



Sustainable Forest Action Coalition

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U.S. Fish and Wildlife Service

RE: Finding on a Petition to List Two Populations of Blacked-backed Woodpecker as Endangered or Threatened

The Sustainable Forest Action Coalition (SFAC) wishes to provide information in reference to the Black-backed Woodpecker (BBW). SFAC has provided previous Comment on the same issue to the California Fish and Game U.S. Fish and Wildlife Service in 2012. The information provided then still is pertinent to this proposed listing

The Sustainable Forest Action Coalition (SFAC) represents rural counties in Central and Northern California. Our members are representatives from Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sierra, Siskiyou, Shasta, Tehama, Trinity, Tuolumne and Yuba Counties that include individual Supervisors, Chambers of Commerce, Fire Safe Councils, Farm Bureaus, Agricultural U.S. Fish and Wildlife Services, Forest Products Industry, Bio-energy Industry, Education, individual businesses with a mix of public and private agencies and associations. SFAC covers a geographic area of rural county's where healthy watersheds, healthy forest, recreation and tourism are vital to the State of California. This same geographic area is dominated by public and private forest land whose management and use is vital to our social and economic benefits and survival.

SFAC's understanding of this BBW issue has been a personal not scientific issue related to the Forest Service not stopping logging the bird's ever shrinking habitat in burned stands of National Forests in the Sierra Nevada's and other geographic locations. This all comes from litigation that was over turned by the Eastern District Court of California and now has been taken to the Ninth U.S. Circuit Court by the John Muir Project of Earth Island Institute and Center for Biological Diversity.

SFAC wishes to provide you information that would support the Eastern District Courts decision and one that the U.S. Fish and Wildlife Service should take a hard look at before locking up more effective and wildlife sensitive management on private and public forest lands. Case 2:11-cv-00420-GEB-DAD Document 43, Filed July 13, 2011 by Judge Garland E. Burrell, Jr. upheld the Forest Service in this litigation and should not be cited in support the premise that there is a "substantial possibility" the Black-backed Woodpecker should be listed as threatened. The California Fish and Game Commission stated that the Forest Service now permits 100 percent salvage logging of burned areas, which is the preferred habitat for the BBW.

Participating Counties:

Amador • Butte • Calaveras • Colusa • Del Norte • El Dorado • Glenn • Inyo • Lassen • Modoc
Nevada • Placer • Plumas • Shasta • Sierra • Siskiyou • Tehama • Trinity • Tuolumne • Yuba

SFAC offers the U.S. Fish and Wildlife Service the following information:

1. Since the start of the 2001 National Fire Plan, Californian's have suffered through three new state records with 1.0 million acres burned in 2003, 1.5 million acres burned in 2007 and our latest state record of 1.6 million acres burned in 2008. Furthermore, a new 75-year *national* record was set by the 2006 fire season. During the summer of 2008, while most of Northern California was enveloped in a smoke cloud from mid-June to the beginning of August, the Northern Sierras were experiencing the largest fires in their history. Furthermore, in 2009, Northern California lost approximately 500,000 acres to wildfire. States in the South and Southwest have experienced record droughts and historic fires in 2011. As of October 10, 2011 more than 4.7 million acres have burned in the states of Texas, New Mexico and Arizona alone. These three states have burned more acres this year than the entire country in 2010.
2. Without the flexibility to properly manage our public and private forest land, our state faces even more issues that are at least as or more critical than this current BBW issue. In addition to the direct threat to public health and safety; these large catastrophic fires are also destroying the forests that are needed for carbon sequestration. Often the Forest Service, for a variety of reasons, are not able to reforest these burned forest lands and they type convert to brush fields, which sequester far less carbon dioxide than a healthy forest. It is these same brush fields that transpire more moisture out of our soils than conifer tree species do. This water loss decreases the available amount of ground water that is needed to fill our reservoirs, meet our local as well as Central and San Joaquin agricultural needs as well as metropolitan water supply. These fires are also degrading the watersheds that are the prime source of California's domestic and agricultural water supply. Allowing management on these public lands by providing adequate appropriations is our only hope for reduction in size, number and intensity of wildfires. This will also lead to a reduction of sediment delivery to our streams and PG & E, Southern California Edison and others hydro electric facilities, loss of suitable habitat for Northern and California Spotted Owls, fishers, goshawks and several other species.
3. Evidence indicates that the preferred habitat of the BBW, as well as their use of snags within unburned forests is not dwindling, but expanding. In the February 11, 2011, *Evaluation of Petition From John Muir Project of Earth Island Institute and Center for Biological Diversity to list Blacked-backed Woodpecker (Picoides arcticus) As Threatened or Endangered*, key summary statements on page 8 are:
 - BBWO apparently prefer intensively burned forests (i.e. forests that burned in hot fires resulting in near total tree mortality) over unburned forests and forests that burn at lower intensities (Hutto 1995, Smucker et al. 2005).
 - The Department has determined that range trend in California is stable based on comparison of available data. The importance of unburned (green) forest habitat may be understated in the Petition.
 - The Petitioners' conclusion that BBWO rely on old growth conifer forests when burned forests are unavailable lacks sufficient supporting scientific information.
 - A primary concern in this evaluation is the lack of information about estimates of BBWO populations in unburned forests. The resulting uncertainty hampers the ability of scientists and managers to accurately estimate statewide BBWO population levels. Consequently, our understanding of the extinction/extirpation threat to the species is deficient.
 - The Department generally agrees with the Petition regarding the negative impacts to BBWO from post-fire salvage logging, active fire suppression, and pre-fire forest thinning.
 - The Department believes the Petition's discussion of the negative impact on BBWO from the loss of old forests due to past logging is not supported by available information.

SFAC offers the following information that will address each of these key statements.

- **BBWO apparently prefer intensively burned forests (i.e. forests that burned in hot fires resulting in near total tree mortality) over unburned forests and forests that burn at lower intensities (Hutto 1995, Smucker et al. 2005).**
 - i. SFAC has offered information in our statement #1 above that illustrates that even though the BBWO "apparently" prefers burned forests, the amount of burned acres has not been on a historical decline, but on a rapid increase because of several factors. Those factors are global warming trends, overcrowding of the state's forested lands and a decline in the actual

harvested acres on Public lands for the last 20 years. As we address subsequent key statements we will illustrate why the trend in the preferred BBWO habitat is not on a downward trend, but ever increasing.

- **The Department has determined that range trend in California is stable based on comparison of available data. The importance of unburned (green) forest habitat may be understated in the Petition.**

- i. The Department of Fish and Game Evaluation on page 15 and 16 cite the following;
 - “there is little discussion in the Petition of the fact that BBWO are known to occur and nest in green forest stands and stands infested with bark beetles (Bull et al. 1986, Goggans et al. 1989, Bonnot et al. 2008). Forty percent of the BBWO nests found in an Oregon study were in live trees and BBWO were observed foraging nearly equally on live and dead trees, with a preference for lodgepole pine (*Pinus contorta*) (Bull et al. 1986). Goggans et al. (1989) found in a study of pine beetle infested forests of Oregon that 22 of 35 BBWO nests were in live trees, and all nests were in lodgepole pine. Sixty six percent of the nests were in stands with mountain pine beetle outbreaks and 34% in stands not significantly impacted by beetles. The mean nest tree was 27.9 cm (11 in) dbh and canopy cover averaged 24% in unharvested stands and 11% in harvested stands.”

Given this information, it appears that California forests offer a large green forest land base to supplement the yearly burned acres that are the preferred habitat for the BBW. The Evaluation findings also indicate that the BBW prefers forest with a more closed canopy in burned and green forest habitat. The following information will illustrate that the state’s forest are not becoming more open, but indeed, more dense. Please consider the following information (all information is for National Forest land):

Acres Forested on National Forests, California	= 16,528,406
Volume in Softwood Growing Stock (.5” dbh)	= 178 billion board ft
Net Growth per year	= 3,730.8 million bdft
Annual Mortality	= 842.6 million bdft
Volume sold in 2010	= 347.7 million bdft
Data source: www.fs.fed.us/r5/rsl/publications/westcore/ and California Forest Association data on growing stock on available, productive forestland, Steve Brink, 3/06/2011.	

This information as well as the burned acres discussed in #1 above illustrate that there is not a decrease in burned acres or of overall canopy percentage decreasing, but ever increasing.

- **Conclusions that BBWO rely on old growth conifer forests when burned forests are unavailable lacks sufficient supporting scientific information.**
 - i. We question the validity of the Petitioner’s conclusion as does the Evaluation. Page 15 of the Evaluation states; “Bull (1986) found BBWO in Oregon foraged for insects on live and dead trees in equal proportion. When using snags, BBWO preferred recently dead trees averaging 13.4 inch diameter at breast height (dbh), and 62.3 feet tall.” Given the species can not distinguish between states and state boundaries, California should present the same opportunities that are present in Oregon. In addition to the annual large wildfires that provide the largest opportunity for renewed burned habitat, each year the Forest Service does prescribed burning on public lands. The acres are commonly associated with recently thinned and natural stands. Since 2001 the Forest Service has prescribed burned a total of **446,168 acres or an average of 40,560 acres per year** (NFPORS database). Burned acres offer another source of recently killed and fresh snag and green tree habitat for the BBW as it is common that individual as well as clumps of live trees are killed as a part of this prescribed burning.
- **A primary concern is the lack of information about estimates of BBWO populations in unburned forests. The resulting uncertainty hampers the ability of scientists and managers to accurately estimate statewide BBWO population levels. Consequently, our understanding of**

the extinction/extirpation threat to the species is deficient.

- i. Like most previous key statements, this discussion does not discuss the habitat that is available and renewing itself on a yearly basis. That viable BBW habitat in green, unburned forests occurs through insect mortality. Often, these outbreaks affect more acres or equal to the burned acres in any given year. A growing concern in relation to the percentage of Average Annual Mortality is the fact that climate change appears to play an increasing role in insect infestations that are killing our forests at the rate of thousands to millions of acres per year. One only has to look at the latest insect outbreak in the Rocky Mountains as well as the \$98 million dollar campaign waged by the Forest Service to thin pine stands to reduce the loss due to the Southern Pine Beetle. According to a California Forestry Association publication in relation to the 2010 wildfire season, California had approximately 2 million acres decimated by beetle attacks.
- **The Department generally agrees with the Petition regarding the negative impacts to BBWO from post-fire salvage logging, active fire suppression, and pre-fire forest thinning.** The potential effect that all three of these elements have on impacting the habitat of BBW must be looked at in relation to the actual burned acres, prescribed fire and insect mortality that occurs on a yearly basis. As the current statement is worded, it indicates that post-fire salvage logging, active fire suppression and pre-fire forest thinning are major impacts to the BBW. SFAC offers the following information to illustrate just how minor a role these elements play in impacting the habitat versus what is created each year.
 1. Post-fire salvage logging is only done on a very low percentage of the actual burned acres each year. The majority of the burned acres are not treated or logged, thus the actual number of acres of actual habitat suitable for the BBW have increased and not been impacted by post-fire salvage logging.
 - From 2005-2009 an average of **757,000 acres per year were burned.**
 - The acres of post-fire salvage for these same years was 32,639 (US Forest Service R5 FACTS data base) or an average of **6,528 acres per year.**
 - The actual post-fire salvage on public land from 2005-2009 was only **0.0086 percent** of the average acres burned in this same time period.
 - Post-fire salvage logging on public lands from 2000-2010 was 61,802 (US Forest Service R5 FACTS data base) or an average of **5,618 acres per year.** Even less than the percentage of annual post-fire salvage logging than that for 2005-2009.
 - An average of 40,560 acres per year are prescribed burned on public land (NFPORS database) creating additional snags for BBW habitat.
 - During the 2010 season, approximately 2 million acres of forest land were decimated by beetle attacks.
 - Trees/Ac, Sierra Nevada forests, Gold Rush era; 50-70
 - Trees/Ac, Sierra Nevada forests, 2010; 400
 - Average volume sold in California on public lands from **1978-1990 was 1,732 million board feet per year.**
 - Average volume sold in California on public lands from **1991-2009 was 407 million board feet or only 23.5 percent of historic amounts.**
 - The amount of volume sold in California on public lands in **2010 was 360 million board feet of which only 57% or 205.4 million board feet was sawlogs of trees over 10 inches diameter breast height.**
 2. During the 1978-1990 time period, a large percentage of the volume being removed was old growth, the preferred habitat for BBW. Trees from 3 to 9.9 inches dbh were not included in these volumes.
 3. During the 1991 to current date, the pre-fire forest thinning removes under story trees that are from 3 to less than 20 inches dbh. Or the trees that are not preferred by BBW. The percentage of biomass (trees 3 to 9.9 inches dbh) has become a large percentage of the volume per year. This material is not used by BBW.
 4. It is impossible to believe the U.S. Fish and Wildlife Service can state that they feel post-fire salvage logging is having a negative impact on the BBW when less than 1 percent of the acres burned each year are actually salvage logged on public lands.

5. Scott Sonner of the Associated Press recently stated, *“Over the objection of the U.S. Forest Service, wildlife officials in California are taking steps at the state level to protect a rare woodpecker partly because the federal agency won’t stop logging the bird’s ever shrinking habitat in burned stands of national forests in the Sierra Nevada.”* It appears that these same wildlife officials in California have not taken a thorough look at the real facts at hand. The Forest Service is not the culprit in this BBW issue, but those who have brought incorrect facts before the U.S. Fish and Wildlife Service are.
 6. Active fire suppression has not increased as a management practice, but has actually decreased as more fires are evaluated to allow them to burn naturally.
4. Social and Economic impacts associated with any future listing of the Black-backed Woodpecker would lead to:
- Less acres and associated volume being treated because of litigation associated with future Timber Harvest Plans and Public Environmental documents brought against such projects by *John Muir Project of Earth Island Institute and Center for Biological Diversity*. The result will be further reduction in the State Timber Tax revenue.
 - Further loss of ecosystems that support other threatened and endangered species as they continue to be destroyed as an ever increasing level by not treating our overcrowded forests.
 - Loss of more of the states valuable watersheds as forest thinning projects are litigated as a result of the assumed threat to the BBW.
 - In the wake of some of the largest and most destructive fires in our history, pre-fire thinning projects have shown to be beneficial in the protection of homes, communities, lives and our natural resources. If more restrictions are imposed on pre-fire thinning projects, the result could be 500,000 acres of high priority areas left untreated and communities left unprotected from the risk of a severe wildland fire.

SFAC appreciates the opportunity to comment on this important matter. We are hopeful that you will consider our information and not list the Black-backed Woodpecker and cause further harm to the ecosystem and our rural Counties social and economic well-being by limiting reasonable ecosystem restoration efforts.

Respectfully Submitted,

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Bill Wickman and Laurel Brent-Bumb
Representatives for SFAC