl continued to add to his financial portfolio. Today he owns 30,000 acres in the UP. He also owns a lear jet. He has built a home on a golf course in Naples, Fla. He has invested in several southern Florida golf course construction ventures involving condominiums and single family homes.

"Logging gave me the opportunity, but where I made money was in land," St. John says.

Beginning in 1987, St. John served six years (two terms) on the Federal Reserve Board Region Nine, one of 12 regions in the U.S. He was selected to the board by area bank interests. His duty was to report on the state of the economy in his region. St. John met with Federal Reserve Board Chairman Alan Greenspan a couple of times in Washington, DC.

"One day I could be in Washington, DC sitting across from Greenspan, and the next day I could be sitting on a bulldozer here in the UP," St. John says. "Only in the U.S."

St. John and his wife now live in southern Florida for five months beginning in January. It wasn't an easy adjustment for St. John to not have control of the business. "It was a little disappointing to come back in the spring, and the foresters from the different companies and the salespeople would walk right by my office like I wasn't even there. It makes a guy think. But it's given Tom the opportunity to run the business."

St. John is extremely proud of the way Tom has taken over. "I think the world of him. I'd put him up against any logger in the country. He knows the business. He takes great pride in it. People respect him."

Tom started out sweeping floors and washing trucks for his dad's business. He was building roads at age 14. "As fast as he could get the responsibility on me, he wasn't afraid to do that," Tom recalls of his dad.

Tom adds of his father: "He's pretty amazing. I have learned a lot from him. It doesn't take him long to make a decision. If it's a bad decision, he makes amends. He obviously made more good ones than bad ones. If he says he's going to do something he'll do it. He'll get you x amount of timber come hell or high water. He knows how to get the most out of people. If a guy didn't perform, he wasn't here very long. He rode me hard, but that's what you do with family. It's given me the edge."

The son says he doesn't feel additional pressure over leading the business into the next century. "I have my own confidence. I know what I can do," Tom says. "I've learned not to judge people until you walk in their shoes. If somebody wants to judge me, that's fine, but come over here and walk in my shoes."

He and his wife, Nikki, have four children, including two sons. Tom says he'll pass the business along to his children, only if they're interested. "I want them to do what they want to do."

Earl's other son, John, works outside the business. He and his wife, Terry, have two children.

Activism

Tom serves on the board of the Michigan Assn. of Timbermen (MAT) and the Michigan-Wisconsin Timber Producers Assn., and is a charter director and vice president of the Michigan Professional Loggers Council, a fledgling wing of MAT. Tom also represents MAT at the American Loggers Council.

"I have an obligation to be active," Tom says. "It's very demanding, but it's a role I'm going to try and accomplish. We need to get more loggers involved up here. I think they want to be involved, but they don't know what to do. They need that first little push. We're trying to get more of a grassroots system up and running. It takes time."

Public pressure is increasing, Tom says, but he points to the UP itself as an example of how the forest can thrive through a proper management. "Years ago in the pine era this area was devastated, according to what you read," Tom says. "But look, we have a forest, all kinds of wildlife, fish in the streams. We have to do the best job we can in the woods, but we have more run-off from our county roads into the streams than from our logging jobs."

Like his father, Tom is disenchanted with the procurement system that allows mills in need of wood to seek out the cheapest wood from loggers who cut workers' comp and insurance corners, and overall are not professionally trained loggers. He also points to operators who bid up stumpage, knowing that if the market isn't there, they have several years to return the sale to the state with a minor penalty. "Some of these guys have to be awfully efficient for what they pay for their stumpage," Tom says. "They must be smarter than me."

Some companies, such as Champion and Mead, appear to be cracking down and have dropped suppliers, according to Tom. Champion requires eight hours of continuing education a year for the contractor and all subcontractors.

Tom hopes that loggers will join MPLC and indicate their professionalism to the mills. "It's a voluntary system. If you're going by the book and you want to be a professional, join this group."

Earl's Outrage

Not surprisingly, Earl St. John is more outspoken than his son on the issue of mills accepting fiber only from "professional" loggers. This issue was at the heart of the creation of American Loggers Council in 1994. Indeed Tom's performance on the job has allowed his dad to put more energy into loggers' causes away from the job.

AF&PA, composed of numerous paper companies, actually initiated the logger certification issue as part of its Sustainable Forestry Initiative in 1994. AF&PA created SFI to reshape industry's image to the pubic and to enable companies to market their products globally by meeting certain international environmental and quality standards.

AF&PA originally called for all loggers to be certified by 1998 in best management practices, wages and hour laws, OSHA, endangered species, etc. An ensuing revision replaced the word "certified" with "trained," but the implication was the same: mills won't accept wood from fly-by-night loggers.

St. John, who served on the board of American Pulpwood Assn. at the time (the first logger ever to do so, at the urging of the late Ken Rolston), along with three other logger representatives met with an AF&PA spokesman during an APA meeting in Nashville and heard AF&PA's intentions. The next morning, St. John met with Keith Olson of Montana Logging Assn., Texas logger Tommy Burch and Mississippi logger Buck Beach. St. John suggested they form a national loggers organization to follow the developments at AF&PA and to be a national voice for loggers on important issues. Each agreed to contact their peers about attending an October meeting St. Louis. Forty-four loggers and logging association representatives attended from 22 states, and ALC was born.

"It's the people who had the initiative to show up in St. Louis that started American Loggers Council," St. John says. "There was a need for it, otherwise it wouldn't have held together." St. John served as ALC's first president. He resigned his board position with APA. "I felt I couldn't serve two masters," St. John says. "A logger is what I am. I didn't think there was any more walking the fence line."

Today ALC serves as the voice for loggers who are members of two dozen statewide associations and organizations that have hooked up with ALC. Last month, Virginia logger Jim Mooney turned over the presidency to Texas logger Joe Cherry.

"Southern loggers, Western loggers, we all have the same problems and we were always told that the problems didn't exist anywhere else," St. John says. "But procurement problems are the same all over the United States. That's why we have such a good following and representation. Jim Mooney is a small logger, but he was president; that proves you don't have to be large to be a voice in our industry, as long as your honest and up front and have the desires to bring something to our children and grandchildren."

St. John is appalled that AF&PA has yet to meet it 100% compliance goal. "I hosted AF&PA at my hunting lodge. They were hemming and hawing there. I told them we're going to keep your feet to the fire. You're the people who made the statement."

St. John believes AF&PA is at least 25% short of compliance. "I don't know all the answers, but I do know that we as loggers across the nation are not going to stand still on what we were told. Otherwise, I made a mistake belonging to American Loggers Council and being a professional. I should go back and teach my son how to get around these things and pay only half the cost of doing business. I'm a strong supporter of SFI, but AF&PA is not facing up to their obligations. That's not how I built my business and that's not how America was built either. Then they get excited because we don't attend a meeting? We're saying, 'only buy timber from legitimate producers.' I don't think it's asking too much."

SUBMITTED STATEMENT BY RICHARD R. HOGUE, CLAM LAKE, WISCONSIN

United States Forest Service
Great Divide Ranger District
P.O. Box 896, 10650 Nyman Avenue
Hayward, WI 54843

14 December 2008

ATTN: Twin Ghost Project

Dear Sir or Madame:

I find it ironic that this fall, shortly after the completion of a survey of the Federal land which abuts my private property; that a cut is scheduled for the second growth old growth northern hardwood forest on the land immediately surrounding my land. Until the latest survey some of this property was under my purview since no one knew where the actual boundary lines were for many years. But shortly after this survey, which took some of the forest away from me, most of the north boundary line abutting my private land on the Federal side is scheduled for a select cut in areas identified as 384/014, 384/034 and 384/015. These areas have scattered, mature, and healthy Red Oak, Sugar Maple, and a basic mix of a northern hardwood forest. The same applies to the southeast inside corner, 395/005, butting up to my private property and a portion of which fell under my purview-again because neither the U.S. Forest Service nor I knew where the property line lay.

These designated areas have large healthy Red Oaks, Large Sugar Maple, and a mix of northern hardwood species throughout them. The trees are not dense.

The areas mentioned above are a second growth forest well over 100 years old. I remember during the early 1990s there was a similar select cut on the south side of Christy Lake; mainly the Red Oaks were cut. I called to inquire regarding it and I was told this select cut was to regenerate the Red Oaks. Well, I see little if any regeneration of the Red Oaks in that cut. I question cutting healthy acorn bearing Red Oaks to "regenerate" Red Oaks because I have seen it fail. I assert that it is just a ploy the USFS uses to promote the interests of industry. Some years after the 1990s select cut I tried to get Barry Paulson a Great Divide Ranger to come with me and visit the site on the south side of Christy Lake to see how it was a failure-he never did come to see.

There are many species which require mature trees to survive without stress. The areas I have identified are doing just fine by allowing Nature to take its course. Nature certainly does not need the USFS to interfere. Allowing trees to live life with the natural elements-in my eyes is the very correct way--especially in the areas I have mentioned around my property. Again they are second growth old growth forests, well over one-hundred years old. Why are they not documented as second old growth forest and be done with it? All the USFS does is identify them as areas to be select cut! Are you afraid someone like me who realizes the value of Nature in and of itself will question the validity for such cuts? You made no attempt to state the actual age of the trees or the density of the areas or the age of any of the Twin Ghost Project and very possibly in the Cayuga or Twenty Mile projects. It does make a difference to the public, which you seek comment from. It is like leaving out a piece of the puzzle.

This whole Twin Ghost Project has come about much too quickly and I take that view. The comment period is also during the holiday season and it may not be getting the full attention it needs from the public. There needs to be a much longer public comment period, even until after the holidays, when a new president of the United States of America may greatly change the present practices of the USFS.

The timing of this cut is also suspect because District Ranger Connie Cheney and some of her staff have been harassing me in other ways ever since the ATV signing fiasco for which they were responsible. They handled the ATV road signing issue so poorly when they were supposed to work cooperatively with the Spider Lake Town Board, the town Comprehensive Land Use Committee and the citizens of the Town of Spider Lake. The entities were to agree first, BEFORE any ATV use signs were installed. However the USFS did not honor this commitment. They have made myriad other mistakes such as leaving FR 671 as an ATV use road, even when they knew of my official written complaints regarding its being left open to ATV traffic. I have called them on each of their missteps and now, just to show me, they have planned a project to select cut trees in second growth old growth forest right up to my property line.

Leaving the pencil straight perfect trees for the next cut may not be the answer to forest health that the USFS thinks it is. Nature's natural selection works just fine.

Thank you for your time and attention to this matter.

Truly,

Richard R. Hogue
005N FR 208
Clam Lake, WI 54517
[REDACTED]

SUBMITTED STATEMENT BY STEVE KARIAINEN, RESOURCE MANGER, LOUISIANA PACIFIC CORPORATION, HAYWARD, WISCONSIN

Mr. Chairman and Committee Members:

Thank you for having the recent hearing in Appleton to address forest management issues in northern Wisconsin. Although I could not attend, I wish to submit the following:

For the last 30 years I have worked in forestry and wood procurement for Louisiana Pacific Corporation in Hayward, Wisconsin. Over that time I have witnessed a significant improvement in both the practice of forestry and the public's perception of forestry. As you know, logging is a very important and highly visible aspect of forest management.

During my career I have had the pleasure of working with hundreds of different logging contractors and wood suppliers. I have developed a deep respect and admiration for loggers, as they epitomize the independent, entrepreneurial spirit that has been such an important part of our American heritage. Logging has evolved over the years to become much less dependent on brawn and much more dependent on brains. Modern logging machinery is very productive, yet is light on the landscape. Today's loggers require extensive training in both equipment operation and in environmental protection.

In spite of all of the advancements in the logging profession, I am very concerned that the logging profession in Wisconsin is at risk. Because loggers are generally family businesses in rural communities, the risk extends to those families and communities.

There is no physical shortage of timber in Wisconsin. According to USFS FIA data we have almost twice as much timber volume in Wisconsin today as we had fifty years ago. But each year in Wisconsin we lose almost as much timber to natural causes as is harvested. In other words, there is a tremendous opportunity to make more timber available, thereby making all of the businesses and communities that depend on the timber more stable and secure.

Timber harvested from Wisconsin forests has traditionally been used primarily for pulpwood and for logs. We are already seeing increased demand for wood fuel in some areas, and there is good reason to believe the demand for wood fuels will grow in proportion with increased investments in woody biomass technology.

Failure to address the growing wood fuel demand with additional wood fiber supply will place both traditional and emerging wood users in jeopardy. It will also put undue strain on the loggers and truckers who deliver wood from the forest to the mills for processing.

I ask that you support efforts to require all national forests to develop harvest plans consistent with their long-term biological capability (allowable sale quantity or ASQ) and to provide the funding support to ensure the plans are implemented. For example, our Chequamegon-Nicolet National Forest is one of the most productive of all national forests, yet has only harvested 53% of ASQ from 2005 through 2008. Managing the national forests to their full potential will help to ensure a healthy future for Wisconsin's forests and for the family businesses and rural communities that are such an important part of the fabric of life in Wisconsin.

Thank you.

Steve Kariainen
Resource Manager
Louisiana Pacific Corporation
[REDACTED]

SUBMITTED STATEMENT BY MARK K. LEACH, PH.D., BRO PROFESSOR OF REGIONAL SUSTAINABLE DEVELOPMENT AND ASSOCIATE PROFESSOR OF BIOLOGY, NORTHLAND COLLEGE, ASHLAND, WISCONSIN

NORTHLAND COLLEGE

1411 Ellis Avenue
Ashland, Wisconsin 54806-3999
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Committee on Agriculture
Subcommittee on Department Operations, Oversight, Nutrition, and Forestry
Representatives: Baca (Chair), Cuellar, Kagen, Schrader, Dahlkemper, Childers, Fortenberry (Ranking Minority Member), King, Schmidt, Lummis
1301 Longworth House Office Building
Washington, DC 20515

August 19, 2009

Dear Subcommittee Members:

Thank you for the invitation via the Environmental Law and Policy Center (ELPC) to testify before you on forest resource management in Wisconsin. My schedule did not allow me to be with you. Please accept this written testimony.

Background

I am a research ecologist focusing on biological conservation and ecological restoration. I have authored several papers in peer-reviewed scientific journals. I am an unpaid science advisor to Habitat Education Center (HEC) and ELPC. Nearly 20 years ago I was a botanist for the Chequamegon National Forest. As Professor of Regional Sustainable Development I work with students, agencies, businesses, and conservation organizations at learning how to be sustainable environmentally, socially, and economically.

I have read many of Chequamegon-Nicolet National Forest's environmental impact statements and commented on them to the Forest Service, HEC, and ELPC. My professional opinion is that there is considerable opportunity for improving the analysis, which would result in better management, good forestry jobs far into the future, and the reversal of the erosion of biological diversity and ecosystem services.

The legal efforts of HEC and ELPC have been affective up to a point, successfully challenging in court CNNF's failure to appropriately conduct cumulative effects analysis, which are intended to assure consideration of the combined effects of multiple activities through space and time. Those efforts led to my participation in a few negotiations for deferring logging in sensitive areas. Unfortunately, as is evident in CNNF's most recent environmental impact statements and records of decision, the Forest Service continues to use, in my professional judgment, faulty approaches to analysis, ignoring crucial errors in logic.

I am currently writing a paper along with a few former students for submission to a peer-reviewed journal on CNNF's use of "suitable habitat." We compared recent NEPA documents and scientific literature with attention to factors affecting population viability, with special attention to American martin, Northern Goshawk, Red Shouldered Hawk, and numerous forest interior songbirds. CNNF relies heavily on the concept of "suitable habitat," which they use as a surrogate for population viability. Acres of "suitable habitat" for nearly all species at risk are claimed to be more than 100 times the acres of known occupied habitat. We concluded that CNNF's analysis falls short in at least two ways: 1) their models do a poor job considering multiple spatial scales, ignoring almost entirely the impacts of the non-habitat landscape matrix (which, for example, may be sources of predators, nest parasites, and browsers of species of concern); and 2) their underlying models are unclear, leaving key variables undefined, ignoring sources of error (for example, failing to demonstrate how a vaguely defined "suitable habitat" is a realistic index of population sustainability).

Definitions matter, especially when species are at risk and sustainable forests are jeopardized. The law does not require the Forest Service to regularly monitor populations of listed species. Instead, the Forest Service may substitute monitoring the extent of "suitable habitat." However, CNNF does not define this key concept. A textbook definition of "suitable habitat" is "where reproduction occurs at a rate high enough to maintain long-term positive population growth" (*Conserving Forest Biodiversity: A Comprehensive Multiscaled Approach* by D.B. Lindenmayer and J.F. Franklin, 2002, Island Press, Washington, D.C.). In contrast, at meetings with Forest Service leadership and biologists, I was told that there is plenty of "suitable habitat," the species are declining *for other reasons*. Obviously, CNNF has an much different notion of "suitable habitat," which is then used to justify logging at the same time that species are declining "for other reasons." In short, in my professional opinion, the Forest Service use of "suitable habitat" doesn't make scientific sense.

Recommendation

CNNF can improve its biological analyses under NEPA by being more explicit in its definitions of variables, the purported relationships among variables, and the likely sources of error. In short, their analysis needs to meet minimum standards of logic and clear-thinking that are the foundation of science. Specifically, CNNF must explicitly incorporate the non-habitat matrix into its models, which would reduce their currently hyper-inflated estimates of "suitable habitat." Incorporating such changes would also facilitate selection of appropriate research topics leading to reduced error in their future habitat models.

There seems to be no motivation for CNNF to improve their analysis or use best available science. Federal judges generally defer to the agency's scientists. Comments from leading scientists are routinely brushed aside. An intervention is called for.

I recommend that Congress or the President require the Forest Service to use the tried-and-true procedure used by scientists: peer review. Every paper I publish and every grant proposal I submit is reviewed critically by other scientists, usually anonymously, with the journal's editor or a granting panel sitting in judgment. Generally, reviewers' recommendations

are one of the following: accept as is, accept with revisions, or reject. This process does not assure that every paper is excellent or that always the most worthy proposal is funded. It will, however, steer the Forest Service toward higher scientific standards, providing the trim-tab the Forest Service needs to intelligently manage our nation's forests.

I look forward to a future in which the National Forests of our region are sources of real pride, because they are show-cases of biological diversity and good paying forestry jobs. Thank you for the opportunity to share my views. Please let me know if I can be of any help in the future,

Respectfully,

Mark Leach

Mark K. Leach, Ph.D.
Bro Professor of Regional Sustainable Development
and Associate Professor of Biology

SUBMITTED STATEMENT BY CHRISTOPHER NEHRBASS, SHAHLA M. WERNER, AND ERIC URAM, JOHN MUIR CHAPTER, SIERRA CLUB, MADISON, WISCONSIN

John Muir Chapter

Sierra Club - John Muir Chapter
[REDACTED]
http://wisconsin.sierraclub.org

Committee on Agriculture
Subcommittee on Department Operations, Oversight, Nutrition, and Forestry
Representatives: Baca (Chair), Cuellar, Kagen, Schrader, Dahlkemper, Childers, Fortenberry (Ranking Minority Member), King, Schmidt, Lummis
1301 Longworth House Office Building
Washington, DC 20515

July 29, 2009

Dear Subcommittee Members:

The Sierra Club- John Muir Chapter is honored to have this opportunity to submit comments on the management of the 1.5 million acre Chequamegon-Nicolet National Forest (CNNF). We represent 15,000 citizens from throughout Wisconsin concerned with protecting native biological diversity, ecosystem preservation and restoration, and recreation within this important public resource.

The John Muir Chapter is not opposed to timber harvesting, but we can only support harvests that avoid riparian areas, threatened and endangered species, and further fragmentation of large tracts of mature forest land. The Sierra Club is concerned that these sensitive areas have not been taken into account in many USFS timber harvest proposals. Recent timber sales have posed direct threats to sensitive species, including the pine marten and goshawk. Actions such as these suggest a concerning disconnect between the adopted forest master plan and its implementation. Logging near sensitive aquatic resources and where rare and endangered species are present is a practice that is unnecessary to meet harvest goals, inappropriate, and strongly opposed by our organization.

Forest products are critical to Wisconsin's economy. Concern has been voiced over the CNNF not meeting stated timber harvest goals. Although opposition to forest harvesting has been cited as the cause for harvesting less than the maximum amount allowed under the current forest plan, the actuality is that market forces have been primarily responsible for curbing the amount of cutting in the CNNF in recent years. In fact, excessive logging in the CNNF will lead to an overall loss of revenue and jobs in the long term. In 2008 tourism contributed over $13 billion to Wisconsin's economy, and provided 310,330 jobs and $7.3 billion in payroll. Wisconsin's north woods, and the CNNF in particular, provide the unique resources that continues to attract travelers to our state. In contrast, the value of timber produced by the entire national forest system in 2004 was just $218 million.

We believe that the greatest threat to maintaining the multitudes of unique species and habitats in the CNNF is fragmentation. Contiguous tracts of mature forest habitat have been reduced to less than 5% of their pre-European settlement area. Such fragmentation on Wisconsin's public lands

presents an ever greater risk and is primarily created by competing internal and external management goals. As threats to our forests from external sources continue to grow it is even more important that we build contiguous landscapes that buffer our forests from the effects of climate change and introduced, invasive species. The scale of these landscapes must also consider the long-term, genetic viability of plants and animals.

Evidence of damage from forest fragmentation already permeates the CNNF. The USFS has previously stated that if you stand anywhere within the CNNF you are 80% likely to find a trail or road within a quarter of a mile. These roads and trails provide ready corridors for the spread of invasive species carried on boat trailers that infest our waters or on the mud carried by ATVs. These roads also present the likely vector for the inevitable spread of the emerald ash borer and other pernicious invasive species into our forests.

There are several species (from beetles to plants to birds) that can only survive in vast, unbroken tracts of large, mature forests. Fragmentation leads to an unhealthy forest because it creates more and more edge habitat. Edge favors cowbirds, which parasitize the nests of native birds. It also causes deer populations to explode, and their browsing leads to a lack of natural tree regeneration (Alverson et al., 1988). Eliminating large tracts of old forest across the landscape, which has already become excessively rare, will threaten overall biodiversity. This practice, besides being morally problematic, jeopardizes compliance with the National Forest Management Act. Protecting remaining mature forest conditions that support forest specialists along with wilderness and remote recreation areas is key to maintaining the integrity of the CNNF.

In areas where timber harvests are appropriate, the management prescription should also mitigate impacts on native species. Native species biodiversity may be enhanced by increasing the amount of uneven-aged managed forest and decreasing the amount of clear-cutting. Uneven-aged managed forests have greater ground-dwelling beetle species richness, abundance and diversity when compared with even-aged forests (Werner and Raffa 2000). Many other studies have found species composition changes in response to even-aged management, including a long-term loss of interior forest specialists.

Climate change must be considered in making harvesting decisions in the CNNF. A recent study found that forests as old as 800 years of age remain significant carbon sinks, with primary boreal and temperate forests in the northern hemisphere sequestering about 1.3 gigatons of carbon annually (Luyssaert et al., 2008). Excessive forest cutting in the CNNF will negate this critical ecosystem service, and the carbon that was formerly sequestered will be released into the atmosphere.

Sierra Club members remain very concerned about impacts of ATVs on the CNNF, especially in wetland areas where these vehicles can seriously damage areas outside of the designated trails. There are currently 234 miles of ATV trails on the Chequamegon Nicolet National Forest. The CNNF does not have adequate resources to enforce the ATV use that is currently occurring there.

Recreation that requires small engines increases per capita carbon emissions, especially when calculated for those recreating in our National Forests. In addition, increased haze-related air

quality issues in our National Forests and National Parks may be exacerbated due to promotion of increased use and increasing ATV emissions. According to the EPA, ATVs emit over 381,000 tons of hydrocarbons, 1,860,000 tons of carbon monoxide, and 11,000 tons of nitrogen oxide each year nationwide (US EPA, 2001). EPA studies show that a two-stroke ATV can emit as much pollution as more than thirty automobiles operating in the same time frame. ATVs produce 4,000 times more carbon monoxide emissions, and 118 times as many smog-producing pollutants as modern automobiles on a per mile basis.

Decreases in ATV trail mileage are also necessary to slow the spread of invasive insect and plant species, such as emerald ash borer and buckthorns that may be aided in their spread to new areas through human disturbance. ATVs are one of the greatest threats to native herbaceous plant populations by carrying seeds of introduced invasive species and exotic earthworm casings into less disturbed areas.

The Sierra Club commends the USFS's decision to prohibit non-local firewood (from south of Wisconsin State Highway 29) in the CNNF. Emerald ash borer and other wood-inhabiting exotics may be transported to new areas via firewood. In addition, prohibiting the use of non-local firewood increases the CNNF's long- term resilience to non-native invasive insects, and buys critical time while management tools are developed to deal with these threats. Efforts like these should continue to prevent these invasive species from hitchhiking into the interior of our National Forests.

We believe that the USFS should act as a forthright advocate for the resource that taxpayers have entrusted them to protect. The CNNF's continued existence ensures Wisconsinites have a sponge to clean our water and protect us from floods. They provide a respite for people that need to escape the urban bustle. They are our remaining islands for protecting sensitive species. They provide a repository for sequestering carbon dioxide. They provide Wisconsin with a distinct image we proudly refer to as the "north woods".

The John Muir Chapter recommends that resources be redirected toward better understanding geological and biological landscape and establishing sensible, long-term plans to protect and restore ecosystems using the best available science. Specifically, the John Muir Chapter supports science-based efforts to stop the spread of invasive species, protect the viability of sensitive species and ecosystems, and to promote environmental education efforts that go beyond the value of timber in supporting our economy.

Thanks for considering the above issues when making decisions regarding CNNF management. The Sierra Club understands that you are attempting to mollify a diverse group of constituencies, but we hope that ultimate consideration is given to the potential impact of serious disturbances on the future integrity of the Chequamegon Nicolet National Forest and the region as a whole.

We look forward to continuing the dialog on forest policy on the CNNF with you in the future.

Sincerely,

Christopher Nehrbass
Sierra Club- John Muir Chapter and Fox Valley Group Member

Shahla M. Werner,
Director, Sierra Club- John Muir Director

Eric Uram
Conservation Chair, Sierra Club- John Muir Chapter

SUBMITTED STATEMENT BY JOHN J. OUELLETTE, M.D., PRIVATE LAND OWNER, MADISON, WISCONSIN

Forest Resource Management in Northern Wisconsin
Monday, July 20, 2009

I have been a private land owner for 38 years and have managed the growth of black walnut and many of the other fine hard woods.

1. My land has been in the Managed Forest law program for the majority of that time. Like most MFL land owners, I have been compliant in all phases of management. This includes planting, pruning, thinning and harvesting the trees according to MFL plan. I have been able accomplish timber stand improvement over the majority of the 300 acres of my ownership.
2. Throughout this period of time, the DNR foresters have been extremely helpful in allowing me to meet my management goals.
3. I strongly believe that good management practices will lead to the following:
    a. A great opportunity for CARBON SEQESTRATION
    b. A future continual supply of high grade CERTIFIED wood product
    c. An opportunity to provide ALTERNATIVE ENERGY SOURCE
    d. An opportunity to have a SELF SUFFICIENT SMALL BUSINESS that can be passed on to the next generation such that the program may be continued
4. For this to happen, we need a STRONG GOVERNMENT PROGRAM.
    a. The land must be kept in a LARGE PARCELS to maintain this single purpose program or mission. This is key for SUSTAINABILITY.
    b. THE PROTECTION OF OUR MANY WILDLIFE SPICES is enhanced by keeping large pieces of land intact.
    c. Larger parcels allow for better control of the EXOTICS which must be controlled to maintain the health of the woodland.
    d. The EXOTICS include DEER and the many exotic PLANTS
    e. It is important to keep the PRIVATE LAND PRIVATE, which prevents the dissemination of exotic plant life and helps to maintain good deer hunting practices
    f. Keeping the PRIVATE LAND PRIVATE is necessary to prevent the PIRATING of valuable resources.
    g. INTERGENERATIONAL transfer allows for a continuation of the program that has been put in place.
    h. TAX CONSIDERATIONS that apply to SMALL BUSINES, CAPITAL GAINS and INHERITENCE are key is sustaining these practices
    i. .

In summary, the private land owner has been a very important player in the forest programs and there is no reason to think that with proper support, that this effort will be continued. There position must be respected and supported.

John J Ouellette MD
[REDACTED]

SUBMITTED STATEMENT BY KIMBERLY K. QUAST, CHAIR, WISCONSIN CONSULTING FORESTERS, ROSENDALE, WISCONSIN

July 19, 2009

Dear Representative Kagen,

This is to provide input on several forestry issues on behalf of Wisconsin Consulting Foresters (WCF). We are a professional organization of private forestry consultants that operate within the state of Wisconsin.

There are several items on which we would like to comment:

1. Timber Sales on Forest Service Land – As you are well aware, Wisconsin along with many other states is dependent on the forest products industry and its related businesses (i.e. logging, equipment sales, forestry consultants, etc.) for jobs and other economic benefits. A key part of the forest products industry is wood supply. The forest service controls a significant amount of timber on its lands. Over the years there has been a move to further and further restrict the amount of timber sold off of federal land. We recognize the value of other uses like recreation, camping, wilderness, bird watching, etc. However, we would like to see a more balanced approach to managing our national forests and other public lands. Let's protect those other uses, but still maintain a viable timber sale program within our national forests.

2. The Definition of "Woody Biomass" – With the development of alternative fuels woody biomass has become a potential new product available from our country's forest lands. It has come to our attention that wording in the Ag Bill would greatly restrict the harvest of woody biomass as a result of how it is defined. It is true that over harvesting this resource could be detrimental to our forests in the future, but this can be managed by restricting the amount harvested or better yet by requiring certain amounts to be left on the site. Many states including Wisconsin have developed biomass harvesting guidelines that will allow the harvesting of woody biomass and still protect our forest resources for the future. Please encourage the U.S. Forest Service to develop similar guidelines for use

on their lands so that this potential new product, which would be used in alternative renewable fuels, can still be used wisely.

3. Professional Input – As your committee meets and discusses new agenda items we encourage you to seek input from professional foresters in regards to forestry issues, today is a great start. Members of Wisconsin Consulting Foresters, Wisconsin Department of Natural Resources Forestry Staff, Society of American Foresters, USDA – Forest Service Foresters, Industrial Foresters, and County Foresters are all professional foresters and have the best interest of our forest lands at heart. We would like to be considered/consulted on issues relating to forestry in the future. We believe that we can provide input as to how best to manage our forest lands using sustainable forest practices in a way that will benefit our forests, wildlife, water, and the public while still providing a wood resource for the forest products industry.

Thank you for taking time out of your busy schedule to have this meeting and thank you for your consideration of the above points.

Sincerely,

Kimberly K. Quast
Chair, Wisconsin Consulting Foresters

SUBMITTED STATEMENT BY DONALD M. WALLER, PROFESSOR OF BOTANY AND ENVIRONMENTAL STUDIES, UNIVERSITY OF WISCONSIN-MADISON, MADISON, WISCONSIN

Mr. Chairman and Members of the Subcommittee:

I regret being away and thus missing the opportunity to provide verbal testimony before you at the Subcommittee's July 20 hearing in Appleton, Wisconsin. So thanks for this opportunity to provide written testimony instead and I hope you find it of use in your deliberations. I have been personally and professionally interested in public lands and National Forest management generally and the management of the Chequamegon Nicolet National Forest (CNNF) in particular since 1985 when colleagues first brought to my attention the ways in which the original Long-Range Mangement Plan (Draft 1985, Final 1986) ignored or misconstrued multiple aspects of contemporary conservation biology. These concerns led to years of involvement and exchange with US Forest Service professionals including co-chairing the Scientific Roundtable on Biological Diversity (1993) mandated by internal appeals of the 1986 Plan to the Chief of the USFS. The science and policy issues surrounding this involvement are described in the book I co-authored:

> W.S. Alverson, W. Kuhlmann, and D.M. Waller. 1994. **Wild Forests: Conservation Biology and Public Policy**. Island Press, Washington, DC.

My professional training is in forest ecology and population biology. I have been a Professor at the University of Wisconsin – Madison since 1978 where I teach ecology, evolution, and conservation biology. I also co-founded UW's graduate program in Conservation Biology and Sustainable Development, helped initiate and teach our Conservation Biology graduate course, and continue to Chair our undergraduate major in Biological Aspects of Conservation. My current NSF and USDA-NRI sponsored research focuses on deer impacts on forest regeneration and plant communities, long-term changes in plant communities, invasive weedy plants, and the influence of historical and landscape conditions on these dynamics. Some of this work is summarized in the recent book I edited:

> Waller, D.M., and T.P. Rooney, eds. 2008. **The Vanishing Present: Wisconsin's changing lands, waters, and wildlife**. Univ. of Chicago Press.

However, the views I express here are my own and do not reflect the influence or bias of my university or any other agency or group. In particular, I provide these comments from a sense of duty and without pay from any source (and during my family vacation).

I. Background

Our U.S. National Forests cover about 8% of U.S. as well as 8% of Wisconsin. These lands were originally set aside as Forest Preserves in the late 19th century in response to the excessive and unsustainable rates of logging by the timber barons of that era. The early US Forest Service emphasized conservation, replanting, and restoration of these lands, particularly in the eastern U.S. where extensive clear-cuts and devastating slash fires created a biological holocaust over large swaths of the landscape. They had a justified sense of commitment to the resources they oversaw and a vibrant espirit de corps. A recent poll, however, suggests that spirit with the USFS has sunk to new lows in recent years and is among the lowest of any federal agency. I mention this because I feel it is symptomatic of the need to instill a new sense of purpose and set of shared goals within the agency. I hope your Subcommittee can help accomplish this.

Threats to our nation's forests continue, but have grown more complex, cumulative, and subtle. These threats range from invasions of particular new pests & pathogens (e.g., emerald ash borer, hemlock wooly adelgid, spotted knapweed, garlic mustard, Japanese stilt grass, chronic wasting disease, etc.), to shifts in how species interact, to losses of key predators and ecological relationships, to the important role our forests play in global biogeochemical cycles. To avoid the most severe impacts associated with global climate change, we now recognize the key role played by temperate forests in the global carbon cycle. We also see threats to traditional modes of back-country recreation. My comments below focus on my own areas of expertise:

a) the role of uncertainty and monitoring in forest management,
b) the impacts of deer on forest ecosystems,
c) interactions of edge habitats with deer, meso-predators, and songbirds,
d) invasive plants, and
e) forest C sequestration

Other issues are also important, including recreation and regional sensitive species like the Goshawk and American Marten (a totem animal of an Ojibway tribe), but are the subject of comments by other parties.

Several things make the National Forests unique and important in terms of regional forest management. First, their large scale bring special opportunities to manage at the landscape scale. This is not something that can be done by individual landowners. Because they are so large, and because they are managed by the USFS with special expertise in forest and land management, the National Forests are also in a position to set an example for other public and private land managers in the region and to provide leadership on how to manage land and wildlife in an ecologically informed and effective way. In fact, they have a special responsibility to do this under the Multiple Use – Sustained Yield Act of 1960 and the 1976 National Forest Manaement Act which provide explicit mandates to sustain natural values of the forest while providing

multiple values. The NFMA particularly specifies the Forest Service's responsibility in protecting and sustaining biological diversity. In today's world, this means managing large blocks of forest land with a consistent and broad vision.

There is also a connection here – many species require not only adequate local habitats but also either require large areas to thrive or respond strongly to surrounding habitat conditions (like the amount of early successional or edge habitats in the landscape). The National Forests themselves and the example they set for regional forest management are particularly important for these species, many of which are in decline and/or threatened in today's fragmented and increasingly developed landscapes. Correspondingly, the USFS should not expend extra effort or resources developing or maintaining cover classes or habitat conditions that are already pervasive in the region (i.e., early successional and edge habitats). That is, the USFS has a special obligation to provide habitat conditions crucial for sustaining more sensitive and vulnerable species while seeking to reduce habitat conditions that themselves represent a threat to diversity (as explained further below).

II. The role of uncertainty and monitoring in forest management

There is often a discrepancy between the approaches taken by professional foresters and silviculturalists and those taken by ecologists and conservation biologists to questions involving forest management. The former groups typically assume that they know how any particular management activity will affect the current and future forest. They also tend to view the forest mainly in terms of tree composition and size classes and perhaps game species, the things emphasized in conventional forest management. Ecologists and conservation biologists are more often concerned with a broader set of forest values and components including songbirds, non-game wildlife, understory plants and fungi, soil erosion, and ecosystem processes including nutrient losses and carbon sequestration. In line with these broader concerns, they also emphasize the unintended consequences and uncertainties associated with conventional forest management.

We have only slowly discovered that management for favored timber trees often impoverishes forests of other components of diversity. Likewise, we learn more all the time about the many species that depend on mature forest conditions including standing snags and coarse woody debris. And the edge habitats long viewed as favorable for wildife species and therefore the goal of active forest management from the 1930's to the 1970's are now seen in a far more sinister light by conservation biologists as the conduits for invading species and the habitats that support abnormally high populations of the meso-predators and nest parasites that threaten songbirds. Edge and early successional habiats also support extraordinarily high populations of white-tailed deer who themselves now pose direct threats not only to particular tree and wildflower populations known to be favored by and vulnerable to deer, but also to understory plant and forest tree diversity and conditions generally.

The Chequamegon and Nicolet National Forest 2004 Long-range Plan and its emphasis on particular goals (e.g. "desired future conditions") rests on the conventional approach to forest management that presupposes the outcome of specific management activities. If, however, outcomes are uncertain or unknown, we must admit and confront this uncertainty in designing

national forest management. In particular, we need to emphasize what is termed 'adaptive management' and its program of viewing management as experiments whose outcomes need to monitored and evaluated in ways that allow us to refine and revise forest management in light of what we have learned. For example, we know little at the moment about how climate change, invasive earthworms, their impacts on shifting fungal mycorrhizal communities, invasive plants, and browsing by overabundant white-tailed deer are interacting to affect patterns of forest regeneration and diversity in the CNNF. This makes it important to vary our forest and wildlife management techniques across the landscape and then to carefully monitor how various aspects of forest regeneration and plant and animal diversity respond to these differences in how we manage the forest. However, the Plan admits very little of this uncertainty and makes little provision for doing needed adaptive management experiments. I was particularly disappointed not to see the USFS working with the Wisconsin and surrounding state DNR's to pursue experiments on how different deer densities and landscape conditions affect patterns of tree regeneration and forest diversity.

III. Impacts of deer on forest ecosystems

Research by my own lab group and many others over the past 20 years have amply demonstrated the severe threat that over-abundant white-tailed deer pose to forest ecosystems (references provided by request). These impacts start with direct threats to the regeneration of sensitive woody species like Canada Yew (*Taxus canadensis*), Northern White Cedar (*Thuja occidentalis*), Eastern Hemlock (*Tsuga canadensis*), and Northern Red Oak (*Quercus rubrum*). However, we now know that these impacts extend much further. Overall plant diversity has declined more than 50% over the past 50 years in forests in northern Wisconsin where deer hunting was prohibited. Species considered unpalatable to deer (like balsam fir) or tolerant of deer browsing (like sugar maple) are also now showing widespread impacts from deer browse. Invasions of certain exotic weedy plants appear related to high deer densities, possibly via their effects on seed dispersal (via both endo- and ecto-zoochory). Prolonged deer browsing has also been linked to very long-lasting shifts in ground plant cover ('recalcitrant understories' and the infamous 'deer parks' of Pennsylvania) and shifts in forest composition that will be with us for many decades or even a century or more. Deer impacts once dismissed as local, temporary, or pertaining to only a few susceptible species are now known to be pervasive across Midwestern and eastern North American landscapes, long-lasting in their effects, and to be fundamentally altering forest community composition and structure.

The Forest Service thus has a special obligation to respond to these recognized threats by designing management schemes to minimize both further increases in deer populations (e.g., by reducing early successional habitats like aspen stands) and their impacts (e.g., by designating at least few large blocks of mature forest where deer densities are expected to decline to less destructive levels).

IV. Interactions of edge habitats with deer, meso-predators, and songbirds

As outlined above, our landscapes already contain an excess of openings (created by logging as well as development and natural disturbances) and early successional habitats (mostly aspen in the upper Midwest). These openings create edge habitats and conditions that favor opportunistic

"meso-predators" like raccoons, skunks, possums, crows, jays, etc. that are frequent predators on the nests of migrant songbirds. Open-land conditions also favor cowbirds, an important nest parasite of migrant birds. Openings and edges also favor light-demanding weedy species, including several invasive exotic plant species like spotted knapweed. Among native forest species, those that thrive under openings and along edges are generally opportunistic colonizing species that are thriving under current conditions. The native forest species that are declining are usually denizens of more specialized forest interior conditions or extensive areas of mature forest. Both of these have become increasingly rare in today's landscapes and thus should be the focus of active USFS management.

At the same time, openings, edges, and early successional habitats boost populations of white-tailed deer and certain other game species. This is the reason why the USFS has historically expended a lot of effort to create and maintain 'wildlife openings.' However, such ideas run exactly counter to contemporary conservation biology principles of minimizing edge habitats and habitat fragmentation while seeking to establish and maintain larger contiguous blocks of habitat. There is also no case to be made that we need to continue to modify habitat conditions to favor yet more deer in landscapes that now suffer so conspicuously from an excess of deer. Instead, we should be seeking to run habitat management for game in reverse – to reduce edge and early successional habitats and monitoring to see how successful this can be in reducing overabundant deer populations. This would also enhance habitat conditions for rarer wildlife species including several larger animals and those that range more widely (e.g. larger carnivores like the Goshawk and Red Shouldered Hawk). These species depend on more mature and less fragmented forest conditions.

V. Invasive species

As noted above, most invasive speices favor edge and open habitats that have become far commoner in our forested landscapes than they used to be. The dense road network in the CNNF and other National Forests also favors these species as well as the traffic in vehicles that probably acts to enhance and accelerate the spread of exotic invasive species. Because it is impractical to inspect and clean all the vehicles entering our National Forests, it is far more efficient and effective to limit the density of roads and these open / edge conditions to limit the spread of invasive species. These invasions currently include species like the emerald ash borer that pose a direct and severe threat to major forest tree species in the region. In a similar way, Zebra mussels and other aquatic invasive species are spreading via roads and boat landings into many of the lakes and rivers of the region. Wetlands appear particularly vulnerable to the invasions of purple loosestrife, reed canary grass, and similar invasive plants that are vigorously displacing native wetland species, altering ecosystem processes, and diminishing the suitability of many wetland habitats for native wildlife species.

Again, we see clear directions for forest management that would reduce the intensity and frequency of disturbance by limiting timber harvest activities to particular areas, rotation ages, and seasons of harvest that would minimize impacts on the more sensitive elements of the biota. Conventional forest management, however, is being maintained in many areas of the CNNF and failing to keep pace with these advances in our understanding of conservation biology.

VI. The role of forests in sequestering carbon

Here, as in other areas of forest management, we face older ideas that are being superceded by new evidence and some continuing uncertainty about the quantitative levels of carbon storage and release from different forest types and conditions. In particular, we once thought that young, early successional forests acquired and stored the most carbon but now realize that older, mature forests can actually acquire and store as much or more carbon. Likewise, we've learned that cutting forests can release large quantities of carbon, not only from the obvious, above-ground slash that soon breaks down and oxidizes but also from huge pools of soil carbon that are also often oxidized following timber harvests. Let me elaborate.

The carbon balance of any ecosystem represents the balance between two processes:

a) plants capturing carbon (gross primary productivity, GPP) by fixing CO_2 and releasing O_2, and
b) the respiration of all the plants and animals in that ecosystem (R). This consumes oxygen and releases CO_2.

The net balance between these two is termed Net Primary Productivity, or PNN, and is thus the difference between Gross Primary Productivity and Respiration (GPP - R). For years, conventional wisdom in ecology (and what I was originally taught) was that NPP increases in younger (early successional) stands up to a peak, then declines gradually to 0 or less (negative values) as forest stands become mature old growth. That is, respiration was thought to increase to the point where it equaled or exceeded gross productivity.

This body of theory turned out to ignore several key processes. First, it turns out that mature trees of late successional (shade-tolerant) species are able to maintain high productivity much later than previously thought - they do not go 'senile' or 'overmature' with big declines in productivity. Second, we realized that we were not paying proper attention to all the carbon stored in two important pools of carbon:

1. The tree **boles** themselves and dead wood in the form of "**coarse woody debris**" composed of rotting trunks and big branches. It turns out the amount of this debris is greater with less soil disturbance and more storage, that is under late succesional conditions. Thus, more mature forests play vital roles by storing carbon as standing trees, standing dead wood (snags), CWD, and in soils.

2. **Soil organic carbon**. It turns out that most forest soils continue to accumulate carbon as organic matter over time as litter and debris build up and start to break down. While soil respiration can also increase, the accumulation generally exceeds this.

These pools are important not just in storing carbon in old-growth forests, but also in terms of what happens when you log a forest. Logging instantly creates piles of debris above ground, much of which is pretty fine. This breaks down quickly, releasing CO_2 via respiration. Second, and perhaps even more importantly, all the roots of those dead trees also start to rot, again releasing great quantities of CO_2. The light and heat that logging lets into the stand also

accelerate the oxidation of the soil organic matter accumulated over decades or centuries -- again, large quantities of CO_2 being released.

So there's a double burst of CO_2 being released when logging occurs, with simultaneous big reductions in how much CO_2 can be fixed (as most of the trees are gone and ground layer plants cannot fix CO_2 nearly as quickly as massive trees). Growing forests, of course, will eventually recoup some or most of these releases, but that is a gradual process that takes many years. An important research question / area of uncertainty is thus how long it takes for newly growing forests of various types to recoup the carbon released upon their harvest.

So yes -- old growth sequesters a lot of carbon, both in terms of flux (CO_2 fixed per day or year) and in terms of what is being stored (all that coarse woody debris and soil C). Younger forests probably do not respire a lot more than old growth, but neither does respiration keep increasing the way we used to think they did.

As the U.S. prepares to enter further into the economic and political world of cap-and-trade for carbon credits, it behooves the USFS to set about these more refined analyses and to move management in the direction of sequesting more carbon, particularly in more mature forests and forest soils, while releasing less carbon via timber harvest activities.

VI. Conclusion

In sum, it is an opportune time for your Subcomittee to encourage the USFS to pursue new lines of forest management better in keeping with the mandates laid down by Congress in the 1976 NFMA and with our emerging understanding of conservation biology and ecosystem carbon dynamics.

You will hear much about our nation's and regional needs for an adequate supply of pulpwood and sawtimber, perhaps increasing as well for biomass energy production from trees. You will also hear cries from special interest groups like the Ruffed Grouse Society to bend our National Forests to serve their particular goals and interests. In listening to their entreaties, please keep their motives in mind. These are **public forests** that belong to all U.S. citizens, now and into the future. They are far more complicated than a nuclear power plant or a Boeing 747 and deserve the best expertise of scientists in and outside the U.S. Forest Service to manage wisely. These forests are still healing in response to the unprecedented devastation they experienced in the latter 19th and early 20th centuries. You have obligations to all your constituents to sustain and improve the condition of these Forests and the ecosystems they support. In doing so, we should look toward the future instead of applying outmoded formulas of silviculture. We must also keep in mind the uncertainties we face in managing these complex ecosystems and the fact that management decisions made now will have repercussions for decades and perhaps centuries into the future. In other words, please be careful in fulfilling our legal obligations to manage these forests wisely for multiple goals and our moral obligation to future generations who will surely face a world even more depauperate in biological diversity and the conditions that only the national forests can provide.

If you have further questions or require further documentation of any of the points made above, please contact me.

SUBMITTED STATEMENT BY ELROY ZEMKE, PRESIDENT, AND JANE F. SEVERT, EXECUTIVE DIRECTOR, WISCONSIN COUNTY FORESTS ASSOCIATION, TOMAHAWK, WISCONSIN

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July 30, 2009

Chairman Baca, Congressman Kagen, additional members of the House Agriculture Subcommittee on Department Operations, Oversight, Nutrition, and Forestry:

Thank you for the opportunity to provide this written testimony regarding "forest resource management in northern Wisconsin". In addition, we are grateful to Congressman Kagen and Subcommittee Chairman Baca for the opportunity to meet with them on Monday, July 20, 2009 in Appleton, WI.

The Wisconsin County Forests Association represents the 29 counties in Wisconsin with county forests established under Wisconsin Statutes §28.10 and 28.11. Collectively these 29 counties manage nearly 2.4 million acres of forest lands, the largest public land ownership in Wisconsin. In 2008 our county forests produced nearly 830,000 cord equivalents of raw material for Wisconsin's important forest products industries. This sustainable harvesting of a renewable resource provided jobs for a large number of citizens in Wisconsin and across the U. S. In addition, the $30 million in timber sale revenue received from these harvests was used to offset tax levies in our northern Wisconsin counties.

Wisconsin's County Forests are 3rd party certified under both the SFI and FSC forest certification systems. This is a true indication that our forests are being managed sustainably. We manage our county forests with sensitivity to both natural resource protection and social accountability.

Our organization is actively involved in forestry at many different levels. Our Executive Director serves on the Governor's Council on Forestry. We have daily interaction and a unique partnership with the Wisconsin Department of Natural Resources. We interact and communicate on a regular basis, in a positive working relationship, with staff on the Chequamegon – Nicolet National Forest (CNNF). In addition, our Executive Director serves on the Board of Directors for the Great Lakes Timber Professionals Association. We have regular interaction with conservation organizations, owners of private forest lands in Wisconsin, recreation user groups, and forest industry. Forestry interests in Wisconsin are truly connected and we have a great appreciation for the important role forest industry plays in our state's economy.

For several years we have been concerned with the decrease in harvesting on the CNNF and with the forest's inability to meet projected harvest goals reflected in their management plan. Our association has become more involved in the NEPA process and we provide comment and input on nearly all proposed projects.

We are concerned with the depressed economic conditions in Wisconsin's rural communities near the CNNF. Many of these communities were established around and evolved with harvesting on the CNNF. Decreased harvest on the CNNF is a significant contributing factor in the depressed economic conditions these communities face today.

Wisconsin's forest products industries no longer rely on harvest projections from the CNNF due to the inability of the forest to harvest without lengthy litigation processes.

We do not believe that every acre of the forest should be available for harvest. All forests have areas that are recognized for their ecological significance and are set aside. However, the areas of set-aside on the CNNF and other national forests in our country appear to us to be excessive. We believe there can be a balance of all diverse interests while still maintaining the biological integrity of the forest.

The multi-use aspect of our national forests appears to be declining. Our society has become increasingly urban. Special interest groups have gotten to be experts at raising dollars by providing inaccurate images and descriptions of what sustainable forest management is all about today. We have made significant advancements in the management of our forests in recent decades, yet, those who have no basic understanding of forest management continue to contribute dollars for something they perceive to be a "good cause"; they actually believe they are "saving our forests". The rural residents of northern Wisconsin have nowhere near the financial means available to these special interest groups. Rural residents cannot afford to hire high priced lawyers to argue our interests against the big money special interest groups. Yet, the amount of tax dollars that are consumed during these litigation efforts is staggering. So, in the end, the rural residents of northern Wisconsin, the members of the logging and lumbering communities are the big losers in these cases.

Forest Certification systems address consideration for the social implications of forest management on those who live near the forests. We feel this is something that is missing on the CNNF and other national forests across the U.S.

When the supply of raw material from the CNNF becomes unavailable to Wisconsin's important wood products industry more pressure is placed on state, private and county forests to produce the necessary raw materials. We strongly believe the CNNF should be allowed to implement their adopted management plan without litigation challenges. The management plan has been drafted with input from all interested parties, similar to management plans on our county and state forests. The CNNF employs resource professionals of the highest caliber to implement their forest plan. They are experts in their respective fields; ecologists, biologists, road builders, and timber managers. They should be able to do the job they were hired to do without constantly being called into question.

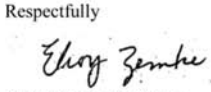
Forest health in Wisconsin suffers when planned harvests on the CNNF are delayed. State, county, and private forests adjacent to the CNNF are increasingly susceptible to forest pests inhabiting overstocked and declining forest stands in the CNNF.

Our beautiful state is fortunate in that we have abundant forests. Our public forests are managed by resource professionals following best management practices related to: water quality, invasive species, and biomass harvesting. We follow silviculture prescription guidelines developed by our scientific community. We incorporate forest certification standards into our management practices. We ensure that our forests and the ecological communities dependent on them will be around for future generations to enjoy while at the same time we provide raw materials for society's demands. Yes, it is possible to do both and our forests are living proof of that.

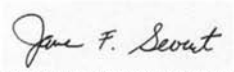
We thank you for the opportunity to provide this written testimony for the record of the Monday, July 20, 2009 public hearing of the House Agriculture Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held in Appleton, WI.

We look forward to future interaction with subcommittee members on this important topic.

Respectfully



Elroy Zemke, President
Wisconsin County Forests Association



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SUBMITTED STATEMENT BY THE NATURE CONSERVANCY, MADISON, WISCONSIN

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Testimony for Field Hearing on Forestry

Jobs, economy and a way of life

The people that live, work and recreate in Northern Wisconsin have always enjoyed a vast forestland that was available for it's timber resources and the full array of recreational opportunities from hunting to fishing to snowmobiling hundreds of miles of connected trails. That landscape has changed as traditional pulp and lumber mills have sold their land to investment companies. The investment companies have subdivided and sold 10s of thousands of acres of once open forestland that now compromises the very values that kept the North the North. Land and Water Conservation Fund (LWCF) and Forest Legacy (FL) money utilized by government and non-profit organizations is making a difference by protecting strategic lands that maintain the viability of the timber industry while preserving a lifestyle for those that work and recreate in our Northwoods.

Climate and the maintenance of the health of the natural environment

Whether you are sold on the scientific facts of climate change or not, there are some undeniable changes occurring across the Northwoods (Extreme weather events - a 5 year drought in 12 northern counties, less severe winters leading to increasing invasive species and disease, forest regeneration problems, etc.). All of which are causing stress on our forest that when combined are leading to serious forest health issues. LWCF and FL offer us the ability to protect large tracts of forest as natural reference areas or as well managed working forest to ensure that professional managers can adapt their management as environmental changes occur.

Landscape scale protection

LWCF and FL funding are the only tools currently available, to Governments and NGO's, which protect lands that are inholdings or critical buffers to our currently held public lands. Large private lands are sometimes referred to as the connective tissue between publicly owned tracts of land. These connective lands play an important role in supporting forest dependent jobs, recreation and are critical for game and non-game species such as white-tailed deer, black bear, wolf and the endangered pine marten. The species listed depend on vast unfragmented forestland to carry out their life cycle functions such as searching for food, water and shelter.

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