

**COLUMBIA BASIN ECOSYSTEM  
MANAGEMENT PLAN**

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**JOINT HEARING**  
BEFORE THE  
SUBCOMMITTEE ON THE DEPARTMENT OF THE  
INTERIOR AND RELATED AGENCIES  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES SENATE  
AND THE  
SUBCOMMITTEE ON FORESTS AND  
PUBLIC LANDS MANAGEMENT  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
ONE HUNDRED FIFTH CONGRESS  
SECOND SESSION  
**SPECIAL HEARING**

Printed for the use of the Committees on Appropriations and Energy and  
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## CONTENTS

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	Page
Statement of Robert Williams, Regional Forester, U.S. Forest Service, Department of the Interior .....	1
Statement of Susan Giannettino, Project Team Leader, Interior Columbia Basin Ecosystem Management Project, Boise, ID, U.S. Forest Service, Department of the Interior .....	1
Statement of Tom Quigley, Ph.D., Science Team Leader, Pacific Northwest Experiment Station, Corvallis, OR, U.S. Forest Service, Department of the Interior .....	1
Opening remarks of Senator Slade Gorton .....	1
Prepared statement of Senator Gorton .....	5
Prepared statement of Robert Williams .....	11
Opening remarks of Senator Craig .....	14
Prepared statement of Senator Larry Craig .....	17
Statement of Stephen P. Mealey, director, Idaho Department of Fish and Game .....	29
Letter from Governor Philip Batt .....	30
Prepared statement of Stephen P. Mealey .....	31
Statement of Julie Lapeyre, natural resource policy advisor, Office of the Governor, State of Montana .....	33
Prepared statement .....	35
Prepared statement of Marc Racicot, Governor, State of Montana .....	36
Statement of Carol Jolly, executive policy advisor on natural resource policy, executive policy office, State of Washington .....	39
Prepared statement .....	41
Letter from Gary Locke, Governor, State of Washington .....	43
Statement of Jaime A. Pinkham, treasurer, Nez Perce Tribal Executive Committee .....	44
Prepared statement .....	47
Statement of Bob Morton, State Senator, vice president pro tempore, Washington State Legislature .....	50
Prepared statement .....	52
Implementing a record of decision .....	55
Statement of Dale White, judge, Harney County, OR, and chair, Eastside Ecosystem Coalition of Counties .....	61
Prepared statement .....	63
Letter from Judge Dale White .....	64
Statement of George Enneking, commissioner, Idaho County, Cottonwood, ID, and chair, Public Lands Committee, Idaho Association of Counties .....	72
Prepared statement .....	73
Statement of Michael Kennedy, commissioner, Missoula County, Missoula, MT, and member, Eastside Ecosystem Coalition of Counties .....	75
Prepared statement .....	78
Statement of Joan Frey, commissioner, Klickitat County, Goldendale, WA, and member, Eastside Ecosystem Coalition of Counties .....	79
Prepared statement .....	80
Private property rights .....	81
Statement of Hon. George R. Nethercutt, Jr., U.S. Representative from Washington .....	91
Statement of Sharon Beck, president, Oregon Cattlemen's Association .....	93
Prepared statement .....	94
Statement of Mike Poulson, natural resource chairman, Washington State Farm Bureau .....	95
Prepared statement .....	97

## VI

	Page
Statement of David A. Halley, Pulp & Paperworkers' Resource Council & United Paperworkers International Union .....	98
Prepared statement .....	100
Statement of Laura E. Skaer, executive director, Northwest Mining Association .....	102
Prepared statement .....	103
Statement of Adena Cook, public lands director, Blue Ribbon Coalition, Inc ....	111
Prepared statement .....	113
Statement of Thomas K. Goodall, assistant timberlands manager, Boise Cascade Corp .....	116
Prepared statement .....	118
Statement of Kathleen Benedetto, executive director, Minerals Exploration Coalition .....	125
Prepared statement .....	126
Importance of socioeconomic study .....	129
Statement of Mark Solomon, executive director, the Lands Council .....	133
Statement of Sara Folger, the Lands Council .....	133
Prepared statement of Bill Haskins, director, Ecology Center, Inc .....	139
Prepared statement of Rick Brown, resource specialist, the National Wildlife Federation .....	139
Prepared statement of Gary MacFarlane, Friends of the Clearwater .....	140
Prepared statement of Barry Carter, Blue Mountain Native Forest Alliance ...	141
Prepared statement of Ernie Horvath .....	142
Prepared statement of Thomas E. Dayley, executive vice president, Idaho Farm Bureau Federation .....	143
Prepared statement of Dixie Riddle, state secretary-treasurer, Washington Association of Wheat Growers .....	146
Prepared statement of the Northwest Timber Workers Resource Council .....	147
Letter from Richard Bass, chairman, Board of Owyhee County Commissioners .....	149
Prepared statement of the Owyhee County Commissioners .....	150
Prepared statement of Arlene Montgomery, Friends of the Wild Swan .....	156
Prepared statement of Governor John Kitzhaber, Spokane, WA .....	158
Prepared statement of Tom Partin, general manager, Malheur Lumber Co ....	165
Letter from Barbara Evans, Commissioner, Board of County Commissioners, Missoula, MT .....	170
Prepared statement of Marc Racicot, Governor, Office of the Governor, State of Montana .....	170
Prepared statement of Hubert B. Sager, vice president, resources, Vaagen Bros., Lumber, Inc .....	174
Prepared statement of the Franklin County Board of County Commissioners ..	176
Prepared statement of Lawrence A. Dolezal, chair, board of commissioners, Lincoln County, State of Montana .....	177
Prepared statement of Peter S. Test, associate director of government affairs, Oregon Farm Bureau .....	178
Prepared statement of King Williams, chairman, board of directors, Protecting Industries Now Endangered .....	182
Prepared statement of Maurice Williamson, ACF, Consulting Forestry .....	183
Prepared statement of Chris Drivdahl, State of Washington Department of Fish and Wildlife .....	184
Prepared statement of Dale W. Williams, District 1, Flathead County Board of Commissioners .....	185
Prepared statement of Michael Kennedy, commissioner and EECC member, Missoula County Board of County Commissioners .....	185
Prepared statement of Bob Playfair, Rafter Seven Ranch .....	186
Prepared statement of Dennis Reynolds, judge, County Court of Grant County .....	187
Letter from Sue Kupillas, commissioner, Jackson County, OR .....	198

# **COLUMBIA BASIN ECOSYSTEM MANAGEMENT PLAN**

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**THURSDAY, MAY 28, 1998**

U.S. SENATE, SUBCOMMITTEE ON THE INTERIOR, COMMITTEE ON APPROPRIATIONS, AND SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT, COMMITTEE ON ENERGY AND NATURAL RESOURCES,

*Spokane, WA.*

The subcommittees met at 11 a.m., in the city council chambers, Spokane City Hall, Spokane, WA, Hon. Slade Gorton (chairman) presiding.

Present. Senators Gorton and Craig.

DEPARTMENT OF THE INTERIOR

U.S. FOREST SERVICE

**STATEMENT OF ROBERT WILLIAMS, REGIONAL FORESTER**

**ACCOMPANIED BY:**

**SUSAN GIANNETTINO, PROJECT TEAM LEADER, INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT, BOISE, ID**

**TOM QUIGLEY, Ph.D., SCIENCE TEAM LEADER, PACIFIC NORTHWEST EXPERIMENT STATION, CORVALLIS, OR**

OPENING REMARKS OF SENATOR GORTON

Senator GORTON. I will call this hearing to order and ask the audience to be seated. This is an official hearing of the U.S. Senate Appropriations Committee together with the Committee on Energy and Natural Resources. The subject, of course, is the Interior Columbia Basin Ecosystem Management Project.

My good friend and Senate colleague, Larry Craig, of Idaho will be here shortly to represent the Energy and Natural Resources Committee. Representative Nethercutt who is a member of the House Appropriations Committee will be joining us later on this hearing.

Encompassing almost all of eastern Washington, most of Idaho, major portions of Oregon and Montana, and parts of Utah, Nevada, and Wyoming, the Columbia Basin study covers the largest area in the United States ever to have been examined as a whole by the Federal Government. The stated intention of the study is to apply large-scale planning direction, to producing a variety of goods and services for the people in the area and, for that matter, for the overall population of the United States.

Because of the overwhelming concerns of many of my constituents in eastern Washington and the potentially devastating impact this plan could have on natural resources industries—industries that drive our local economies throughout the inland West—Congress, I believe, has an obligation to hear from the people who will be impacted directly and whose input should matter the most before we make any decisions about implementing this plan.

Over the past 5 years, this planning process has grown from a project estimated to cost \$5 million in the planning stages and something over \$30 million in the implementing stages per year, to more than \$40 million on planning so far and a request for additional money for implementation, at \$112 million a year. In other words, a 400-percent increase. Now, for the first time, the Clinton administration is requesting those funds for the actual implementation of the plan.

As the chairman of the Interior and Related Agencies Appropriations Subcommittee in the U.S. Senate, I have to say that this money, if we were to find it, must be found—given the balanced budget agreement and a freeze on Federal spending—out of other perhaps equally important priorities. And I have to do so in the light of the fact that I have been a vocal critic of the potentially devastating impact this plan could have on the people of eastern Washington and the way in which the administration has conducted the study itself.

I have questioned the planning process and done everything in my power to minimize its impacts on the rural communities that stand to lose the most if it is implemented. During the budget showdown between Congress and the Clinton administration in 1996, I offered legislative language that would have guaranteed the implementation of this study's recommendations would be left to the discretion of local land managers and their communities. The language also included assurances that the rights of private property owners would be protected.

I was astounded when the White House rejected this common-sense solution and threatened to shut down the Government if it did not get its way. While the final version of my proposal that was included in an omnibus appropriations bill that year provided some assurances that the study would not infringe on private property rights, there are currently no guarantees in law that protect private landowners' rights should the implementation phase of this plan proceed.

During last year's appropriations process, I successfully authored legislation extending the comment period on the draft EIS for another year. My bill also required the agencies responsible for developing this plan to conduct a socioeconomic assessment of the plan's impact on affected communities.

I find that the agencies' analysis has this kind of quality for my constituents here in eastern Washington: Othello is listed as a community in which there is no agricultural employment specialization. Wenatchee is listed as a community in which there is no agricultural employment specialization. Pasco falls into that category. Moses Lake falls into that category. Okanogan and Pateros fall into that category, among other communities in the State of Washing-

ton. And I suspect that there may have been similar findings with respect to communities in the other States involved.

The quality of that analysis is rather shattering in one's confidence with respect to the way in which the entire study has been managed to this point.

Clearly, the areas in these States affected by the study produce a wealth of goods and services from our natural resources, including timber, grazing, hydroelectric power, and the production of dozens, and perhaps hundreds, of agricultural commodities. Simply put, the commodities produced through these natural resources are the lifeblood of the region's economy.

As I have already said, I am deeply troubled about the study. The simple fact is that the Federal agencies managing the project, after 5 years of analysis and spending more than \$40 million, have not yet delivered on assurances that conducting a basinwide study such as this will either protect the natural resources-based economy of the inland West or resolve the threat of litigation-created gridlock throughout the region.

In addition to its potential adverse impact to the economy of my State and my neighboring States, I am also concerned that the taxpayers of the United States, after pouring large sums of Federal funds into this project for 5 years, are receiving few benefits. The project was begun with assurances from the Forest Service and the Bureau of Land Management that conducting land management planning and analysis at a basinwide level was the most efficient method of mitigating the cumulative effects on endangered species, assuring sustained commodity outputs from timber, range and mines, recreation needs, while at all times assessing the economic effects on local communities within the project area.

Congress was led to believe that with the record of decision from this project, local forests and land management and resource plans would be promptly amended or revised, and important decisions on resource allocations would be made. Congress has been told repeatedly that the project would lead to more timely decisions and quicker agency actions. So far, this has simply not happened.

The agencies involved have failed to meet most of their self-imposed deadlines. The final environmental impact statement and record of decision were supposed to be implemented more than 1 year ago. Instead, the interagency team responsible for developing this plan barely completed the draft environmental impact statement by that time.

The final statement and record of decision are now expected to be completed sometime next summer, more than 2 years behind schedule. And this is just the study part of the project. With more than 90 new standards and objectives included in the draft environmental impact statement, I find it difficult to believe that any progress will be made in ending the gridlock that is already so prevalent in our public lands management decisionmaking process.

As Congress gets closer to a decision on whether or not to continue this project, I have a number of objectives that I think it ought to encompass. They are, first, protecting the health of our natural resource-based economy in eastern Washington and in neighboring States, all of which depend on the wise use of Federal lands. Second, ensuring that the rights and interests of private

property owners within the project area are not adversely impacted. And the third, the degree of participation in the decisions that affect their daily lives by the people who are affected by those lives and by the local officials whom they elect and the local management officials working for the Federal agencies.

Of course, a plan meeting its originally stated goals would be something that would help most of us. We have strayed so far, however, that I am not at all sure that those goals can or will be met.

While I am clearly no fan of the way in which the study has been conducted, there is a larger issue that we need to address today, one that could be beyond anyone's control. When this project began, it was touted as the best way to eliminate litigation and the resulting gridlock stemming from inherent disagreement between commodity production and preservation interests. Even today there are those who say that Congress has no choice but to continue to support the project. They say failing to analyze on a basinwide basis will result in protracted litigation based on the presumption that no single unit is capable of independently preparing land management plans without creating conflicts and inconsistencies with neighboring units.

In addition, I am told that past litigation has been resolved based on the expectation that Federal agencies would soon issue basinwide decisions as a result of this study. At the same time, others will argue that we do not get protection from just those lawsuits. There are certain notices of intent to sue over interim guidelines. But just 2 weeks ago the U.S. Supreme Court, in a case arising out of Ohio, may very well have undercut both those threats and many of the other threats that led to this basinwide study in the first place.

So, at this point, we are simply uncertain as to whether or not the completion of this study, one, will prevent litigation, or indeed whether such litigation at this early stage is available under present Federal rules laid down by the Supreme Court at all. One of the questions I hope that each of the panels will address today is whether or not the study represents a legitimate solution to the gridlock that now threatens the Northwest. And if it is such a legitimate solution, will our rural communities in the area be any better off under this plan than we would be if we did nothing and let the chips fall where they may?

If a locally driven alternative is out there that is better at protecting our local economies, as well as the environment, and does not lead to constant court injunctions, I hope to hear about it today from some or all of the people who are on these panels.

I have just described the very frustrating, "damned if you do, damned if you do not predicament" that Congress faces as we enter this hearing today. If we continue to support this project, we must clearly understand what decisions will be made and when and what their impacts will be on the communities that are directly affected by the study and its aftermath. It may well be that the project has gotten too broad in scope and cannot be properly focused, that it is too inherently bureaucratic and will not be successful.

I hope to find out today if there is any merit in narrowing the goals of the project so that they can be focused on more carefully and more successfully. I am willing to continue if I can reach three conclusions: first, that the study is the best approach to preserving the resource-based economy that is important to the region; second, that the plan appropriately protects the interests of private landowners within the study area; and, finally, that any land management plan encompassing such a vast area will not be implemented in a one-size-fits-all fashion.

Can we assure that local public lands managers and the representatives of the people, elected in local communities, will have a major voice on public lands decisions affecting the citizens of the Columbia Basin?

Our committees will be hearing from a diverse array of witnesses today. They were selected by local leaders in their respective areas of expertise. They include farmers, loggers, Federal, State, and county officials, recreationists, and environmentalists. The witnesses who will be testifying are too numerous to mention now, but I will introduce each as we seat the panels.

Unfortunately, due to time constraints, we will not have time to hear from anyone except our panelists, but anyone who wishes to offer testimony after this hearing will be encouraged and authorized to do so. And we will give equal weight to written testimony, and we will keep the hearing record open for several weeks in order to accommodate those who wish to submit written testimony.

I want to emphasize once again that the committee and the committee staff did not select the particular witnesses today. Almost all of them are representatives of organizations that are interested in this subject and in this hearing, and we permitted those organizations to choose the witnesses to speak for them.

#### PREPARED STATEMENT

Now, I was hoping that I had spoken long enough so that Senator Craig could arrive and make his opening statement. He will be here momentarily. But we are not going to waste any time, so we will start right now with our first panel.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR SLADE GORTON

I welcome all of you to our joint Senate Appropriations and Energy and Natural Resources Committee hearing on the Interior Columbia Basin Ecosystem Management Project. My friend and Senate colleague Larry Craig is here representing the Energy and Natural Resources Committee. Also joining me are our colleagues from the House of Representatives whom we are delighted to welcome to this important hearing. I welcome Representative Nethercutt from the House Appropriations Committee and from the House Authorizing Committees.

Encompassing almost all of Eastern Washington, most of Idaho, major portions of Oregon and Montana, and parts of Utah, Nevada and Wyoming, the Columbia Basin study covers the largest area in the United States ever to have been examined by the Federal Government. The stated intent of the study is to apply large scale planning direction to producing a variety of goods and services for the people in the area and the overall population of the United States.

Because of the overwhelming concerns of my constituents in eastern Washington and the potentially devastating impact this plan could have on natural resource industries that drive local economies throughout the inland west, Congress has an obligation to hear from the people who will be impacted directly and whose input should matter the most before we make any decisions about implementing this plan.

Over the past 5 years, Congress has reluctantly spent more than \$40 million for four federal agencies to conduct this massive study. Now for the first time, the Clinton Administration has requested funds for actual implementation. As Chairman of the Interior and Related Agencies Appropriations Subcommittee, I have been a strong and vocal critic of the potentially devastating impact this plan could have on the people of eastern Washington and the way in which this Administration has conducted itself throughout the course of this study.

I have questioned this planning process every step of the way and have done everything in my power to minimize its impacts on the rural communities that stand to lose the most if it is implemented. During the budget showdown between Congress and the Clinton Administration in 1996, I offered legislative language which would have guaranteed that implementation of this study's recommendations would be left to the discretion of local land managers and their communities. The language also included assurances that the rights of private property owners would be protected.

I was astounded when the White House rejected this common sense solution and threatened to shut down the government if it did not get its way. While the final version of my proposal that was included in the Omnibus Appropriations bill provided some assurances that the study would not infringe upon private property rights, there are currently no guarantees in statute that protect private landowners rights should the implementation phase of this plan proceed.

During last year's Appropriations process, I successfully authored legislation extending the comment period on the Draft EIS for an entire year. My bill also required the agencies responsible for developing this plan to conduct a socioeconomic assessment of the plan's impact on affected communities.

Once again, I was disappointed with much of the agencies' analysis in this study which was released earlier this year. For example, I am told that in this study the economy of Othello, Washington is not considered dependent on agriculture. As someone who has spent dozens of hours meeting with Othello residents and traveling throughout the area, I have to question the accuracy of any study that cannot recognize the obvious fact that Othello and rural towns like it are almost totally dependent on farming and other natural resources industries. There are few in this audience who would disagree.

Clearly, the areas affected by this study produce a wealth of goods and services from our natural resources including timber, grazing, hydroelectric power, and production of dozens of other agricultural commodities. Simply put, the commodities produced from these natural resources are the life blood of the region's economy.

In recent years, however, these areas have come under attack from the preservationist tendencies within this Administration. It is on this battleground of interests, some of which support wise use of the land, and some that support no use, that the Columbia Basin studies are being conducted.

I am deeply troubled about this study. The simple fact is that the federal agencies managing the project, after five years of analysis and expenditures of over \$40 million, have not delivered on assurances that conducting a basin-wide study such as this will either protect the natural resources based economy of the inland west or resolve the threat of litigation created gridlock throughout the region.

In addition to its potential adverse impact to the economy of my state and neighboring states, I am also concerned that the taxpayers of this country, after pouring huge sums of federal funds into this project for five years, are receiving few benefits. The project was begun with assurances from the Forest Service and the Bureau of Land Management that conducting land management planning and analysis at a basin-wide level was the most efficient method of mitigating cumulative affects on endangered species, assuring sustained commodity outputs from timber, range and mines, recreation needs, while at all times assessing the economic affects on local communities within the project area. Congress was led to believe that with the Record of Decision from this project, local forest and land management resource plans would be promptly amended or revised and important decisions on resource allocations would be made.

Congress has been told repeatedly that the project would lead to more timely decisions and quicker agency actions. This simply has not happened. The agencies involved have failed to meet many of their self imposed deadlines. The final EIS and Record of Decision were supposed to be implemented more than a year ago. Instead, the Interagency Team responsible for developing this plan barely completed the Draft EIS by that time. The final EIS and Record of Decision are now expected to be completed sometime next summer—more than two years behind schedule. And this is just the study part of the project. With over 90 new standards and objectives included in the Draft EIS, I find it difficult to believe that any progress will be made

in ending the gridlock that is already so prevalent in our public lands management decision making process.

I fear that the Columbia Basin Study has gone awry as a result of an inherent problem with bureaucracy: that it is regularly choosing to analyze rather than make decisions. During this hearing today, I want to know why the project has yielded no results and seems to be in a severe state of analysis paralysis.

As Congress gets closer to a decision on whether or not to continue this project, I have three important objectives. They are: (1) protecting the health of our natural-resource based economy in Eastern Washington State and neighboring states that depends on the wise multiple use of federal lands; (2) ensuring that the rights and interests of private property owners within the project area are not infringed; and (3) empowering local federal land managers—not Washington, D.C. bureaucrats—to make the final management decisions on federal lands.

While I am clearly no fan of this study, there is a larger issue that we must address today—one that could be beyond anyone's control. When this project began, it was touted as the best way to eliminate litigation and the resulting gridlock stemming from inherent disagreement between commodity production and preservation interests. Even today, there are those who say Congress has no choice but to continue to support this project. They say failing to analyze on a basin-wide basis will result in protracted litigation, based on the presumption that no single unit is capable of independently preparing land management plans without creating conflicts and inconsistencies with neighboring units. In addition, I am told that past litigation has been resolved based on the expectation that the federal agencies were soon to issue basin-wide decisions through this study.

At the same time, others will argue that this plan will not shield the region from just such lawsuits. Currently, I am aware of at least two notices of intent to sue over existing interim guidelines. The entire basin could be plunged into paralysis dependent on what interest feels its wishes are not met. Rather than being a conduit for applying basin-wide science to make broad scale land management decisions, a final product could be a lightning rod to attract appeals and lawsuits. On that basis there are those who advocate killing this project and letting local agency managers make these critical decisions.

One of the questions I hope our panels will address today is whether or not the study is a legitimate solution to the gridlock that now threatens the Northwest. And if it is, will our rural communities in the area be any better off under this plan than if we did nothing and let the chips fall where they may with respect to court actions? If there is a locally driven alternative out there that is better at protecting our local economies and does not lead to an injunction, I hope to hear about it today.

I have just described the damned if you do, damned if you don't predicament that Congress faces as we enter this hearing today. If we continue to support this project, we must clearly understand what decisions will be made and when and what their impacts will be on the communities directly affected by this study.

I am increasingly convinced that this project has gotten too broad in scope and cannot be focused; that it is too inherently bureaucratic and will not be successful. I hope to find out today if there is any merit at all to funding various elements of the project. I am willing to continue if I reach three conclusions. First, that this study is the best approach to preserving the resources based economy that is so important to the region. Second, the plan appropriately protects the interests of private land owners within the study area. Finally, that any land management plan encompassing such a vast area will not be implemented in a one-size-fits-all fashion. We must ensure that local public lands managers—not beltway bureaucrats—have a major voice on public lands decisions affecting the citizens of the Columbia Basin.

Our committees will be hearing from a diverse array of witnesses today. They were selected by various local leaders in their respective areas of expertise. They include farmers, loggers, federal, state, and county officials, recreationists, and environmentalists. The witnesses who will be testifying are too numerous to mention now, but I will introduce each as we seat the panels. Unfortunately, due to time constraints, we will not have time to hear from anyone except our panelists. For those who wish to offer testimony after this hearing, we will be giving equal consideration to written testimony and will keep the hearing record open for several weeks to accommodate you. Let me say at the outset, thank you to all the witnesses and all my colleagues for joining me here today.

Now I will ask Senator Craig if he has any opening remarks.

#### SUMMARY STATEMENT OF ROBERT WILLIAMS

Senator GORTON. Our first witness is Robert Williams, the Regional Forester from the U.S. Forest Service in Portland, OR. And,

Bob, you may introduce those who have accompanied you here today.

Mr. WILLIAMS. Thank you, Mr. Chairman. We appreciate the opportunity to be here and discuss the Interior Columbia Basin Ecosystem Management Project, and to provide you with a status report on that project.

As you have said, I am Bob Williams, the Regional Forester for the Pacific Northwest Region of the Forest Service. I am also a member of the Executive Steering Committee for this project.

#### INTRODUCTION OF ASSOCIATES

I am accompanied today by Tom Quigley, who is the Science team leader on the project; and Susan Giannettino, who is the project team leader. The two of them have been involved in developing this project all along.

The project provides the best opportunity to create a common vision for the long-term management of Federal lands in the Interior Columbia Basin. And we believe it is a wise investment in the future of the basin.

Some believe that we should end the project without issuing decisions. In lieu of completing the final impact statement, some critics of the process want the scientific information given to field managers to consider when updating or revising their land management plans. Others question the science upon which the project is based, and say it needs to be redone. The project is important to the long-term strategy that will coordinate management of multiple-use public lands in the basin, to provide sustainable levels of goods and services, while ensuring sustainable populations of plant and animal species.

I believe oftentimes project critics do not take into account the fact that the basin land managers are currently working under several short-term directives until a long-term strategy is developed. The project is important to that long-term strategy. And failure to complete it will likely lead to litigation, requiring us to complete similar strategies to replace those temporary directives.

Further program disruptions would have significant impacts to local communities, as well as to the natural resources we are charged with managing.

I would like to discuss the benefits that we believe the project will provide, give you a short status report on the science assessment and the environmental analysis, as well as the public involvement efforts we have taken to date.

The background of the project is of course that in July 1993, President Clinton directed the Forest Service and the Bureau of Land Management to develop a scientifically sound and ecosystem-based strategy for the management of the eastside forests as a part of this overall plan for ecosystem management in the Pacific Northwest.

Two key factors shaped this project. First, issues such as forest and rangeland health and the viability of salmon populations are extremely difficult to address efficiently and effectively on a unit-by-unit basis. If each of the 74 existing land and resource management plans for the Bureau of Land Management and the Forest Service within the project area is developed independently, broad

problems which are influenced by numerous plans, such as species viability and the cumulative effects of individual management actions would be very, very difficult to resolve.

Second, we must take into consideration both the link between the rural economies of the region and the resource management decisions, as well as the changing nature of the economic bases. Economic vitality in these communities, once tied almost exclusively to timber, mining, and agriculture, is now also contingent on non-consumptive activities, such as recreation and tourism. These various uses are interrelated and dependent on the long-term health of all of the resources in the region.

The project decisions which will be made when the final environmental impact statement is completed will provide a framework for future management, will establish guidelines for future management to assure sustainable populations of species across the planning area, and will provide greater certainty regarding the goods and services these public lands will provide in the future. The 5 Federal agencies involved in the project are working hard, with 7 States, 100 counties, 22 American Indian tribes, and many partners, interested groups, and individuals, to carry out a very complex task. We are all striving to find a way to balance the statutory responsibilities of the five agencies with the needs of all of these.

The comment period on the draft EIS's began June 6, 1997, and was extended three times, and finally closed May 6, 1998. Since the beginning of the comment period, Executive Steering Committee members and project staff have participated in numerous public meetings across the basin. We have also met with representatives from all levels of government, business, conservation, and professional and civic groups, federally sanctioned advisory groups, and local citizens.

I will discuss in a bit more detail some of our discussions in the past months with other governments, counties, tribes, and States.

The Eastside Ecosystem Coalition of Counties represents the county associations from Idaho, Montana, Oregon, and Washington. The coalition has sought a win-win solution for the region, which are good for both ecosystems and communities. They have identified a number of concerns with the social and economic effects in the draft EIS's, and identified additional information needs, including characterization of the economic and social conditions of individual communities, discrepancies in economic dependency factors and determinations, validation of the recreation findings described in the science assessments and the draft EIS's, and documentation in the variation in wages between different industries displayed in the draft EIS's.

The first concern was addressed through the social and economic report that I will mention later. And we are continuing to work with the coalition members to address their remaining concerns and other issues they and their constituents have brought forward as we move to the final EIS stage.

A comment on the tribes. We have worked very early in the EIS process and we have made a commitment to consult on a government-to-government basis with 22 American Indian tribal governments that are affected by the project. Since release of the draft EIS's, three regional tribal summits were held involving tribal rep-

representatives. At a December 1, 1997, meeting involving Secretary of Interior Bruce Babbitt, we chartered a tribal executive steering committee working group as a means to further government-to-government discussions. This group is working with us to address tribal concerns prior to the completion of the final EIS.

These include that trust and treaty responsibilities will be met, particularly regarding harvestable populations of animals, plants, and fish; that there will be access to traditional areas of interest; and that there will be funding adequate to implement the restoration activities.

The Executive Steering Committee and the project staff are working with the Governors and the State agencies within the project area to respond to their concerns about the draft EIS's, and have met with them during the comment period to review their comments for incorporation in the final EIS. Their concerns are similar to those identified by the coalition.

The project, to date, has received over 85,000 comments on the draft EIS's. We are completing the analysis of comments, and hope to meet with our government partners and advisory groups in July, to review the results of that analysis. The comments are diverse and, at times, conflicting. Comments received reflect stark differences of opinion regarding several of the critical issues. As Federal land managers, we must consider all views in developing our land use plans, and will use the comments and, in consultation with our advisory groups and governmental partners, define a framework within which decisions can be made.

The final EIS will represent our best attempt to balance the many competing views regarding management of BLM and Forest Service administered lands in the basin.

As you mentioned, the project has prepared a report on the economic and social conditions of communities within the project area in response both to the 1998 Interior Appropriations Act and to the earlier request from the Eastside Ecosystem Coalition of Counties. It was mailed to the 8,000 people on the project mailing list, as well as being made available in all of the Forest Service and BLM field offices throughout the basin.

The information contained in the report will be used as we work with our advisory groups and governmental partners to understand the effects of the various alternatives in the final EIS. Community leaders can also use the information independently to help them plan their futures in many other arenas. This year the Forest Service and the BLM expect to spend about \$5.7 million on project-related activities. That will bring the total spent by the end of fiscal year 1998, the one we are in now, to approximately \$40 million.

In fiscal year 1999, we will need an additional \$5 to \$6 million to complete the final EIS and the records of decision. The funding will be used over the next 1½ years to accomplish the following work: Encourage further public involvement, analyze and prepare responses to public comments, prepare and print a final environmental impact statement and the records of decision, and complete an implementation strategy.

It will also be used to transfer the science information to field personnel and to the public, and to test and finalize new collaborative processes. We estimate implementation costs, based on the

preferred alternative in the draft EIS—and I point out that they may change upon completion of analysis of public comments and the development of the final EIS—we estimate full implementation costs for the preferred alternative at \$268 million for all agencies, over one-half of which could come from the reprioritization of current regional budgets.

The President's fiscal year 1999 budget is adequate to move ahead in the initial implementation of the vision that will be developed in the record of decision. During development of the final EIS, we will reassess implementation funding needs, and will submit a revised interagency budget proposal as appropriate.

#### PREPARED STATEMENT

In closing, the Executive Steering Committee is committed to completion of a final EIS and development of a long-term framework that meets public need on public lands within the Interior Basin. Failure to complete the project will further disrupt program delivery, create more adverse effects to local communities, and could put at risk the natural resources we are charged with managing and the communities that we serve.

We appreciate being here, and we will be happy to answer questions.

Senator GORTON. Thank you, Bob, very much.  
[The statement follows:]

#### PREPARED STATEMENT OF ROBERT WILLIAMS

Thank you for the opportunity to discuss the Interior Columbia Basin Ecosystem Management Project (the Project) and to provide a status report on the Project. I am Bob Williams, Regional Forester for the Pacific Northwest Region of the Forest Service, and I am very pleased to be here. I am accompanied by Tom Quigley, Science Team Leader, and Susan Giannettino Project Team Leader, who have led the assessment and planning efforts.

The Project provides the best opportunity to create a common vision for the long term management of Federal lands in the Interior Columbia Basin (Basin) and it is a wise investment in the future of the Basin. Some believe that we should end the Project without issuing decisions. In lieu of completing the Final Environmental Impact Statement (EIS), some critics of the process want the scientific information given to field managers to consider when updating or revising their land management plans. Some question the science upon which the Project is based and say it needs to be redone. The Project is important to the long term strategy that will coordinate management of multiple use public lands in the Basin to provide sustainable levels of goods and services while ensuring sustainable populations of plant and animal species.

Project critics do not take into account the fact that Basin land managers are currently working under several short term directives until a long term strategy is developed. The Project is important to that long term strategy, and failure to complete it will likely result in litigation requiring us to complete strategies to replace the directives. Further program disruptions would have significant impacts to local communities and to the natural resources we are charged with managing. Failure to complete the Project could also influence future issues related to management of private lands.

I would like to discuss the benefits we believe the Project will provide, the status of the science assessment and environmental analysis, public involvement efforts to date, where we are in the review of the comments on the draft EIS, the value of the socioeconomic report we recently completed, and budget implications.

#### BACKGROUND

In July, 1993, President Clinton directed the Forest Service and Bureau of Land Management to "develop a scientifically sound and ecosystem-based strategy for the management of eastside forests" as part of his plan for ecosystem management in

the Pacific Northwest. The agencies expanded the planning area based on concerns common to the upper Columbia River system and the resultant Interior Columbia River Basin Ecosystem Management Project responds to the President's charge by examining forest and rangeland ecosystem health, listings and potential listings of plant and animal species under the Endangered Species Act, the economies of rural communities, and treaty and trust responsibilities to American Indian Tribes. The Project is managed by Susan Giannettino under the direction of the interagency Executive Steering Committee.

The Project area encompasses 24 percent of the National Forest System and 10 percent of the BLM administered public lands in the nation. A scientific assessment of the entire interior Columbia Basin was published in 1997; however, the management decisions the BLM and Forest Service will make will only apply to the lands each agency administers in the Basin.

Two key factors shaped this Project:

- First, issues such as forest and rangeland health and the viability of salmon populations are extremely difficult to address efficiently and effectively on a unit-by-unit basis. If each of the 74 existing land and resource management plans for the BLM and Forest Service within the Project area is developed independently, broad problems which are influenced by numerous plans, such as species viability and the cumulative effects of individual management actions, would be very difficult to resolve.
- Second, we must take into consideration both the link between the rural economies of the region and resource management decisions, as well as the changing nature of this economic base. Economic vitality in these communities, once tied almost exclusively to timber, mining, and agriculture is now also contingent on non-consumptive activities such as recreation and tourism. These various uses are interrelated and dependent upon the long-term health of all of the resources in the region.

#### PUBLIC BENEFITS

The Pacific Northwest and interior West have been a focus of controversy over public land management for years due, in part, to reduced timber and agriculture outputs and uncertainty regarding the levels of future outputs that will be provided from Federal lands.

The Project has done an outstanding job of helping us better understand where we are today. The science developed over the last four years established historical baselines, compared current conditions to those baselines, and identified critical problems we need to address. The Project has developed draft Environmental Impact Statements (EIS) integrating that information. The draft EIS's have been reviewed by the public and we are in the process of reviewing those public comments at this time.

The Project decisions which will be made after the final EIS is completed, will:

- Provide the framework for future management;
- Establish guidelines for future management to assure sustainable populations of species across the planning area; and
- Provide greater certainty regarding the goods and services these public lands will provide in the future.

The five Federal agencies involved with the Project, are working hard with seven states, 100 counties; 22 American Indian Tribes; partners; interested groups; and individuals to carry out a very complex task. We are striving to find a way to balance the statutory responsibilities of five federal agencies with the needs of states, tribes, and local governments; the demands of industries and conservationists; and the desires of an even broader array of individuals and groups regarding management of these public lands.

Without a final EIS, the 74 Land and Resource Management Plans affected by the Project will remain vulnerable to lawsuits and already a number of administrative appeals and lawsuits have been filed on those plans, projects, or related issues. The broad framework defined by the final EIS and related forest plan amendments will significantly increase our success in appeals and litigation.

#### STATUS

The comment period on the draft EIS's began June 6, 1997, and was extended three times and finally closed May 6, 1993. Since the beginning of the comment period, Executive Steering Committee members and Project staff have participated in numerous public meetings across the basin. We have also met with representatives from all levels of government, business, conservation and professional and civic groups, federally sanctioned advisory groups, and local citizens. I want to discuss

in more detail some of our discussions in the past months with other governments—counties, tribes, and states.

#### *Eastside Ecosystem Coalition of Counties*

The Eastside Ecosystem Coalition of Counties (Coalition) represents the county associations from Idaho, Montana, Oregon and Washington. The Coalition has sought “win-win” solutions for the region which are good for both ecosystems and communities. They have identified a number of concerns with the social and economic effects in the draft EIS’s and identified additional information needs including: Characterization of economic and social conditions of communities; discrepancies in economic dependency factors and determinations; validation of the recreation findings described in the science assessment and draft EIS’s; and documentation in the variation in wages between different industries displayed in the draft EIS’s.

The first concern was addressed through the social and economic report that I will discuss later. We are continuing to work with the Coalition members to address their remaining concerns and other issues they and their constituents have brought forward as we move to the final EIS stage.

#### *Tribes*

Very early on in the EIS process, we made a commitment to consult on a government-to-government basis with 22 American Indian tribal governments affected by the Project. Since release of the draft EIS’s, three regional summits involving tribal representatives have occurred. At a December 1, 1997, meeting involving Secretary of the Interior Bruce Babbitt, we chartered a tribal Executive Steering Committee Working Group as a means to further government-to-government discussions. This group is working with us to address tribal concerns prior to the completion of the final EIS, which include the need to assure: That trust and treaty responsibilities will be met, particularly regarding harvestable populations of animals, plants, and fish; access to traditional areas of interest; and funding adequate to implement restoration activities.

#### *States*

The ESC and Project staff are working with the governors and state agencies within the Project area to respond to their concerns about the draft EIS’s and meet with them during the comment period to review their comments for incorporation in the final EIS. Their concerns are similar to those identified by the Coalition and include: A perception that regulatory agencies are dictating land management direction; conflicts between regulatory framework and human needs objectives of the project; and inadequate response to economic distress caused by land management changes.

#### PUBLIC COMMENTS TO DATE

The Project received over 85,000 comments on the draft EIS’s. We are completing the analysis of comments and hope to meet with our government partners and advisory groups in late June or early July to review the results of that analysis. The comments are diverse and, at times, conflicting. I want to briefly list some of the common themes we received: Conflicting views of appropriate public land management objectives short- versus long-term benefits, local versus national interests, and commodity versus amenity values; the perceived loss of local decision making; concern about economic uncertainties; conflicting views of ecosystem management principles and their appropriate application; Concerns about the development and use of the science for the project; and concerns about the agencies’ ability to implement Project decisions.

Comments received reflect stark differences of opinion regarding several of these critical issues. As Federal land managers, we must consider all views in developing our land use plans and will use the comments and, in consultation with our advisory groups and governmental partners, define a framework within which decisions can be made. The final EIS will represent our best attempt to balance the many competing views regarding management of BLM and Forest Service administered lands in the Basin.

#### ECONOMIC AND SOCIAL CONDITIONS OF COMMUNITIES REPORT

The report on the economic and social conditions of communities within the Project area in response to both the 1998 interior appropriations act, and to an earlier request from the Eastside Ecosystem Coalition of Counties, was mailed to the 8,000 people on the Project mailing list, was available in over 100 BLM and Forest

Service field offices throughout the Basin, and was posted on the Project's homepage on the internet.

The report built upon the information presented in the science documents and the draft EIS's to describe the economic and social conditions at many different scales within the Basin. This multi-scale description is necessary because conditions appear quite different depending on the economic area studied. For example, while timber, ranching and mining make up a minimal amount of the direct total Basin employment, numerous counties are dependent on those sectors and while most of the people live in counties that are growing and have diverse economies, most of the counties lack diversity.

At the community level, about one third are considered isolated and nearly 70 percent of all communities are specialized in either agriculture, agricultural services, wood products manufacturing, mining or Federal government employment. The information contained in the report will be used as we work with our advisory groups and governmental partners to understand the effects of the various alternatives in the final EIS. Community leaders can also use the information independently to help them plan their futures in many other arenas.

#### 1998 AND 1999 PROJECT COSTS

This year, the Forest Service and BLM expect to spend \$5.7 million on Project-related activities. That will bring the total spent by the end of fiscal year 1998 to approximately \$40 million. In fiscal year 1999, we will need an additional \$5-6 million to complete the final EIS and records of decision. The funding will be used over the next year and a half to accomplish the following work:

- Encourage further public involvement;
- Analyze and prepare responses to public comments;
- Prepare and print a final EIS and Record of Decisions;
- Complete an implementation strategy, that includes, among other items: An MOU between Federal land management and regulatory agencies outlining collaborative . . . activities; A broad scale monitoring plan; A process for setting restoration work priorities; Guides for the new processes prescribed in the EIS; A process for changing and adapting management direction in the EIS; The oversight process for implementation decisions and resolving questions; The role of community assistance and economic action programs, and A description of the relationship between this and future planning efforts;
- Transfer of the science information to field personnel and the public; and
- Test and finalize new collaborative processes.

We estimated implementation costs based on the preferred alternative of the draft EIS, and they may change upon completion of analysis of public and development of the final EIS. We estimate full implementation cost for the preferred alternative at \$268 million for all agencies, over half of which would come from the reprioritization of current regional budgets. The President's fiscal year 1999 budget is adequate to move ahead in implementing the vision that will be developed in the record of decision. During development of the final EIS, we will reassess implementation funding needs and will submit a revised interagency budget proposal.

#### CLOSING

In closing, the Executive Steering Committee is committed to completion of a final EIS and development of a long-term framework that meets public need on public lands within the interior Columbia Basin. Failure to complete the Project will further disrupt program delivery, create more adverse effects to local communities, and could put at greater risk the natural resources we are charged with managing and communities we serve.

We would be happy to answer any questions.

#### OPENING REMARKS OF SENATOR CRAIG

Senator GORTON. Senator Craig has arrived, and I am going to defer to him for his opening statement.

Senator CRAIG. Senator, thank you very much. My apologies to all of you for arriving late. Something about the airline connections between here and Boise.

But let me at the outset, Senator Gorton, tell you how much I appreciate the ability of our committees to work together and to hold this joint hearing on what most of us view, and certainly Sen-

ator Gorton and I view, as a important and critical issue. We have, over the period of several years, looked at this issue with some concern.

The Energy and Natural Resources Committee on which I serve and the subcommittee that I chair have held oversight hearings and review on two occasions: April 1995 and May 1997. Our interest in this plan is both ongoing and intense, given the amount of money invested in the development of the issues addressed and the amount of money that we are just hearing will be necessary to complete it.

Testimony provided by the administration's representatives at our April 5, 1995, hearing offered many promises. These promises were about what the plan would do and why it was worthy of undertaking to secure the balanced and sustainable management of our resources here in the Columbia Basin. It is fair to say that the assurances provided during the April 5, 1995, hearing resulted in the decision by a majority of the Members of Congress to permit further work on the plan. Congress provided full funding for the continued planning, notwithstanding the reservations and objections that some of us had as it related to this issue and how it might affect the region.

It is also fair to say, however, that by the time our May 15, 1997, oversight hearing arrived, most Members of Congress felt that the promises made by the administration had not been redeemed. For instance, by the time promises of a timely completion of the effort were demonstrated, it was clear that that was not going to happen. The effort was taking much longer than was originally anticipated, and now its completion is even further delayed.

Similarly, promises of a more cost-effective decisionmaking result were not forthcoming. And it appeared that even at that time the completion was going to be extraordinarily expensive.

Third, we were promised that this effort would result in conducting appropriate environmental analysis at the proper ecological scale and with the best science information available. It is hard to square with the extensive subbasin plan analysis that will be required once this regional plan is completed. It is also impossible to square with the administration's one-size-fits-all road moratorium that is now of controversy here in the region. And I will talk about that in just a moment.

Finally, we were promised that we would not have to review the same issues at subsequent levels of decisionmaking. Here again, I have a hard time seeing how that will be accomplished. Consequently, Senator Gorton and I collaborated last year as it relates to the Forest Service appropriation bill, to direct the agencies to do some additional analysis and disclose some additional information before completing this project. We asked for more specific socioeconomic impact analysis on a community-by-community basis.

We also asked for a discussion of the various decisions and likely outputs that would result from the implementation of this plan. I hope that we will hear from the administration today on the progress in fulfilling these information requests.

And, Bob, I have missed your testimony. I will read it as the questions go forward.

I would say that in the next few weeks we will be at a critical point of judgment on this project. Clearly, the original expectations for this project, in my opinion, have not been met. This is something that the Congress and the administration are going to have to discuss critically, decisively and I hope intelligently as we decide how and whether to go forward.

More broadly, however, I am very troubled that in the fact of all of the effort that has gone into this project and the assurances that were made about it. The administration is making critical resource management decisions now, totally divorced from the analysis contained in the Interior Columbia Basin Ecosystem Management Plan. The arbitrary and unilateral imposition of a one-size-fits-all roadless area moratorium earlier this year may, by itself, be grounds for terminating the extraordinary expenses that have been and will continue to be associated with this plan.

That is something the administration will have to reconcile to this Senator's satisfaction, or I will work strongly against any further movement of this plan.

Additionally, in light of the Supreme Court's decision last week in the *Ohio Forestry Association v. Sierra Club*, I note that we may produce a plan that will be immune from meaningful judicial review by many of the parties that will discuss their problems with this plan here today. Essentially, the Supreme Court found that many of the interests who were concerned about the development of resource management plans lacked the standing to challenge those plans.

I frankly welcome last week's decision as appropriately decided based on existing law. But the decision clearly exposes what I consider to be one of the most serious and fundamental problems with the law and plans like this one, developed under current law. The Justices found that since public land management plans do not contain any final decisions, those who might want to challenge a plan need to wait until the agency actually proposes on-ground activities.

I think anyone familiar with the work that I have been doing in S. 1253 knows that sometimes I have been very critical of this approach. It is also something that I specifically have addressed in my bill. We ought to be making important land management decisions early on in the process. And we ought to be involving the public sooner.

My bill would see to it that there is only one layer of land management planning, and that layer would actually lead to concrete decisions being made. The public would have easy access to those decisions, and the courts would be better able to review them.

My bill would help us avoid the specter of planning documents like the plan we are discussing today. I think we are up to close to 7,000 pages as it relates to this issue.

So, the Supreme Court is speaking. We are attempting to speak. And we are being asked to evaluate, and therefore to fund and to continue a process that, by itself, is now under real criticism. And the administration appears to use it only as a game, and then proceed on their own path with alternative decisionmakings and alternative approaches that appear to be in conflict with this approach, if not totally a separate one.

## PREPARED STATEMENT

So, I am anxious, Senator Gorton, to hear the rest of the testimony today. If my remarks are viewed as critical, I hope they are viewed as that. Because I am at this point developing a level of intolerance toward this kind of phenomenal waste of public resource, to add another layer of decisionmaking that will only get us into an 8- or 10-year time line on activities instead of the current 5 to 6.

Thank you, Senator.  
[The statement follows:]

## PREPARED STATEMENT OF SENATOR LARRY CRAIG

Good morning, and welcome to a joint hearing of the Senate Appropriations and the Senate Energy and Natural Resources Committee on the Interior Columbia Basin Ecosystem Management Plan. For the Energy and Natural Resources Committee, this will be our third oversight hearing on this plan, as the Committee previously reviewed the plan on April 5, 1995 and May 15, 1997. Our interest in this plan is both ongoing and intense, given the amount of money invested in its development and the issues it addresses.

Testimony provided by Administration representatives at our Committee's April 5, 1995 hearing offered many promises. These promises were about what the plan would do, and why it was a worthy undertaking to secure the balanced and sustainable management of the resources of the Columbia Basin. It is fair to say that the assurances provided during that April 5, 1995 hearing resulted in the decision by a majority of members of Congress to permit further work on the plan. Congress provided full funding for continued planning, notwithstanding the reservations and objections by many in the affected region.

It is also fair to say, however, that—by the time of our May 15, 1997 oversight hearing—most members of our Committee felt the promises made by the Administration had not been redeemed. For instance, by that time promises of the timely completion of the effort were clearly not happening. The effort was taking much longer than originally anticipated. And now, its completion is even further delayed.

Similarly, promises of more cost-effective decision-making are hard to live down in light of the increased costs of completion, and the extraordinary cost of implementing this program.

Thirdly, we were promised that this effort would result in conducting appropriate environmental analyses, at the proper ecological scale, and with the best scientific information available. This is hard to square with the extensive sub-basin plan analyses that will be required once this regional plan is completed. It is also impossible to square with the Administration's "one-size-fits-all" road moratorium. I will talk a bit more about this in a moment.

Finally, we were promised that we would not have to review the same issues in subsequent levels of decision-making. Here again, I have a hard time seeing how this will be accomplished.

Consequently, Senator Gorton and I collaborated in last year's Forest Service Appropriations bill to direct the Agency to do some additional analyses, and disclose some additional information before completing this project. We asked for more specific socio-economic impact analyses on a community-by-community basis. We also asked for a discussion of the various decisions and likely outputs that would result from the implementation of this plan. I hope that we will hear from the Administration today on the progress in fulfilling these information requests.

I would say that, in the next few weeks, we will be at a critical point of judgement about this project. Clearly, the original expectations for this project have not been met. That is something that the Congress and the Administration are going to have to discuss critically, incisively, and intelligently as we decide how and whether to go forward. More broadly, however, I am very troubled that—in the face of all of the effort that has gone into this project, and the assurances that were made about it—the Administration is making critical resource management decisions totally divorced from the analysis contained in the Interior Columbia Basin Ecosystem Management Plan. The arbitrary and unilateral imposition of a "one-size-fits-all" roadless area moratorium earlier this year may, by itself, be grounds for terminating the extraordinary expenses that have been, and will continue to be, associated with this plan. That is something the Administration will have to reconcile to our satisfaction.

Additionally, in light of the Supreme Court decision of last week, I am growing increasingly concerned that we will produce a plan that will be immune from meaningful judicial review by many of the parties that will discuss their problems with the plan here today. Essentially, the Supreme Court found that many of the interests who are concerned about the development of resource management plans lack standing to challenge those plans.

I frankly, welcome last week's decision as appropriately decided based upon existing law. But the decision clearly exposes what I consider to be one of the most serious and fundamental problems with the law, and plans (like this one) developed under current law. The Justices found that, since public land management plans don't contain any final decisions, those who might want to challenge a plan need to wait until the agency actually proposes on-the-ground activities.

Anyone familiar with my forest management bill—S. 1253—knows that that's something I've been critical of for a long time. It's also something I specifically address in my bill. We ought to be making important land management decisions earlier on in the process, and we ought to be involving the public sooner.

My bill would see to it that there's only one layer of land management planning, and that layer would actually lead to concrete decisions being made. The public would have easier access to those decisions, and the courts would be better able to review them. My bill would help us avoid the specter of planning documents like the plan we will be discussing today that with last week's Supreme Court ruling—are immune from public challenge.

I suspect that we will find the prospect of applying that Supreme Court precedent to this plan extremely troubling for a number of our witnesses here today. With those brief introductory remarks, I believe we should hear from our witnesses. Rest assured that we will have a number of questions.

#### IMPACT OF FAILURE TO COMPLETE PROJECT

Senator GORTON. Mr. Williams, at the end of the first page of your testimony, in speaking about what would happen if the project is not completed, you say: Failure to complete the project could also influence future issues related to the management of private lands.

Do you want to explain that? Would you explain what adverse impacts to private lands might ensue from a failure to complete the project?

Mr. WILLIAMS. Much of this relates to our experience on the westside of our region, where we have dealt with threatened and endangered species issues. By completing a Federal land management strategy, we have been able to absorb much of the impact of protecting those species on the public lands to the benefit of the private lands. The private landowners are experiencing relaxed standards over those that we are experiencing on the Federal lands. We are carrying a larger share of that load. And therefore it is a benefit to the private lands.

So, I would make the adjustment, if we end up—and we will end up—in problems with threatened and endangered salmon species, particularly in the basin, we believe by having a good Federal land strategy in place it will provide a building block and a benefit to the private lands.

Senator GORTON. Well, let us take the opposite of that question. I have two documents published by the analysis team and presented in Congress, one of them in the spring of last year. The document contains a reference to private property and states, and I quote: "There would not be any direct impacts," on private lands within the basin, because decisions apply only to BLM and national forest lands.

The other quote was in the economic and social conditions publication that was published in February, as required by our appropriations bill last year. This document states, and again I quote:

“Private lands will not be affected directly by any of the alternatives,” published in the draft environmental impact statement.

Now, in a way, those are obscure references that are in larger documents. But are they correct? Can you assure the people of the region that if we go forward and complete this plan and implement it that there will be no impacts, no effects on private property?

Mr. WILLIAMS. There are no decisions being made in these documents that affect private property.

Senator GORTON. But that is a little different.

Mr. WILLIAMS. The discussion I just had would be indirect benefits.

Senator GORTON. But that is a little different. My question is, if we complete and implement the plans, will private landowners be assured that neither the plans nor the implementation will adversely affect their private property?

Mr. WILLIAMS. Yes.

Senator GORTON. And you are able to make that statement unequivocally?

Mr. WILLIAMS. I am.

Senator GORTON. Where, on the other hand, the failure to complete it might have an adverse impact, through the actions or the enforcement of the Endangered Species Act?

Mr. WILLIAMS. I think there are some benefits that would be missed.

Senator GORTON. Is it true that action alternatives under the plan project future timber harvest levels of somewhere between 23 and 70 percent of the levels allowed under current plans?

Mr. WILLIAMS. I am sorry, I just do not have that information in front of me. Susan, maybe you can help on that.

Ms. GIANNETTINO. I do not have the exact figures in front of me. I can look in the EIS's that we have copies of. It is correct that the preferred alternative has projected timber harvest volumes that are less than the aggregate of current plans. However, the preferred alternative is more than what is currently being harvested or even made available for sale.

Senator GORTON. Well, you have anticipated my second question then. When the administration says the preferred alternative increases harvests over present levels, we are not talking about over the present authorized levels, we are talking about over the present actual levels?

Ms. GIANNETTINO. That is true.

Senator GORTON. OK.

But obviously they have played a major role in the study. Are they or should these regulatory agencies be equal partners with the Forest Service and the Bureau of Land Management in the management of lands within the study areas?

Mr. WILLIAMS. We think they clearly should be. We can make better progress by having them as a part of the decisionmaking team. I will point out, though, that the final decisions are made by the three BLM State directors and the three regional foresters. We are the people who will sign the documents.

Senator GORTON. Amplify on that answer a little bit. You first said they are equal partners and second said you have final responsibility. Aren't those slightly inconsistent?

Mr. WILLIAMS. Well, that is the way it is working. They are a part of the Executive Steering Committee. They are our partners in developing this. But the ultimate decision in signing the documents will remain with the land management agencies.

Senator GORTON. Are you confident that interagency cooperation is at a maximum, or can it be improved without becoming a burden on that implementation?

Mr. WILLIAMS. It can clearly be improved. We are showing improvement, where we have worked with them on the implementation of the northwest plan, and we think we can bring that same kind of improvement to this area.

Senator GORTON. On another subject, a major frustration with the study centers on the fact that once it is completed, local unit plans must be revised and amended. So, 2 years behind our original schedule, it looks like we wait even more time for local units to incorporate the study's findings.

If a record of decision is published, will the National Forest and the BLM district plans be amended simultaneously?

Mr. WILLIAMS. Yes; they will.

Senator GORTON. Presuming that significant amendments to the National Forest and BLM district plans will be required, how long will it take?

Mr. WILLIAMS. I think that will depend on the individual unit plans. Some of them will need to be revised fairly quickly because they are becoming quite old and conditions have changed quite a bit. Others will take several years. There will be no need to revise some of them quickly.

So, it is going to be a range of timeframes.

Senator GORTON. And what happens in the interim? What will be the nature of activities on those affected Federal lands while the amendments are in process?

Mr. WILLIAMS. We are trying to make a distinction between amendments and revisions of plans, and I may have mixed up your question. But this project will amend the plans. A revision is a more complete remodeling of the plan. All of them will be amended to incorporate the results of this activity. And then, based on a priority of need, plans will be revised following that.

And that can range from 2 or 3 years after the conclusion of this project to many more years. I am not sure I got at your question, sir, but I wanted to clarify that part of it.

In the meantime, we will continue to manage according to the plan that is in place, as amended by this process.

Senator GORTON. All right. That is the answer to my question.

Now, in my opening comments I pointed out the extreme difficulty, if not impossibility, of finding the very large amount of implementation money about which you spoke. If you do not get that \$112 million above the current operating level for the Forest Service and the Bureau of Land Management, has the effort been for no purpose?

Mr. WILLIAMS. No; not at all. The processes that are put into place will provide the same benefits. We simply will be able to do less of the work that we want to get done. And I need to point out here that 87 percent of the funding for this project—the proposed funding for the project—goes into on-the-ground kinds of work.

That means weed control, road maintenance, thinning, commercial tree harvests. Those are the places where the bulk of this money goes.

So, we will simply be doing less of those in each case if we do not get the money.

Senator GORTON. With all of the entities and organizations that you will be dealing with and coordinating with now, is there going to be a need for a new Federal bureaucracy, like a Regional Ecosystems Office, to coordinate a transition during the implementation of the plan?

Mr. WILLIAMS. We are evaluating that now. It is our hope that there will not be. However, we do know that we are going to have to have some kind of a coordination mechanism between our agencies, to make sure that we get consistent implementation. So, I would not want to go so far as to assure you that there will not be something like that. But we are trying to look at what are the most efficient ways to do it. And one would simply be an ad hoc approach, where each of us assign that to some of our people and they work as an interagency committee. And that is what we are focusing on right now.

But this is a big project that covers a lot of area and has a huge scientific base for it, so there will be an ongoing need to interpret the information and then to monitor for the proper application of the information. So, I would have to give you a qualified answer on that.

Senator GORTON. Now, let us go to the other alternative that we have. If the project were not continued, would there be any barriers? Would there be barriers to implementing the features of the preferred alternative under current land and resource management plans or under revised land and resource management plans?

Mr. WILLIAMS. I think the barriers—and I am not sure that is the right term for me to use—would be that we would have to do much of the same work we are doing anyway. If we were to stop at this point and tell our field people, take this information and implement it, we have a massive task of interpreting that information, helping them understand it. This is a big step, from a project at this level, with the amount of scientific information that we have, to implementing it in 74 different land management plans on the ground.

We would be investing much of the same energy that we are investing in this project to help interpret what does this mean to field-level people.

Senator GORTON. All right. Then what is the difference between going forward and stopping and doing it then in that fashion?

Mr. WILLIAMS. We think the biggest risk is if we do not have something in place that demonstrates a basinwide strategy as soon as we develop the first two or three of those land management plans, we will be challenged on them and we will be found to be wanting, because of our inability to apply a basinwide strategy.

Senator GORTON. In light of that decision of the Supreme Court in the Ohio case, will you be subjected to such a challenge? Who is going to make the challenge?

Mr. WILLIAMS. Well, we are interested in hearing what that is. Now, that is new. That may change. You know, possibly it could make a difference.

Our experience on the Northwest Forest Plan Area was the opposite; that without having a broad strategy in place, we were unable to defend individual local plans.

Senator GORTON. Would you have your legal counsel look at that decision and give us a written response on whether or not it does not change some of the assumptions under which we started down this road and, for that matter, the place in the road in which we find ourselves at the present time?

Mr. WILLIAMS. We will be glad to. We have asked them to look at it, and they are in the process of doing that right now.

[CLERK'S NOTE.—The information was not received from the Department in time to be included in the hearing record.]

Senator GORTON. If you would do that and share that with us, I think it would be of very significant value to us.

Mr. WILLIAMS. We are curious for the answer ourselves.

Senator GORTON. OK.

Mr. WILLIAMS. It opens up a new arena.

Senator GORTON. Senator Craig.

Senator CRAIG. Thank you, Slade.

Bob, what additional activities and budgets will be required specifically to bring this whole thing to fruition? I know you have talked around it, and we have heard figures—the Senator had mentioned some. What are we going to expect and to what extent will ongoing programs on individual forests in BLM districts cost?

Mr. WILLIAMS. You are speaking about implementation, not the completion of the project, but the implementation?

Senator CRAIG. I am talking about the completion of the project, No. 1, and then impact, No. 2.

Mr. WILLIAMS. OK. The completion of the project will essentially be tailored for fiscal year 1999. We are expecting to bring it to a conclusion and begin the phase-down at the end of 1999. That is the \$5 to \$6 million that we are talking about.

Senator CRAIG. Right. I had heard you give that.

Mr. WILLIAMS. That comes out of our existing funding. In our case in the Forest Service, mostly ecosystem management or land management planning funding that we use.

Now, to move into the implementation funds—and I apologize for the small size of this chart, but the large green portion of this circle—the chart itself represents the total implementation package of about \$268 million per year, annually. The green portion of the chart is the project level, on-the-ground fieldwork that we are projecting we want to do.

About one-half of that work is being done today. That is marking timber for sale, thinning projects, road maintenance and closure—not just weed treatment, prescribed fire to reduce fire hazard. So, what this amounts to is an expansion of those projects.

Senator CRAIG. So, the 200-plus million you are talking about—the 268—is additional money?

Mr. WILLIAMS. One-half of that is.

Senator CRAIG. One-half of that is.

Mr. WILLIAMS. It is approximately a one-half split.

Senator CRAIG. Against the current program?

Mr. WILLIAMS. Against the current program.

One-half of it we are doing today. We are saying if we want to achieve the benefits of aggressive restoration of these lands, an increase of about an equal amount is necessary to do that. And 87 percent of that goes into on-the-ground.

And I will hasten to point out that the rest of it includes such things as tribal consultation, additional research, and monitoring and evaluation activities that we need to do.

Senator CRAIG. Are any Forest Service or BLM units implementing the standard and guidelines in the EIS now?

Mr. WILLIAMS. I do not know that I can give a definitive answer. We have not directed them to do that. But I am hedging here because this is information that is out there, and as they do individual project plans and they see something that is a good idea, people begin to apply it. So, I am sure that we can go in the basin and we can find where situations are being resolved following the advice that is in the plan or information that is coming from the science. And of course we have not directed people to do it.

Senator CRAIG. Then let me read you this note. This comes from a staff person of mine who attended a meeting the other night. It says:

Last night, the first public meeting of the Southwest Idaho Ecogroup, Boise, Payette and Sawtooth Forests were held. The main concern was that the Forest Service is implementing now Columbia River Basin plans without the necessary authorization or the finalization of the process.

The discussion with the Forest Service was that they are just doing it. The Boise and the Payette, as we know, have a terrific forest health problem. They are prescribing now a substantial amount of burn. The Payette had about 30 percent of its land allocated to timber harvest. It now has largely, in the new plan proposed, zero; and the Boise about 54 percent, and now it is down to 11. And the discussion by Forest Service officials was that they were moving now to comply with the standard and guidelines of the plan.

That staff person of mine was tremendously frustrated by what she heard at that meeting.

Mr. WILLIAMS. With your permission, I would like to ask Susan to address that. She is closer to what is going on in the Boise area than I am.

Senator CRAIG. Please.

Thank you, Susan.

Ms. GIANNETTINO. I am hoping I can address it, but I was not at that meeting. So I do not know what somebody may have heard or said.

I do know that the Boise, Payette, and Sawtooth are at the point of initiating the revision process for forest plans, and have looked at their current management situation. And in their current situation they are implementing their current forest plans as amended by PACFISH and INFISH. They have recognized the significant forest health issue, and I do know that they have been doing quite a bit of silvicultural treatments that address forest health. And they have been doing quite a bit of prescribed burning.

But I do not know at all, and they have given no indication to us, that they are implementing the specific objectives and stand-

ards of this project. In fact, they are implementing what is in PACFISH, INFISH and in their current forest plan.

So, my understanding is different than your staff person's. And I certainly could go back and check that out and give you a clearer piece of information.

Senator CRAIG. Well, I think it would be appropriate, and I would appreciate that, Susan.

And, Susan, maybe you could respond, or, Bob, to this question. Do you believe you are in compliance with NEPA if you are taking these standards and guidelines before a record of decision and implementing them?

Mr. WILLIAMS. No; if we are doing, I am sure we could be found in noncompliance with NEPA.

Senator CRAIG. Even if it is a good idea and it is specific to the standard and guidelines of this EIS?

Mr. WILLIAMS. If it is being put through another NEPA process, such as an environmental impact assessment for a project, or being built into another EIS for a land management plan revision, then that would take care of the NEPA question. So, they could take the idea and put it through an additional NEPA process. And virtually all of our projects that we are doing go through an additional NEPA process.

Senator CRAIG. Well, the followup question has to be, why would you do that if the principal benefit of this plan, when ready to be implemented, would disallow your doing that?

Mr. WILLIAMS. I am sorry, I do not understand the disallow portion.

Senator CRAIG. Well, it is the premise of this plan that if you have this informational base, you eliminate some of the process and the procedure. So, if you are doing it now, you, by your own admission, must walk it through the NEPA process to be legal.

Mr. WILLIAMS. We do not have the decision now. So, if they want to use—

Senator CRAIG. Well, then why don't you wait for the decision, if in fact this knowledge is adequate?

Mr. WILLIAMS. Because the projects are important to get on with. They are annual projects that we are attempting to meet our annual targets of outputs, including timber sales, prescribed fire, those other things that we are doing.

Senator CRAIG. Well, let me only comment that there is still no finding that you have to apply those standard and guidelines to be in compliance. I think that is our frustration.

Let me move on. And let us find out that information, Susan, if we can.

Senator Gorton, I think, asked an extremely valuable question as it relates to private lands. And you referenced the westside and how, over there, there has been benefit. Then how do you square the National Marine Fisheries conflict going on with Governor Kitzhaber at this time, in Oregon, over whether State forest practice rules are adequate to comply with EIS's and ESA's on private lands? There is a lot of conflict going on over there right now that has not been resolved, I would suggest, and it is all on private and State lands as a result of National Marine Fisheries.

Mr. WILLIAMS. The only way I can respond, since I can speak for National Marine Fisheries, is that they do continually point out that the aquatic standards and strategy that is put in place with the Northwest plan provides a building block for the entire coastal coho recovery. And that has been in place since they started working with Governor Kitzhaber, and it has been one of the strengths of the coastal coho plan.

I cannot comment on their evaluation of the State Forest Practices Act.

Senator CRAIG. The last we checked, the NMFS has taken the position that the Northwest plan's standard and guidelines should apply on private lands. So, there is a transfer across. And I think that is what a great many citizens in the region are terribly concerned about—the impact on private lands if this becomes a decisionmaking document that has the effect of law.

Mr. WILLIAMS. I need to come back to the point I made earlier. These documents are for the Federal lands, to be signed by the Federal land managers. I cannot comment on what NMFS has done or might suggest that they would do. But that would be outside of the decisionmaking authority of this process or of the land management agencies.

Senator CRAIG. Well, Bob, my only point here is that you had asserted there was a benefit to private lands.

Mr. WILLIAMS. I clearly believe there is.

Senator CRAIG. And it appears that there is an impediment, or a new hurdle, for private lands and not necessarily a benefit. There may be a whole new standard that has to be met.

Mr. WILLIAMS. But I do not think that is the result of doing either the westside planning process or this planning process. That is the result of new information being—

Senator CRAIG. OK. Well, it is the westside plan that National Marine Fisheries cites as the overlay that private lands must adhere to, or should adhere to. And that is, I think, our level of frustration here.

Mr. WILLIAMS. I understand. New information is going to be new information for whomever wishes to use it.

Senator CRAIG. How do you square your response with the conflict over the development of the Washington DNR habitat conservation plan for State lands? It is a similar kind of conflict.

Mr. WILLIAMS. I do not believe I have enough information on that one to comment on it.

Senator CRAIG. OK. Current outputs from Federal lands have dramatically declined, about 75 percent over the last 3 years, due to restrictive interim guidelines, staff and budget reallocation, and regulatory gridlock. The effects analysis for all proposed alternatives was benchmarked against the existing plans, with interim guidelines. The pregridlock period—that is, before interim guidelines—provides a better baseline for presenting agency proposals for shifting management policies.

Please explain why the permanent adoption of current plans, with interim guideline restrictions, is being considered a no-action alternative?

Mr. WILLIAMS. Let me make the first comment, and then I will ask Susan to follow up.

There are two alternatives, one and two, that represent the two points that you make, one being the existing lands as they are, without PACFISH, INFISH, and the eastside screens; two being the way those current plans are being applied today with those screens and PACFISH and INFISH in place. And we thought it was important to show both of those for comparison sake.

Senator CRAIG. OK.

Ms. GIANNETTINO. I cannot really add to that, other than that as we receive the public comment that we are getting from the last 330-some-odd days of review, perhaps there are comments that we need to look at presenting that information differently, and we can consider that between draft and final. But I would have to concur with Bob, it seemed to make sense to me, although it was not my idea, since I came to the project more recently, to have the two current actions representing the situation we have—current plans and current plans amended by interim strategies.

Senator CRAIG. Well, I guess any proposal that results in a 75-percent reduction in Federal timber supply cannot be considered a no-action plan or a no-action alternative.

Ms. GIANNETTINO. But those are what is in place right now. That is the dilemma that we are facing.

Senator CRAIG. One more question, Senator Gorton.

You say that if you stop now, it will take much time to revise forest plans. But here is what you said last May.

*Question.* What impacts—costs, staff, project delays—to the Forest Service operations will result from the subbasin reviews and other additional studies and analysis called for in the proposed standards? What approaches are being considered to mitigate these impacts?

*Answer.* Subbasin review is anticipated to be a brief review and validation of broad-scale science data at a more localized area, and is intended to take no more than 3 weeks. We do not expect this review to significantly delay on-the-ground projects. Ecosystem analysis at the watershed level is a more intensive process and could take 1 to 4 months to complete, depending on the numbers and kinds of issues. However, we expect that the analysis will support numerous projects within the watershed that would have required individual analysis.

Now, if the subsequent analyses are so simple, why would it be so much trouble to revise the plans? And those are the individual forest plans.

Mr. WILLIAMS. I think we are talking about two different things. Those processes of subbasin review and watershed analysis are simply processes to help us implement projects on the ground. Revision of a plan is a complete different process of revising the entire plan and taking into account all of the things that should be changed in that land management plan. So, they are two totally separate processes.

Senator CRAIG. Instead of a full plan revision, why not the necessary or significant amendments to the existing plan that would accommodate it?

Mr. WILLIAMS. That may be sufficient in some cases.

Senator CRAIG. Would that not take considerably less time?

Mr. WILLIAMS. Yes; it probably would.

Senator CRAIG. Would that not reduce that cost factor substantially?

Mr. WILLIAMS. I need to understand the question. Now, the cost factor of implementation of this plan?

Senator CRAIG. I would expect a full plan revision based on this document, the science, standards, and guidelines, is anticipated in those costs that you have proposed.

Mr. WILLIAMS. No, we do not have plan revision incorporated in those costs. This is implementation of the existing—

Senator CRAIG. How are you approaching this, in a simultaneous amendment of all the plans?

Mr. WILLIAMS. All of the plans will be simultaneously amended to incorporate the standards from this plan.

Senator CRAIG. And what will those costs be?

Ms. GIANNETTINO. The cost of the simultaneous amendment is the cost of this project. So, by going through this project and spending the money we are spending to complete the project, we will accomplish the simultaneous amendment of 74 management plans. And our argument is that that is more efficient than independently trying to do 74 on separate schedules and timeframes.

Senator CRAIG. OK. Then, Susan, let me cut to the chase. Why would it be so much more expensive to just stop now, take the knowledge you have, make necessary amendments in the plans—not revisions—and get on with the business of managing the land?

Mr. WILLIAMS. Well, let me just offer one comment. If we could make that stick, it would not be more expensive. The question is, as soon as we attempt to do that, if we do end up in court because we do not have a basinwide aquatic strategy or any other basinwide strategy to adhere to, then we will have to eventually put that basinwide strategy together. So, we think we will be right back doing the same job again.

Senator CRAIG. But wouldn't you be able to go to court and argue that with these findings and the amendments of the plan, you in effect have put in a basinwide strategy—because that is exactly what you would otherwise do by carrying this thing through to completion—and spending a great deal more money and time?

Mr. WILLIAMS. Do you want to attempt that?

Ms. GIANNETTINO. The dilemma, as I see it—and I just may not be answering what you are asking—is that if you had 74 individual efforts, then you have to get the coordination amongst those 74 individual entities that we on the project are providing right now. And you would be diverting the energy of the people on those units from actually doing project work to get into doing this amendment work, understanding the science, developing the standards, trying to coordinate with each other so it is all consistent.

The point here was to try and have the project do it for all of those units, and do it once and, as a result, amend all those plans at the same time, the 74 plans. Because they do need some measure of consistency and coherency to replace the interim strategies, to deal with cumulative effects, and address the viability question.

Mr. WILLIAMS. But let me add a point to it. If we were to take the approach of handing this off and revising individual plans, that would be done over a fairly long period of time, just because of the energy it would take.

Senator CRAIG. But, Bob, it would do something that is critical.

Mr. WILLIAMS. Pardon me?

Senator CRAIG. It would begin to take the science and localize it to the communities of interest that you are missing right now. In-

stead of taking one-quarter of the United States and rubber stamping it with a one-size-fits-all, you turn it back to the locality and the expertise on a forest-by-forest basis, tied to its communities of interest. And you may have a document that could live and respond instead of one that will be battled.

That is my frustration and concern.

Mr. WILLIAMS. I think I appreciate that. And I really have no argument with the statement that you make. But at some point, we are going to have 15, 20, or 25 of these 74 land management plans revised, and we are going to be dealing with threatened and endangered species of salmon that are going to require some kind of a basinwide strategy to deal with them, or we are going to end up with a T&E species shutdown. And we are going to be sitting there with the balance of 40 or 50 land management plans that have not been revised and that we cannot get to for another 3 or 4, or maybe even more, years. That is going to leave us quite vulnerable, we think, to that kind of a challenge.

Senator CRAIG. Thank you.

Senator, thank you.

Senator GORTON. Bob, I found this to be an enlightening exchange with both of us who are up here on this side of the table. We start with two realities: Your unequivocal statement to me that the completion and implementation of this plan will not adversely impact private property and in fact may result in fewer interferences with private property rights, and the very real fear on the part of many people in this audience and thousands like them that we are simply going to see another increase, in degree at least and perhaps in kind, of Federal interference with their private property activities.

And maybe this exchange has gotten us to the point at which I understand it—and I am going to present it to you this way—you have told us unequivocally: Let us finish the plan. Let us implement the plan. You, Robert Williams, and your successor as the Regional Director of the U.S. Forest Service, are not then going to adversely impact private property rights.

But in answer to a question by Senator Craig you obviously have not been able to say that the National Marine Fisheries Service, enforcing the Endangered Species Act or some other similar act, may not come along, independently of what you have done, and issue orders that will have a very real impact on private property rights because that is outside of your area and jurisdiction as the Regional Director of the Forest Service.

Am I correct?

Mr. WILLIAMS. That is correct.

Senator GORTON. OK. So, the fear is real. You are just saying it is not a fear of you.

Mr. WILLIAMS. The fear should be there whether we do this project or not. New information is new information. Whether we put it on the table or a college puts it on the table or someone else, any regulatory agency, whether it is Federal or State or county can pick that up and, if it is good information, can use it.

So, my point is, to connect that fear with this project just does not connect.

Senator GORTON. As a result of these questions, I understand your position. And I understand that differentiation. That fear is out there. It is going to remain out there. It is reality. But you are just saying it is not because of what you are doing. And what you are saying is you actually may be able to reduce it a little bit.

Mr. WILLIAMS. I firmly believe that.

Senator CRAIG. Senator, let me add just an additional dimension to that.

Because I understand exactly what you are saying, Bob, but I am a bit frustrated. If you look at chapter 1, page 16, volume 1, of the EIS, we are talking about objectives of the project. These words are in there:

Some reasonable changes may be required in the maintenance and operation of existing rights—rights happen to be property—such as water rights, mineral leases, mining claims, right-of-ways, livestock grazing permits, awarded contracts, and special-use permits. That is in the language of the EIS.

Mr. WILLIAMS. Yes.

Senator CRAIG. Those are private rights in some instances. In others they are shared.

Mr. WILLIAMS. OK. I was trying to respond to a land ownership question. I think that is still—

Senator CRAIG. A water right is just as much a right as a land ownership right is.

Mr. WILLIAMS. And I am going to have to say that I want to take another look at the use of the term “water right.” Almost all of the rest of those I believe I can support. You have raised the question—

Senator CRAIG. A mining claim is a private property.

Mr. WILLIAMS. That is correct. But the development of that claim, if it is a claim, is done under a set of standards developed with the agency.

Senator CRAIG. We are not talking about development; we are talking about existing operations.

Mr. WILLIAMS. If it is patented, we have nothing that we can do about it.

Senator CRAIG. But if it is a lease, you do of course, that is right.

Mr. WILLIAMS. If it is a lease or if it is being worked under a claim that has not gone to patent, they file an operating plan with us. And these new standards may well affect that operating plan.

Senator CRAIG. OK. Thank you.

Senator GORTON. OK. Thank you, all, very much for your help here.

Mr. WILLIAMS. Thank you.

**STATEMENT OF STEPHEN P. MEALEY, DIRECTOR, IDAHO DEPARTMENT OF FISH AND GAME**

Senator GORTON. We have used a lot of time on the Federal panel. We will now call the members of the State panel up to testify. For each of the States, Steve Mealey, director of the Idaho Fish and Game Department; Julie Lapeyre, of the Governor’s Office in Montana; Carol Jolly, of the Governor’s Office in Olympia, WA; Jaime Pinkham, of the Columbia River Intertribal Fish Commis-

sion; and State Senator Bob Morton, from the 7th District of Washington.

And while you are preparing yourselves for your testimony, we are going to have to run the light system now, and ask you to limit your testimony to 5 minutes each, so we will have some time to ask you questions and get to the rest of the panels. When the yellow goes on, it means, wherever you are, please finish that sentence or that thought, and then complete what you have to say.

Your written statements are already in the record and are a formal part of the record. And unless there is some reason to do otherwise, we will go in the order that I announced your name.

And, Mr. Mealey, that means that you are first.

Mr. MEALEY. Senators, I am Steve Mealey, director of the Idaho Fish and Game Department, and former project manager for the Upper Columbia River Basin EIS Project.

I am pleased to be here to represent Governor Philip Batt and the State of Idaho to comment on the Upper Columbia River Basin draft environmental impact statement. My comments will be in two parts. First, Governor Batt's May 4 letter to Susan Giannettino, Project Manager for the Columbia Basin Project. And the second part is an excerpt from my letter, as Director, of April 27th, also to Susan.

LETTER FROM GOVERNOR PHILIP BATT

MAY 4, 1998.

DEAR MS. GIANNETTINO: The State of Idaho respectfully submits comments regarding the Upper Columbia River Basin draft EIS. These comments represent a comprehensive effort by Idaho's Attorney General Alan G. Lance, along with the Idaho Department of Water Resources, Department of Fish and Game, Department of Lands, Department of Parks and Recreation, Idaho Department of Commerce, the Idaho Department of Agriculture, and the Division of Environmental Quality. Additionally, I have included a critical economic analysis provided by the University of Idaho College of Agriculture.

This cover letter highlights the State's primary concerns about the UCRB DEIS. They are as follows:

No. 1, many of the proposed standards in the DEIS appear to be fine-scale, quite detailed and specific, and inconsistent with the landscape-scale data on which they should be based, as well as used to assess effects. The State believes that the landscape-scale science analyses from the scientific assessment provide information appropriate only for broad- or landscape-scale decisionmaking. Accordingly, any effort on the part of the Executive Steering Committee to proceed with the final EIS and record of decision that contain detailed, fine-scale prescriptive standards and objectives will be strongly opposed by the State of Idaho.

No. 2, the State of Idaho proposes a simple solution: return to the original intent of the scoping document. That intent was to provide broad-scale ecosystem strategies, including goals and general statements of policy that respond to broad-scale science findings. This would not necessarily result in a record of decision. Under this scenario, broad statements of policy would be supplemented with guidelines. A DEIS revised to accomplish this purpose would result in a document amending the existing Forest Service regional guides.

Similarly, general guidance would stand as a new policy layer for the Bureau of Land Management. The State believes that altering the approach to general management is a constructive step toward restoring forest, rangeland and aquatic ecosystem health. Additionally, the approach provides the State and Federal agencies more of an opportunity to cooperatively manage public lands.

And the third point: The existing standards and guidelines in PACFISH and INFISH need to be reviewed for their necessity and sufficiency in conserving anadromous and resident fish. The State proposes that the current PACFISH and INFISH interim strategies be refined independently of the UCRB DEIS process. In doing so, it will be important to consult Idaho Department of Fish and Game sci-

entific studies, which clearly demonstrate that habitat is not the primary limiting factor for anadromous fish populations in the State of Idaho.

I am encouraged that the UCRB DEIS team has agreed to engage in meaningful dialog with the State to revise the DEIS. I believe that existing State regulatory processes can and should be used to meet the intent of the original scoping document. State and Federal agencies merely need more collaboration on land management issues. We do not need to devise a confusing new layer of bureaucracy as the DEIS proposes.

Public processes such as the Bull Trout Conservation Plan and the State Water Quality Plan for developing TMDL's should be utilized whenever possible instead of creating a new Federal process to accomplish the same task. If collaboration is truly the goal of the project, this ought to be the primary objective. I look forward to your response to the comments.

Very truly yours,

PHILIP E. BATT.

And now, briefly, an excerpt from my own letter, dated April 27th. This was one of several paragraphs.

And it begins:

There is a corresponding matter regarding the legal architecture in place for decisionmaking on Federal lands in general. Simply put, the legal architecture now in place for Federal lands makes effective, balanced and integrated Federal policy-making nearly impossible. Three Federal acts in particular—the Clean Air Act, the Clean Water Act and the Endangered Species Act—make integrated Federal land management extremely difficult.

These laws are basically single-purpose, functional laws that can be used to trump all other resource needs. They can be interpreted by agency administrators to permit or allow for no short-term, fine-scale risk, or minimum short-term, fine-scale risk to air and water resources and to listed species. They appear to have been so interpreted in this manner in the current draft environmental impact statement.

Such interpretations prevent consideration of the relative risks of proposed actions, such as the short-term risks of action and the long-term, broad-scale risks of inaction; this could be the short-term risks of forest health restoration and the long-term, broad-scale risks of no such restoration—long-term, broad-scale risk can often outweigh the short-term, fine-scale risks.

Such narrow and shortsighted interpretations appear to permit little or no decision space to meet other resource needs and opportunities. This appears to be true of all alternatives. The decision space for Alternative 4, in particular, appears to be so limited by aquatic/riparian standards and required watershed analyses that many other essential ecological restoration needs appear difficult to meet.

#### PREPARED STATEMENT

That concludes my formal comments, and I will be pleased to answer any subsequent questions.

Senator GORTON. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF STEPHEN P. MEALEY

Gentlemen, I am pleased to be here to represent Governor Philip Batt and the State of Idaho to comment on the Upper Columbia River Basin (UCRB) Draft Environmental Impact Statement (DEIS). My comments will be in two parts: First, Governor Batt's May 4 letter to Susan Giannettino, Project Manager, Upper Columbia River Basin Project. The second part is an excerpt from my letter of April 27, also to Ms. Giannettino.

#### [GOVERNOR BATT'S MAY 4, 1998 LETTER]

"DEAR MS. GIANNETTINO: The State of Idaho respectfully submits comments regarding the Upper Columbia River Basin Draft Environmental Impact Statement (UCRB DEIS).

"These comments represent a comprehensive effort by Idaho's Attorney General, Alan G. Lance, along with the Idaho Department of Water Resources, Department of Fish and Game, Department of Lands, Department of Parks and Recreation, the Idaho Department of Commerce, the Idaho Department of Agriculture, and the Divi-

sion of Environmental Quality. Additionally, I have included a critical economic analysis provided by the University of Idaho's College of Agriculture.

"This cover letter highlights the state's primary concerns about the UCRB DENIS. They are as follows:

"1. Many of the proposed standards in the DEIS appear to be fine-scale, quite detailed and specific, and inconsistent with the landscape-scale data on which they should be based, as well as used to assess effects. The state believes that the landscape-scale science analyses from the scientific assessment provide information appropriate only for broad- or landscape-scale decision-making. Accordingly, any effort on the part of the Executive Steering Committee to proceed with a Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) that contain detailed, fine-scale prescriptive standards and objectives will be strongly opposed by the State of Idaho.

"2. The State of Idaho proposes a simple solution: return to the original intent of the scoping document. That intent was to provide broad-scale ecosystem strategies, including goals and general statements of policy, that respond to broad-scale scientific findings. This would not necessarily result in a ROD. Under this scenario, broad statements of policy would be supplemented with guidelines. A DEIS revised to accomplish this purpose would result in a document amending the existing Forest Service Regional Guidelines ("Regional Guides") (36 CFR 219). Similarly, general guidance would stand as a new policy layer for the Bureau of Land Management (BLM). The state believes that altering the approach to general management is a constructive step toward restoring forest, rangeland, and aquatic ecosystem health. Additionally, this approach provides the state and federal agencies more of an opportunity to cooperatively manage our public lands.

"3. The existing standards and guidelines in PACFISH and INFISH need to be reviewed for their necessity and sufficiency in conserving anadromous and resident fish. The state proposes that the current PACFISH and INFISH interim strategies be refined independently of the UCRB DEIS process. In doing so, it will be important to consult Idaho Department of Fish and Game scientific studies which clearly demonstrate that habitat is not the primary factor limiting anadromous fish populations in the state.

"I am encouraged that the UCRB DEIS team has agreed to engage in meaningful dialogue with the state to revise this DEIS. I believe that existing state regulatory processes can and should be used to meet the intent of the original scoping document. State and the federal agencies merely need more collaboration on land management issues. We do not need to devise a confusing, new layer of bureaucracy, as this DEIS proposes. Public processes such as the Bull Trout Conservation Plan and the State Water Quality Plan for developing TDL's should be utilized whenever possible instead of creating a new federal process to accomplish the same task. If collaboration is truly the goal of the project this ought to be your primary objective.

"I look forward to your response to these comments."

Very truly yours,

PHILIP E. BATT,  
*Governor.*

[EXCERPT FROM DIRECTOR MEALEY'S APRIL 27 LETTER]

"There is a corresponding matter regarding the legal architecture in place for decision-making on federal lands in general. Simply put, the legal architecture now in place for federal lands makes effective, balanced and integrated federal policy-making nearly impossible. Three federal acts in particular—the Clean Air Act (CAA), Clean Water Act (CWA), and Endangered Species Act (ESA) make integrated federal land management extremely difficult. These laws are basically single-purpose, functional laws that can be used to 'trump' all other resource needs. They can be interpreted by agency administrators to permit or allow for 'no short-term, fine-scale risk, or minimum short-term, fine-scale risk' to air and water resources and to listed species. They appear to have been interpreted in this manner in the UCRB DEIS. Such interpretations prevent consideration of the relative risks of proposed actions (i.e., the short-term risks of action and the long-term, broad-scale risks of inaction; this could be the short-term risks of forest health restoration, and the long-term, broad-scale risks of no such restoration—long-term, broad-scale risks can often outweigh short-term, fine-scale risks). Such narrow or short-sighted interpretations appear to permit little or no 'decision space' to meet other resource needs and opportunities. This appears to be true of all alternatives: The decision space for Alternative 4, in particular, appears to be so limited by aquatic/riparian standards and required watershed analyses that many other essential ecological restoration needs appear difficult to meet."

Gentlemen, this concludes my formal comments. I'll be pleased to answer any questions you may have.

**STATEMENT OF JULIE LAPEYRE, NATURAL RESOURCE POLICY ADVISOR, OFFICE OF THE GOVERNOR, STATE OF MONTANA**

Senator GORTON. Ms. Lapeyre.

Ms. LAPEYRE. Chairman Gorton, Chairman Craig, thank you for the opportunity to provide comments on the Interior Columbia River Basin draft environmental impact statement.

Governor Racicot appreciates the opportunity to share our thoughts, and regrets he cannot personally be here today.

We are convinced we can do a better job managing our natural resources, including fish and wildlife populations, while providing more predictability to our communities. As a result, the State of Montana has attempted to contribute constructively to this project, which, in our understanding, is to provide for the long-term sustainability of economic, social, and biological systems in the basin.

We recognize and believe that only by accomplishing these goals will local communities be able to better manage our shared resources and achieve the predictable levels of products and services from Federal lands. We believe there is a great need to change the current approach that Federal agencies have been taking in management decisions. However, we have significant reservations whether this EIS will result in bringing about more stability to the economic, social, and biological systems in the basin.

It has been our experience and observation that the real driving force behind management decisions today are the actions taken by regulatory agencies, like the U.S. Fish and Wildlife Service, NMFS, EPA, and the Army Corps of Engineers. While we understand these agencies have been involved in the EIS, the EIS does not reveal how these regulatory agencies will adapt their individual and collective regulatory regimes to provide the assurance of and equilibrium for long-term sustainability. For instance, the EIS does not provide any definitive direction as to how these agencies will appropriately deal with threatened and endangered species.

Our concern in this instance is that a massive and entirely new management approach that applies to 144 million acres will be adopted, but the existing statutory and regulatory framework will not be adjusted to allow for the flexibility and discretion necessary to implement this new approach on the ground. The issuance of a final EIS and a ROD could actually result in more litigation in the future, because the document is so vague and could be interpreted in so many ways. Issuing a massive programmatic EIS may, in reality, provide more tools for more litigation and administrative appeals instead of bringing about better and more expeditious management actions.

Things are not good now. Under this scenario they could get worse, worse for the people and worse for our shared natural resources.

The EIS mentions the conflicts regarding the Columbia River management issues. However, it does not resolve those conflicts. We have serious questions about how a record of decision would be affected by river management or how river management would be affected by the EIS.

Management of native and anadromous fish cannot help but be affected by the issuance of a record of decision, and therefore related river management activities will be affected. We simply cannot endorse an alternative without knowing the impact of that alternative on river management.

We are also concerned that the EIS will not create predictability for forest managers. In fact, we believe it would result in the opposite of its stated purpose. In the background material published by the EIS team it states: What you will not find in this plan is a one-size-fits-all direction. Yet the proposed standard and guidelines, if adopted, will create a one-size-fits-all presumption that will diminish the discretion of local forest managers to work toward restoration and a sustainable production of goods based on the unique circumstances of individual forests.

We also have grave concerns over the cost of implementing a record of decision. The EIS states that if full funding does not occur, then the rate of implementation will be decreased appropriately. What does this mean? Would one forest or region be deemed more important than another? Would one community's economic stability be more important than another? Would one species be more important than another?

While we do appreciate the Federal agencies taking a new look at the socioeconomic analysis included in the DEIS, we still believe there are many unanswered questions. The supplemental report provides a general overview of basin communities. However, it avoids the discussion of specific socioeconomic impacts to each community. A complete analysis of socioeconomic impacts for each community under each alternative is a necessary prerequisite to the issuance of a final EIS and record of decision. That is what the law, in simple fairness, contemplate.

The effort expended on this project is significant and appreciated. The information produced as a result of this extraordinary inquiry is invaluable. Nonetheless, for the reasons mentioned, we do not believe this project should proceed to a record of decision. Instead, goals and objectives based on the information and analysis produced should be formulated to guide the development of forest plans pursuant to the National Forest Management Act.

By drawing this conclusion, we do not intend to diminish the effort invested to produce this analysis, nor the competence of the professionals responsible for its creation. And importantly, we believe the body of information synthesized as a result of the scientific analysis inquiries will greatly assist in making better management decisions in the future. Our best recommendation, however, is to use that information to guide the development of forest plans suited to the unique characteristics of individual management units.

#### PREPARED STATEMENT

To proceed to the adoption of a preferred alternative and a final EIS and the issuance of a record of decision would, for the reasons expressed, achieve the opposite of what the purpose and need statement sets out to accomplish.

Mr. Chairman, thank you for the opportunity to provide our thoughts, and I would be happy to answer any questions.

Senator Gorton. Thank you.  
[The statements follow:]

PREPARED STATEMENT OF JULIE LAPEYRE

Chairman Gorton and Chairman Craig, thank you for the opportunity to provide comments regarding the Interior Columbia River Basin draft environmental impact statement (EIS). I am Julie Lapeyre, Natural Resource Policy Advisor in the Office of the Governor for the State of Montana. Governor Racicot appreciates the opportunity to share our thoughts and regrets he cannot personally be here today.

Mr. Chairman, I would like to request that the formal comments submitted by Governor Racicot on behalf of the State of Montana to the EIS team be made a part of the record.

We are convinced we can do a better job managing our natural resources—including fish and wildlife populations—while providing more predictability to our communities. As a result, the State of Montana has attempted to contribute constructively to this project, which in our understanding, is to provide for long-term sustainability of economic, social and biological systems in the basin. We recognize and believe that only by accomplishing these goals will local communities be able to better manage our shared resources and achieve predictable levels of products and services from federal lands.

We believe there is a great need to change the current approach that federal agencies have been taking in management decisions. However, we have significant reservations whether this EIS will result in bringing about more stability to the economic, social and biological systems in the basin.

It has been our experience and observation that the real driving force behind management decisions today are the actions taken by regulatory agencies, like the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the EPA and the Army Corps of Engineers. While we understand these agencies have been involved in the EIS process the EIS does not reveal how those regulatory agencies will adapt their individual and collective regulatory regimens to provide the assurance of and equilibrium for long-term sustainability. For instance, the EIS does not provide any definitive direction as to how these agencies will appropriately address threatened and endangered species within the context of the EIS.

Our concern in this instance is that a massive and entirely new management approach, that applies to 144 million acres will be adopted, but that the existing statutory or regulatory framework will not be adjusted to allow for the flexibility and discretion necessary to implement this new/approach on the ground.

The issuance of a final EIS and record of decision could actually result in more litigation in the future because the document is so vague and could be interpreted in so many different ways. Issuing a massive programmatic EIS may in reality provide more tools for more litigation and administrative appeals instead of bringing about better and more expeditious management action. Things are not good now, but under this scenario, they could get worse—worse for people and worse for our shared natural resources.

The EIS mentions the conflicts regarding Columbia river system management issues. However, it does not resolve those conflicts. We have serious questions about how a record of decision would be affected by river management or how river management would be affected by the EIS. Management of native and anadromous fish cannot help but be affected by the issuance of a record of decision and therefore related river management activities will be affected. We simply cannot endorse an alternative without knowing the impact of that alternative on river management.

We are also concerned that the EIS will not create predictability for forest managers. In fact, we believe it would result in the opposite of its stated purpose. In the background material published by the EIS Team it states “What you won’t find in this plan is a one-size-fits-all direction.” Yet the proposed standards and guidelines if adopted will create a “one size fits all” presumption that will diminish the discretion of local forest managers to work toward restoration and the sustainable production of goods based on the unique circumstances of individual forests.

We also have grave concerns over the costs of implementing a record of decision. The EIS states that “If full funding does not occur, then the rate of implementation will be decreased appropriately.” What exactly does this statement mean? Would one forest or region be deemed more important than another? Would one community’s economic stability be more important than another? Would some species be more important than others?

While we do appreciate the federal agencies taking a new look at the socio-economic analysis included within the DEIS, we still believe there are many unanswered questions. The supplemental report provides a general overview of Interior

Columbia Basin communities. However, it avoids the discussion of specific socio-economic and economic impacts to each community. A complete analysis of socio-economic and economic impacts for each community under each alternative is a necessary prerequisite to the issuance of a final EIS and record of decision. That's what the law and simple fairness contemplate.

The effort expended on this project is significant and appreciated. The information produced as a result of this extraordinary inquiry is invaluable. Nonetheless, for the reasons mentioned, we do not believe the project should proceed to the issuance of a record of decision. Instead, goals and objectives, based upon the information and analysis produced, should be formulated to guide the development of forest plans pursuant to the National Forest Management Act.

By drawing this conclusion, we do not intend to diminish the effort invested to produce this analysis, nor the competence of the professionals responsible for its creation. And importantly, we believe that the body of information synthesized as a result of the scientific inquiries will assist greatly in making better management decisions in the future. Our best recommendation, however, is to use that information to guide the development of forest plans suited to the unique characteristics of individual management units. To proceed to adoption of a preferred alternative in a final EIS and the issuance of a record of decision would, for the reasons expressed, achieve the opposite of what the purpose and need statement sets out to accomplish.

Again, Mr. Chairmen, thank you for the opportunity to share our thoughts and I will be happy to answer any questions.

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PREPARED STATEMENT OF MARC RACICOT, GOVERNOR, STATE OF MONTANA

Dear State Directors and Regional Foresters: Thank you for the opportunity to comment on the Interior Columbia River Basin draft environmental impact statement (EIS). We fully recognize that as part of the EIS, the scientific teams have conducted unprecedented scientific analysis of conditions in the Interior Columbia River Basin. We have appreciated the briefings by various federal officials and the opportunity for the State of Montana to analyze and address different aspects of the EIS.

As a preface, let me make it plain that we are convinced we can better manage our natural resources, including wildlife and fish populations, while providing more predictability to our communities, than we are doing now. By "we," in this instance, I mean all of those involved in managing public resources. As a result, the State of Montana has attempted to contribute constructively to this project, which in our understanding, is to provide for long-term sustainability of economic, social and biological systems in the basin. We recognize and believe that only by accomplishing these goals will local communities be able to better manage our shared resources and achieve predictable levels of products and services from Forest Service and BLM-administered lands. Unfortunately, in recent years sustainability and predictability for these communities have been unpredictable and unsustainable.

Unquestionably we believe there is a great need to change the current approach that federal agencies have been taking in management decisions. As a threshold matter, however, we have significant reservations whether this environmental impact statement will result in bringing about more stability to the economic, social and biological systems in the basin.

Some of our reservations arise because it has been our experience and observation that the real driving force behind management decisions today are the actions taken by regulatory agencies, like the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Environmental Protection Agency and the Army Corps of Engineers. While we understand these agencies have been involved in the EIS process, the EIS does not reveal how those regulatory agencies will adapt their individual and collective regulatory regimens to provide the assurance of and equilibrium for long-term sustainability of economic, social and biological systems to occur. For instance, the EIS does not provide any definitive direction as to how these agencies will appropriately address threatened and endangered species within the context of the EIS.

The EIS does not mention changes to the Endangered Species Act even though changes would most likely be required to meet the entire purpose and need statement. An example of our concern is on summary page 2, where it is claimed that the record of decision will "Establish general direction for management of habitat for threatened or endangered species or for communities of species that require management across broad landscapes to assure viability." However, the only direction that the EIS provides is to implement recovery plans (HA-S14) or conservation strategies (HA-S15) following recovery. This direction is no different than what is

currently mandated by existing law. The EIS analysis indicates that only the reserve blocks proposed in alternative 7 provide the large areas, connectivity and isolation that are likely to benefit many of the wide ranging carnivores and ungulates that are threatened, endangered or sensitive.

One “purpose” of the EIS (1–6) is to “Identify where current policy, regulation, or law may act as barriers to implementing the strategy or achieving desired conditions.” The EIS also states (1–15) that “The ROD(s) will identify necessary changes to policy or suggest modifications to existing laws as needed to implement the decision.” What changes or modifications to what policies or laws? In our review of the related documents, we do not see any mention of proposed changes. How can we possibly offer cogent analysis in this regard if we don’t know which statutory or regulatory changes will be necessary for changes on the ground to occur?

Our concern in this instance is that massive and entirely new management approach that applies to 16 Bureau of Land Management districts, 30 National Forests, 104 counties and 144 million acres will be adopted, but that the existing statutory or regulatory framework will not be adjusted to allow for the flexibility and discretion necessary to implement this new approach on the ground. What has been achieved if that were to occur? It appears to us that in such a situation the field of litigational possibilities will be expanded exponentially thereby directly and tragically undermining the stated purpose of and need for the EIS. What assurance do we have that such will not occur when there is no identification of necessary policy or statutory modifications that are a necessary prerequisite to implementation? As mentioned above, the issuance of a final EIS and record of decision could actually result in more litigation in the future because the document is so vague and could be interpreted in so many different ways. Issuing a massive programmatic EIS may in reality provide more tools for more litigation and administrative appeals instead of bringing about better and more expeditious management action. As noted above, things are not good now, but under this scenario, they could get worse—worse for people and worse for our shared natural resources.

It is alleged that within the EIS (1–18) there is a specific “aquatic conservation strategy”. The EIS mentions (2–106) the conflicts regarding Columbia river system management issues and includes a ‘sidebar’ (2–151) on the topic. However, it does not resolve those conflicts and we have serious questions, after review of the alternatives and the objectives and standards, about how a record of decision would be affected by river management or how river management would be affected by the EIS. Management of native and anadromous fish cannot help but be affected by the issuance of a record of decision and therefore related river management activities will be affected as well. We simply cannot endorse an alternative without knowing the impact of that alternative on river management.

Regarding river governance issues, we remain concerned over the substantial and sometimes destructive drawdowns of reservoirs within our state for downstream fish and wildlife interests. As you may know, the State of Montana has filed suit in federal court regarding the noncompliance of state water quality standards by federal agencies. Contrary to the view of the EIS (4–153) where it states, “The goals of States’ natural resource agencies are generally not specifically aimed to protect aquatic ecosystems and biodiversity, but to meet societal needs while disrupting ecological processes and conditions as little as possible” and that “Implementation of State requirements for protection of aquatic ecosystems are uncertain,” the State of Montana has a profound and abiding interest in protecting our natural resources and assuring compliance with applicable law.

We are also concerned that the EIS will not create predictability for forest managers. In fact, we believe it would precipitate the opposite of its stated purpose. The publication “Considering All Things” (page 4) states “What you won’t find in this plan is a one-size-fits-all direction.” Yet the proposed standards and guidelines if adopted in a final EIS and record of decision will create a “one size fits all” presumption that will diminish the discretion of local forest managers to predictably work toward restoration and the sustainable production of goods based upon the unique circumstances and conditions of individual forests.

We also have grave concerns over the costs of implementing a record of decision. The EIS projects some of the potential costs of implementing the various alternatives. The costs do not include those which would be required under section 7 of the Endangered Species Act and they do not include the costs of wildfire suppression and rehabilitation. The preferred alternative, for example, would cost \$138,234,000 compared to the status quo (Alternative 2) of \$73,675,000. While annual agency funding is set by Congress, how do the agencies anticipate securing additional funding? The EIS states (1–18) that “If full funding does not occur, then the rate of implementation will be decreased appropriately.” What exactly does this statement mean? Would one forest or region be deemed more important than an-

other? Would one community's economic stability be more important than another? Would some species be more important than others? What criteria will be used? What about staffing implications? Currently, Region One of the Forest Service is facing difficult choices in how to fund existing needs due to decreases in financial resources attributed to decreases in timber sales. How much more will the implementation of a record of decision add to this already existing problem?

As acknowledged by the authors, it is impossible to tell what impacts might accrue under the various alternatives contained in the EIS. This is partly a matter of scale, partly due to unfamiliar descriptions, and partly the challenge of bureaucratic prose that allows almost any interpretation to fit almost any alternative.

While we fully understand the Interior Columbia Basin Ecosystem Management Project is a programmatic EIS and is not designed to specifically address individual environmental, social and economic consequences, the EIS visibly lacks explanation of how it will achieve the purpose and need statement.

Let me offer an example. Representatives of the Montana Department of Natural Resources and Conservation and the Montana Department of Fish, Wildlife and Parks attended a Kootenai National Forest presentation on the EIS. While the Kootenai Forest staff made a good-faith effort to answer questions raised by the public, they could not determine the impacts of the alternatives at the forest level. They took several months to look at just one alternative (Alternative 4 was presumed to be the preferred alternative) and tried to compare it to existing management plans to determine comparative impacts. The result of that comparison was that there would probably be fewer roads, larger buffers around streams, about the same wildlife habitat, slightly less timber harvest than in 1996, and timber or vegetation growth would continue to grow about three times beyond the utilization rate, increasing the role of prescribed burning and natural fire to control fuel levels. The Kootenai Forest analysis basically provided a comparison between Alternative 1 and Alternative 4. It said nothing about the other five alternatives. In addition, we have no other knowledge from the other national forests in western Montana that an analysis similar to the Kootenai Forest has been undertaken.

The jargon problem is monumental. While ecosystem management is not new in the scientific literature, it is significantly new in the public realm, and even though the EIS appears to be written by competent scientists intimately familiar with the ecosystem management concept, frankly, even a sophisticated and educated reader would have trouble understanding the meaning and context of many of the terms used in the EIS. The definitions and use of key terms within the EIS reflect the anxiety, uncertainty and confusion swirling about the EIS. As an example (5-38), the definition for "ecological integrity" seems to be more subjective than objective. What is the scientific basis for the phrase "the quality of being complete; a sense of wholeness"? Many of the terms used are not in the glossary and some of the definitions in the glossary require looking up additional terms in order to understand the original definition. How many years will it take for those terms to be construed by various courts and through administrative appeals before they will receive settled definitions? And in the process how will our shared resources and those who provide stewardship of there be impacted?

In order to make confident recommendation for a preferred alternative, the state is faced with the almost impossible task of trying to decide what alternative is best for Montana, without the tools or information to know what one alternative means, much less the tools and information necessary to understand a comparative analysis between alternatives. The Kootenai Forest, taking several months and utilizing professionals already familiar with the ecosystem management concept and who also contributed to the EIS, could explain only the comparative difference between no action (alternative 1) and the preferred alternative (alternative 4). Even then, they could not break down impacts to anything more than a Kootenai Forest level analysis. They could not speak to what would occur to the local economy or forest conditions in communities like Libby or Trout Creek, for example.

Also, many of the projected outputs require the investment of a high degree of faith by the public, who may be justifiably skeptical that these outcomes could actually be realized. For example, the Preferred Alternative 4 proposes to:

- (1) increase the volume of timber harvested compared to current levels (Page 3/186);
- (2) increase acres of timber harvest by 154 percent compared to current levels;
- (3) increase precommercial thinning by more than 2-times current acres;
- (4) increase prescribed fire by 150-335 percent; and,
- (5) simultaneously reduce road densities in most forest types by up to 50 percent.

Where is this going to occur? According to the Kootenai National Forest analysis, it's not going to occur there. And, even without the reality of limited budgetary con-

straints, the EIS does not provide an explanation of how apparent contradictory goals can be accomplished?

While we do appreciate the agencies taking a new look at the socioeconomic analysis included within the DEIS as originally released, we still believe there are many unanswered questions. The Economic and Social Conditions of Communities report (Report) provides a general overview of Interior Columbia Basin communities. However, it avoids the issue of what the specific socioeconomic and economic impacts would be to each community under each of the different alternatives. This is due in part to the fact that the EIS, which the Report supplements, uses a “broad-scale” approach and therefore prevents the estimation of local effects. However, a complete analysis of socioeconomic and economic impacts for each community under each alternative is a necessary prerequisite to the issuance of a final environmental impact statement and record of decision. That’s what the law and simple fairness contemplate. Even though in our understanding the National Forest Management Act requires an individual analysis for each of the 104 counties to be impacted by the EIS, the Report, at the least, should have provided a range of potential socioeconomic and economic impacts for the Bureau of Economic Analysis (BEA) regions and a more detailed discussion of how the communities in each of the BEA regions would potentially be impacted under each of the different alternatives. Several assumptions are used in the Report in order to allow for a simplification of the analysis. However, the “broad-scale” approach of the EIS must be narrowed and the socioeconomic and economic impacts at the BEA region level must be analyzed.

We are concerned by language (1–14) regarding “adaptability of plans” that indicates reinitiation of consultation under the Endangered Species Act may result from this project. We suggest any such action be done in a manner that does not unreasonably delay or alter previously approved site-specific projects or projects close to decision. Adaptive management occurs through predictable and reasonable processes that do not cause an undue burden in the process of balancing development with appropriate levels of environmental protection.

We were pleased to see the importance weed management was given in the EIS. Implementation of an integrated weed management strategy on identified noxious weeds is a component of each of the alternatives listed except Alternative 1 [No Action]. A coordinated weed management approach is paramount as we look at emerging management issues.

The effort expended on this project is significant and appreciated. Similarly, the information produced as a result of this extraordinary inquiry is invaluable. Nonetheless, for the reasons mentioned herein, we do not believe the project should proceed to the issuance of a record of decision. Instead, goals and objectives, based upon the information and analysis produced, should be formulated to guide the development of forest plans pursuant to the National Forest Management Act.

By drawing this conclusion, we do not intend to diminish the effort invested to produce this analysis, nor the competence of the professionals responsible for its creation. We also appreciate the many opportunities offered for collaboration throughout the preparation of the EIS. And importantly, we believe that the body of information synthesized as a result of the scientific inquiries will assist greatly in making better management decisions in the future. Our best recommendation, however, is to use that information to guide the development of forest plans suited to the unique characteristics of individual management units. To proceed to adoption of a preferred alternative in a final EIS and the issuance of a record of decision would, for the reasons expressed herein, achieve the opposite of what the purpose and need statement sets out to accomplish.

Thank you for consideration of our comments.

**STATEMENT OF CAROL JOLLY, EXECUTIVE POLICY ADVISOR ON NATURAL RESOURCE POLICY, EXECUTIVE POLICY OFFICE, STATE OF WASHINGTON**

Senator GORTON. Ms. Jolly.

Ms. JOLLY. Thank you, Senator Gorton, Senator Craig. I appreciate the opportunity to be here today to represent Washington Governor Locke.

For the last 4 years, Washington State has been participating with the Federal agencies and working with the Eastside Ecosystem Coalition of Counties on the Interior Columbia Basin Ecosystem Management Project. A number of State agencies—our Department of Fish and Wildlife, Ecology, and Community Trade and

Economic Development—have reviewed documents, met with Federal officials, and discussed the related issues with one another and with their constituents. We have consulted regularly with our Department of Natural Resources, which manages State lands, and with the staff of Oregon Governor Kitzhaber.

Public Lands Commissioner Jennifer Belcher submitted comments to the Federal agencies, supportive of this project. And with your permission, I would like to submit today Governor Kitzhaber's testimony for the record, since Governor Kitzhaber was not able to be represented here.

Senator GORTON. Yes; we did invite an Oregon representative, and they have written testimony. We will be happy to have you submit it, and it will be a part of the record.

[CLERK'S NOTE.—The information was not received in time to be included in the hearing record.]

Ms. JOLLY. Thank you very much. I appreciate that.

Based on our involvement and on our evaluation of the project's draft environmental impact statement, Governor Locke, earlier this month, submitted comments to the Forest Service and the Bureau of Land Management. And I have provided a full copy of that letter as part of my testimony, but I will try to highlight for you today the main points that we made.

We see the project as an ambitious and innovative approach to broad-scale Federal land management. And we appreciate the Federal Government's commitment to finding new ways to address deteriorating conditions throughout the basin, while supporting the region's social and economic needs. We do endorse the project's approach of considering watersheds the basic unit of landscape ecology, and using tremendous amounts of digitally stored and manipulated data to evaluate options for managing land differently within each watershed. We see this approach as an asset to local, State, and tribal planning and resource management agencies throughout the project area.

We are hopeful that the Forest Service and BLM will work with agencies at all levels of government to make the extensive scientific data that has been gathered more easily and readily accessible and usable. We would also like to see continuing efforts to coordinate its refinement, and to identify any gaps that would require additional research. We see substantial value in the Federal agencies committing to maintaining, updating, and distributing this data.

In light of the listings of anadromous and resident fish in numerous Washington waterways under the Endangered Species Act, we see the watershed and basis analysis approach projected in the EIS as complementary to our expanding efforts at the State and local levels to restore fish populations. We hope that the application of this approach in landscape-level decisionmaking will be pursued cooperatively with the State as we increase our emphasis on water quality management by establishing and allocating total maximum daily loads under the Federal Clean Water Act.

However, Washington has continuing concerns about the adequacy of the socioeconomic assessments completed for the project. We understand from previous conversations and from what Mr. Williams said this morning that the project team is continuing to work with the Eastside Coalition of Counties. And we are glad that

they are doing that, because we want to see substantial improvement before the final EIS is completed.

We are concerned to see that the draft EIS lacks and discussion of a strategy to address the economic distress of the communities and tribes within the project area. With much of that region already economically troubled, it is our hope that the project could serve as a springboard for improvements for these communities and tribes. We know that the land management agencies do not have a legal mandate to provide economic stability to rural communities, but the Forest Service and BLM have been key participants in the President's forest plan economic adjustment initiative in western Washington, and we would like to see a similar effort undertaken on the State's eastside.

We are going to look to the final EIS for clarification on the mechanisms that will be established to ensure interagency coordination among the land management and the regulatory agencies—an issue of some concern to us—and also for coordination between the Federal Government and State, local, and tribal agencies.

Our resource agencies continue to view some combination of alternatives 4 and 6 presented in the draft EIS, aggressive restoration combined with a conservation reserve design and adaptive management, as holding the best prospects for success. Given the poor ecological integrity throughout much of the basin, it is essential that the Federal agencies make strong efforts to restore and protect the aquatic, riparian, and terrestrial components of the ecosystem.

We support the judicious use of prescribed burning, as described in alternative 4, because we think that will reduce severe air quality and dangers from future wildfires. We hope that that prescribed burning will be done in close consultation with the States, so we can protect our air quality.

#### PREPARED STATEMENT

I would just note in closing that Governor Locke has repeatedly endorsed Governor Kitzhaber's proposal that implementing this plan should focus first on the less controversial locations, avoiding activities in areas that are roadless, have priority fish habitat, or contain old growth timber. We could then monitor the results of harvests and determine how best to go into these more sensitive areas.

Thank you for the opportunity to appear here today to present Washington's views on this important project. I would be glad to answer any questions.

Senator GORTON. Thank you, Ms. Jolly.

[The statement follows:]

#### PREPARED STATEMENT OF CAROL JOLLY

For close to four years, Washington State has been participating with the federal agencies and working with the Eastside Ecosystem Coalition of Counties on the Interior Columbia Basin Ecosystem Management Project (ICBEMP). Several state agencies, including our departments of Fish and Wildlife, Ecology, and Community, Trade and Economic Development have reviewed documents, met with federal officials, and discussed the related issues with one another and with their constituents. We have consulted regularly with the Department of Natural Resources, which manages state lands, and with the staff of Governor Kitzhaber of Oregon.

Based on this involvement and on our evaluation of the Project's Draft Environmental Impact Statement, Governor Locke earlier this month submitted comments to the Forest Service and the Bureau of Land Management. While a copy of his full comment letter is attached, I will try to highlight his main points.

We see ICBEMP as an ambitious, innovative approach to broad-scale federal land management and appreciate the federal governments commitment to finding new ways to address deteriorating conditions throughout the basin while supporting the region's social and economic needs.

We strongly endorse the Project's approach of considering watersheds the basic units of landscape ecology and using tremendous amounts of digitally stored and manipulated data to evaluate options for managing lands within each watershed. We see such an approach as an asset to local, state and tribal planning and resource management agencies throughout the project area.

We hope the Forest Service and Bureau of Land Management will work with agencies at all levels of government to make the extensive scientific data that has been gathered through the project more easily useable. We would also like to see continuing efforts to coordinate its refinement and identify gaps requiring additional research. We see substantial value in the federal agencies committing to maintaining, updating and distributing the data.

In light of the listings of anadromous and resident fish in numerous Washington waterways under the Endangered Species Act, we see the watershed and basin analysis approach projected in the Environmental Impact Statement as complementary to our expanding efforts at the state and local level to restore fish populations. We hope that application of this approach in landscape level decision-making will be pursued in cooperation with the state as we increase our emphasis on water quality management through establishing and allocating Total Maximum Daily Loads under the federal Clean Water Act.

Washington has continuing concerns about the adequacy of the socio-economic assessments completed for the ICBEMP. We understand that the Project Team is continuing to work with the Eastside Ecosystem Coalition of Counties to more clearly quantify impacts on rural communities. We would hope to see substantial work between the draft and final Environmental Impact Statement, especially on the review of recreation employment and wage data assessment.

It is troubling to note that the Draft Environmental Impact Statement lacks any discussion of a strategy to address the economic distress of the communities and tribes within the Project area. With much of that region already economically troubled, it is our hope that ICBEMP can serve as a springboard for improvements for these communities and tribes. While we recognize that the land management agencies have no legal mandate to provide economic stability to rural communities, the Forest Service and Bureau of Land Management have been key participants in the President's Forest Plan Economic Adjustment Initiative in Western Washington. We would like to see a similar effort undertaken on the state's Eastside.

We will look to the Final Environmental Impact Statement for clarification on the mechanisms that will be established to ensure inter-agency coordination among federal land management and regulatory agencies and between the federal government and state, local and tribal agencies

Our resource agencies continue to view some combination of Alternatives 4 and 6—aggressive restoration combined with a conservation reserve design and adaptive management—as holding the best prospects for success. Given the poor ecological integrity throughout much of the basin, it is essential that federal agencies make strong efforts to restore and protect the aquatic, riparian and terrestrial components of the ecosystem.

We support the judicious use of prescribed burning as described in Alternative 4 as advantageous to reducing severe air quality impacts and dangers from future wildfires. Washington's Smoke Management Plan will help to ensure compliance with federal health standards and protect visibility without precluding the increases in forest health burning projected in the Environmental Impact Statement.

Governor Locke has repeatedly endorsed Governor Kitzhaber's proposal that implementation of the ICBEMP should focus first in less controversial locations, avoiding activities in areas that are roadless, have priority fish habitat, or contain old-growth timber. Comparisons of these areas with more intensively managed areas can provide an important gauge of success or failure of ecosystem management techniques.

Significant changes in management strategies, are needed for rangelands and grazed forest lands throughout the basin. We think stronger conservation measures, such as adequate standards and guidance, approaches for wildlife/livestock interactions, and livestock grazing and stocking rates for streams and riparian areas, would be appropriate in the final Environmental Impact Statement.

Thank you for the opportunity to appear here today to present the state's views on this important Project. I would be pleased to answer any questions you might have.

Attachment.

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LETTER FROM GARY LOCKE, GOVERNOR, STATE OF WASHINGTON

APRIL, 29, 1998.

Mr. BOB WILLIAMS,  
*Regional Forester,*  
*USDA Forest Service, Region 6*  
 Ms. ELAINE ZIELINSKI,  
*State Director,*  
*Bureau of Land Management*

DEAR MR. WILLIAMS AND MS. ZIELINSKI: I am writing to convey the views of Washington state on the Draft Environmental Impact Statement (DEIS) for the Interior Columbia Basin Ecosystem Management Project (ICBEMP). Representatives of several state agencies have worked intensively with your staffs over the past four years on this ambitious, innovative approach to broad-scale federal land management. We appreciate the federal government's commitment to finding new ways to address deteriorating conditions throughout the basin while supporting the region's social and economic needs.

The tiered analysis approach used in the ICBEMP is one of the project's most important contributions, not only to future management of the millions of acres of federal lands in the basin, but also to those managing lands outside federal control. This approach—based on considering watersheds the basic units of landscape ecology and on tremendous amounts of digitally stored and manipulated data—will be an asset to local and state planning and resource management agencies throughout the project area.

We hope the Forest Service and Bureau of Land Management will work with state and local agencies to make the extensive scientific data that has been gathered through the project more easily useable through the Internet. We also would like to see continuing efforts to coordinate its refinement and identify gaps requiring additional research. We see substantial value in your agencies and the other federal participants committing to maintaining updating and distributing the data.

In light of the current and anticipated listing of anadromous and resident salmonids in numerous Washington waterways under the Endangered Species Act, we naturally have a strong interest in ensuring that federal lands are managed to protect water quality and habitat. We see the watershed and basin analysis approach projected in the EIS as complementary to our expanding efforts at the state and local level to restore fish populations. We would also hope that application of this approach in landscape level decision-making will be pursued in cooperation with the state as we increase our emphasis on water quality management through establishing and allocating Total Maximum Daily loads under the federal Clean Water Act.

Washington has continuing concerns about the adequacy of the socio-economic assessments completed for the ICBEMP. We understand that the Project Team, in response to issues raised by the Eastside Ecosystem Coalition of Counties, is continuing to work to clarify DEIS data on "effects of alternatives or human uses and values" and more clearly quantify impacts on rural communities. The Project report on economic and social characteristics issued in February 1998 falls short of addressing our concerns. We would hope to see substantial work between the draft and final EIS, especially on the review of recreation employment and wage data assessment.

It is troubling to note that the DEIS lacks any discussion of a strategy to address the economic distress of the communities and tribes within the Project Area. While one of the ICBEMP objectives is to provide more predictability on federal land use, particularly for timber harvest, it is generally recognized that many of the region's communities are already suffering as a result of past federal decisions. It is our hope that this Project can serve as a springboard for improvements for these communities and tribes. While the DEIS is correct in stating that the land management agencies have no legal mandate to provide economic stability to rural communities, the Forest Service and Bureau of Land Management have been key participants in the President's Forest Plan Economic Administration Initiative in Western Washington. We would certainly like to see a similar effort undertaken on the east of the state.

We are disturbed about the validity of the document's explanation of the impacts of various alternatives on rural communities and the absence of a strategy to address them. But of even greater concern is the breadth of objections the DEIS has elicited. With virtually every sector of the public perceiving adverse impacts from the project's implementation, we wonder whether and how you can proceed to a final EIS without reducing this negative perception.

The issues associated with effective implementation are of great interest to us. Clearly, the Final EIS will have to foster a lease of support for the Project if there is to be any likelihood of congressional funding. And we will look for clarification in that document on the mechanisms that will be established to ensure inter-agency coordination among federal land management and regulatory agencies and between the federal government and state, local and tribal agencies.

Our resource agencies continue to view some combination of Alternatives 4 and 6—aggressive restoration combined with a conservation reserve design and adaptive management—as holding the best prospects for success. Given the poor ecological integrity throughout much of the basin, it is essential that federal agencies make strong efforts to restore and protect the aquatic, riparian and terrestrial components of the ecosystem.

As Governor Kitzhaber has frequently stated, there would be significant advantages in an implementation strategy that focuses first in less controversial locations, avoiding activities in areas that are roadless, have priority fish habitat, or contain old-growth timber. Recognizing that there are areas in the basin that contain species strongholds and biodiversity-rich areas, we see the need for low-risk, scientifically managed activities (e.g., weed control, thinning, light underburning, or recreation) that can be undertaken in these areas without diminishing their value. Comparisons of these areas with more intensively managed areas can provide an important gauge of success or failure of ecosystem management techniques.

We support the judicious use of prescribed burning as described in Alternative 4 as advantageous reducing severe air quality impacts from future wildfires. Washington's Smoke Management Plan will help to insure compliance with federal health standards and protect visibility without precluding the increases in forest health burning projected in the EIS. This type of fuel management combined with mechanical techniques for fuel reductions offer an acceptable tradeoff to mitigate the impacts of more severe, smokier, and long-lasting wildfires that can destroy homes and lives or harm public health.

Significant changes in management strategies are needed for rangelands and grazed forest lands throughout the basin. The current major environmental problems in grazed ecosystems—degraded or non-functioning streams, rapid spread of noxious weeds, replacement of grasslands by shrublands, and establishment of destructive fire regimes—are severe and widespread in Washington and elsewhere in the basin we think stronger conservation measures, such as adequate standards and guidance, approaches for wildlife/livestock interactions, and livestock grazing and stocking rates for streams and riparian areas, would be appropriate in the final EIS.

Your currently anticipated timeline expresses an intent to release a final EIS in about a year. Our agency staff will do their best to work with you in the interim to help you produce a useful, effective document with a supportive constituency that will serve our citizens and our public lands and demonstrate the value of the huge investment made in this project.

Sincerely,

GARY LOCKE,  
*Governor.*

**STATEMENT OF JAIME A. PINKHAM, TREASURER, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

Senator GORTON. Mr. Pinkham.

Mr. PINKHAM. Thank you, Mr. Chairman. Senator Craig and Senator Gorton, thank you for this opportunity and for allowing me to sit in on behalf of Mr. Ted Strong, the executive director for the Columbia River Intertribal Fish Commission.

While I do not want to be confused here as a representative of the State, I do thank you for sitting me amongst fellow sovereign governments.

Long before written history, the Nez Perce had exclusive use and occupancy on over 13 million acres of land. We traveled to the Plains to hunt for buffalo, and traveled down the Columbia River

to fish for salmon. And our ancestors maintained a sacred relationship with the land, and our physical and spiritual livelihood depend on nature's bounties. And to us, in the language of land management, our ancestors practiced multiple use on these lands, relying on them to provide sustenance, spiritual connectivity, and recreation.

We entered into a series of treaties with the U.S. Government. And in our treaties we ceded a vast area of our homeland, but we expressly reserved our rights to hunt, gather, and pasture livestock on open and unclaimed land, and to take fish at all usual and accustomed places outside the reservation. In the language of land management, Nez Perce forefathers ensured that the treaty provided sustainability for future generations of Nez Perce.

The Nez Perce Tribe's reservation and our treaty area is located in the heart of the territory being analyzed by this project. And my remarks today will predominantly focus on the project draft EIS and the concerns we have specifically to rebuilding the salmon populations.

For many years, the BLM and the Forest Service have been implementing logging and grazing programs that were harmful and threatened the sustainability of other important resources, such as fish, wildlife, and the plants that make up our traditional foods and medicines. And over the years, when water quality standards were neglected or were not met, Columbia Basin salmon runs continued to decline. Yet, during this time, the Nez Perce Tribe and other Columbia River treaty tribes have been doing more than their share to conserve salmon.

For example, the tribes have not had a commercial fishery on summer chinook since 1964. Spring chinook did not fare much better, for we have not had a commercial fishery since 1977. Even so, the tribe's sacrifices for spring and summer chinook have not prevented their continuing decline. And the salmon habitat is scattered throughout much of the land managed by both the Forest Service and BLM in the Columbia Basin. And much of this land has been subjected to decades of logging and grazing that have resulted in severe impacts on salmon habitat.

And we think that there is no way that fish habitat and water quality degradation can be stopped, much less reversed, by maintaining or increasing the activity levels. If salmon are to survive, much less rebuild, the Federal Government and the industries that feed off the Federal lands are going to have to learn that ecosystem management means more than applying fancy new words to business as usual.

And unless dramatic changes are made, more salmon runs are going to go extinct. Even the project scientists believe that there is no room for further degrading the habitat. With respect to salmon, they made the following declaration in their draft EIS:

Rehabilitation of depressed populations cannot rely on habitat improvement alone, but requires a concerted effort to address causes of mortality in all life stages. To prevent extinction of the anadromous fishes in the Snake River Basins and maintain population resiliency until other causes of mortality are reduced, it is essential that existing high-quality habitats be maintained.

And aside from the explicit recognition that there is no further room for degradation of habitat, their statement also points out that the Federal land managers cannot continue to work on habitat management issues or make decisions in a vacuum. Management of salmon habitat must be coordinated with all other efforts affecting salmon rebuilding. No doubt, a coordinated approach is necessary. And pointing fingers between hatcheries, habitat, harvest, and hydropower does not alleviate any one individual or agency from meeting their own obligation for contributing to the recovery of the dwindling salmon runs. In fact, as I stated earlier, the tribes have already weighed in to do what they can to conserve salmon populations.

In addition to proposing management that conflicts with other Federal and tribal salmon recovery efforts, the Federal land managers have taken a step backward. With respect to providing harvestable populations, which is also a part of the Pacific Salmon Treaty, the Northwest Power Act, and the tribes' treaties, the project draft EIS envisions having harvestable populations in 50 to 100 years. This is totally unacceptable.

Unfortunately, under the guise of ecosystem management at the watershed scale, Federal land managers can modify fish habitat and water quality objectives without regard to the biological needs of salmon. Similarly, the draft EIS makes monitoring to determine compliance with water quality standards optional. Without monitoring, the Federal land managers cannot assure that they are in compliance with applicable law. If monitoring is optional and fish habitat objectives can be changed without regard to rebuilding goals, legal obligations and the biological requirements of fish, then local land managers are left with virtually unfettered discretion.

We do not need less accountability. We need more. Mere viability of salmon and other listed fish and wildlife populations is not good enough. We need harvestable salmon populations. Fishermen from the tributaries of the Snake to southeast Alaska have made sacrifices to protect Columbia Basin salmon. It is time that Federal land managers stepped up to the plate, in an accountable manner, and implement the lessons that we have been learning over the last 30 years.

There are a variety of fundamental laws that must be followed in the management of these lands, such as the Organic Act, the National Forest Management Act, and the National Environmental Policy Act. But there is another fundamental law that predates any of these acts, and that is our treaties. And we would hope that when we talk about grazing leases or timber sale contracts that we cannot ignore the fact that there is a higher dignity that is given to the solemn pledges made to the treaties and the rights that exist upon these Federal lands.

We see the Nez Perce Tribe and other Indian tribes as perhaps being the most local of local communities. The Federal lands within our treaty area are our ancestral homelands and remain a vital part of our life to this day and into the future. We have lived here well beyond human memory and have no intentions of abandoning these lands to relocate elsewhere. Sustainability must recognize the holistic management philosophy, where we acknowledge that no one part of the ecosystem can live in isolation of another. The re-

sources whose future is outlined in the draft EIS is sacred and fundamental to our livelihood and to our religious expressions.

PREPARED STATEMENT

And I thank you for this opportunity to provide testimony. I would be happy to answer questions.

Senator GORTON. Thank you, Mr. Pinkham.

[The statement follows:]

PREPARED STATEMENT OF JAIME A. PINKHAM

I am Jaime A. Pinkham, Treasurer for the Nez Perce Tribal Executive Committee, the governing body of the Nez Perce Tribe. Senator Craig and Senator Gorton, thank you and the subcommittee for allowing me to take the place of Mr. Ted Strong, Executive Director for the Columbia River Intertribal Fish Commission, at this field hearing on the Interior Columbia Basin Ecosystem Management Project.

In 1877, in debates preceding our war with the US Army, a Nez Perce leader said: "The Earth is part of my body . . . I belong to the land out of which I came. The Earth is my mother."

These words reflect the enduring relationship between the people and the land. They did not simply indicate an opinion, but rather point to a way of life. We are a part of this land and this land is a part of us. Our activities reflected our understanding of the natural cycles turning upon the land and water.

Long before written history, the Nez Perce had exclusive use and occupancy on over 13 million acres of land in what is today north-central Idaho, southeast Washington and northeast Oregon. We traveled to the plains to hunt buffalo and we fished for salmon on the Columbia River. Our ancestors maintained a sacred relationship with the land and our physical and spiritual livelihood depended on nature's bounties. In the language of land management, our ancestors practiced "multiple use" on these lands, relying on them to provide sustenance, spiritual connectivity and recreation.

As the non-Indians, laboring to settle in the west, sought to occupy our lands, the US Government entered into treaties with the Nez Perce Tribe. In our treaties we ceded a vast portion of our homeland but we expressly reserved our rights to hunt, gather and pasture livestock on open and unclaimed land and to take fish at all usual and accustomed places outside the reservation. In the language of land management, Nez Perce forefathers ensured that the treaty provided "sustainability" for future generations of Nez Perce people.

The Nez Perce Tribe's reservation and our treaty area is located in the heart of the territory being analyzed by the Project. And, my remarks today will predominantly focus on the Project draft EIS and the concerns we have regarding rebuilding the salmon populations.

For many years, the BLM and the Forest Service have been implementing logging and grazing programs that were harmful and threatened the sustainability of other important resources, such as fish, wildlife and the plants that make up our traditional foods and medicines. For years and through all available means, the Nez Perce Tribe has urged federal land managers to start paying attention to the results of applicable research and monitoring programs. Throughout this time, our recommendations have generally been ignored. We were told that our recommendations that logging and grazing activities be required to comply with water quality standards as soon as possible was "too extreme" and that the impacts on local communities would be too great.

Over the years as our recommendations were ignored and as water quality standards were neglected, Columbia basin salmon runs continued to decline. Yet during this time, the Nez Perce Tribe and the other Columbia River treaty tribes have been doing more than their share to conserve salmon. For example, the tribes have not had a commercial fishery on summer chinook since 1964. Ironically, the reason why the summer chinook run has been so depressed for the last 34 years is that their primary spawning ground, the South Fork Salmon River in central Idaho, was choked by sediment sliding into the river after a 1964 winter storm caused a series of logging roads to fail. Although logging and road construction in the South Fork were subsequently halted for several periods during the last three decades, the Forest Service relaxed their already inadequate forest plans enough to allow road reconstruction and salvage logging even though sediment reduction goals (and water quality standards) had not been met. Both the road reconstruction (paving the South Fork road) and the salvage logging were clothed in the guise of "ecosystem

management” and “sediment reduction,” yet sediment levels are as high as ever and summer chinook are not rebuilding. If salmon are to survive, much less rebuild, the federal government and the industries that feed off the federal lands are going to have to learn that ecosystem management means more than applying fancy new words to business-as-usual.

Spring chinook are not in much better shape than summer chinook. The tribes have not had a commercial fishery on spring chinook since 1977. Even so, the tribes’ sacrifices for spring and summer chinook have not prevented their continuing decline. Spring chinook habitat is scattered throughout much of the land managed by the Forest Service and BLM in the Columbia basin.

Much of this land has been subjected to decades of logging and grazing that have resulted in severe adverse impacts on salmon habitat. Instead of cutting back on logging and grazing, the Interior Columbia Basin Ecosystem Management Project preferred alternative will maintain or increase logging and will maintain status quo grazing. There is no way that fish habitat and water quality degradation can be stopped, much less reversed, by maintaining or increasing activity levels. If you want to rebuild the runs and comply with legal obligations including the Clean Water Act, the federal land managers must stop conducting the activities which harmed fish habitat and water quality in the first place.

Unless dramatic land management changes are made, more salmon runs are going to go extinct. Even the Project’s scientists believe that there is no room for further degradation. With respect to salmon, they made the following declaration: Because of the habitat and populations losses associated with dams, only the most productive populations may retain the resilience to persist in the face of natural and human caused disturbance. Any changes in the environment that influence survival and productivity of remaining stocks, including improvements in rearing habitats, harvest, predation, and mainstem passage, will improve chances for persistence in stochastic environments. Simply put, with current conditions in migrant survival, many stocks are at serious risk. The differences between those that persist and those that do not will include chance events and the survival and productivity of the stocks as they are largely influenced by freshwater habitats. Without substantial improvement in migrant survival, securing and restoring the quality of freshwater habitats may make the critical difference in persistence for many of the remaining populations. In the short term, conservation and/or rehabilitation of habitats available to or directly associated with remaining populations will be key. In the long term, assuming mainstem conditions are resolved, it will be necessary to conserve and restore broader habitat networks to support the full expression of life histories and species. Rehabilitation of depressed populations cannot rely on habitat improvement alone but requires a concerted effort to address causes of mortality in all life stages. . . . To prevent extinction of the anadromous fishes in the Snake River subbasins and maintain population resiliency until other causes of mortality are reduced, it is essential that existing high-quality habitats be maintained.”<sup>1</sup>

MANAGEMENT OF SALMON HABITAT MUST BE COORDINATED WITH ALL OTHER EFFORTS AFFECTING SALMON REBUILDING

Aside from the explicit recognition that there is no further room for degradation of habitat, the above statement of the obvious by the ICBEMP scientists makes clear that federal land managers cannot continue to make salmon habitat management decisions in the vacuum they have traditionally occupied. Management of salmon habitat must be coordinated with all other efforts affecting salmon rebuilding.

No doubt, a coordinated approach is necessary. Pointing fingers between hatcheries, habitat, harvest, and hydropower does not alleviate any one individual or agency from meeting their own obligation for contributing to the recovery of the dwindling salmon runs. In fact, as I stated earlier, the tribes have already weighed in yet we continue to carry a disproportionate share of the burden.

It is painfully obvious that the federal land managers are not coordinating with other salmon managers. While the National Marine Fisheries Service (NMFS) and the managers of the Federal Columbia River Power System (FCRPS) all claim that it is necessary to take strong measures to reduce short-term risk to salmon populations, the Project draft EIS proposes an alternative which the federal government concedes increases short-term risk to salmon. NMFS and FCRPS have used short-term risk to justify massive capital expenditures which may be rendered superfluous by the “1999 decision” that must be made, pursuant to the FCRPS biological opin-

<sup>1</sup>ICBEMP, An Assessment of Ecosystem Components in the Interior Columbia Basin and Portions of the Klamath and Great Basins, Volume III (June 1997) at 1345.

ion, regarding the long-term configuration of the FCRPS. While the ratepayers, the tribes, the taxpayers, and the salmon give with one hand, the federal land managers take with the other. Similarly, while the rest of the nation is supposed to meet the requirements of the Endangered Species Act and the Clean Water Act, the Project proposes a framework that allows salmon recovery and Clean Water Act compliance to be postponed for decades at the whim of individual national forests and BLM districts.

In addition to proposing management that conflicts with other federal and tribal salmon recovery efforts, the federal land managers have taken a major step backwards from their previous position on salmon rebuilding. At the Salmon Summit convened by Senator Hatfield in 1991, the Forest Service committed to implementing the Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide. Signed on January 25th 1991 by the Regional Foresters for Regions 1, 3, and 6, the Policy Implementation Guide (PIG) stated that the Forest Service is committed to “fully support and participate in the achievement of Columbia basin anadromous fish restoration goals . . . reflected in a variety of laws, documents, and plans including but not limited to: the US Canada Pacific Salmon Interception Treaty and the Pacific Northwest Electric Power Planning and Conservation Act of 1980.” Now the Forest Service focuses on whether it will be able to provide habitat for viable populations of listed species. With respect to providing “harvestable populations,” which is what the Pacific Salmon Treaty, the Northwest Power Act, and the tribes’ treaties are all about, the Project draft EIS envisions having harvestable populations in 50 to 100 years. This is not acceptable.

Another way in which the Interior Columbia Basin Ecosystem Management Project has taken a major step backwards is in the area of accountability. It appears that the federal land managers are unwilling to make any sort of commitment to which they might be held accountable. This is a significant contrast from the Forest Service’s position at the time of the Salmon Summit where it stated in its Policy Implementation Guide that “an explicit description of the physical and biological characteristics of riparian and aquatic habitats” was necessary to meet forest plan fish objectives. In addition, the Forest Service declared that this explicit description “is central to measuring achievement, and/or maintenance, of habitat levels compatible with Forest Plan direction.”<sup>2</sup> We agree.

Unfortunately, under the guise of “ecosystem management at the watershed scale,” federal land managers can modify fish habitat and water quality objectives without regard to the biological needs of salmon.<sup>3</sup> Similarly, the draft EIS makes monitoring to determine compliance with water quality standards optional.<sup>4</sup> Without monitoring, the federal land managers cannot assure that they are in compliance with applicable law. If monitoring is optional and fish habitat objectives can be changed without regard to rebuilding goals, legal obligations, and the biological requirements of fish, then local land managers are left with virtually unfettered discretion.

After spending over \$40 million, the Project has come up with a process that is out of step with basin-wide salmon management, that maintains the activities which have harmed so much fish and wildlife habitat, that is unaccountable, that does not even try to manage for restoring harvestable salmon runs, and that makes federal land management even more expensive.

We don’t need less accountability; we need more. Mere “viability” of salmon and other listed fish and wildlife populations is not good enough. We need harvestable salmon populations. Fishermen from the tributaries of the Snake to Southeast Alaska have made sacrifices to protect Columbia basin salmon. It is time that federal land managers stepped up to the plate in an accountable manner that implements the lessons we have learned over the past 30 years. We don’t need an unaccountable process that allows local managers to deviate from the well-known biological requirements of salmon merely because it would be convenient. We don’t need hundreds of expensive, wasteful, and duplicative little “ecosystem analysis processes” where we have to re-debate the biological requirements of salmon and this country’s obligations under the Clean Water Act and under treaties with Indian tribes and the government of Canada.

The Project has developed a product that is unacceptable from many points of view. The tribes have submitted well-considered suggestions as to how many of

<sup>2</sup>U.S. Forest Service, Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide (January 25, 1991) at 6.

<sup>3</sup>See e.g., Eastside DEIS Appendix 3–4 at 331 discussing RMO revision without reference to the biological needs of fish.

<sup>4</sup>DEIS at Appendix 3–1 at 931. A similar approach by the Corps of Engineers to monitoring of total dissolved gas at its mainstem projects would not be tolerated.

these defects might be remedied in a manner that is consistent with existing federal laws, state laws, and treaties.

We are ready to work with the federal government to implement these recommendations. We even stand ready to work as co-managers of these resources. Our success in managing our own lands and our success in the gray wolf recovery program in the state of Idaho offers testimony to our leadership and scientific and technical capabilities.

There are a variety of fundamental laws that must be followed in the management of these lands such as the Organic Act that established the federal forest reserves, the National Forest Management Act, and the National Environmental Policy Act. Another fundamental law that pre-dates these acts are our treaties. Our treaties have created a unique relationship between the federal land managers and the Tribe which is unlike a special interest group or any classification found among the general public.

The Nez Perce Tribe is perhaps the most “local” of local communities. The federal lands within our treaty area are our ancestral homelands and remain a vital part of our life to this day and into the future. We have lived here well beyond human memory and have no intentions of abandoning these lands to relocate elsewhere. Sustainability must recognize a holistic management philosophy where we acknowledge that no one part of the ecosystem can live in isolation of another. The resources, whose future is outlined in the Project draft EIS, is sacred and fundamental to our livelihood and our religious expressions.

We do not have the option of exhausting resources in search of short-term profits and then moving on to a different part of the country and exhausting the resources there. We must live within the limits of the land and water that constitute our homeland. Even today, many of our tribal members, myself included, rely upon fish and game as a mainstay for human sustenance.

In closing, we walk a tight rope: environment and economy—finding balance (easy to say, difficult to do). Some may be looking to embrace the philosophy of state land managers or private, industrial land managers as an option for federal land management. It is important, however, to never lose sight of what these federal lands are: a national asset providing economic and social benefits; we who live here have the responsibility of being the caretakers of these lands. And, we can never lose sight of what these federal lands can do: we look to them, as we should look to other lands, to not only build strong economies but also to help reverse the decline of species vital to the survival of a healthy ecosystem and vital to the identity and diversity of this region’s heritage.

**STATEMENT OF BOB MORTON, STATE SENATOR, VICE PRESIDENT  
PRO TEMPORE, WASHINGTON STATE LEGISLATURE**

Senator GORTON. Senator Morton.

Mr. MORTON. Thank you very much, Senator Craig, Senator Gorton. I appreciate the opportunity to testify on behalf of the Western Legislative Forestry Task Force.

As you both are aware, we were in Washington, DC, recently, and we left with you a green packet then. It has been updated and it is before you now. This packet contains the signatures and the resolutions of more than two-thirds of the counties of those involved in ICBEMP, which are opposed to this particular plan and process. And those are documented in the green.

I have also presented you with a blue packet. That is put together by a group of foresters, and I have come to regard that as the most concise examination and analysis of this particular plan of anything that I have seen. And I would advise you to give it to your staff. We have more than ample copies here for you—trying to fulfill the number of 50 that is required.

I am going to stray a little bit from my written testimony, which you also have there before you, because I am greatly concerned about some of the testimony that I have heard already and I would like to direct some of my comments to that.

We had a hearing on ICBEMP in Colville earlier this year. And at that hearing there were over 200 people who were present.

There was a newspaperman there whom I did not know, but in that packet you will find his comments pertaining to the hearing that was held. And the headlines are: ICBEMP in Colville—Colville being the heart of the Colville National Forest—Public Opinion Irrelevant. And that is what we have experienced all along in this process. And I think that is what we will experience if this plan goes into action—public opinion irrelevant.

This group of people have continued to just plow ahead—as some of your questions illuminated today—plow ahead without public input. And certainly they do not want any public vote or any public real decisionmaking on the part of the final decisions. I call your attention to Bob Williams' own testimony here. And I am referring on page 4, where he has: public comments to date. And in here, I interpret this to mean that he is blaming the public for not understanding their own document because of its vagueness and ambiguities and so on. And he even goes on to say here in his testimony this morning that he would have to spend up to 2 years to get his own people to understand it.

Cannot this agency write something in plain English that could be properly understood, such as, Senator Craig, your good bill, which I testified on in Washington, DC, which is very understandable, and which I had the privilege of adding a few comments to then. I do not see why we have to come up with such a convoluted bunch of phrases here that are just words and completely meaningless.

Now, there is another aspect to this, and it is one of the key phrases. And that is ecosystem management. What does that mean? Has that ever been defined?

Well, Jack Ward Thomas made this comment—and I would like to quote it—in 1993. And it is documented where and when in the document you have. Pertaining to ecosystem management: "I promise you I can do anything you want to do by saying it is ecosystem management. It is incredibly nebulous." That is what they are on. And that is what we have got to guard against.

What I am very concerned about is the lack of ability for input at the community level, at the local level of government. Because what we are seeing here, as I hear and as I read, is that those people out there are ignorant and that only agency people can make the decisions. These people that I associate with in my district have been able to have a voice in the management of these forests in the past, and that is why we have today as good a forest as we have.

Now, where are the best forests? I ask you to ask the question. Where are the best forests in the United States today? They are private forests. They are private forests. We are ashamed that it is not our public forests.

Where have we had the best disease control that has been put in practice? It is in the private forests. These are issues that I think you need to address.

When the Forestry Task Force met in Boise in December, we had Andy Burnell and we had Susan Giannettino there. We spent over 2 hours with them. And when we finished there were 13 legislators there, representing five States. We then spent 2 hours in an analogy of what their comments have been, in their dog and pony show,

attempting to convince us how good this program was. Not one legislator—not one—representing those five States could come into agreement with it. And that is why we have published this issue here for you to have.

I would like to conclude then with our comments as to what we think is the best approach at this point. It is the request of the Western Legislative Forestry Task Force that the ICBEMP project should be terminated with no record of decision being approved, and that financing the project should cease, and all records, all data, all information be given to the Bureau of Land Management district managers and to the National Forest supervisors. Federal lands within State and county boundaries must be comanaged with local stakeholders have not just input—where it is regarded as irrelevant—but a vote in the decision.

The area that we are talking about, gentlemen, as you have heard, is 144 million acres. How much is that? It is 225,000 square miles. And I am sorry I do not have it for you. Here is a list of 14 States that could fit in that area—14 of our States could fit in that. That is how big an area we are talking about. It has a serious impact. And for Bob Williams to sit here and say it has no impact is beyond my understanding.

#### PREPARED STATEMENT

Today, whatever the Forest Service does in Ferry County, 85 percent publicly owned, any minute of the day or night the Forest Service has impact on that county. We have 50 percent public ownership of this plan that has been put together. It will have a very important impact in whatever they do or do not do, as far as disease control, for example, to the National Forest.

I am sorry I went over time. Thank you. I would be glad to answer questions.

[The statement follows:]

#### PREPARED STATEMENT OF STATE SENATOR BOB MORTON

It is an honor and privilege to come before you on behalf of the Western Legislative Forestry Task Force on this extremely important issue of the Interior Columbia Basin Ecosystem Management Plan.

At our December meeting in Boise, Idaho, we invited the officials of ICBEMP from the Boise office, Andy Brunelle and Susan Giannettino, for a presentation to our group on ICBEMP. Thirteen members of the task force, representing five states and one Canadian province, were present at that meeting. Following the 45-minute presentation of Mr. Brunelle and Ms. Giannettino, we spent more than 1½ hours in a question/answer period discussing ICBEMP with them. Following their presentation, we spent more than two hours discussing and analyzing its ramifications. We then drafted a resolution (which is attached) on our position concerning ICBEMP. Not one legislator from the five states and Province favored the ICBEMP plan. Returning to our homes, our contacts with the counties involved and contacts with other legislators caused us to compile these documents in the attached folder in response to the resolution we had drafted. This document contains additional resolutions adopted by various counties, letters from other officials, and letters from the speakers of the House of the four states of Idaho, Montana, Oregon, and Washington, all in opposition to the present ICBEMP proposed plan. The common theme of these resolutions and letters I can best summarize is that ICBEMP should be terminated with no record of decision being approved, that the ecosystem management data developed by the project should be communicated to the National Forest Supervisors and the BLM district managers for consideration, that the entities signing these documents are strongly supportive of natural resource planning and environmental management featuring site-specific management decisions made by local de-

cision makers, local citizenry, and the parties directly and personally affected by the environmental land and resource management areas.

The Western Legislative Forestry Task Force sent a delegation of its membership to Washington, D.C. in April, we shared information and our resolution with numerous members of congress, and met with the general counsel, Dinah Bear, of the Council on Environmental Quality of the Executive Office of the President, Bill Clinton.

We wish to thank you members of congress who listened to our concerns and have now again honored us with the privilege of sharing in these presentations today.

On behalf of the forestry task force, I bring to you several items from other interested groups and individuals for addition to the public record: a detailed document of some 63 pages from the Inland Empire Society of American Foresters, outlining their review and comments on ICBEMP, recommendations by the Eastside Forest Management Subcommittee of the Washington Forest Protection Association and the Washington Farm Forestry Association, and then what I believe to be the most complete and analytical summary of conclusions and response to the ICBEMP proposal with contributions by local citizens and compiled by the staff of Maurice Williamson, Consulting Forestry, Inc. This document is 52 pages in length, having explicit footnotes and documented references as to page and chapter that will be very helpful in addressing specific concerns in the ICBEMP proposal. In addition, Mr. Williamson himself drafted a three-page response to the February, 1998 document by the project leaders and signed by Robert Williams, Dale Bosworth, Jack Blackwell, Martha Hahn, Elaine Zilinski and Larry Hamilton. Mr. Williamson's comments respond to their documents entitled "Economic and Social Conditions of Communities Concerning ICBEMP."

The Task Force has requested I lift before you some of our concerns. We have received comments from our constituents throughout our legislative districts that the public hearings conducted by the project were not recorded, and there is very little record thereof. I can personally testify that the one conducted in Colville, at which there was no tape recording, there were no detailed notes taken by the presenters, and the audience was told only written testimony was of value. This is quite well portrayed in an attachment to my comments here from the Idaho newspaper, whose editors I have never met, but whose headlines and article I find to be very factual in portraying the essence of that particular hearing conducted by the ICBEMP personnel. The headline states "ICBEMP in Colville: Public Opinion Irrelevant." The fundamental concerns lifted out in that hearing, and I find it true of other hearings, was that the NEPA process has not been followed by the project personnel, not even at the county level. When the ICBEMP officials were questioned requesting why they did not receive the comprehensive plans from the 104 counties, their response was that although NEPA technically requires this, they felt it was too cumbersome and, therefore, they had determined to take only random samplings.

Now beyond the counties, however, we have other legislative and taxing groups that have their plans which need to be addressed in any formulation of a project of this scope. I refer specifically to the cities, the public utility districts, the water districts, all have legislative authority and taxing ability, and their projects will be greatly impacted if such a program is enacted. They should and are required to be consulted.

If there is to be any further activity by the ICBEMP project, we feel they should go back to Square One and obtain and analyze the impact of the local government entities by this project.

Of considerable concern is the lack of definable, measurable terms, considerable vagueness, ambiguities, and controversial concepts and/or partial definitions. For example, what is "ecosystem management?" Jack Ward Thomas, former chief of the forest service, probably answered this question in the best way possible when he addressed agency public affairs personnel in 1993 and made this statement: "I promise you, I can do anything you want to do by saying it is 'ecosystem management' . . . it's incredibly nebulous" (speech delivered in Washington, D.C., April 11, 1993). The vagueness of this term and numerous others are a lawyer's dream come true and will create more contentious areas of appeals and litigation in the future.

At this point, I wish to put in a plug for Senator Larry Craig's bill, number 1253, Public Lands Improvement Act, which deals with forest health and habitat health. Such terms are much more understandable and definable. The language used in the Eastside Draft Environmental Impact Statement addressing ICBEMP is based more on flowery terms than fact and science. We wish to note the benefit of the data collected to the local resource managers, who do an excellent job when they have been given not just input but a voice and a vote in clear management objectives and adequate funding at the local level. Because of the great difference in the geography

and the environment of these seven states and 104 counties, governance at the local level needs not only the data collected but the flexibility for adopting this data to their local needs. This proposed plan does not provide local flexibility, nor does it provide a meaningful accountability. Also, the plan would lead these communities in a non-market direction that would virtually eliminate the desired levels of goods and services for these rural communities. We feel the opposite needs to take place with any such plan whereby the resource managers have the capability of providing predictable and sustainable levels of goods and services produced through the natural resource arena. Any renewable resource program must be based on multiple use of public and private forests, range lands, and tillable lands, with local officials having voice and vote in the development of such programs.

It is of great concern to the Task Force that 50 percent of the study area is under federal ownership. Limiting the use of these lands to wilderness conditions will have severe consequences on the local economies. The real fact is that the growth of merchantable timber on national forests today far exceeds the harvest levels. By not harvesting in a manageable way, this escalates the fuel build-up and increases the risk of catastrophic insect epidemics and uncontrollable wildfire. The assumption of the project plan is that the perfect landscape results in an entirely natural process that nature is the ideal model. Therefore, the landscape of the interior Columbia Basin is to revert to pre-European era, the assumption being that nature knows best. Our contention is that the idea of nature knowing best is not scientific. Those who wish to revert to pre-European era would do well to review the conditions of that era. Therefore, I would like take a brief moment and read from the journal of Lewis and Clark of 1805, reflecting some of the conditions of that era:

[FROM THE JOURNAL OF LEWIS AND CLARK, EDITED BY BERNARD DEVOTO, 1953  
COPYRIGHT]

*September 14, 1805*

Lewis and Clark are at the head of the Clearwater River.

"I could see no fish and the grass entirely eaten out by the horses. We proceed on two miles and encamp opposite a small island at the mouth of the bridge on the right side of the river, which is at this place, 80 yards wide, swift and stony. Here we are compelled to kill a colt for our men and selves to eat for the want of meat. We have named the south folk Colt Killed Creek. The flathead name is Boos Koos Kee, which is the name of the Clearwater River. The mountain which we passed today is much worse than yesterday, the last excessively bad and thickly strewn with falling timber and pine, spruce, fir, hackmatack and tamarack, steep and stony. Our men and horses much fatigued."

On the 15th, they shot another colt and consumed the whole thing.

It goes on to the 16th, where he has seen four deer and never gets a shot. This is in September. He sends Clark ahead. As of the 19th, Clark finally finds game, it's a stray horse, which they kill, eat part of, and hang the rest in the tree for Lewis and the rest of the party to come along. As far as wild game, all they have shot to this point is two grouse, from the 14th to the 19th. On the 20th, Clark stumbles into a Nez Perce village, where they are given dried salmon and dried camas root, which he eats and sends some back to Lewis. They all get dysentery. They don't write any more until September 29th, and the entire company has dysentery.

They don't start down the Clearwater until the 4th of October.

Senators, one of my legislative constituents summarized in a sentence what I have found to be an often-expressed response to ICBEMP by other constituents: "This is a national environmental strategy being played out to wrestle control from the local communities of the west most affected by public land management." I continually hear from my constituents expressions of anger over what has been termed "a war on the west." Their concerns have caused me to analyze how much land are we really talking about in the ICBEMP project: 144 million acres, which equals 225,000 square miles, encompassing all or a part of 104 counties in a portion of all or part of seven states. How large really, in relationship to our nation, is 225,000 square miles that ICBEMP would directly impact people and property? In doing my homework, I found that 225,000 square miles is equal in total area to the combined area of 14 of our states. They are listed with the square miles of each on the addendum to this report. Beyond that, how much of the United States Forest Service land lies east of the Mississippi River? There are 26 states and, therefore, a majority of the U.S. senators and representatives whose states lie east of the Mississippi River. The total square miles of United States Forest Service property east of the Mississippi is 25,285 square miles, or 1/10 of the amount of property of the ICBEMP project here in the Northwest, not counting all of the other United States Forest Service land that lies south and east of the ICBEMP proposal.

It is the request of the Western Legislative Forestry Task Force that ICBEMP project should be terminated with no record of decision being approved, that financing of the project should cease, and all records, data and information be given to the Bureau of Land Management district managers and the National Forest supervisors. Federal lands within state and county boundaries must be co-managed, with local stakeholders having not just input but a vote in final decisions.

Thank you for your attention.

WESTERN LEGISLATIVE FORESTRY TASK FORCE

RESOLUTION 97-2

DECEMBER 7, 1997

INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT

WHEREAS, the President of the United States, by executive order, initiated Interior Columbia Basin Ecosystem Management Project (ICBEMP) and to create a scientifically sound, legally defensible ecosystem management plan, and,

WHEREAS, ICBEMP was to be a broad-scale, 12-month project that would give general direction to public land managers for ecosystem management, but has become a touchdown, highly prescriptive set of management directives, and,

WHEREAS, ICBEMP will directly affect management of 16 Bureau of Land Management districts and 30 national forests administered by USDA Forest Service, all located in western states, and,

WHEREAS, ICBEMP covers 104 counties, 144 million acres (including 72 million acres of private land) and will directly and indirectly affect the livelihoods of millions of citizen in the planning area, and

WHEREAS, the citizens of western states have a direct interest in the management of public lands that produce payments in lieu of taxes that contribute significantly to funding of public schools and roads, and

WHEREAS, the citizens of the United States and communities throughout the western states depend on the managed stewardship, sustained-yield, even flow production of goods and services from multiple-use management of public lands located in those states, and,

WHEREAS, there is increasing demand within the United States and the world for renewable, recyclable goods and services including recreation, wildlife, fisheries, food, fiber, clean air, clean water, and

WHEREAS, ICBEMP draft documents fail to adequately and truthfully disclose the economic, environment and social effects of implementation of ecosystem management practices embodied in the Draft EIS documents, and,

WHEREAS, ICBEMP represents a top-down management paradigm which reduces or eliminates effective local input in natural resource management and environmental decision making, and,

WHEREAS, ICBEMP has become a six-year, \$35 million project, with no end in sight,

NOW THEREFORE, BE IT RESOLVED: ICBEMP should be terminated with no Record of Decision being approved; the ecosystem management data developed by the project should be communicated to BLM district managers and National Forest supervisors for consideration of public input in statutorily scheduled environmental land and resource management plan revisions, and

BE IT FURTHER RESOLVED, that the Western Legislative Forestry Task Force strongly supports natural resource planning and environmental management featuring site-specific management decisions made by local decision makers, local citizenry and parties directly and personally affected by environmental land and resource management decisions.

Unanimously adopted by the Western Legislative Forestry Task Force at its meeting in Boise, Idaho.

IMPLEMENTING A RECORD OF DECISION

Senator GORTON. Well, Bob, I can say that you expressed your views with great clarity. [Applause.]

You expressed your views with great clarity. And we appreciate them.

I would like to go back now to Mr. Pinkham, and ask you the question: Do you feel that this process should go through to a

record of decision, and should be implemented in the way that is outlined by the Regional Forester?

Mr. PINKHAM. Senator Gorton, with the way that it is outlined, we would have to say no. We would only support it moving forward if we saw what we felt were some better guidelines on assuring that we would be able to rebuild harvestable populations of salmon. Then we would support it going forward.

Senator GORTON. You do not think it leads to that at this point?

Mr. PINKHAM. As presently written; no, sir.

Senator GORTON. Thank you.

Mr. Mealey, I guess you have one advantage, from my notes here, that no one else has. You started out working for this project. Do I understand that correctly?

Mr. MEALEY. Senator, I was the Project Manager for the Upper Columbia Basin EIS at its beginning. I was in that position for 3 years.

Senator GORTON. And when did you go to work for the State of Idaho?

Mr. MEALEY. January 1997.

Senator GORTON. Where do you think—with your criticism of the process—where do you think it got lost? Where do you think it got off track?

Mr. MEALEY. Senator, this is very difficult for me. I need to tell you that it embodied my very passionate hopes and expectations. And I also want to say that the people who have continued in the project retain my deep affection and respect.

Perhaps the best answer I could give to that question is probably why I left the project. And, essentially, I left the project because I became ineffective and I lost the confidence of the Executive Steering Committee. That is probably true because I became a disruptive influence.

I had very vocal differences with the National Marine Fisheries Service, the Fish and Wildlife Service, and the Environmental Protection Agency over aquatic standards and guidelines, which I judged to be overly prescriptive, and their necessity was questionable in light of the science, the landscape-scale science. I was concerned about the effects of those standards and guidelines on our ability to meet the purpose and need, which was to restore ecosystems and support people.

I was very concerned about the effects on an appropriate decision space for the alternatives, which meant you could achieve some balance. And in fact, I believe that alternative 4, whose intent was aggressive restoration, was not obtainable with these overly prescriptive aquatic standards. And on those issues, as I said, there was significant disruption of our ability to proceed and a lack of harmony, and it was appropriate for me to leave.

Senator GORTON. So, you do not feel that if we went ahead and finished the record of decision and implement it as the Forest Service recommends that, in fact, in the next decade we would reach those restoration goals?

Mr. MEALEY. Well, my concern, Senator—and I hope that I said so in my testimony—this is not about good people or bad people. It is about laws that are very ambiguous. Frankly—and I hope I do not sound like I have indicted the regulatory agencies—the laws

that they have to administer—the Clean Air Act, the Endangered Species Act, the Clean Water Act—do not specify the degree of risk they should accept in the short term.

It turns out that the science documented that we had broad landscape-scale risks, and many of them were long term. And the question is, can you construct a road across a stream that will have predictable short-term effects to forestall a predictable long-term effect? And the laws are not clear. And I think well-intended regulatory folks would say, goodness, we cannot accept that short-term risk, even though it may be needed to forestall a longer-term risk of large-scale fire.

And those are issues that are not clear in the laws. And it was extremely difficult, extremely difficult, to reconcile those differences. And, frankly, the laws did not help much.

And so I would simply say that retaining balance, to try to assure that we provide integrity in aquatic systems, as well as integrity in forest and range systems, that restore those ecosystems and provide for people in a balanced way, simply became increasingly elusive as regulatory agencies who had a small piece of the pie—that is, to assure water integrity, a high certainty that endangered species would be protected—insisted on those highly prescriptive, highly certain, if you will, standards, which essentially trumped the others. And that is why balance was unobtainable. And if the project got off track, in my own opinion, that is why.

And I want to emphasize again it was not because of good people or bad people. It had to do with very mixed charges and responsibilities and laws that make it quite difficult to sort through those tough challenges. If I had been sitting there as a National Marine Fisheries Service representative, I am not so sure that I would not have been perhaps as aggressive as they, given the charter that they have.

Senator GORTON. Ms. Jolly, is it the position of the State of Washington, through the Governor's office, that this process should go through the record of decision and should be implemented as has been outlined by the Forest Service?

Ms. JOLLY. I apparently am in a distinct minority here, because indeed it is the view of the State of Washington that the project should carry through to completion, to the issuance of a final EIS that will address many of the issues not appropriately yet addressed in the draft, and that a record of decision should be issued that will allow plan amendments, in consultation with the State and with localities and with tribes, so that indeed forest management and BLM management can move forward.

Senator GORTON. And should be implemented in the way that the Forest Service recommends?

Ms. JOLLY. No; I do not think I would say that we would endorse the preferred alternative as it stands. I think a number of changes will be needed. And it is my hope that the Federal agencies will be consulting closely with all of us and with the other people you will be hearing from today in moving between the draft and the final EIS, so that their final record of decision is better than the preferred alternative displayed.

Senator GORTON. All right. One more question. And I just want from each of you a quick answer, and then I am going to turn it over to Senator Craig.

Leaving aside where we are with respect to the result at this point, do you feel that the State or the agency or the groups that you represent have been appropriately consulted in the process so far?

Mr. MEALEY. I think Governor Batt would feel that our prospects for consultation are improving, and he is satisfied that that will get better.

Ms. LAPEYRE. I would concur with Steve.

Ms. JOLLY. Yes; I think Washington State feels we have been given many opportunities and adequate opportunities for consultation during the process.

Mr. PINKHAM. Senator, actually, we are still going through some consultation processes. As Mr. Williams noted in his testimony earlier, members of the Executive Committee are meeting with different representatives of tribal governments to try to get the final issues hammered out that we have in the plan.

Mr. MORTON. And I would say an unequivocal no, that they have not. And this is based on the NEPA process, which Senator Craig brought up. It has not been addressed. When we asked at our legislative meeting with the proponents, Have you followed the NEPA process? They said, no. We said, Have you contacted all the counties on their plans? They said, no. We certainly could not be expected to contact all 100 or 104. We have done randomly. And this is a random thing. No; they have not appropriately contacted local entities.

Senator GORTON. OK.

Senator Craig.

Senator CRAIG. Thank you very much, Mr. Chairman.

Bob, the Western Legislative Task Force, how is it constituted?

Mr. MORTON. How is it composed?

Senator CRAIG. Yes.

Mr. MORTON. It is composed of the legislators, selected by their leadership on both sides of the aisles, from the Western States. Currently, the most active ones are Alaska, Washington, Oregon, Idaho—who have I left out—California and Montana on occasion.

Senator CRAIG. And it is bipartisan?

Mr. MORTON. It is bipartisan, yes, an equal number from each State as to parties.

Senator CRAIG. And your statements and your presentations will be made a part of the record for this hearing. I thank you.

Steve, you answered a question to Senator Gorton that is going to ask you. Because I think it is important for the record that you and I have had longstanding consultation over this effort from, actually, day one, when you felt it was a necessary and an appropriate approach toward resolving the issues at hand within the region. And it is important that the record show that Director Mealey and I had lengthy and ongoing conversation. As I became disenchanted, he remained not so and encouraged me not to become disenchanted until such time as he recognized what I think all of us were clearly recognizing, that problems were at hand.

Steve, in relation to all of that, at one point I was very concerned when it appeared we were ready to see a publication of alternatives and they were pulled back. At that time I called the Chief of the Forest Service, Jack Thomas, because I was afraid that the Forest Service was losing control of their process. And he assured me that while he was the Chief of the Forest Service that would not happen, that the land management agencies would retain decision-making authority on the document, and ultimately decisionmaking authority on the public lands.

Is the project presently constituted to maintain that commitment?

Mr. MEALEY. Well, Senator, first of all, I appreciate your acknowledgement of the long relationship we have had. And maybe I was too passionate an advocate for the project, because I was greatly concerned about the risk to forest health and their long-term effects for all the things that depend on forests. And I always appreciated your support in that, even when I was Forest Supervisor of the Boise Forest.

Bob Williams, I think, made it quite clear about the way the authorities are structured within the Executive Steering Committee. And that is that the regional foresters and the Bureau of Land Management and the State directors would sign the records of decision. In that sense, I think the commitment that Chief Thomas made would be correct, in terms of technically how the decision would be structured.

I think—and this is difficult for me—however, the way the Executive Steering Committee operates, on a collaborative basis, often reaching consensus about the contents of the alternatives that can be acceptable to the regulatory agencies, as well as the land management agencies, to reach a position where the regional foresters and State directors might be comfortable signing such a decision sort of makes the area gray, in terms of the overall influence on the final outcome.

And now I well know the reasons for that. It is sort of pay now or pay later. Regulatory agencies can affect the decision in their development stage or affect it after a decision is made in the consultation processes. And I know that the intent here is well meaning.

As far as Jack's commitment, though, that the decision would be made locally, I do not think that is—as opposed to being made in Washington, if you will, by assistant secretaries or whatever level there—I think his commitment would still be intact with the regional foresters and State directors signing the record of decision.

Senator CRAIG. Well, Bob Williams' statement indicates that the MOU's with the regulatory agencies have not been completed. Won't these MOU's be where the rubber really meets the road?

Mr. MEALEY. Yes, Senator.

Senator CRAIG. And the reason I ask you that question is because I think, in light of that, I am not sure any of us can say that Jack Ward Thomas' commitment will be sustained.

Mr. MEALEY. Well, Senator, I did say, at a technical level, the appearances would probably make him comfortable in terms of how things operate within that framework, though it gets somewhat gray.

I will say this, too, now in a new job, as director of a fish and game department, I would say that the responsibility and the actual authority that States have in regulating fish and wildlife is acceleratingly minimal, if that is a useful term. I hope I did not coin a new one.

But I still have to sort of wave my hand to get invited to meetings that affect fish and wildlife in the State of Idaho.

Senator CRAIG. And that kind of atmosphere is in direct conflict with everything the Congress of the United States has intended and planned for over 200 years—of the States' authority to determine management of fish and wildlife.

Be that as it may, Ms. Jolly, do you support, or does the State of Washington support, the current approach of signing the record of decision and simultaneously amending all 48 Forest Service and BLM land management plans?

Ms. JOLLY. The State of Washington does support having a record of decision for the EIS.

Senator CRAIG. But there are consequences to that record of decision.

Ms. JOLLY. Yes; and we do believe that the 74 BLM and Forest Service plans should be amended. But we do also believe that as the tiered analysis is done in each setting, at the local consultation and the local work with the residents, with the resource users, with the business communities in those locations, needs to proceed so that they are implemented on a site-by-site rather than ecosystemwide basis. That is, the idea of a tiered approach is that as you get down to the ground you are—

Senator CRAIG. I am sorry for interrupting, Carol, but that is not what I asked. The plan is not that. The plan is—

Ms. JOLLY. Yes; the plan is a single—

Senator CRAIG. I do not see consultation in that. I do see a process. But I do not see it in a way that really gets us to the level of concern that you and I are both concerned about. And that is that local community of interest and a variety of interests—some that Jaime has spoken to, and others—that really sensitize this stack of documents to local concerns, consistent and within the broader goal.

Ms. JOLLY. We are convinced, in the State of Washington, that this project and the plan that will result do not result in a one-size-fits-all outcome; that it sets objectives and it sets guidelines that have to then be implemented on a watershed and a landscape basis, incrementally; and that within that framework there does need to be consultation.

Senator CRAIG. OK. Because I see a difference between an incremental approach and a simultaneous approach. And I agree with you on incrementalism as it relates to allowing a diverse stakeholder of interest to be a participant in the ultimate application of this.

Ms. JOLLY. The Federal land managers that we have been working with as this plan has been developed have assured us that the Okanogan National Forest and the Colville National Forest and the other forests within Washington State will not all wind up with the same watershed prescriptions with the same cutting regimens,

with the same prescribed fire outcomes; that these will be determined forest by forest, as, in our view, they should be.

Senator CRAIG. Thank you.

Mr. Chairman, thank you very much.

Senator GORTON. I want to thank all the members of this panel for enlightening testimony. And I will say to you, as we have to the rest, if there is any way in which you wish to supplement your testimony in the next few weeks to help us out we would appreciate it.

Thank you very much for being with us today.

Senator CRAIG. Thank you, all.

**STATEMENT OF DALE WHITE, JUDGE, HARNEY COUNTY, OR, AND  
CHAIR, EASTSIDE ECOSYSTEM COALITION OF COUNTIES**

Senator GORTON. Our third panel are representatives of county commissioners from each of the four States: Mr. Kennedy, from Montana; Mr. Enneking, from Idaho; Ms. Frey, from Washington; and Mr. White, from Oregon.

I understand the four of you may have worked together and may wish to speak in a different order than I called off your names. And if that is the case, you can set your own order.

And, Mr. White, you wanted to go first, fine.

Mr. WHITE. Yes; thank you, Mr. Chairman.

I am Eastside Ecosystem Coalition of Counties Chairman Dale White, County Judge of Harney County, OR.

The EECC has been working with the Interior Columbia Basin Ecosystem Management Project since its inception. I will describe why we got involved and have stayed involved, and tell you why we are at an unfortunate sticking point in our relationship with the project. My colleagues will then speak about specific topics.

Idaho County, ID, Commissioner George Enneking will discuss the resolution adopted by the Idaho Association of Counties, which the other States and counties have chosen not to adopt, and describe criteria to make the project's EIS acceptable to us.

Missoula County, MT, Commissioner Michael Kennedy will discuss the need for appropriate investments and implementation.

And Klickitat County, WA, Commissioner Joan Frey will discuss the reasons why we remain focused on this project.

Counties organized themselves to participate in the project for several reasons. First, it is our rightful place to be at the table when the Federal Government begins to set policies for management of its lands within our counties. County government represents the local population and its concerns about the long-term health of the ecosystem.

Second, we learned from the recent painful experience west of the Cascade Mountains. There was no broad-scale approach to difficult threatened species issues that extended across the boundaries of national forests and O&C lands. A Federal judge ordered the development of a broad-scale plan before activities could continue on these Federal lands.

Third, we need resolution of interim directions that were supposed to be short-term, but continue even today—PACFISH, INFISH, and the Eastside screens. Among other effects, these top-down, one-size-fits-all prescriptions have basically shut down the

harvest of Federal timber and devastated the economies of many of our counties, and have prevented some valuable win-win restoration work.

We have engaged actively and responsibly in the project, investing considerable time, expertise, resources, political capital, and absorbing some extremely negative feedback from certain interest groups.

Why have we done this? In helping develop the purpose and need statement for the project, we were excited for five reasons:

First, by the potential of legal defensibility of the project and removing land management decisions from the Federal courts; second, by long-term, community-based solutions to forest and rangeland restoration; third, by long-term predictable and sustainable supplies and products and services from Federal lands; and fourth, by active, adaptive management, which would make it less likely that the basin's ecosystems would unravel again; and, fifth, by replacing PACFISH, INFISH, and the Eastside screens with more effective site-specific management.

We supported the selection of alternative 4 as the preferred alternative, with conditions, because its theme stated the widest range of values, with priority on health of the forest lands, rangelands and watersheds, and that healthy streams, wildlife populations and economic and social benefits will follow. Its call to aggressive, responsive, on-the-ground action, given the scientific assessment, is to us practical, realistic, and gives the basin a win-win opportunity.

We have been concerned where the content of alternative 4 moves away from its theme. This appears too often. But, unfortunately, a more fundamental problem has recently arisen that will cause the EECC to reconsider its relationship with the project. We are at a sticking point.

As I mentioned, the Federal project was promised to us to be different—a regional solution based on scientific findings about regional ecosystems. This promise was broken in four ways by the moratorium on roadless areas proposed by the Forest Service.

First, the project cannot succeed if it is overridden by a piecemeal approach toward Federal land management. The project is to resolve these very kinds of issues for the region—such as proper treatment of roadless areas and forest health.

Second, this moratorium would be an edict applied nationwide regardless of local ecosystems. It is not based on science. It is based on politics.

Third, this policy is not a regional solution. It is a national edict.

And, fourth, this moratorium was proposed without any consultation whatsoever with county partners who have held this project together. Before its release, we asked to be included, but were not. Since its release, we have offered three productive alternatives to a moratorium.

#### PREPARED STATEMENT

We hold the project staff and the regional executives in the highest regard. We believe that the Forest Service Chief Mike Dombeck is in a political box. The EECC has been the only partner at the table to consistently promote active management and community-

based solutions. Nevertheless, if the moratorium is imposed, the EECC will find itself in an untenable position, one that we have sought very hard to avoid.

I would ask Commissioner Enneking to continue, and I would be happy to answer any questions at the appropriate time, Senator.

Senator GORTON. Thank you, Mr. White.

[The statement follows:]

PREPARED STATEMENT OF DALE WHITE

Mr. Chairman, members of the Senate subcommittees on Interior and Forests & Public Land Management, and other Members of Congress, thank you very much for the opportunity to present the perspective of the Eastside Ecosystem Coalition of Counties. I am EECC chairman Dale White, County Judge of Harney County, Oregon. The EECC has been working with the Interior Columbia Basin Ecosystem Management Project since its inception. I will describe why we got involved, and have stayed involved; and tell you why we are at an unfortunate sticking point in our relationship with the project.

My colleagues will then speak about specific topics. Idaho County, Idaho, Commissioner George Enneking will describe criteria to make the project's EIS acceptable to us. Missoula County, Montana, Commissioner Michael Kennedy will discuss the need for appropriate investments in implementation. And Klickitat County, Washington, Commissioner Joan Frey will describe the reasons why we remain focused on the project.

Counties organized themselves to participate in the project for several reasons. First, it is our rightful place to be at the table when the federal Government begins to set policies for management of its lands within our counties. County government represents the local population and its concerns about the long-term health of the ecosystem, the reasonable integration of uses on the landscape, the vitality of communities that are neighbors of federal lands, and the long-term partnership between counties and federal land management agencies.

Second, we learned from the recent painful experience west of the Cascade mountains. There had been no broad-scale approach to difficult threatened species issues that extended across boundaries of national forests and O&C lands. A Federal judge ordered the broad-scale plan before activities could continue on federal lands in western Washington, western Oregon, and northern California—the range of the spotted owl.

Third, we needed resolution of interim directions that were suppose to be short-term, but continue even today—PACFISH, INFISH, and the Eastside screens. Among other effects, these top-down, one-size-fits-all prescriptions have prevented some valuable win-win restoration work. The project was promised as a means of permitting treatment of the landscape in a way that made sense to the regional ecosystems.

The state associations of counties of Washington, Oregon, Idaho, and Montana formed the EECC to represent local communities in the interior Columbia basin over the course of the project. It may well be that the EECC will continue.

We have engaged actively and responsibly in the project—investing considerable time, expertise, resources, and political capital—and absorbing some extremely negative feedback from certain interest groups, the EECC is widely credited—or blamed—for saving the project from termination by the 104th Congress.

Why have we done this?

In helping to edit the purpose and need statement for the project. We were excited for five reasons:

First, by the potential of legal defensibility of the project (and therefore no gridlock in the basin);

Areas proposed by the forest service:

First, the project cannot succeed if it is overridden by a piece-meal approach toward federal land management. The project is to resolve these very kinds of issues for the region—such as proper treatment of roadless areas and forest health.

Second, this moratorium would be an edict applied nationwide regardless of local ecosystems. It is not based on science; it is based on politics.

Third, this policy is not a regional solution, it is national edict.

And fourth, this moratorium was proposed without any consultation whatsoever with county partners who have held this project together. Before its release, we asked to be included but were not. Since its release, we have offered three productive alternatives to a moratorium.

We hold project staff and the regional executives in the highest regard. And we believe that Forest Service Chief Mike Dombeck is in a political box. And the EECC has been the only partner at the table to consistently promote active management and community-based solutions. Nevertheless, if the moratorium is imposed, the EECC will find itself in an untenable position, one that we have sought very hard to avoid.

I would ask Commissioner Enneking to continue—or if the Chair prefers, I can answer questions.

Second, by long-term community-based solutions to forest and rangeland restoration;

Third, by long-term predictable and sustainable supplies of products and services flowing from federal lands;

Fourth, by active, adaptive management, which would make it less likely that the basin's ecosystems would unravel again;

And fifth, by replacing PACFISH, INFISH, and the Eastside screens with more effective site-specific management.

We supported the selection of alternative as the preferred alternative—with conditions—because its theme stated the widest range of values—that is, with priority on health of forestlands, rangelands, and watersheds that healthy streams, wildlife populations, and economic and social benefits will follow.

Its call to aggressive, responsible on-the-ground action, given the scientific assessment, is to us practical, realistic, and gives the basin a win-win opportunity.

We have been concerned where the content of alternative 4 moves away from its theme. This appears too often. Nevertheless, we have supported the process of the project, and so far have intended to stay with it until we give up hope of fixing the critical flaws.

But, unfortunately, a more fundamental problem has recently arisen that will cause the EECC to reconsider its relationship with the project. We are at a sticking point.

As I mentioned, this federal project was promised to us to be different—a regional solution based on scientific findings about regional ecosystems. This promise was broken in four ways.

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LETTER FROM JUDGE DALE WHITE

MAY 1, 1998.

Dear ICBEMP Executive Committee and Project Team:

The Eastside Ecosystem Coalition of Counties is pleased to submit our comments to the Draft Environmental Impact Statements for the Eastside and Upper Columbia River Basin.

We hope that our comments will be taken very seriously. We are convinced that they represent the best approach for long-term protection of all values of federal lands, as stated by the Propose and Need of the Project.

If you have any questions about our comments, or need further information, please contact Gil Riddell at AOC, Lorna Jorgensen at IAC, or Bill Vogler at WSAC.

Sincerely,

JUDGE DALE WHITE,  
*Harney County, OR,*  
*EECC Chair.*

INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR THE EASTSIDE AND UPPER COLUMBIA RIVER BASIN, COMMENTS OF THE EASTSIDE ECOSYSTEM COALITION OF COUNTIES, MAY 1, 1998

THE EECC

The Eastside Ecosystem Coalition of Counties, representing the state associations of counties of Washington, Oregon, Idaho, and Montana, has been involved with hands-on participation since the beginning of the Interior Columbia Basin Ecosystem Management Project (ICBEMP). The EECC has made significant investments in time, resources, and political capital toward making ICBEMP a viable project. Although strongly interested in the vitality of affected counties and communities, the EECC has also sought healthy and productive ecosystems over the long-term, sound site-specific management that can adapt to increasing knowledge of natural processes, significant reduction of the potential for catastrophic fires and other such events, a stable and reasonable supply of forest and public land products, and protection of employment opportunities, while being sensitive to private prop-

erty rights. The EECC has sought win-win solutions for the region, which are good for the ecosystem and good for communities. In other words, the EECC wants clean water, clean air, healthy federal lands, vital communities, and a blossoming of federal/county relations.

Members of the EECC are not experts on specialized issues, such as soil productivity and the like, so our comments will leave discussion of many of those issues to others. Members of the EECC are public policy leaders of our local jurisdictions. As county judges and commissioners, we set policy and implement it, and administer the day-to-day details of government closest to the people. Through experience as well as training we can recognize clarity and lack of it, and procedures and plans that are do-able and those that are dubious. We have devoted our energies to try to make the work products of the ICBEMP clear, do-able, and understood by citizens of the region.

#### GENERAL COMMENTS (PURPOSE AND NEED: PREFERRED ALTERNATIVE)

The EECC has appreciated being able to work with federal agencies on the Project. And we have taken our responsibility seriously. We want to see active management take place to ensure healthy ecosystems. In that spirit of good faith, we offer these comments.

Our original understanding of the outcomes sought by the ICBEMP was to assess ecosystems in the Basin using the best science, identify desired ranges of future conditions, state objectives to attain those ranges, and provide an array of means for federal unit managers to meet those objectives using the tools that make the most sense for that landscape. Knowing that natural systems are dynamic and not static, the EECC has strongly supported adaptive management with a strong component of monitoring, so that we can continue to learn about natural processes.

In light of this understanding, the EECC helped ensure that the ICBEMP Purpose and Need statement achieved a balanced direction. The EECC believes that Purpose #2 (Support economic and/or social needs of people, cultures, and communities, and provide sustainable and predictable levels of products and services) holds the exciting potential for long-term, community-based solutions. And Purpose #5 (Emphasize adaptive management over the long term) stated the on-the-ground and monitored flexibility counties sought. Also Purpose #8 (replace interim strategies) was keenly important to us.

The EECC applauds the selection of Alternative 4 as the Preferred Alternative. While pleased with its selection, the EECC has conditionally supported its content because of concerns we stated that need to be addressed between the Draft and Final Environmental Impact Statements (EIS). We repeat those concerns here.

The call of Alternative 4 to aggressive, responsible on-the-ground action, given the scientific assessment, is practical, realistic, and gives the Basin a win-win opportunity. The Theme of Alternative 4 best speaks to the widest range of values. We agree that with priority on health of forestlands, rangelands, and watersheds, healthy streams, wildlife populations, and economic and social benefits will follow. The EECC begins to have trouble, however, where the Objectives and Standards move Alternative 4 away from its Theme. An example of reason for our concern is at page 4-62: "No alternative would have a high enough level of active restoration to reverse wildfire trends".

Because of the structure of procedures created for Alternative 4 (and other Alternatives), budget implications loom intimidatingly large. Is Congress willing to pay for sub-basin review, ecosystem analysis at the watershed scale, forest plan revisions, access and travel management plans, analysis to replace the default standards, road condition/risk assessments, revising vegetation classifications, and monitoring? Are all of these needed for the legal sufficiency the ICBEMP promises?

The EECC is pleased that the DEIS again states that regulation of private lands is not within the jurisdiction of the U.S. Forest Service or the Bureau of Land Management (see, e.g., ES p. 1-15). We suggest that the FEIS state that even more prominently, so as to help end the persistent confusion on that point.

#### MANAGEMENT FOCUS

Federal land managers have been saddled with conflicting directions, and this DEIS is no exception. The EECC recommends that the ICBEMP direct the administrative units to define the emphasis or priority of management of each sub-basin, based on findings of the scientific assessment. That is, state the most important management outcomes or accomplishments for that sub-basin.

This emphasis or focus would not be to the exclusion of other activities. Uses would continue to be integrated to the extent practicable. The management focus, however, would direct how conflicts in Objectives and Standards are to be resolved

on-the-ground. It also would give managers public understanding and legal support for their activities. This could be particularly important with the Preferred Alternative, because of its call to aggressive action.

The notion of a management focus is not without precedent in the DEIS. See page 4-181 [ES] and 4-164 [UC], which provides a focus to concentrate restoration within wildland/urban interface (a focus with which we disagree; see below).

#### TOO MANY STANDARDS

Purpose No. 5 emphasizes adaptive management. Our understanding was that that involves stated objectives, implementation, and monitoring. It implies that at least on a pilot basis reasonable risks will be taken to reach the objective and to learn in the process. An aggressive emphasis on Standards violates Purpose #5.

There are 166 Standards in the DEIS. Many constrict reasonable and monitored flexibility, work directly against the Theme, and clearly indicate a lack of trust in the abilities of professional field staff. If a Standard prohibits local adaptive management, the EECC recommends that they be removed, reworded, or recast as Objectives.

Terms often used in the Standards indicate they are more appropriate as Objectives; they are prescriptive but vague, effectively operating as Objectives. See, e.g., "minimize" (HA-S20); "minimized" (AQ-S18 & AQ-S24); "where no practicable alternative" (AQ-S19); "should be avoided where practicable" (AQ-S18); "large trees" (AQ-S7).

The EECC recommends that the ICBEMP limit Standards to process, including collaboration, and to facilitate and implement analysis. Regarding process, the Standards should assure it is appropriately open, complete, efficient, and understood by governments, stakeholders, and the public. For example, intergovernmental collaboration is a critical feature throughout the DEIS. It gives grounding in, and a stake to, local communities. Two fine examples of process Standards are HU-S1 (memorandum of understanding required within two years) and A-S3 (participation in implementation oversight). But collaboration needs to be efficient so that on-the-ground work can go forward. See, e.g., AQ-S6—"timely opportunities shall be provided to intergovernmental partners". This Standard needs more precision.

Regarding facilitating and implementing proper analysis, efficiency again is important. Analysis cannot be permitted to block and unreasonably slow proper action. Analysis processes in the FEIS, including interagency consultation, must be focused, timely, and efficient.

With the scientific assessment, Desired Ranges of Future Conditions, Objectives, and monitoring, the federal unit managers could potentially have the flexibility to develop new specific Standards that fit their ecosystems.

For an illustration of the style the EECC recommends, see "Standards For Rangeland Health And Guidelines For Livestock Grazing Management For Public Lands Administered By The Bureau of Land Management In The States of Oregon And Washington, August 12, 1997", approved by Interior Secretary Bruce Babbitt.

#### MONITORING

The EECC is convinced that the proper emphasis of this broad-scale project should not be on prescriptions but rather on providing guidance, monitoring and accountability. Let the on-the-ground professionals work under the science-based guidance of the ICBEMP, while refining and adjusting direction through monitoring.

We are fully aware that monitoring is traditionally the first program to be cut when there are budget problems. For the ICBEMP that would be tragic. With the proper emphasis, monitoring is the very element that can move the EIS away from excessive numbers of Standards.

Two of the Standards on monitoring and accountability need clarification. First, AM-S7 states that if the ICBEMP Objectives are not being met due to natural conditions or to processes or actions outside management control, "new Objectives should be developed on the basis of new information". How is this to be done?

Second, A-S4—are the measurable Standards to be "implemented" or "adopted"? Is this done at the unit plan level?

Regarding baseline monitoring (Appendix 3-1 at page 227 [ES]), why limit conditions to those relatively unaffected by human activities? Some specific Objectives require using environments affected by humans, e.g., Human Uses.

#### CORE CONCEPTS: ECOLOGICAL INTEGRITY & HEALTH

The EECC is a little uneasy with two of the core concepts in the DEIS. "Ecological integrity" is difficult to define. Can the ICBEMP develop a clear ecological perform-

ance measurement or criteria to determine when it is attained or degraded? This may well become important for legal defensibility.

Similarly, the core term “health” is used throughout the DEIS (see, e.g., AQ-04). Can you clarify how it will be measured objectively, e.g., by forest structure and composition?

#### TABLES AND OUTPUTS

The Purpose to provide sustainable and predictable levels of products and services will require consistent, aggressive restoration, as directed by the Theme of the Preferred Alternative, because there is no official allowable sales quantity and production is a by-product of restoration. Where Alternative Four moves away from its Theme, it moves away from the ICBEMP Purpose. This is highlighted at page 4-173, which states that Table 3-6 “did not provide projections of timber volume outputs that could be interpreted as sustainable or predictable by conventional methods”. See also Table 4-54 at page 4-174. This begs the question of how to measure whether Purpose #2 is met, short of staying true to the Theme of the Preferred Alternative.

The EECC is alarmed by the report of the Inland Empire Society of American Foresters (9/25/97) that the estimated percentage of forested land in Riparian Conservation Areas for Alternative Four is not 24 percent (Table 4-55), but rather an average of 35 percent. This data conflict needs to be resolved.

Moreover, the DEIS states at page 4-175 that the RCAs would “in some cases render land between these areas inoperable”. At a minimum, crossings—under strictly controlled conditions—should be permitted for restoration and production.

We are also alarmed by the report of the Oregon Society of American Foresters (12/97) that the per acre harvest volumes in Table 4-50 are too high, particularly in dry forest areas. They find that very few dry forests have seven thousand board feet (MBF) per acre standing, much less removable. They estimate that current restoration activities will produce in the range of one to three MBF/acre. This data conflict must be resolved.

Regarding cost of implementation, Table 4-65 sells the Preferred Alternative short. Its stated cost of over \$118 million is imposing, with grave budget implications. A more accurate table would net out the savings from wildfire suppression no longer needed and include ecosystem values gained and risk factors reduced. Not only would this be more accurate, but it also emphasizes the need to be true to the Theme of aggressive restoration by reducing fuel loads through thinning and other treatments. The more this is done, the more costs are saved.

Table 4-51 does not include commercial thinning or other harvest as a means to restore forests. With the acknowledged increase of catastrophic fires, why eliminate an efficient, environmentally sound tool of fuels management, particularly given the Theme of Alternative Four and Purpose #2?

#### SUB-BASIN REVIEW

From the beginning, the EECC has understood Sub-Basin Review to be a brief, tightly controlled validation of existing data, as a means to tier down to more fine-scale activities. Indeed, EM-03 states that it is a two- to three-week process.

Reviewing the Objectives and Standards causes us to doubt our understanding.

Even setting aside the very real budget constraints, Sub-Basin Review seems exceedingly difficult to deliver and assumes a greater order of importance. With use of existing information from various sources, data inconsistencies inevitably will confound aggregation and tiering. Indeed, how can the reviewer validate all the disparate information used? Can this really be accomplished in two to three weeks?

This question is critical, because EM-S1 prohibits management where Sub-Basin Review is scheduled in the current year. That is, at least one-third of the landscape is off-limits to active restoration during the first three years. Has this Standard ignored the duties that must go on in the units, e.g., wildfire control, livestock grazing, and recreation?

With its linkage to other functions, Sub-Basin Review assumes a greater importance than was our understanding. It is linked to identifying potential project opportunities (EM-S1); prioritizing allotment management plans and grazing permit revisions (AQ-S11); minor recreation construction (AQ-S24); state priority lists for Water Quality Limited Segments (AQ-S55); Road Condition/Risk Assessment (RM-S3); and minor road construction at stream crossings (RM-S10).

The EECC needs clarification as to the feasibility and importance of Sub-Basin Review. Are there other more efficient ways to tier down the broad-scale data? Is it more properly a function of the State Director and Regional Forester Offices? Does the unit plan, instead of Sub-Basin Review, provide a better context for Ecosystem

Analysis at the Watershed Scale, given its data and information at the appropriate scale?

*Question.* In EM-S3, should reference to “local government” be instead to county governments?

#### ECOSYSTEM ANALYSIS AT THE WATERSHED SCALE

The EECC has always expressed deep concern about overkill of analysis. The DEIS indicates that the fear is well-founded.

Ecosystem Analysis at the Watershed Scale (EAWS) has assumed critical importance in the DEIS. It is required to alter default directions of Appendix 3-4 [ES], mature/old growth structure stands (HA-S6), snag levels (HA-S7), and downed wood (HA-S8). That EAWS is required before project activity where there are species proposed for listing under the Endangered Species Act or their habitat (EM-S8), makes it critical that if this process is in the FEIS, it must be efficient and clearly understood by field personnel and consulting agencies. The EECC urges a complete, efficient, and clear set of directions for EAWS, if it is to be retained in the EIS. Also clarify that EAWS that has already been done can be used.

The concept of EAWS raises a number of important questions. How will the inevitable budget constraints be handled so that all the Purposes of the ICBEMP will be realized in the short-term? Why is site-specific NEPA documentation not adequate to make at least modest changes to the Riparian Management Objectives (RMO) and Riparian Conservation Areas (RCA) (EM-S13)? Will all units have adequate mapping on the watershed scale to make specific RMO or RCA recommendations by EAWS? RMOs and RCAs are site-specific and should be adjusted according to site-specific information. The level of detail expected from an EAWS to accomplish this site-specific Standard is unrealistic and could be too expensive to complete.

#### TERRESTRIAL STRATEGIES

The EIS should also direct maintenance and promotion of desirable “non-native” plant species (TS-01).

The DEIS section on “Rangelands” is well structured, with a predominance of Objectives and a minimum of Standards.

See also Fire, below.

#### AQUATICS/RCAS/RMOS

The EECC is troubled by the approach of the DEIS toward riparian areas and confused by the scientific findings on which it is based. If active management is the best way to achieve ecosystem resiliency and integrity, why is it said that the risk of watershed degradation is directly related to the amount of management activity? For example, at “Summary of Key Effects and Conclusions for Aquatic Systems”: “Alternative 4, with its higher activity levels, could pose greater short-term risks to aquatic ecosystems than would the slower activity rates and amounts of Alternative 6 and the restrictive and passive approach of Alternative 7 \* \* \*” See also “Cumulative Effects” at page 4-154, col. 2, para. 1 [ES]; and EC-3, p. 3-189 [ES]. Does this conclusion consider all kinds of management activity, including restoration and strictly controlled and monitored activities? Is there not a linkage between the health of the uplands and that of the riparian area? We are not scientists, but this linkage makes common sense.

The language of AQ-010 is excellent and should not be eroded by one-size-fits-all restrictions: “Manage riparian vegetation to restore and maintain structure, age, and composition consistent with site potential.” And AQ-G39 (App. 3-2, p. 267 [ES]; App. H. p. 240 [UC]) acknowledges, at least with respect to Category 3 Sub-Basins, the need for management to reduce threats to riparian-dependent species due to natural disturbances outside natural ranges of variability.

The EECC strongly encourages that the FEIS put emphasis on monitoring and efficient and streamlined consultation, rather than potentially long-term (given budget constraints), one-size-fits-all, default prescriptions. Especially considering the conflicting data regarding the sweep of RCAs (see, “Tables and Outputs” above), these prescriptions could threaten ICBEMP Purposes # 2, 5, & 8, and maybe others.

We also have comments on specific Standards and Objectives. AQ-04—clarify “connectivity”. Can it be adequately analyzed at the watershed scale?

AQ-S6 can be read to preclude any use of RCAs. Desirable activities, such as a temporary stream crossing to address forest recovery issues or an off-stream water facility for livestock, may not be allowed. If Alternative 4 directs active management, activities that contribute to ecosystem health in the long-term need to be permitted.

AQ-S8 requires vegetation management in Zone 2 to move stands toward mature and old forest conditions. Is this realistic for all riparian areas? The EECC recommends instead that management strives for stand structure and variation that are sustainable under the historic range of variability.

AQ-S11 would use Sub-Basin Reviews for a purpose not appropriate to a brief validation process.

AQ-S12 seems to indicate the need for expensive data gathering to measure upward trend (“[RMOs] have either been attained or there is a measurable upward trend”). Should be clarified to require only that monitoring indicates movement toward proper functioning conditions.

AQ-S13 and S14 could preclude grazing in vast areas of national forests. Can AQ-S13 (livestock handling to obtain RMOs) be implemented without a herder always present? Should it be limited to salting grounds and loading facilities? Livestock needs to be watered. “Trailing, bedding, and watering” should be deleted. In S14, “or closed” should be deleted so that facilities will be relocated. The FEIS needs to give users of the land options where possible to continue their livelihoods.

AQ-S24 needs to be clarified that a recreation facility “to be constructed” be located outside of RCAs if it will have adverse effects. Here again Sub-Basin Review seems to be used inappropriately.

AQ-S26 (recreation facilities inside RCAs) and AQ-S27 (interpretive facilities inside RCAs) could require relocation or closing of water use facilities. Rather than a standard of adverse effects that “cannot be avoided”, the EECC recommends “cannot be mitigated”.

#### HABITAT

HA-S6 provides default standards for forest stands. Should the EIS specify landscape patterns and sizes across the Basin? Is this appropriate for this scale?

HA-S20 and HA-S21 seek to minimize conflicts between carnivores and livestock. Clarify how this is to be done. Provide alternatives in addition to eliminating livestock.

#### FIRE

Fire suppression and fuels management are treated together, beginning at “Aquatic Standards—Fire Suppression/Fuels Management”. These are two separate concepts with different effects, goals, and activities. They should be separated.

The Forest Service has reported dangerous fuel loading on their lands. Catastrophic fire threatens fish and wildlife. TS-02 states the sound objective to use prescribed fire. Yet, while other sections of the DEIS have specific Standards that go beyond the intent of a broad-scale plan, this Objective offers no direction on what is expected. Moreover, as stated above under “Tables and Outputs” and “Aquatics/RCAs/RMOs”, the DEIS discourages many appropriate and strictly controlled treatments for fuel management. See, e.g., AQ-S29 (minimize disturbances of riparian ground cover and vegetation); Table 4-51 (commercial thinning or other harvesting not listed as a means to reduce stand density and fuel loading); TS-G18, Appendix 3-2 [ES] and Appendix H [UC] (Guideline for thinning rather than fire is limited to mountain mahogany communities); and “Cumulative Effects” (“Generally, the greatest short-term improvement in threatened and endangered and native fish distribution and status on federal lands would occur under Alternatives 6 and 7, mainly due to greater riparian protection measures and lower rate of land disturbance”). The severe threat of catastrophic fire is ignored.

Regarding specific Standards, PE-S4 lists eight key points of analysis for use of prescribed fire. Can some of this be done at the plan level rather than with each project NEPA document?

TS-S4 requires resting burned areas from grazing until monitoring data indicates recovery. This seems to be a disincentive to the permittee to become a partner in the prescribed burn. It directly affects the permittee’s livelihood, and the wording is too subjective to be helpful. Can the site-specific planning for a particular burn address how it will be done and its potential effects? The affect of fires on the landscape can vary, so treatment should be based on what has happened on the specific site. In addition, livestock grazing can be used to decrease competing vegetation.

#### ROAD MANAGEMENT/DENSITY

RM-03 is well written: “[Reduce] road density in areas where roads have been *demonstrated to have an adverse effect*” (emphasis added). This indicates that measurement of density alone does not tell the story. Road quality, location, and maintenance are of at least equal importance as factors. Standards that stray from this objective should be rewritten to conform to it.

RM-S3 inappropriately ties Sub-Basin Review to road assessment.

RM-S6 refers to “habitat effectiveness ratings”. Is this term defined?

RM-S7 directs an exorbitantly expensive and monumental task, which could apply to most existing culverts and bridges. Directions for accomplishing this goal should be put in context of all the other duties to be performed on the landscape.

RM-S8 inappropriately moves away from road-related effects as the measurement. There could be potential conflicts in collaboration if local decisions to leave important roads open prevent federal managers from meeting density requirements. Effective active management needs roads.

RM-S13 is unrealistic. Rather than “prevent sediment delivery”, it should read “minimize sediment delivery”.

#### COMMUNITY-BASED SOLUTIONS AND HUMAN USES

The EECC disagrees strongly with the focus stated at pages 4–181 [ES] and 4–164 [UC] to concentrate restoration investments within the wildland/urban interface, which generally is highly resilient, rather than within economically vulnerable areas. Job-producing restoration activities should receive priority in economically vulnerable counties and communities. Moreover, Guideline HU-G24, App. 3–2, p. 272 [ES] and App. H. p. 246 [UC], should be broadened to apply to all Alternatives.

In addition, the EECC suggests the following Standards, which would enhance opportunities for community-based solutions to changes in management of federal lands. Because these items have been overlooked in the DEIS and because they will apply consistently across the Basin irrespective of other aspects of the ecosystem, the EECC believes that these are very appropriate as Standards.

1. When at all practicable, the administrative unit shall contract for restoration work. Contracts shall be structured in ways that facilitate opportunities for local individuals and businesses to be competitive in their bids. Contract bid criteria shall be designed to support development of local expertise and experience in the labor pool, to sustain local business opportunities in restoration work, and to utilize as appropriate locally owned and operated equipment. The restoration program shall be structured to ensure, to the extent practicable, predictability of future bid opportunities to sustain a local work force and local businesses. This may mean, for example, bundling of work (e.g., combining into one contract a variety of work such as noxious weed removal, stream restoration, and thinning that relates to a specific geographic area); service contracts; an appropriate mix of small and large contracts to permit a variety of local businesses to compete; and training of local residents in the skills needed for restoration work.

2. The administrative unit shall work with communities or geographic areas that are dependent on production of goods and services from federal lands in support of their efforts to enhance economic diversity and resiliency and local economic competitiveness.

3. The administrative unit shall use a variety of programs available to the National Forest and BLM district for economic diversification, community development, and assistance in support of the communities’ goals. Personnel shall be made available to assist communities, upon request, with the intent of building community skills and capabilities.

4. The administrative unit shall provide facilities for community-based groups to meet, within the constraints imposed by space and security.

5. The administrative unit shall foster compatibility of land uses and management strategies with local community development goals through timely and frequent collaboration with local entities.

Regarding TI-S7, clarify the meaning of “habitat conditions capable of supporting harvestable resources”. Does this put an undue burden of fish resources on the Forest Service and Bureau of Land Management? Consider including an historical perspective for specific waterways, so that if there has been no fish present for an extended period and may never be again, the requirements for habitat conditions will be adjusted accordingly.

#### ECONOMIC AND SOCIAL CONDITIONS OF COMMUNITIES (SUPPLEMENT)

The EECC is pleased that the Executive Steering Committee agreed to our request that the socio-economic sections of the DEIS be reviewed, that there be further study, and that a supplemental report be published more accurately characterizing economic and social conditions of communities in the region.

While we are elected community leaders, and not professional economists, we agreed with the Committee that the socio-economic sections in the DEIS did not give a fully accurate or realistic picture of the current condition of many Basin com-

munities or the likely potential effects on these communities of significant changes in federal land management policies.

Among the items in the DEIS that we agreed were misleading or incomplete were Tables 4-50 and 4-57. Table 4-50 used different means of measuring annual monetary benefits of goods and services from recreation than it did for livestock and timber. This table was intended to compare the different Alternatives to each other with respect to each of these economic activities. The problem is that the table forces a comparison of the three activities, even though methods of measurement were widely different.

Table 4-57 used different measurements for job generation for recreation, on the one hand, and wood products, restoration, and ranching, on the other. It was intended to illustrate the effects on each sector separately of the seven Alternatives, but has been seen—not surprisingly—as a comparison of the value of recreation versus other uses. As such, neither table comports with our experience and knowledge of our communities.

We note that while there was agreement that a socio-economic supplement be prepared, this supplement does not include two tasks agreed to be completed. First, the supplement was to explore other methods of measurement to give a realistic picture of recreation employment in the Basin. The second task is presentation of tables that display income associated with various jobs in the region, in particular between recreation jobs and traditional employment opportunities.

The EECC urges that for the FEIS these two tasks be completed and Tables 4-50 and 4-57 be deleted or corrected and misleading (and inflated) potential economic effects of recreation be corrected to provide a more accurate comparison among economic activities.

Nevertheless, the supplement is a clear and important improvement over the original DEIS, for which the Project Team deserves praise.

The supplement reflects some of what we know: Compared to the nation, this region is specialized in several industries, including forest products, ranching, and agriculture; and that within this specialized region, there are communities (some isolated, some not) even more specialized. The supplement does a good job of sharpening the focus on communities at risk when federal land management policies change. It confirms the general finding of the DEIS that one-third of the population is located in two-thirds of the counties, many of which are at the greatest risk due to specialization in multiple areas of employment most dependent on federal lands.

The EECC notes, however, some surprising anomalies in the findings regarding specific counties, which will cause concern about the credibility of the methods used in the supplement. For example, Lincoln County, Montana (at Supp. p. 55), shows the bedroom community of Rexford as “very high” in agricultural services, while the agriculture center of Eureka, with its fertile Tobacco Valley, is rated “none”. Further, Eureka has had the most development activity in the county, yet is rated as “none” under construction and inappropriately rated lower than Troy.

The EECC offers two suggestions to sharpen the analysis further. Our suggestions may also resolve at least some of the anomalies in your findings. First, for analysis of specialization of communities, use the nation rather than the Bureau of Economic Analysis regions as the basis of comparison. As pointed out by Arthur Ayre, Economist for the State of Oregon Economic Development Department, this analysis will permit comparisons between every community in the Basin, because all will be measured against the same national economy rather than against varying regional economies. Moreover, this will permit comparisons between a community and its BEA region, as well as a look at how the community’s production in each industry compares to the most likely level of consumption in each industry. The latter point is important, because under the analysis of the supplement, if a community is specialized in an industry to the same degree as its BEA region, its location quotient would be 1.0. This LQ could imply that there is no net export or import of the products of that industry, even though we know that the community is specialized and an exporter. A glaring example of how an LQ can work this way to mislead appears to be Walla Walla, WA (Supp. p. 61). Agriculture is the dominant industry, yet that is not reflected in Table 1-3.

The second suggestion, also from Mr. Ayre, is to determine the economic importance of an industry by gauging the size of each community’s export-oriented economic base and the percentage of this base that an industry contributes. This would further sharpen the socio-economic picture, because two industries with the same location quotient may not be equally important to the economic base. For example, a large industry with a lower LQ can be more important than a smaller industry with a higher LQ. Again, we wonder whether the agriculture industry in Walla Walla, WA, illustrates this example.

The EECC recognizes that the ICBEMP is a broad-scale project, which may make this second suggestion unfeasible. If the data can be obtained without great difficulty, however, it may well help to satisfy Project Purpose #2. Short of that, the EECC strongly recommends a clear explanation of instances of what would appear to non-economists as anomalies.

**STATEMENT OF GEORGE ENNEKING, COMMISSIONER, IDAHO COUNTY, COTTONWOOD, ID, AND CHAIR, PUBLIC LANDS COMMITTEE, IDAHO ASSOCIATION OF COUNTIES**

Senator GORTON. Yes, Mr. Enneking.

Mr. ENNEKING. Thank you, Mr. Chairman, Senator Craig.

I am George Enneking. I am chairman of the Public Lands Committee for the Idaho Association of Counties. I want to thank you for the opportunity to testify here regarding ICBEMP today.

The counties came into this project seeking healthy and productive ecosystems over the long term, sound site-specific management that can adapt, significant reduction of potential for catastrophic fires and other such events, a stable and reasonable supply of forest and public land products, employment opportunities while being sensitive to private property rights. In our view, the project did not meet these criteria.

Because the project did not meet the counties' criteria, the Idaho Association of Counties Public Lands Committee unanimously passed a resolution in February, calling for the termination of the project with no record of decision. A copy of the resolution is attached. In addition, the IAC body also passed a resolution calling for the termination of the project.

Although the Public Lands Committee passed the resolution, they recognized that it was important for Idaho counties to remain involved in the Eastside Coalition of Counties, and a motion was made to that effect. Idaho counties want to be involved with other counties in the Pacific Northwest not only in this project but for other issues that affect the counties.

There are some reasons why IAC took that position. The project's draft environmental impact statement falls short in many areas. One of the most important areas is the stated needs. The plan has two stated needs. No. 1, restoration and maintenance of long-term ecosystem health and ecological integrity. And, No. 2, supporting the economic and social needs of people, cultures, and communities, and providing sustainable and predictable levels of products and services from the Forest Service and BLM administered lands.

I get tongue tied on these big words that came out of this project. I have to apologize for that.

Although the project team has been making more of an effort to focus on the human need, the draft needs go further, so that there is an equal treatment of the landscape and the human element.

Sound, site-specific management that can adapt is problematic in the current draft. Many of the standards give site-specific direction that takes the one-size-fits-all approach. Management options, using the best information available, needs to be left to line managers.

The draft also limits the flexibility of land managers to adapt to changing conditions, and indicates a lack of trust in the abilities of professional staff. This may be due to the restrictive standards that the regulatory agencies want to place on land management agencies. Many of the standards that we find unworkable were put

in place by regulatory agencies, and appear not only in the draft EIS but also in the National Marine Fisheries Service recommendations for essential fish habitat.

I think this is very important. A determination needs to be made as to who is responsible for managing Federal lands before any rational decisions can be made concerning national resources in the basin. Should the agencies manage it or should the regulatory agencies? And I think we need to make a distinction.

The draft has very heavy emphasis on analysis prior to actions being taken. Analysis is an important aspect, but the health and productivity of lands should be of paramount importance. The amount of analysis should be limited so the actions can take place on the ground.

Another problem with the project as a whole is that the project that was supposed to focus on an ecosystem focused on anadromous fish, and then built a plan around the fish. It is the IAC's contention that the plan will collapse because it failed to build on all the essential elements of an ecosystem.

The Idaho Association of Counties and the EECC is seeking science-based, bottom-up, on-the-ground management, which we consider less risky than a one-size-fits-all, top-down management.

There have been some positive outcomes from the counties' involvement in this project. One is that alternatives 3 through 7 say direct involvement with State, county, and tribal governments will be used in planning, decisionmaking, and implementation of programs. This important concept of including all those who live in the area and have a stake in the health of the land is an important element that must be part of any natural resources decision.

#### PREPARED STATEMENT

Another positive outcome is that there is a realization that counties represent their communities, not just special interests, and are making decisions that are in the best interest of their communities.

Once again, thank you for this opportunity. And I would ask Commissioner Kennedy to continue, if that is OK, sir.

Senator GORTON. Yes; thank you.

[The statement follows:]

#### PREPARED STATEMENT OF GEORGE ENNEKING

Mr. Chairman, Members of the Senate Energy and Natural Resources and Appropriations Committees, and other members of Congress, thank you very much for the opportunity to testify regarding the Interior Columbia Ecosystem Management Project (The Project).

Counties came into the project seeking healthy and productive ecosystems over the long-term, sound site-specific management that can adapt, significant reduction of the potential for catastrophic fires and other such events, a stable and reasonable supply of forest and public land products, employment opportunities while being sensitive to private property rights. In our view, the project did not meet these criteria.

Because the project did not meet the counties criteria, the Idaho Association of Counties (IAC) Public Lands Committee unanimously passed a resolution in February calling for termination of the project with no record of decision. A copy of the resolution is attached. In addition, the IAC body also passed the resolution calling for termination of the project.

Although the public lands committee passed the resolution, they recognized that it was important for Idaho counties to remain involved in the eastside ecosystem coalition of counties and a motion to that effect was made. Idaho counties want to

be involved with other counties in the Pacific Northwest not only in this project but in other issues that affect our counties.

The project's draft environmental impact statement falls short in many areas. One of the most important areas is in the stated needs. The plan has two stated needs:

1. Restoration and Maintenance of Long-Term Ecosystem Health and Ecological Integrity and

2. Supporting the economic and/or social needs of people, cultures, and communities, and providing sustainable and predictable levels of products and services from forest service and BLM administered lands.

Although, the project team has been making more of an effort to focus on the human need, the draft needs to go further so that there is equal treatment of the landscape and the human element.

Sound site specific management that can adapt is problematic in the current draft. Many of the standards give site-specific direction that takes the "one size fits all approach." Management options, using the best information available, need to be left to line managers.

The draft also limits the flexibility of land managers to adapt to changing conditions and indicates a lack of trust in the abilities of professional staff. This may be due to the restrictive standards that the regulatory agencies want to place on the land management agencies. Many of the standards that we find unworkable were put in place by the regulatory agencies and appear not only in the draft EIS but also in the national marine fisheries service recommendations for essential fish habitat. A determination needs to be made as to who is responsible for managing the federal lands before any rationale decisions can be made concerning natural resources in the basin.

The draft has a heavy emphasis on analysis prior to actions being taken. Analysis is an important aspect but the health and productivity of the land should be of paramount importance. The amount of analysis should be limited so that actions can take place on the ground.

Another problem with the project as a whole is that a project that was supposed to focus on the ecosystem focused on anadromous fish and then built a plan around the fish. It is the IAC's contention that the plan will collapse because it failed to build on all the essential elements of the ecosystem.

The IAC and the EECC is seeking science-based, bottom-up, on-the-ground management, which we consider less risky than one size-fits-all, top-down management.

There have been some positive outcomes from counties involvement in this project. One is that alternatives 3 through 7 say "direct involvement with state, county, and tribal governments will be used in planning, decision-making, and implementation of programs." This important concept of including those who live in the area and have a stake in the health of the land is an important element that must be a part of any natural resource decisions. Another positive outcome is that there is a realization that counties represent their communities, not just special interests, and are making decisions that are in the best interest of their communities.

Once again, thank you for this opportunity. I would ask Commissioner Kennedy to continue, or if the chair prefers, I can answer any questions.

#### IAC NATURAL RESOURCES AND LAND USE COMMITTEE

##### *Resolution 1*

Whereas, the Interior Columbia River Basin Ecosystem Management Project (ICBEMP) was to be a broad scale project that would give general direction to public land managers for ecosystem management, and

Whereas, the draft Environment Impact Statements (DEIS) offer a prescriptive set of management directives that if modified could lead to a mutually agreeable record of decision, and,

Whereas, Idaho counties were promised that this Project would be a collaborative effort, and

Whereas, Idaho counties have been participating in good faith since the beginning of this Project, and

Whereas, the recent roadless policy proposed by the Administration indicates there is no interest in a collaborative effort, and

Whereas, recent actions indicate a reduction or elimination of local input in natural resource management environmental decision-making, and,

Whereas, Idaho Counties are concerned about forest health and want to see land management activities take place on the ground to increase forest health and decrease the threat of high intensity forest fire, and

Whereas, the health of our forests is being sacrificed for more and more analysis, and

Whereas, most Forest Service and BLM employees in the West understand land management issues and are willing to work with local officials in formulating solutions; and Therefore, be it

*Resolved*, That the Natural Resources and Land Use Committee calls for a termination of the Interior Columbia River Basin Ecosystem Management Project with no Record of Decision being issued. Be it further

*Resolved*, That BLM district managers and National Forest supervisors begin the process of amending their land management plans and begin actively managing the land they were entrusted to manage in consultation with local officials as required by current federal law.

ADOPTED THIS 12TH DAY OF FEBRUARY, 1998

RESOLUTION—

Whereas, in July, 1993, the President of the United States directed the United States Forest Service and the Bureau of Land Management to develop an ecosystem-based management strategy for lands administered by those agencies within the Upper Columbia River Basin, and

Whereas, no congressional authority or appropriation of funds exists for this ongoing Interior Columbia Basin Ecosystem Management Project (ICBEMP) and there is no statutory prescription or definition for "ecosystem management," and

Whereas, the people of Idaho County will be directly and indirectly affected by the proposed Upper Columbia River Basin plan, and

Whereas, the people of Idaho County rely and depend upon good stewardship, sustained-yield, the even flow of production of goods and services from multiple-use management of the public lands lying in and adjacent to Idaho County, and

Whereas, ICBEMP draft documents fail to adequately and truthfully disclose the economic, environmental and social effects of implementation of ecosystem management practices set forth in the Draft EIS documents, and

Whereas, the implementation of the proposed preferred management alternative (alternative 4) is unrealistic in terms of costs of implementation and its ability to restore forest health, and

Whereas, ICBEMP attempts to force broad-scale regulations upon local decision makers and effectively eliminates local concerns and input for natural resource management, and

Whereas, ICBEMP became a \$35 million sinkhole of taxpayer money with no apparent termination date, now therefore, is it

*Resolved*, The ICBEMP should be terminated and that no Record of Decision be issued. The scientific data developed by the project should be provided to local land managers for consideration in land and resource management plan revisions as are required; of the various national forests and BLM districts; be it further

*Resolved*, That Idaho County supports natural resource management and planning that allows for site-specific management decisions made by local decision makers, local citizens and parties directly and personally affected by land and resource management decision.

Unanimously adopted by the Idaho County Board of Commissioners this 4th day of May 1998.

**STATEMENT OF MICHAEL KENNEDY, COMMISSIONER, MISSOULA COUNTY, MISSOULA, MT, AND MEMBER, EASTSIDE ECOSYSTEM COALITION OF COUNTIES**

Senator GORTON. Commissioner Kennedy.

Mr. KENNEDY. Senator Gorton, nice to see you again. Senator Craig, thank you very much for this opportunity.

Before I begin, I would like to acknowledge to you and also to Carol Jolly that she is not alone. I am a proponent of this project.

As a member of the Eastside Coalition of Counties for the past 3½ years, I have become familiar with the project enough to discuss all aspects of it, and to reach an informed opinion about its value and its prospects for success. Without recounting the remarkable efforts by countless agency staff, citizens, and elected officials, I can report that this several-year project has resulted in an implementable option which has the highest probability of success in achieving the goal of long-term, multiuse sustainability on public lands within the Columbia River Basin.

The project process has been open to input from all directions. And that openness has resulted in numerous substantive changes in approach and direction. That conducive atmosphere has been consistent throughout the process, and it remains the key element of the support received from the Eastside Coalition, although we do have some conditional problems with it.

The purpose of my testimony is to offer wholehearted support for the project, and to urge funding for its implementation. The picture I see for the future of the basin is clouded by the prospect of restricted or delayed implementation because of a lack of funding. At a time when there are major and necessary cutbacks in funding on national programs, it may not be popular to say that this program is different and deserves the top priority for funding consideration, but that is exactly what I am saying.

This project is different, and it is unlike any other program, and it involves stewardship of a major component of our national and natural resources, which are in trouble—in deep trouble—and will not recover without substantial efforts, which only can be mobilized through the congressional funding process.

What we notice on the land—and this is very important—is that the trees are smaller and the water is dirtier, the weeds are more invasive, disease is here, the habitat is more constrained, the fires are more catastrophic, the communities are in serious peril as never before. We also notice that expenses are up and productivity is down on public lands, and the prospect is for more of the same unless we do something.

It is also important to note that none of these conditions—absolutely none of them—can be blamed on this project. In fact, this project resulted from those conditions and in acknowledgement of that and in hopes that we could do something about it. And it does offer an opportunity to address them.

The scientific assessment and the subsequent recommendations for aggressive, on-the-ground management, are judged to be the best approach for ecosystem recovery over the long term. The benefits of this approach are clear and can be measured favorably in ecological, economical, and social terms. Restoring ecological balance will reduce pressures on threatened and endangered species, will support critical gene pools, and will reduce opportunities for ecological catastrophes due to cultural influences.

Economic stability and predictability will add real meaning to the definition of sustainability, which simply has not been there heretofore. Repairing, improving, and preserving the social structure of resource-dependent communities will honor the commitment to families throughout the Interior in their quest for stability, a healthful environment, and a decent standard of living.

The cost of implementation of the project is estimated to be—and I had here \$125 million—I am glad to see someone has reduced that—you usually see the numbers go up—to \$112 million a year. If we examine only two of the ongoing expenses on public lands, that of fire suppression and road maintenance, we can see that this implementation investment will have reduced those costs in a very dramatic way and in a very short period of time.

At the same time, the implementation investment will have accomplished a great deal of on-the-ground work. It makes more

sense to us to restore the landscape ravaged by erosion or to thin a forest unit to allow room for trees to reach harvestable size than to spend money on fire suppression where there absolutely is no return. It also makes more sense to spawn new public land industries and to develop new ways of earning a living off of land than it does to waste money on roads which have no use. This project presents opportunities to do those kinds of things, and many more.

Although some cultural impacts on public lands are severe, they are not at this moment in time irreversible. But we must act. We finally understand that our natural resources are not unlimited. And we also understand the urgency of pursuing aggressive restoration efforts as rapidly as possible.

Each year, the problems grow worse, and will grow worse, and will be more difficult to overcome and more costly to address as time goes by. As an EECC member, as a career scientist and engineer, as an elected official, and, most importantly, as a citizen, the wisdom of investing in the implementation of the ICBEMP project is evident. I urge you to support and recommend investment in the future for full funding of this project and its implementation.

And I would like at the same time now to respond to two questions, Senator Gorton, that you asked all the panelists to respond to. And the first has to do with will the project represent a legitimate solution to litigation? I cannot know that. And I do not know that anyone can know that.

What we do know is that because of the 74 plans that exist out there, the inconsistency of those plans give rise to reasons for legal debate as to whether or not they are really accomplishing the right thing.

What this project will do is add consistency. And it will remove that obstacle. It will remove that opportunity for lawsuit.

So, I cannot say that it is going to remove all the lawsuits. Anybody with \$75 can file a lawsuit, as you know. But it will reduce some of those barriers. And I think that is very important.

Is there a better alternative? Well, I do not know. If there is one, I think we would all welcome that. In the 4 years I have been with the project, or nearly 4 years—and the Forest Service and the BLM have welcomed that—and I simply do not know whether there is a better one. If it comes forward, I can tell you, because of the openness of the project, we would all accept it.

It kind of reminds me, though, of being in an airplane, where we acknowledge at 30,000 feet that there is a problem and the plane is going to crash and we are all given parachutes. And one of us says we do not want to use the parachute. Well, the alternative is we are going to head to the ground. We know that. And that is where this ecosystem is. It is going downhill, and we have got to do something about it.

And it seems to me like we need to put the parachute on, as much as we dislike that opportunity, and get with it and fund this project so that we can restore this ecosystem and do what it is intended to do.

#### PREPARED STATEMENT

I will only make one final comment, and that is about the cost. There is a lot of criticism about the cost. And I just want to make

the comment that this overall project so far has cost roughly about 40 cents an acre. And I have to tell you that the forest plans that are out there right now, that sometimes take up to 10 years to prepare, cost up to \$15 an acre. So, from an economical standpoint, this project so far has been an exceedingly economical project, and the benefit is clearly there, with all of the information that we have.

Thank you very much. And I am available for questions.

Senator GORTON. Thank you, Mr. Kennedy.

[The statement follows:]

PREPARED STATEMENT OF MICHAEL KENNEDY

Thank you for this opportunity to present my perspective on this vital project of significant national importance.

As a member of the Eastside Ecosystem Coalition of Counties (EECC) for the past three and one half years, I have become familiar with project enough to discuss all aspects of it and to reach an informed opinion about its value and its prospects for success. Without recounting the remarkable efforts by countless agency staff, citizens and elected officials, I can report that this several year project has resulted in an implementable option which has the highest probability of success in achieving the goal of long term multi-use sustainability on public lands within the Columbia River watershed. The project process has been open to input from all directions and that openness has resulted in numerous substantive changes in approach and direction. That conducive atmosphere has been consistent throughout the process and remains a key element of the support received from the EECC.

The purpose of my testimony is to offer wholehearted support for the Project and to urge funding for its implementation. The picture I see for the future of the basin is clouded by the prospect of restricted or delayed implementation because of lack of funding. At a time when there are major and necessary cutbacks in funding of national programs, it may not be popular to say that this program is different and deserves top priority funding consideration, but that's exactly what I'm saying. This project is unlike any other program in that it involves stewardship of a major component of our national natural resources which are in trouble and will not recover without substantial efforts which can only be mobilized through the Congressional funding process. What we notice on the land is that the trees are smaller, the water dirtier, the weeds more invasive, the habitat more constrained, the fires more catastrophic, and the communities in serious peril as never before. We also notice that expenses are up and productivity is down on public lands, and the prospect is for more of the same unless we do something.

The scientific assessment and subsequent recommendations for aggressive on the ground management are judged to be the best approach for ecosystem recovery over the long term. The benefits of this approach are clear and can be measured favorably in ecological, economic and social terms. Restoring ecological balance will reduce pressures on threatened and endangered species, will support critical gene pools, and will reduce opportunities for ecological catastrophes due to cultural influences. Economic stability and predictability will add real meaning to the definition of sustainability. Repairing, improving and preserving the social structure of resource dependent communities will honor the commitment of families throughout the Interior in their quest for stability, a healthy environment and a decent standard of living.

The cost of implementation of the Project is estimated at \$125 million per year. If we examine only two of the ongoing expenses on public lands, that of fire suppression and road maintenance, we can see that the implementation investment will have reduced those costs in a dramatic way and in a short period of time. At the same time, the implementation investment will have accomplished a great deal of on-the-ground work. It makes more sense to restore a landscape ravaged by erosion or to thin a forest unit to allow room for trees to reach harvestable size than to spend money on fire suppression where there is no return. It also makes more sense to spawn new public lands industries and to develop new ways to earn a living off the land than it does to waste money on roads which have no use. This project presents opportunities to do those kinds of things and more.

Although some cultural impacts on public lands are severe, they are not, at this moment in time irreversible, but we must act. We finally understand that our natural resources are not unlimited and we also understand the urgency of pursuing aggressive restoration efforts as rapidly as possible. Each year the problems grow

worse and will be more difficult and costly to address. As an EECC member, as a career scientist and engineer, as an elected official, and most importantly as a citizen, the wisdom of investing in the implementation of the ICBEMP is evident. I urge you to support and recommend investment in the future through full funding of project implementation.

**STATEMENT OF JOAN FREY, COMMISSIONER, KLICKITAT COUNTY, GOLDENDALE, WA, AND MEMBER, EASTSIDE ECOSYSTEM COALITION OF COUNTIES**

Senator GORTON. Ms. Frey.

Ms. FREY. Yes; Senator Gorton, Senator Craig, thank you for this opportunity.

I am Joan Frey, and I am a Klickitat County Commissioner and one of the three commissioners representing Washington in the Eastside Ecosystem Coalition of Counties.

I would like to thank you again for the opportunity to comment on the Interior Columbia Basin Ecosystem Management Plan. I have been personally involved in this project since April 1994, when the EECC was formed. In those early meetings, there was great anxiety over what the Federal land management agencies were proposing.

Frankly, the Washington commissioners were not at all sure that we could trust the Forest Service or BLM. In fact, I was more interested in how we could derail the project.

Now, after 4 years of working with the project team and the Executive Steering Committee, a level of trust has been developed, to the point that a frank rapport now exists between the county and the team.

Reaching this trust has not been easy, because not all counties in Washington feel the same level of trust with the Federal agencies. This has caused intense debate between counties of our association. Many of these counties have taken a stance to terminate the project. This position became untenable for me and other Washington members of the EECC. Therefore, we met with all eastern Washington counties on April 2, 1998, to discuss whether Washington should continue to participate through the EECC in this project.

After thorough, and at times soul searching, frank discussion—and those are all real understatements—the counties of eastern Washington unanimously adopted the following position. And I will quote it verbatim:

While the Eastern District—Washington—does not endorse the ICBEMP, as long as the project proceeds the counties of eastern Washington will be involved and direct their representatives to continue to participate in the Ecosystem Coalition of Counties and, further, their representatives are directed to negotiate with the Federal agencies responsible for the project and represent the concerns and issues identified by the counties. The EECC representatives are to report back to the Eastern District in September 1998 at the District meeting regarding the progress of this project.

I would like to clarify that there are at last count 14 counties out of the 20 eastern that have done resolutions to kill the project. And it was interesting, at that meeting, it was very clear that counties participation in this process was essential. And that is why the motion was unanimous. This motion passed unanimously by all but one county, which was not present at the meeting.

While there was much concern about the concerns of the DEIS, the counties believe that they need to be at the table and continue helping shape a final plan. The EECC has submitted detailed comments on the DEIS, and this information is available for the committee.

While I commented earlier that a level of trust had been developed with the team and the regional executives, the same cannot be said for the actions being proposed from Washington, DC. Judge White has outlined his concern about the Forest Chief's proposed roadless area moratorium. I would like to echo his concerns, and add that the trust we have developed was based on a promise from the former Forest Chief that this concern would be made here in the region, not at the Washington, DC, level.

The roadless area policy tests that promise and raises serious concerns about where the decision will actually be made.

With all that said, we need to remember that it was not too long ago that the spotted owl caused the Forest Service to adopt the Northwest Forest Plan, with no input from counties. This left out an important element in any Federal use plan: the impact to local communities. It is for that reason that Washington counties continue to stay at the table. We believe we give the best voice possible to our local communities.

We do not want the Federal courts to make decisions on Federal lands. That did not work in the best interest of local communities in the Northwest Forest Plan and we do not believe it will work in the best interest of the local communities in the Columbia Basin.

This project is very important. And when ecosystem management is described, we sometimes forget that people are a part of that ecosystem. Remember, counties represent local communities, and we need to continue to have a voice in the development of Federal land use plans. That is why the Washington counties have directed us to stay at the table.

I hope you will urge the Federal agencies to listen to counties and make them an equal partner in managing our Federal lands.

Thank you again for your time, and I would be glad to respond to any questions.

May I add one more point, though?

Senator GORTON. Yes; everybody else went over; you can go over.

#### PREPARED STATEMENT

Ms. FREY. Your comment about the economic study was very appropriate. The counties have found great fault—another understatement—in the socioeconomic study. And the Coalition of Counties have responded—individual counties have responded to that. So, I am glad you raise the point in your opening statement.

Senator GORTON. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF JOAN FREY

Mr. Chairman, and members of the Committee, I am Commissioner Joan Frey from Klickitat County, Washington and one of the three county commissioners representing Washington on the Eastside Ecosystem Coalition of Counties (EECC).

Thank you for giving us this opportunity to comment on the interior Columbia Basin Ecosystem Management Plan. I have been personally involved in the project since April 1994 when the EECC was formed. In those early meetings there was

great anxiety over what the Federal Land Management Agencies were proposing. Frankly, the Washington Commissioners were not at all sure that we could trust the Forest Service or BLM. In fact, I was more interested in how we could derail the project.

Now, after 4 years of working with the project team and the executive steering committee a level of trust has been developed to the point that a Frank rapport now exists between the counties and the team.

Reaching this trust has not been easy because not all counties in Washington feel the same level of trust with the federal agencies. This has caused intense debate between counties of our association. Many of these counties have taken a stance to terminate the project. This position became untenable for me and the other Washington members of the EECC. Therefore we met with all eastern Washington counties on April 2, 1998 to discuss whether Washington should continue to participate through the EECC in the ICBEMP.

After thorough, and at times soul searching, frank discussion, the counties of eastern Washington unanimously adopted the following position:

While the eastern district (Washington) does not endorse the ICBEMP, as long as the project proceeds the counties of eastern Washington will be involved and direct their representatives to continue to participate in the Eastside Ecosystem Coalition of Counties; and further, their representatives are directed to negotiate with the federal agencies responsible for the project and represent the concerns and issues identified by the counties. The EECC representatives are to report back to the eastern district at the September 1998 district meeting regarding the progress of the project.

This motion passed unanimously and all but one county was represented at the meeting.

While there was much concern about the contents of the DEIS, the counties believed they needed to be at the table to continue helping shape a final plan. The EECC has submitted detailed comments on the DEIS and this information is available for the committee.

While I commented earlier that a level of trust had been developed with the team and the regional executives the same cannot be said for the actions being proposed from Washington DC. Judge White has outlined his concerns about the forest chief's proposed roadless area moratorium. I would like to echo his concerns and add that the trust we have developed was based on a promise from the former forest chief that this decision would be made here in the region, not in Washington DC. The roadless area policy tests that promise and raises serious concerns about where the decision will actually be made.

With all that said, we need to remember that it wasn't too long ago that the spotted owl caused the forest service to adopt the northwest forest plan with no input from counties. This left out an important element in any federal land use plan, impact to local communities. It is for this reason that Washington counties continue to stay at the table. We believe we give the best voice possible to our local communities.

We do not want the federal courts to make decisions on our federal lands. That did not work to the best interests of local communities in the northwest forest plan and we do not believe it will work in the best interests of local communities in the Columbia Basin.

This project is very complex and when ecosystem management is described we sometimes forget that people are part of the ecosystem. Remember, counties represent local communities and we need to continue to have a voice in the development of federal land use plans. That is why the Washington counties have directed us to stay at the table. I hope you will urge the federal agencies to listen to counties and make them an equal partner in managing our federal lands.

Thank you for taking time from your busy schedule to hold this hearing in Spokane. If you have any questions I will be happy to answer them.

#### PRIVATE PROPERTY RIGHTS

Senator GORTON. I was about to say, Ms. Frey, that you make it very difficult for the Senator from Washington, covering so many different views, I am not really sure whether I would characterize your statement as yes, but or no, but. [Laughter.]

Ms. FREY. Well, I have been kind of characterized as being in bed with the Forest Service. And I find that ironic, because the reason I want to stay involved is, I guess, because of basic distrust when

Federal Government actions are taking place. And the cure to that is to get in there and try to have input.

Senator GORTON. Let me ask each of you, as you represent constituents who are very close to you and from whom you hear all of the time—let me go into something that you did not cover, that is the province of the next panel—private property rights. Would your constituents be comforted at all if there were some kind of language in our authorizing this process to go through with respect to the impact of the final record of decision and implementation on private property rights? And each of you can answer that question, if you will.

Ms. FREY. You are looking at me.

Senator GORTON. Yes.

Ms. FREY. Private property rights are a concern—probably the ultimate concern. And I have cattle on public lands. And I feel that is a right. And they are very vulnerable.

I agree with Bob Williams that this plan will not be implemented on private property. But the influence is there. And there is something that I found has a definite impact on private property. And that is the ESA, National Marine Fisheries, U.S. Fish and Wildlife. This is a very educational process, because I know now where the, I guess, power is. And our property rights are at risk. But I do not feel it is just from this plan—or maybe not at all from this plan.

Senator GORTON. Would any of the rest of you like to comment on that question?

Mr. WHITE. I do not think private property rights are a very sensitive issue with all of us, and people are very concerned about them. I guess I am personally convinced that this document on BLM and Forest Service land does not infringe private property rights. I would have to also say that one of the biggest issues that the county has had with developing this has been the intrusion of National Marine Fisheries, the Federal Fish and Wildlife, and EPA into the process.

And as you well pointed out, Senator, where they may lead us, I do not know. But I do not believe we should let that interfere with the effective management of the BLM and Forest Service lands. But, for heaven's sakes, is there anything that we can do with those other agencies to minimize their effect? You have our wholehearted support.

Mr. ENNEKING. Senator, I guess it has always been my concern, from the inception of this project, that it is impacting private property rights indirectly. There is not any way that this project, in the magnitude and scope that it is, does not encompass all private property along with public lands. Because you cannot draw an imaginary boundary, and then stop, and then move, and then go on, and again and again. The cumulative effects of what happens on one is going to follow through onto the next.

And so, without a major revision or thought process of an ecosystem management plan of this magnitude, I do not think you can get away from that concern that I would have with private property rights.

Senator GORTON. Mr. Kennedy.

Mr. KENNEDY. Senator Gorton, I think that personal property rights are certainly a volatile issue that transcend any discussion

that we have here. And I think singling that out with language in this document, in my mind, might be inappropriate. I believe, as Bob Williams stated, that there will be some effect on private land, but I believe that effect will be positive.

What we notice in the ecosystem, in this one-quarter-of-a-million-square-mile area, is it is in decline. We know that. And it does not matter when you fly over, you cannot see the boundary between public and private land. We notice that there is decline in it. And so, to the extent that that is so, in a public way, if we acknowledge that and do something about it, it can only have good effect on private property. So, to the extent that that is so, the effect is positive and it will affect it.

To the extent that you should put language in there, I think all it does is feed an emotional flame, and I think it is really inappropriate for this document.

Senator GORTON. You may have already answered this question, but I will start with you and work across the line of witnesses on this question. What do you see, if any, as the potential downside of our stopping the project before a record of decision, and just telling each of these units to use the science that they have learned with respect to their own plans and their own management? And if you want to say there are some upsides, you can say that, too. But the consequences of stopping now, if you would comment on that, positive or negative.

Mr. KENNEDY. As a scientist, I always attempt to be as objective as I can. And that is not always 100 percent possible. And what I notice is that any time you have objective data you can take any number of people who look at those same data and arrive at different conclusions, slightly, and maybe even in a major way. My sense is that if you just disseminate the data to all of these different units, just as there are differences in the 74 plans, you will see differences in the interpretation of those data.

And my belief is that you will increase the opportunity for lawsuits, rather than decrease it, No. 1. And, No. 2, there will be no consistency in the restoration effort within that basin. And I think that both of those are enormous downsides that we have to avoid. So, I think there is a definite danger in disseminating scientific data without some instruction as to how it should be used, where I should be used and when it should be used.

Senator GORTON. Ms. Frey.

Ms. FREY. I have thought about that constantly for the last 4 years, because I did want to kill this plan. And my concern is that you have 74 forests and, deny it as we may like, they are interconnected. And perhaps that is where we come up with the word "ecosystem." I think that by not acknowledging that we will be subject to more legal challenge.

I feel I am battle fatigued. And National Marine Fisheries, I have learned through this process, needs to be reckoned with, as well as the other Federal regulatory agencies. They have the interim guidelines in place now, which are killing communities as we speak. They are devastating county budgets as we speak.

I feel in my heart of hearts that those will be the regulating plans. They become more stringent. That concerns me.

The administration—boy, I hate it when I get asked questions—the administration has seen this plan coming together. National Marine Fisheries and the other regulatory agencies saw us coming together in 1996 on a good alternative. They interfered. They changed its complexion. We are still moving forward. And this roadless moratorium set in.

This plan is the least—it is not the right term, but this is not my greatest concern—I think that we have put in our comments on the DEIS. I feel that it will have to change dramatically for support. As I sit here now, as written, I do not support this. But it has to change. And we have worked hard to try to bring that about.

This, to me, is the best approach. It has been a public process. That is why it has been so darned expensive.

I will quit.

Senator GORTON. OK. I guess I summarize your position as being well, I do not trust them one bit, and that is why I want to stay involved right to the end. [Laughter.]

Ms. FREY. The closer you are to a cow, the less the kick hurts. You are right. [Applause.]

Senator GORTON. Mr. Enneking.

Mr. ENNEKING. Well, personally, I think that I would not have any problem at all with going back to the individual forest plans at this stage of the game and using the science that came out of this project. The reason being is that I do not believe that a forest in south Idaho, for example, is anywhere near what a forest in north Idaho or would be maybe up in Okanogan, or something like that.

I think we need to be autonomous wherever we are at, and we need to do things based at a local level, based on what we have and how we do business. And when we make a plan or try to implement a plan across all of the landscape, then we bleed the wrong thing into that plan.

So, I would say we would be better off to use what we can or what fits the situation at the local level and go forward.

Senator GORTON. Thank you.

Mr. White.

Mr. WHITE. I would just like to add to what Joan said. I think in October 1996 we had a much better plan than we have today. And after the meeting with the regulatory agencies there were 50 to 60 more standards added and replaced guidelines. And those are basically the issue that we now have with it, that there are too many prescriptive standards and there are not enough guidelines.

But I guess, in direct answer to your question, I would go back to one of the reasons that we started in the project, is for the legal defensibility and our understanding of what the Federal judges have basically been saying, especially on the Endangered Species Act, is that you have got to look at the ecosystem—whatever that may mean, and we do not really know—and then sustainability and the viability of the species. And I think that this would help us in the legal defensibility of it.

I do not have any magic bullet that says that we win the war, but I think we have a much better chance of getting back to managing the forest. That is what we want to do: manage the forest, get some products, put our people to work, get our economies back

on. And if somebody has got a better plan—we have offered that, as county people. For the last 3 or 4 years, we have got a lot of criticism and a lot of bricks, but nobody has ever given us an alternative that is better than this. And we are still open to that suggestion, Senator.

Senator GORTON. Thank you.

We have now been joined by Congressman Nethercutt. I am going to give him an opportunity to catch his breath and turn the questioning over to Senator Craig, and then we will hear from the Congressman.

Senator CRAIG. While I do not think this comment fits all of you, I have got a growing suspicion that now that you are astride of the back of the tiger, you do not know how to get off; that you are a bit more enamored by the process than the product. That is very frustrating, because I have been there. And sometimes it is very difficult to cut, to break and to take a stand.

Mr. White, would it be better for us just to legislate the plan prior to the breakdown when others became involved, and force the Forest Service to go back and change what you all had worked on?

Mr. WHITE. Well, certainly that would be, I think, the counties' position; yes, sir.

Senator CRAIG. Let me ask this question of you, Dale, and, Joan. Have you seen any evidence that the President's Northwest Forest Plan has reduced regulations on private lands under ESA?

Ms. FREY. I am kind of at a disadvantage here, but the information I have gathered is that with the Northwest Forest Plan, there have been tradeoffs. Bob Williams defined, if this plan were in place, it would maybe give more flexibility to private properties, while the habitat conservation plan and the Northwest Plan have that.

Senator CRAIG. Have you seen evidence of that?

Ms. FREY. I have had information to that level. I have not been in the forest to see it. But I have been informed that there are tradeoffs. And I could really get you that information. I would be glad to get you that information.

Senator CRAIG. I would like to have that for the record, if you would, please.

Ms. FREY. OK, you got it.

[CLERK'S NOTE.—The information was not received in time to be included in the hearing record.]

Senator CRAIG. Thank you.

Mr. WHITE. Senator, I am probably not the best one to answer that. Salmon have to carry their own water in Harney County, so I really have no information as to how it has affected the western Oregon counties.

Senator CRAIG. OK. I have been to Harney County. I appreciate that.

For all four of you, you indicated that if the moratorium, the road moratorium, is imposed you will have to release or reappraise your position. Well, let me put it this way. It is our opinion that the moratorium has already been imposed. It is in, or at, the interim rule stage. What will you do?

Mr. WHITE. Well, that will be for us to collectively decide. But if our read our constituents, we are probably going to pull out of the project as an act participant. [Applause.]

Senator CRAIG. What would you have us do if the moratorium, now in an interim rulemaking stage, is brought through to completion?

Mr. WHITE. We have written the Chief. We obviously asked to be considered before he publicly issued his moratorium. We have since, as the Eastside Coalition of Counties, written him a letter, listing three alternatives that we think are viable. We have had no response, and I guess we will not know until we see the final decision.

We did have a meeting with him a couple of weeks ago, in Portland. And these people were there and they can tell you, but I did not read that as that he was very responsive to our concerns. And I only have one letter, but if the Senator is interested we can share with you what our alternative is.

Senator CRAIG. I would like that. I would like that not only for the record but for my personal use and for the use of the subcommittee that I chair, on forestry.

[CLERK'S NOTE.—The information was not received in time to be included in the hearing record.]

Senator CRAIG. Yes, Commissioner Kennedy.

Mr. KENNEDY. Senator Craig, thank you.

I am feeling badly about the injection of Mike Dombeck's administrative order on the roadless area into this project, because they are two separate things.

Senator CRAIG. So am I.

Mr. KENNEDY. And somehow they have got associated. And it seems like the tail wagging the dog. Yes, he did that. And yes, this project was going on well before he did it. And I would hate to judge this project by that. And I would like to keep them separate. And at the same time, I would like to address your question about the roadless areas, because I think it is not only an extremely volatile and emotional issue, but there is a lot of information that is going out there that I believe is not factual.

I think it would be important for everyone to understand how much of production from the forests that would affect. And I think it is remarkably low. It is something like 2 percent. It is really very, very low.

And there is another discussion that needs to be had with respect to that. No. 1, why did he do it?

Well, we have got this ecomanagement project out there that suggests maybe there needs to be different kinds of considerations if we are going to change our policies and practices upon the land, and it makes sense to pause in order to examine what they are. Because this is not a permanent; it is 18 months. It is less than that now. And he has given assurances of that.

But one last important thing about it is that there is a reason why those lands still remain roadless. And some of the reasons are that they are inaccessible, that they are very, very low in terms of productivity, and they are remote. And all of those are reasons why they simply have not been logged before or have not been accessed

before. Those are some of the reasons. They are not all of the reasons, but they are some.

So, I think to say that this moratorium really remarkably affects the wood products industry or any other industry, on the whole, throughout the region, is, at best, an inaccurate statement based on what it actually will accomplish and what it will not accomplish. So, I think that the emotion is much greater than the effect. And I would really hope that we would have a tendency to separate those, rather than to create a problem for this project, which has enormous potential for restoring jobs and restoring the environment.

Senator CRAIG. Well, Commissioner, I appreciate that statement. I am as concerned as you are. The problem is we are dealing with the same lands.

Mr. KENNEDY. Yes.

Senator CRAIG. And we are dealing with a very specific action on those lands. And I would agree with you that some roadless areas meet your definition. Others do not. And yet they are all blanketed by this effort.

Something else that also frustrates me is about 3 months before this announcement, the Chief and I had a very lengthy discussion about it. And I suggested a couple of things to him: that we work together in a bipartisan way to establish a new policy consistent with the regional planning that was going on. He denied us that, as he appears to be denying you alternatives. And that is very frustrating. Because it appears to be more of a political statement than it does a wise management decision.

And if we are all going to be a part of this process, then we all have to be a part of it. We cannot be asked to participate only on a selective basis. And I think that is where our frustration exists.

Now, here is one of the difficulties, then. You heard the administration request an additional \$112 million to implement the plan. Part of the administration's rationale is to stabilize commodity production and, consequently, payments to counties. At the same time, the administration is requesting \$267 million for the permanent, indefinite appropriation to decouple assistance to counties from commodity receipts.

That does not sound like anything temporary to me. That sounds like a very clear plan to move something in place permanently. One wonders why we would need the latter if the former is accomplished. But given the limited resources, we may have to choose. If so, what should we choose? That is a question to all of you.

Mr. KENNEDY. Well, I can answer that from a scientific standpoint and a long—

Senator CRAIG. How about a commissioner's standpoint? How about a political commissioner?

Mr. KENNEDY. Well, our forestry seats and PILT money is down. It is clear. And we depend upon that. And our road system and our school system are nearly bankrupt. Those are all true statements.

I do not know that this, or curing that bill, is going to change those conditions. It may inject a bit more if we do some things. It may do that. It may temporarily add a band-aid, but it is not going to solve the problem.

What I am looking at are the long-term effects. Because, again, we are in a death spiral on the environment. There is no question in my mind about that. And that is the reason why the project got started.

Sooner or later, we are going to have to bite the bullet and recognize that or it is actually going to be worse. So, my sense is we need to invest the money. We need to take that risk, because there is a good chance that it will succeed and everyone will be better off than they are today. That would be my position.

Senator CRAIG. Would you support a decoupling?

Mr. KENNEDY. Yes; I would.

Senator CRAIG. OK.

Commissioner Frey.

Ms. FREY. The whole decoupling discussion worries me. I am afraid that it is taking education out of the equation, so we can ignore our resources, which I feel are sustainable. I feel that they can, when managed properly, educate, build schools, and support communities. I do not support the decoupling.

At our WIR meeting, we had some discussion on that. And we have a committee working to that effect. And if there is decoupling, it is in a short period of time, so that we can again be aware that we are a resource base and can continue to be a resource-based nation. And I think there was another question in there, but I got hung up on decoupling.

Senator CRAIG. Close enough.

Ms. FREY. All right.

Senator CRAIG. Commissioner?

Mr. ENNEKING. Senator, I am very much against decoupling as it is being proposed. I believe that any time that we do away with tying our 25 percent money coming for roads and schools at the local level from commodity production we, in essence, are surrendering to being a welfare state, so to speak. We then would be at the mercy of Congress every time that we needed an appropriation for 25 percent money. We would be just like the payment in lieu of taxes. We would be there every year, knocking on your door, running up and down the halls, trying to get that appropriation passed.

In the short term, it would—a few of the counties are pretty happy with the situation, because it would—show a big windfall. But I think in the long haul it would be the wrong move, in my opinion.

Senator CRAIG. Judge.

Mr. WHITE. And George and I perhaps have got a little advantage and also a disadvantage. Because what I am going to share with you just came out of our meeting in June, last week, and we have not shared it with our counties. And the representatives from the five largest national forest receipts—Idaho, Washington, Oregon, Montana, and California—have appointed groups to discuss this very issue. And, basically, what we are tentatively proposing is that this coverage for a guarantee, if you want to call it that, or whatever the proposal is, for all national forests nationwide, that the payments are guaranteed at the 1997 level or 76 percent of the 1986–90 average, that it include either/or language to allow for payments based on actual receipts if that amount is greater

than the guaranteed amount. And that follows what everyone is concerned about.

We are really interested in the productivity of these forests, so that they get back and produce the resources themselves. We think that it needs to be indexed for some CPI. We do not want a change of the 1908 Act. And, finally, we would ask that it be terminated in the year 2003, when the Pacific Northwest Forest Plan terminates.

And I do not have a full answer to your whole question, Senator, because to get out of the guarantee—my county, we went from \$5 million in receipts in 4 years to \$500,000 in receipts. It cost \$2 million a year just to run our road department without doing any capital, fortunately in the good years we built some reserves, we are going to be broke in 3 years. And as you know, having been to Harney County, that is a big county. It takes lots of roads. And we are 76 percent federally owned. There is 4½ million acres there. Most of that land, those roads serve public lands, not private lands. So the Federal Government has some responsibility there.

But I think all of our overall gut feelings is that we do not want a dole. We want to get our lands back producing. But we need some help in the interim, Senator.

Senator CRAIG. George, did you have another comment?

Mr. ENNEKING. Just another comment, Senator, if I may. What really happens or what makes communities viable, and counties, is people working. And if we could get away from this idea of staying off of lands to do production—we need to be there for forest health reasons. We need to be out there managing the forests, like private foresters do. When we do that, we create jobs. And when we create jobs at the county and the community level, then those people are buying homes, they are paying taxes, they are supporting schools and roads, and our problems then become moot—what we are talking about here today.

So, I think that is where we need to head for, if we can. [Applause.]

Senator CRAIG. I guess I can understand many of your expressions of uneasiness in terminating the project. But I am not sure anyone has suggested this. I heard from the State of Montana and the State of Idaho, suggesting that, instead of that, instead of signing a record of decision and amending 74 plans in a single action, that the science documents be finalized and provided to the land managers to use to amend their plans, consistent with and tiered to science documents.

Do you find this approach an unacceptable approach? And if so, why? This is for all of you.

Mr. KENNEDY. Well, for Montana, at least in the forests that I am associated with, what I notice in working with our foresters—and, by the way, we have an excellent relationship, and it is much different than when I worked for the Forest Service back in the fifties and sixties—that there is a lot of time consumed in either amending or revising these plans. And I can point to a couple of plans that have taken 10 years in their production.

What this effort, to do it at one time, will do is it will save enormous human resources at a time when the Congress has decided that the Interior Department, and the Forest Service in particular,

had to cut back. So, what you are going to do is if you allow those 74 plans to go, and just receive that information, and do the revisions themselves, you are going to be diverting enormous amounts of human resources to revision of those plans when those resources could be used on the ground.

And I think that is a very, very important point. And so that is one reason why I am strongly in favor of this project. Because we get that one-time amendment. We develop consistency. We have on-the-ground work. And you heard that the investment is like 87 percent on the ground. And we avoid lawsuits. There are all kinds of good things that can come from that consistency and by doing it all at once.

And this is not a one-size-fits-all by any means, but it does give guidance, it does give overall direction. For example, if you have a protocol for a heart transplant, it does not matter whether the person is in South Africa or Montana, there is a certain protocol that works. Then you have to, of course, do things differently because of the different patient, but the protocol is really what is important. And I think that single revision is what is most important here. And it will be the most efficient way to do it, to avoid unnecessary resource expense.

Ms. FREY. I feel that taking the 74-forest-plan approach will be more expensive. I think it will be under challenge. I do not feel it will be as cost effective. And that is the simple answer.

What concerns me is whenever I agree with Mike, I always worry. It took me 4 years just to get him to wear socks. [Laughter.] So, I am concerned.

Mr. KENNEDY. We used to be enemies, Senator. [Laughter.]

Ms. FREY. That is where I am on that approach.

Senator CRAIG. Well, now that you are friends. [Laughter.]

Mr. ENNEKING. Senator, now you know why we love Joan. She is down to earth. [Laughter.]

Senator CRAIG. I am beginning to understand, George. [Laughter.]

Mr. ENNEKING. No; I do not think that that would be a problem. I think that that would be the proper way to do it—would be to just amend the plans now, based on the new knowledge that we have, to fit the situation.

Senator CRAIG. OK. Judge.

Mr. WHITE. I can certainly plead ignorance and have a lot of support for that position. I do not know. I guess I am betting that if we have a record of decision, that is going to get us back to manage the lands faster and quicker and with less legal challenge than if we do it 74 times. But if it can be done and get us back on the land, that is my concern.

Senator CRAIG. Well, I have taken too much time, Mr. Chairman. I do have one last question that fits right into what they have just responded, and I would like to ask it.

The Supreme Court has said that this plan may not be subject to judicial review. The Forest Service has told us that the plans are not rules, subject to congressional review under the Regulatory Flexibility Act. Does this give any of you any cause for concern: no judicial review, potentially no congressional review?

Mr. KENNEDY. I would like to address that.

Senator CRAIG. Sure.

Mr. KENNEDY. I think that the nature of the plan, first of all, is macro in nature. And it is general enough that it does require supplemental work to be done. And the work that the EECC has done has really impressed the Executive Committee, in terms of it is going to be really a ground-up effort.

So, what we are having is, is that the local land managers, the people whose kids go to school with our kids, are the people who we will trust to implement that plan. And so the very simple answer is, because of that, then that does not concern me.

Senator CRAIG. OK.

Mr. ENNEKING. Senator, I would be very much concerned without a congressional review of what goes on out in the woods. I do not think that the agencies should be—they are your arm of making things work, and Congress needs to have that oversight. I would hate to see that get away from you.

Mr. WHITE. I would agree with George on that. I think everybody has to have a boss someplace, and I view Congress as the boss for the guideline agencies. And that should never be terminated. That should always remain. And I guess I am just talking from what I heard about the Supreme Court decision, but I suspect that if you cannot challenge the plan, the first time you go to implement it, I suspect you are available for challenge. So, I think it will get challenged, one way or the other.

Senator CRAIG. OK. Joan.

Ms. FREY. And I feel the same way as these two do.

Mr. KENNEDY. We are not friends anymore?

Ms. FREY. Not anymore, no. [Laughter.]

Senator CRAIG. Thank you, all, very much.

Mr. WHITE. And, Senator Gorton, when she first came in, she was packing a .45. So, we really respect her. [Laughter.]

Ms. FREY. It was a .357.

Mr. WHITE. Oh, excuse me. [Laughter.]

Senator GORTON. Well, I would like to thank this panel very much. You have been both informative and immensely amusing and enlightening for us. We appreciate all your contributions. And while the next panel of private landowners come up, we are going to give Congressman Nethercutt an opportunity to make a few comments and to participate in the balance of the hearing.

If the next panel will come on up, we would appreciate it.

**STATEMENT OF HON. GEORGE R. NETHERCUTT, JR., U.S. REPRESENTATIVE FROM WASHINGTON**

Mr. NETHERCUTT. Thank you very much, Senator Gorton. Nice to be with you and Senator Craig today.

I got involved in this whole issue in the 104th Congress. And I am anxious to hear a little more testimony about the counties and the consistency of the feelings with regard to whether a majority of the counties feel that the project should be terminated or whether the counties feel that the project should not be terminated.

Back in 1995 and 1996, Senator Hatfield and I had a series of meetings relative to deciding what the future of this project would be. And at that time, the House of Representatives passed a measure that was sponsored by me, in the Interior Subcommittee on Ap-

propriations, that would limit the amount of money that was spent in this unauthorized project. It would distribute the science, and ultimately had approval to have more social and economic information provided by the counties. That was essentially lost in the budget debate to pass legislation for an omnibus spending bill.

Since then, our efforts have been designed to extend the comment period, so that there could be an adequate review of all the information, social and economic, and the cost information that would attend this project. I think we know a lot more now about this project, Senator, than we did 2 years ago. And my sense is that there is not unanimous feeling among the county governments of the affected States and, in fact, there is a wide-ranging opinion in favor of termination of the project and the use of the science.

I heard these commissioners talk about local control and management, and I could not agree more with regard to the importance of having local people make decisions about the implementation of this project, rather than have this project go to a record of decision and, frankly, be challenged in court. There is no guarantee, under the current program, that there would not be a challenge in court of any record of decision or findings.

So, I am anxious to hear what the private side has to say about this, the private property side of this issue, as well as have, perhaps for the record, an indication of how many counties in each of the affected States are supporting termination of the project. Maybe that has been testified to already.

Senator GORTON. As a matter of fact, Congressman Nethercutt, you reminded me of something that I had intended to do at the end of that panel that goes part way to satisfy your curiosity. I wonder if I could get all of the county commissioners or other county elected officials in the audience who were not a part of the previous panel to stand. How many county officials are there here? [Audience members standing.]

Please keep standing. We would like very much to have your written testimony on this, but I just want to run a little poll right now. How many of you—and you can even vote twice if you want on this one—but how many of you felt most compatible with the testimony of Dale White from Oregon? Were his views closest to your own and the counties you represent? Just raise your hand.

OK, I see one.

How many felt closest to what Joan Frey testified to?

How many felt closest to George Enneking?

And how many felt closest to Michael Kennedy?

All right. That is very unscientific, because there are lots of county commissioners with strong views who are not here. But thank you for that expression of your opinion. And as I say, we would love to hear from you in writing.

#### PREPARED STATEMENT

George Nethercutt's statement about finding out what people who are elected, on the ground, to represent their own constituents in a local setting is very important. And we are going to want to do as broad scale a request for their opinions as we possibly can.

Senator GORTON. And with that, we will begin with panel No. 4. And we will begin with Sharon Beck.

[CLERK'S NOTE.—The statement was not received in time to be included in the hearing record.]

**STATEMENT OF SHARON BECK, PRESIDENT, OREGON CATTLEMEN'S ASSOCIATION**

Ms. BECK. Good morning, Senators. My name is Sharon Beck. I am president of the Oregon Cattlemen's Association.

Thank you for demonstrating your interest in this very serious issue, the Interior Columbia Basin Ecosystem Management Project. I wanted to thank you for holding this field hearing and thank you for inviting me to testify.

The Oregon Cattlemen's Association, for 85 years, representing all the cattle producers of the State of Oregon, other State associations, and the National Cattlemen's Beef Association, who has represented the beef producers of the Nation for 100 years, have in their policy that the Eastside project should be terminated with no record of decision.

The great author, Pearl S. Buck said: "Every great mistake has a halfway moment, a split-second when it can be recalled and perhaps remedied." We believe ICBEMP's halfway moment is now.

We believe there should be no record of decision, that the science should be carefully evaluated at the local level of land management agencies, using a common standard of scientific evaluation in order to separate true science from the plethora of opinion, literature reviews, and outright pseudoscience contained in the draft environmental impact statement.

OCA has drafted a review of the DEIS, and we have respectfully submitted it to you today as our official testimony.

Many of our 2,500 members have been involved in ICBEMP to varying degrees for all the years it has been meandering through its process. Our members are on resource advisory committees, watershed councils, county boards of government, the State legislature, and State boards and commissions. Our comments are based on this exposure, though few have had the stomach to read this massive set of documents in their entirety.

A byproduct of each exposure to the DEIS has been overwhelming confusion and mistrust, and a recognition that the end product will be purely political. It is a master plan that accommodates top-down political agendas. It disregards local governance, communities, and individuals, and largely ignores economic integrity.

We think Congress and the Eastside Coalition of Counties had the same concerns when they directed the project team to do an analysis of the economic and social implications of the plan. Many of our people read the resulting document. Dr. Fred Obermiller, of Oregon State University, a range resource economist, who has testified before these kinds of committees many times, has stated, and I quote:

This report and the EIS is an attempt to obscure the negative impacts on local communities based on data that does not exist and assumptions that cannot be validated. I expect that implementation of this plan will lead to annihilation of rural communities within the scope of the Interior Columbia Basin Ecosystem Management Planning Area.

With this panel before you, that represents essentially the entire agriculture and timber communities in our Northwestern States opposing the DEIS, how do you suppose it happens that the admin-

istration continues to try to implement this project? If you hesitate to drop the axe on this project because some county commissioners are indecisive, it should be abundantly clear that their constituents are willing to stand up and be counted. Those commissioners are not going to be thrown any crumbs of power by the Federal Government.

The counties and the States must take back the power that is rightfully theirs, and begin to determine their own destinies based on the will of their people.

#### PREPARED STATEMENT

This administration is running amok against natural resource users and the producers of food and fiber. We are being governed by administrative and bureaucratic decree. Congress must act to stop this administration running roughshod over Americans in their quest for centralized control of land management. A stand must be made here against the ICBEMP, for at stake is not just our ability to manage our own land for the benefit of our families and communities. At stake now, I fear, is the Republic.

Thank you very much.

Senator GORTON. Thank you. [Applause]

[The statement follows:]

#### PREPARED STATEMENT OF SHARON BECK

Thank you for demonstrating your interest in this very serious issue, the Interior Columbia Basin Ecosystem Management Project by holding this field hearing and thank you for inviting me to testify.

The Oregon Cattlemen's Association, for 85 years, representing all cattle producers of the state of Oregon, other state associations and the National Cattlemen's Beef Association who has represented the beef producers of the Nation for one hundred years, have in their policy that the eastside project should be terminated with no record of decision.

The great author Pearl S. Buck, said "Every great mistake has a halfway moment, a split-second when it can be recalled and perhaps remedied". We believe ICBEMP's halfway moment is now. We believe there should be no record of decision, that the science should be carefully evaluated at the local level of land management agencies using a common standard of scientific evaluation in order to separate true science from the plethora of opinion, literature reviews, and outright pseudo-science contained in the draft environmental impact statement.

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It is a master plan that accommodates top down political agendas. It disregards local governance, communities and individuals and largely ignores economic integrity.

We think Congress and the Eastside Coalition of Counties had the same concerns when they directed the project team to do the analysis of the economic and social implication of the plan. Many of our people read the resulting document. Dr. Fred Obermiller of Oregon State University, a range resources economist, who has testified before these kinds of committees many times has stated, "this report and EIS is an attempt to obscure the negative impacts on local communities based on data that does not exist and assumptions that can not be validated. I expect that implementation of this plan will lead to annihilation of rural communities within the scope of the Interior Columbia Basin Ecosystem Management Planning area."

With this panel before you, that represents essentially the entire agricultural and timber communities in our northwestern states opposing the DEIS, how do you suppose it happens that the administration continues to try to implement this project? If you hesitate to drop the ax on this project because some county commissioners are indecisive, it should be abundantly clear that their constituents are willing to stand up and be counted. Those commissioners are not going to be thrown any crumbs of power by the federal government. The counties and the states must take back the power that is rightfully theirs and begin to determine their own destinies based on the will of their people. This administration is running amuck against natural resource users, the producers of food and fiber. We are being governed by administrative and bureaucratic decree. Congress must act to stop this administration running roughshod over Americans in their quest for centralized control of land management.

A stand must be made here, against the ICBEMP, for at stake is not just our ability to manage our own land for the benefit of our families and communities. At stake now, I fear, is the republic. Again, Thank you, Senators.

**STATEMENT OF MIKE POULSON, NATURAL RESOURCE CHAIRMAN,  
WASHINGTON STATE FARM BUREAU**

Senator GORTON. Our second witness is Mike Poulson, of the Washington Farm Bureau.

Mr. POULSON. I thank you very much for this opportunity. And it is a great privilege for me to be here. And it is a privilege that I am testifying today on behalf of the Washington Cattlemen's Association, the Association of Washington Wheat Growers, as well as the Farm Bureau.

After 4 years and \$40 million, the ICBEMP management team failed to develop a draft plan that provides even a minimum framework for managing the resources in the project area. The draft writers diverted from the scientific ordering originally proposed and responded to public perception and a philosophical, nature-knows-best management plan. We have developed many critical comments to the DEIS; however, I will focus my comments on three areas our members believe is central to future resource management: the importance of local management responsibility, the reality of resource use; and regulation/regulatory agency gridlock.

While the stated intent at the onset of the Columbia drainage assessment was to empower local decisionmakers, the proposed plan eliminates local discretion almost entirely. The flaw in this approach is that management needs are generally site-specific and those closest are best prepared to respond. At present, we have a situation where local managers and local citizens are unable to address simple and obvious problems, like fuel loads, bug kill, and noxious weeds. Those in the local area have the greatest interest in protecting and managing the natural resources around them and should be given the responsibility.

Human resource needs were not discussed in the plan, other than in the context of their contribution to local economies. And even that is grossly inadequate. Throughout the draft, there is an overriding assumption that the area's resource economies can be converted to tourism and recreation economies with no net loss. This assumption ignores the role resource/industry activities play in maintaining environmental quality, and the fact that humans are not becoming less dependent on the use of resources but more so.

It does not recognize that limiting and eliminating resource use in the project area transfers that production and its uncalculated

effects to other areas. It does not provide a formula to require humans to use less, but requires they be developed somewhere else.

Given what we know today, resource needs are going to continue to increase. The only questions are: Where will they be produced? How will they be produced? And who will the producers be?

We are fortunate to live in one of the best food, fiber and mineral producing areas of the world. We have evolved to be the best environmental managers in the world. And yet this plan would decrease domestic production and increase import of raw materials, while exporting environmental effects of their production. We do not need to become dependent on Indonesian timber or Brazilian wheat. To force this by locking up our resources is both environmentally and economically irresponsible.

The issue of regulatory/regulation agency gridlock, often the greatest obstacle to resource protection and management, was not seriously appraised in the draft. We feel this is the most important challenge in addressing forest, watershed, and rangeland health in the project area. Regulation and regulatory agencies have evolved to a point that make objective science-based land use management impossible.

Many of the laws and regulations that were created to protect environmental interests are not compatible and, in practice, prevent protection. One example of this is the Endangered Species Act, which requires managers to focus on an individual species, even at the expense of all other environmental or human interests.

A second and equally bothersome regulatory issue is the minority rule that has been given through appeals opportunity. Regardless of credibility, and with little or no accountability, a single individual can prevent resource use or management activity. If the goal is land management that results in long-term resource sustainability, it cannot be achieved without addressing these issues.

There are serious flaws in present management practices of the Columbia drainage federally managed lands. The challenge is not in managing resources, but in managing the bureaucracy. And I think that you heard that from every panel that has been up here.

As in welfare reform, if we are going to develop management practices that ensure long-term success, local agency directors and local governments must be given management responsibility. They also need a regulatory atmosphere that allows them to manage. It is imperative that Congress take an active role in resolving this management dilemma. We ask you to strongly consider the following course of action:

Terminate ICBEMP for its lack of merit; return viable ICBEMP science to local agencies for implementation, with local citizen and local government involvement; and acquire an independent, cumulative effect assessment of all regulations that affect resource use and resource management. Without this, there can be no relief from management gridlock.

#### PREPARED STATEMENT

I would also like to turn in from my constituents a couple of letters from county associations, as well as one that is signed on by 20 resource groups in six States.

Senator GORTON. We will include those in the record.

Thank you very much.  
 [The statement follows:]

PREPARED STATEMENT OF MIKE POULSON

My name is Mike Poulson and I represent the Washington State Farm Bureau. I am testifying before you today on behalf of the Farm Bureau as well as the Washington Association of Wheat Growers and the Washington Cattlemen's Association. Our organizations have followed the progress of the Interior Columbia Basin Ecosystem Management Project (ICBEMP) since its inception. The Natural Resources and Environment committee I chair for the Washington Farm Bureau was established in part due to this project.

After four years and 40 million dollars the ICBEMP management team failed to develop a draft plan that provides even a minimum framework for managing the resources in the project area. The draft writers diverted from the scientific ordering originally proposed and responded to public perception and a philosophical "nature knows best" management approach.

We have developed many critical comments to the DEIS, however I will focus my comments on three areas our members believe essential to future resource management: The importance of local management responsibility; the reality of resource use; and regulation/regulatory agency gridlock.

While the stated intent at the onset of the Columbia Drainage assessment was to empower local decision-makers, the proposed plan eliminates local discretion almost entirely. The flaw in this approach is that management needs are generally site-specific and those closest are best prepared to respond. At present we have a situation where local managers and local citizens are unable to address simple and obvious problems like fund loads, bug kill and noxious weeds. Those in the local area have the greatest interest in protecting and managing the natural resources around them and should be given the responsibility.

Human resource needs were not discussed in the plan, other than in the context of their contribution to local economies and even that is grossly inadequate. Throughout the draft there is an over-riding assumption that the area's resource economies can be converted to tourism and recreation economies with no net loss. This assumption ignores the role resource industry activities play in maintaining environmental quality and the fact that humans are not becoming less dependent on the use of resources, but more so. This assumption does not recognize that limiting and eliminating resource uses in the project area transfers that production and its uncalculated effects to other areas. It does not provide a formula to require humans to use less, but requires they be developed somewhere else. Given what we know today, resource needs are going to continue to increase. The only questions are where will they be produced, how will they be produced and who will be the producers.

We are fortunate to live in one of the best food, fiber and mineral producing areas of the world. We have evolved to be the best environmental managers in the world and yet this plan would decrease domestic production and increase import of raw materials, while exporting environmental effects of their production. We don't need to become dependent on Indonesian timber or Brazilian wheat. To force this, by locking up our resources is both environmentally and economically irresponsible.

The issue of "regulation/regulatory agency gridlock" often the greatest obstacle to resource protection and management was not seriously appraised in the draft. Our organizations feel this is the most important challenge in addressing forest, watershed and rangeland health in the project area. Regulation and regulatory agencies have evolved to a point that make objective science based land use management impossible. Many of the laws and regulations that were created to protect environmental interests are not compatible and in practice prevent protection. One example of this is the Endangered Species Act that requires managers to focus on an individual species, even at the expense of all over environmental or human interests. A second and equator bothersome is the "minority rule" that has been given through appeals opportunity. Regardless of credibly and with little or no accountability a single individual can prevent resource use or management acting. If the goal is land management that results long term resource sustainability, it cannot be achieved without addressing these issues.

There are serious flaws in present management practices of the Columbia drainage federally managed lands. The challenge is not in managing resources, but in managing bureaucracy. As in welfare reform, if we are going to develop management practices that insure long term success, local agency directors and local governments must be given management responsibility. They also need a regulatory atmosphere that allows them to manage.

It is imperative that Congress takes an active role in resolving this management dilemma. Our organizations ask you to strongly consider the following course of action: Terminate ICBEMP for its lack of merit; return viable ICBEMP science to food agencies for implementation, with local citizen and local government involvement; acquire an independent cumulative effect assessment of all regulation that effect resource use and resource management. Without this there can be no relief from management gridlock

**STATEMENT OF DAVID A. HALLEY, PULP & PAPERWORKERS' RESOURCE COUNCIL AND UNITED PAPERWORKERS INTERNATIONAL UNION**

Senator GORTON. Mr. Dave Halley, of the Pulp and Paperworkers' Resource Council.

Mr. HALLEY. Thank you, Senators, Congressman. I would like to thank you for the opportunity to be here today and offer comments on behalf of the Pulp and Paperworkers' Resource Council and the United Paperworkers International Union.

We were very fortunate in our mill that the leadership of our mills' local unions had the foresight, in 1993, to assign representatives from various locals to track the progress of this project from the start. It sure has not been easy.

In addition to trying to follow the process while working full time, the volumes of information and the time taken to complete are simply mind boggling. Many of us have had varying opinions of the plan and the process, ranging from cautious optimism to disillusion. I like the fact that Congressman Nethercutt is here right now, so he can go ahead and tell me, "I told you so." [Laughter.]

We believe that the draft EIS is severely flawed in its social and economic analysis. By clustering a number of counties together, and then analyzing the data based on a larger population base, the agency has skewed the data to give the impression that the wood products industry is far less important than it actually is. In the same manner, it gives recreation lands and roadless area lands completely unrealistic economic values. To suggest that the value of recreation lands is three times that of timber and the value of roadless lands is four times that of timber is absolutely ridiculous.

Most people who travel, and therefore contribute to tourism statistics, have a decent, good-paying job back home that allows them the luxury to travel. This current unprecedented period of economic growth is likely to paint an unrealistic picture of how recreation contributes to an economy. It is an accepted fact that during downturns in the U.S. economy, domestic travel is the first thing that families do without.

ICBEMP looks at wood products and other resource outputs as a secondary priority to ecosystem planning and, as such, the strategies outlined in the DEIS do not meet the stated purpose of providing predictable levels of commodity output to sustain resource-dependent communities. If humans are important in the planning, why didn't the socioeconomic analysis have the same priority as the other areas covered in the DEIS?

I suggest that if the priority between the two were reversed in the DEIS, this plan would have been dead on arrival.

A second area of concern is the establishment of basinwide standards which are required actions. The draft gives little or no justification for needing standards at the basinwide level. In a reworking of the draft in the summer of 1996, some general guide-

lines were removed and replaced by rigid standards. From testimony given at the May 15, 1997, hearing, it was said that that was done to tighten up the document and make it more resilient to legal challenge. This is likely to severely restrict forest managers to come up with innovative solutions based on their own on-the-ground expertise.

Another of the promises that were made in the early stages of this project was that the excessive standards for anadromous fish protection found in the interim strategies of PACFISH, INFISH, and the Eastside screens would be eased. The ICBEMP contains more restrictive standards, in the form of riparian conservation areas, which in some areas might place up to 80 percent of the land base off limits to logging.

Significant restrictions on the kind of management that would be allowed in the RCA's is also put in place. For the most part, little or no harvest would be allowed, and limited vegetation management could occur. This could very well set us up for significant destruction of some of these areas in the future.

Forest scientists agree that an aggressive program of fuel removal needs to be implemented in order to avoid repeating some of the catastrophic wildfires that have plagued the West in the nineties. But reducing fuel loads and reintroducing fire on the landscape needs to be done with a great deal of common sense. We do not need to see millions of board feet of good, merchantable timber go up in flames as the Forest Service has proposed for the North Locksaw Face, in Idaho.

Our next major concern is cost. As taxpayers, the time that this has taken and the cost of the plan are totally unacceptable. Implementation of the preferred alternative would cost hundreds of millions of additional dollars—or billions, if it goes anything like the planning process. We really have to ask ourselves if we can afford to proceed.

There is also widespread disagreement as to how this additional layer of analysis and planning will affect the ability of the Forest Service to meet NFMA and NEPA guidelines. I do not pretend to understand the full impact of these requirements, but I do know one thing: The working-class people who depend on a predictable and sustainable level of timber harvest from our national forests to support their families and communities cannot afford for this plan to be tied up in court, as so many other Federal plans have been in recent years.

A tremendous amount of time and effort were put into gathering the science and information needed to draft the EIS. We cannot ignore that fact. But I do think that there are other alternatives available to us, other than putting out a final EIS and issuing an ROD. Our recommendations are:

The ICBEMP strategy should be withdrawn or, at the very least, narrowed in scope. ICBEMP should rededicate its commitment to balancing the economic and social needs of nearby communities with efforts to protect the Columbia Basin ecosystem. ICBEMP should utilize accurate and timely data to assess the DEIS's impacts on timber sales and, more broadly, to accurately estimate the strategy's economic impact. The DEIS should not set land management standards. Rather, it should be used by forest managers as

a starting point for amending land management plans for each forest in the Columbia Basin.

PREPARED STATEMENT

We appreciate the concern with which our congressional delegations have approach this matter. The fact that we are here today to discuss this again underscores that point with us. Please make sure that we end up with a plan that we can all live and work with.

Thank you.

Senator GORTON. Thank you, Mr. Halley.

[The statement follows:]

PREPARED STATEMENT OF DAVID A. HALLEY

Mr. Chairman, Senators, Congressmen, ladies and gentlemen, my name is David Halley, and I am here today representing the Pulp & Paperworkers' Resource Council and the United Paperworkers International Union. I work as a recovery boiler operator at Potlatch Corporation's Lewiston, Idaho pulp & paper mill. I would like to take this opportunity to thank the members of the committee who invited me to be here today to offer testimony on the Interior Columbia Basin Ecosystem Management Plan's Draft EIS.

We were very fortunate that the leadership of some of our mill's unions had the foresight in 1993 to assign representatives from various locals to track the progress of this project from the start. Let me assure you that it hasn't been easy. In addition to trying to follow the process while working full-time, the sheer volumes of information compiled and the length of time it has taken to complete are absolutely mind-boggling. Many of us have had varying opinions of the plan and the process ranging from cautious optimism to disillusion.

Two years ago this month, I had the opportunity to testify in front of the Interior Subcommittee of the House Appropriations Committee about the ICBEMP. In preparing today's testimony, I took the opportunity to review the testimony I gave then. It became apparent to me that I probably could have just recycled my testimony from that hearing. Here we are, two years later and not much has changed.

As a representative of labor, my first areas of concern are jobs and community stability. These seem to be the areas in which the Draft EIS fails miserably. The stated goals for the ICBEMP were two-fold: a.) Restore and maintain long-term ecosystem health and ecological integrity, and b.) Support the economic and/or social needs of people, cultures, and communities, and provide sustainable and predictable levels of products and services from lands administered by the BLM and USFS.

We believe that the Draft EIS is severely flawed in its social and economic analysis. By clustering a number of counties together and then analyzing the data based on a larger population base, the agency has skewed the data to give the impression that the wood products industry is far less important than it actually is. In the same manner, it gives recreation lands and roadless area lands completely unrealistic economic values. To suggest that the value of recreation lands is three times that of timber, and the value of roadless lands is four times that of timber, is ridiculous.

With the exception of some wealthy retirees, I know of very few "full time tourists." Most people who travel and therefore contribute to tourism statistics, have a decent, good-paying job back home that allows them the luxury to travel. The U.S. is in an unprecedented period of economic growth that is likely to paint an unrealistic picture of how recreation contributes to an economy. It is an accepted fact that during downturns in the U.S. Economy, domestic travel is one of the first things that families do without.

ICBEMP looks at wood products and other resource outputs as a secondary priority to ecosystem planning, and as such the strategies outlined in the DEIS do not meet the stated purpose of providing predictable levels of commodity output to sustain resource-dependent communities. If humans are important in the planning, why didn't the social-economic analysis have the same priority as the other areas covered in the DEIS? If the priority between the ecological and social-economic factors were reversed in the DEIS, I believe this plan would have been dead on arrival.

A second area of concern is the establishment of basin-wide standards, which are "required actions." The draft gives no justification for needing Standards at the basin-wide level. According to one part of the Draft EIS, standards are effective at fine-and mid-scale ranges, but not appropriate at a broad scale (Draft EIS, Appendix

B. figure 2 and 3); however, the Draft EIS nevertheless intends to impose 166 Standards at the basin-wide level. In a reworking of the draft in the summer of 1996 some general guidelines were removed and replaced by rigid standards. It is my understanding from testimony given at a May 5th, 1997 hearing that this was done to "tighten up" the document and make it more resilient to legal challenge. This would severely restrict forest managers to come up with innovative solutions based on their own on-the-ground expertise. That leads me to believe that we are getting back to the old one-size-fits-all, cookie cutter approach to land management that has caused gridlock in our region for much of the last decade.

One of the basic promises that were made in the early stages of this project was that the excessive standards for anadromous fish protection found in the interim strategies of PACFISH, INFISH, and the East-side screens would be eased. The ICBEMP contains more restrictive standards, in the form of Riparian Conservation Areas, which in some areas might place up to 80 percent of the land base off-limits to logging. This is a very important part of the DEIS to look at because of the significant restrictions on the kind of management that would be allowed in RCAs. For the most part, little or no harvest would be allowed and limited vegetation management could occur. One has to wonder if we wouldn't be setting ourselves up for significant destruction of some of these areas in the future.

Forest scientists agree that an aggressive program of removing fuel (thick brush and debris) from forests needs to be implemented in order to avoid repeating some of the catastrophic wildfires that have plagued the west in the 1990's. They agree that the introduction of fire back to the landscape is a positive step in most cases. But reducing fuel loads and reintroducing fire on the landscape needs to be done with a great deal of common sense.

We don't need to see millions of board feet of good, merchantable timber go up in flames, as the Forest Service has proposed for the North Lochsa Face in Idaho. There are modern, positive, silvicultural practices available to forest managers today that can and should be used to mimic what Mother Nature would do if she was left alone to do her job.

Our next major concern is cost. As taxpayers, the time that this has taken and the cost of the plan are unacceptable. Implementation of the preferred alternative would cost hundreds of millions of additional dollars (billions if it goes anything like the planning process). The cost of ecosystem analysis at the watershed scale alone could cost nearly half a billion dollars. We really have to ask ourselves if we can afford to proceed.

There is also widespread disagreement as to how this additional layer of analysis and planning will affect the ability of the Forest Service to meet NFMA and NEPA guidelines. I don't pretend to understand the full impact of these requirements, but I do know one thing. The working-class people who depend on a predictable and sustainable level of timber harvest from our National Forests to support their families and communities cannot afford for this plan to be tied up in court, as so many other Federal Plans have been in recent years.

There are a lot of very dedicated and capable people working for the U.S. Forest Service. A tremendous amount of time and effort were put into gathering the science and information needed to issue the Draft EIS. We can't ignore that fact. But I do think that there are other alternatives available to us other than putting out a Final EIS and issuing a Record of Decision (ROD).

Our recommendations are:

- The ICBEMP strategy should be withdrawn or at the very least narrowed in scope.
- ICBEMP should rededicate its commitment to balancing the economic and social needs of nearby communities with efforts to protect the Columbia Basin Ecosystem
- ICBEMP should utilize accurate and timely data to assess the DEIS's impacts on timber sales and, more broadly, to more accurately estimate the Strategy's economic impact.
- The DEIS should not set land management standards. Rather, it should be used by forest managers as a starting point for amending land management plans for each forest in the Columbia Basin.
- Long-term water quality testing in the basin should be done by a reputable third-party organization taking into account;
- ICBEMP should consider the current and forecasted decline in industry in the Columbia Basin. Such a decline will result in declining emissions while EPA's new Cluster Rule should lead to further reductions;
- Emissions from various facilities upstream in Canada that could threaten Ecosystem integrity should be monitored as well.

We appreciate the concern with which our Congressional delegations have approached this matter. The fact that we are here today to discuss this again underscores that point with us. Please make sure that we end up with a plan that we can all live and work with.

**STATEMENT OF LAURA E. SKAER, EXECUTIVE DIRECTOR, NORTHWEST MINING ASSOCIATION**

Senator GORTON. Ms. Laura Skaer, of the Northwest Mining Association.

Ms. SKAER. Thank you, Senator Gorton, Senator Craig, Congressman Nethercutt. It is a real honor and pleasure to be here to testify on behalf of Northwest Mining today.

Our association is 103 years old, and we have 2,800 members. And many of our members earn their living from the Federal lands, mining on the Federal lands, and supplying services and products to the mines on the Federal lands within the Interior Columbia Basin. We have been at the table, working with the agencies on this project for over 4½ years. And it was not until about 6 months ago that we finally reached the conclusion that this project should not go forward.

And we reached the conclusion because, despite efforts that we made throughout the process to get the agencies to consider the impact of this project on mining, the two DEIS's that were issued are mute testimony that our suggestions and our efforts fell on deaf ears. Then the real concluding factor in our decision was the recent socioeconomic analysis, which did little more than take existing data and repackage it and put a new cover on it.

And when I started going through that, and came to Spokane County, WA, the home of Pegasus Gold and a number of junior mining companies, and exploration offices for COMINCO and a number of mine service businesses, and found that, according to their analysis, there was no mining or mining-related employment in Spokane County, to me, that undermines the credibility of the entire process.

Mining on the Federal lands provides the Nation's highest paid, nonsupervisory wage jobs. And these jobs are one of the cornerstones of our Western rural communities. They also provide substantial local, Federal, and State tax revenue. They create new wealth that gets spread throughout the economy. And they create a number of nonmining-related businesses within these communities.

The ICBEMP analysis shows that mining's impact is one-half of 1 percent. Yet, a 1995 study commissioned by the National Mining Association on the combined direct and indirect impact of mining on the area within the Interior Columbia Basin is in excess of \$18.2 billion. According to the analysis of the ICBEMP team, the nonuse of the land has a greater value than the \$18.2 billion provided by mining-related activities.

We think that the project should be stopped and the science should be provided to the local land management offices, to be used as they, working with people in the local community, deem best. There are a lot of reasons that we have set forth in our testimony for this, but I want to touch on two of them. They have to do with legal issues that we believe are fatal to this process.

One is mining is virtually ignored. We heard Mr. Williams, earlier today, talk about that the standards of alternative 4 would apply to the plan of operations. Yet, there is no analysis within any of the DEIS's of the impact of that or how these standards would be applied. There is no discussion of the relationship to the general mining laws. They seem to treat mining as a discretionary activity, which it is not. There is no discussion of the Mining and Minerals Policy Act of 1970, which require the Federal agencies to manage the Federal lands with a mind to the need of the Nation for the mineral resources from the Federal lands.

But a more significant fatal flaw from a legal standpoint, we believe, is the complete failure of this document and of the ICBEMP team, in 4½ years, to consider or to analyze the impact on small entities, as required by the Regulatory Flexibility Act. And we are talking not only about small businesses, but we are also talking about small governmental jurisdictions. The act defines a small governmental jurisdiction as any governmental jurisdiction with less than a 50,000 population.

That law has been in effect since 1980, but it was not until Congress passed amendments in 1996, which provided judicial review, that this law had any teeth, because agencies routinely ignored the requirement. Well, on May 13, 1998, in a case that we at Northwest Mining Association are very proud of, entitled *Northwest Mining Association v. Bruce Babbitt*, the U.S. District Court for the District of Columbia, Judge June Green, who was an appointee of Lyndon Johnson in the sixties, ruled that the requirements of the Regulatory Flexibility Act were mandatory. And she invalidated and set aside some regulations that were promulgated by the BLM without compliance with that act.

We believe that Judge June Green's decision is applicable to this process, and that the failure of the agencies to do a proper Regulatory Flexibility Act analysis dooms the ICBEMP process.

Now, I think that we ought to terminate this project now, because the agencies have already admitted in the documents that they are unable to comply with that act. And the recent socio-economic analysis that was put together in response to Congress' Interior appropriations bill, on page 89, estimating effects on communities, the document states: Estimating specific effects for every community in the Interior Columbia Basin is not practicable.

#### PREPARED STATEMENT

Senators, Judge June Green has made it clear that the Regulatory Flexibility Act is not discretionary. It is not an issue of practicality. It is a mandatory requirement. And the cost—and if they have already admitted that they cannot do it, then we need to shut this down, not waste any more taxpayer money, and get the science into the hands of the local land management agencies.

Thank you.

Senator GORTON. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF LAURA E. SKAER

The Northwest Mining Association (NWMA) is a 103 year old organization based in Spokane, Washington. The Association is a non-profit, non-partisan association

with over 2,800 members, the majority of which depend on access to public lands in the West to earn their livelihood. Our membership represents every facet of the mining industry, including prospectors, operating companies, manufacturers, suppliers, and technical consultants. A significant number of our members do business on the federal lands administered by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) within the boundaries of the Interior Columbia Basin Ecosystem Management Project (ICBEMP). Many reside in neighboring communities affected by ICBEMP and other rulemaking activities that apply to federal lands.

The public lands, including those directly affected by ICBEMP, provide a major source of domestic mineral production. Mining on these federal lands provides the Nation's highest paid non-supervisory wage jobs. These jobs are one of the cornerstones of Western rural economies and are the foundation for the creation of much non-mining service and support businesses found in or near federal lands in the Pacific Northwest.

Hardrock mining on these federal lands provides substantial local and state tax revenues for infrastructure and services, as well as federal tax revenues. This is because development of hardrock minerals creates new wealth, which is distributed throughout the U.S. economy and society. According to an economic study conducted by the Western Economic Analysis Center (WEAC) in 1995, the combined direct and indirect economic impact of mining on the U.S. economy was \$524 billion. The combined direct and indirect economic impact on Idaho, Montana, Oregon and Washington (the states primarily affected by this project), was in excess of \$18.2 billion.

Many NWMA members and their families in the local communities are dependent on the many opportunities that multiple-use allows. Unencumbered access allows the ICBEMP lands to be used for resource development, hunting, fishing, recreation, and transportation. Our members have expressed serious concerns about ICBEMP impeding or denying access to the 72 million acres of federal lands found within the planning area. Unwarranted restrictions would interfere with their lawful use of the lands for legitimate Congressionally mandated purposes, such as mining.

#### THE PREFERRED ALTERNATIVE

Implementation of the 'Preferred Alternative' described in the two draft environmental impact statements (DEISs) would adversely affect the mining industry and resource dependent rural communities throughout the Pacific Northwest, and beyond. NWMA has previously been on record as being opposed to the project issuing a final EIS and Record of Decision unless the serious defects of the DEIS are fully remedied. NWMA is now convinced that these serious defects will not and cannot be corrected because of an agenda originating in Washington, D.C. that would use "ecosystem management" as an excuse to deny access to the public lands for mining, logging, grazing, and motorized recreation.

The Association is left with little choice but to oppose this project going forward. There should be no Final EIS and no Record of Decision. The science that has been developed should be made available to the local land managers for use in implementing and improving existing land management plans in accordance with the principles of multiple-use as mandated by Congress.

NWMA has been actively involved in this massive project since before it officially got underway. We have tried to play a constructive role by offering numerous comments and suggestions, both in writing and at the many public meetings that have been conducted over the past five years. The DEISs stand as mute testimony that our input has fallen on deaf ears.

Please note that initially NWMA did not stand in opposition to this planning effort. Our organization recognizes that the current federal land management system needs improvement. We were hopeful that the original direction of ICBEMP would produce good science and sound policy that could be used at the local level to better manage our federal lands. The current direction of ICBEMP has created a frustrating situation for the mining community. The miners in our region have seen routine exploration activities disrupted and experienced lengthy permitting delays because of conflicting agency directives and federal court orders under the current management approach. Unfortunately, "ecosystem management" as currently described by the BLM and USFS will only make matters worse. Cumbersome procedures and new prescriptive standards will be imposed, adding to the delays and greatly increasing the costs to our industry without measurably improving environmental quality.

Our analysis has revealed numerous technical and legal problems with the documents, including the fact that mining is virtually ignored in the overall analysis. Even though the BLM and USFS admit that this deficiency exists, it has been made

clear that mining issues are not a priority for the Executive Steering Committee. This comes as little surprise given the public statements of USFS Chief Michael Dombeck and BLM Director Pat Shea. At a Symposium on Federal Land Policy held in Boise, Idaho on February 11, Chief Dombeck failed to mention any role for mining, logging, oil and gas, grazing, agriculture or multiple-use in discussing his agency's vision for the future.

Director Shea told the audience that we are in the era of the "New West" where service industry and tourism jobs replace mining, and logging. In other words, our members should give up their \$30,000 to \$45,000 per year jobs with 30 percent benefits in return for \$5.00 to \$7.00 per hour jobs, with little or no benefits. It is imperative that the BLM and USES meet all legal mandates of the General Mining Laws of the U.S., the Mining and Mineral Policy Act of 1970, the National Forest Management Act (NFMA), the Federal Land Policy and Management Act (FLPMA), NEPA and other statutes applicable to mining in these documents.

#### DEFICIENCIES IN THE DRAFT DOCUMENTS

Our organization has reviewed the DEISs addressing the consequences of the ecosystem management project alternatives. While NWMA respects the great effort the agencies have devoted to the project, there remains a deep concern about the many serious inadequacies and the following fatal flaws found in the draft documents.

1. *Nowhere in the Preferred Alternative is it explained how the agencies will know when their goals have been achieved or how the new system would be implemented.*—Further, it is presumed that the fundamental problem has been a failure to manage for ecological integrity. The truth of the matter is that many of the environmental concerns listed in the DEISs have been, in large part, created by present regulatory policies and laws which often work against each other and are counter productive to environmental protection. Also, virtually ignored is the fact that a primary contributor to the current situation is questionable allocation of available resources by the agencies in carrying out their mission, not the underlying management philosophy. There is little reason to believe that this will change any time soon. Furthermore, there is no reason to believe that a change in management philosophy will solve the more basic management problems.

2. *We are especially troubled by the complete absence of a substantive evaluation of the effects on mining and minerals.*—It is very clear the DEISs in their current form do not meet the legal mandates set forth by NEPA, nor do they allow the affected public to meaningfully understand the results of implementing the proposal in regard to mineral development. Furthermore, there is no reference or discussion of the Mining and Minerals Policy Act of 1970, which requires the federal land management agencies to encourage the development of federal mineral resources. As written, the Preferred Alternative violates this law because the development of federal mineral resources will clearly be discouraged. Without reasonable access, exploration and development of mineral resources is impossible. Without significant revisions, such as defining key terms and correcting the socio-economic analysis, and a major expansion and revision of the mining discussion, the proposed program is not only legally insufficient, it is doomed to failure.

As we have suggested several times before, the ICBEMP team should have properly integrated mineral related activities into the DEISs using the proven approach pioneered by the Tongass National Forest in Alaska. This approach meets the purposes of NEPA and NFMA (as well as FLPMA) because: (a) it provides clear direction to forest supervisors; (b) informs the public about probable environmental impacts; (c) describes a range of possible mitigating measures; (d) gives miners the information they need for sound project planning and greater predictability in regard to the plan of operation approval process.

As it now stands, the DEISs are so inadequate that it would be very difficult for a forest district or resource management area to use them as the foundation to do an EA or EIS for any mining project. This situation will create confusion within the agencies and prevent timely consideration of even the most routine exploration proposal. Full-scale mining proposals will face even greater burdens than they do today.

3. *The documents assert that the Preferred Alternative presents a workable balance between ecological restoration and the provision of goods and services.*—This is to be achieved through active management using an integrated ecosystem management approach. However, somewhere along the way the agencies forgot about Congress and the direction provided by NFMA and FLPMA. This points out another very fundamental problem. There is no convincing legal rationale for shifting from management for multiple-use based on human needs to an ecosystem-based management philosophy that places survival of human communities a distant second.

The BLM and USES cite the Endangered Species Act that requires them to conserve listed species and the ecosystems upon which they depend. However, Congress declined making ecosystem protection the law of the land, despite several opportunities to do so in recent years. For example, the U.S. Senate refused to ratify the United Nations Convention on Biological Diversity, which requires governments to protect ecosystems as separate components of biodiversity. Neither FLPMA nor the NFMA provides for an ecosystem management philosophy. The U.S. Senate took no action on S. 93, the “Ecosystem Management Act of 1995.” That bill would have amended FLPMA to state that “It is the policy of the federal government to carry out ecosystem management with respect to public lands.”

A 1994 GAO report entitled *Ecosystem Management—Additional Actions Needed to Adequately Test a Promising Approach*, concluded: “Currently, there is no government-wide legal requirement to maintain or restore ecosystems as such. Moreover, there are no acts or regulations that define or delineate ecosystems.” Nothing has really changed since 1994.

4. *The entire legal basis for proceeding with the proposed management direction must be called into question, especially since specific statutory requirements pertaining to multiple-use and mining would be ignored or seriously compromised.*—For example:

A. *The DEISs provide inappropriate, overly restrictive direction to forest and district planning efforts, especially in regard to non-discretionary mining activities.*—The preferred alternative relies very heavily on prescriptive approaches to management intended to mitigate possible impacts from logging and grazing activities. There is a notable emphasis on eliminating existing roads and limiting new roads. These rigid restrictions are to automatically apply to mining activities unless the mining company agrees to undertake a costly “watershed analysis” at its own expense to prove otherwise. This is burdensome, even as part of a full mine proposal EIS, and completely unacceptable in regard to receiving an approval to conduct an exploration project. Exploration projects are very sensitive to delays and mitigation costs that are disproportionate to their actual environmental impacts. It is vital that specific examples illustrating the nature of operational changes expected to be imposed on miners are included.

Mining remains an important activity in the Columbia Basin and the agencies have a statutory obligation to support mineral development. It is improper to treat all mining as if it were a discretionary activity on the part of the agencies. Both locatable and leasable minerals have their own unique statutes and regulations to minimize environmental impacts. The current EIS process is not a substitute for the legally mandated rulemaking procedure, and does not provide meaningful relief to interim management policies such as PACFISH and INFISH.

B. *The socio-economic analysis is biased and incomplete.*—The anti-development tone of the work in this section is obvious and undermines the credibility of the entire document. In our opinion, it is unscientific. The smoke and mirrors employed in comparing “economic wealth” to “economic value” is the most instructive. Somewhere along the line it was decided by the authors that comparing activities that create new wealth, like mining, logging, and ranching to activities that create good feelings, like sitting in an office in New York City and day-dreaming about roadless areas out West, was somehow unfair. After all, they reasoned, feelings have an intrinsic “value” which normal economic indicators do not measure. So, in the name of fairness, the dollar value of daydreaming had to be determined. People were asked how much it was worth to them to know that roadless areas (or wilderness or free-range salmon or whatever) simply existed. The people polled were not forced to do any kind of reality check such as actually sending in money to test the value of daydreaming. Nonetheless, a mathematical formula was developed and the result was declared to be the true economic “value” of non-use. This value was treated as being just as real as the more traditional concept of “wealth” in ICBEMP’s economic analysis. It turns out that 42 percent of the total economic output from the BLM and USFS administered lands in the Columbia Basin is from “non-use,” and this “imaginary value” is greater than the economic value of timber, mining and recreation combined. The value the socio-economic studies attribute to mining is a fraction of the true value as determined by the WEAC study in 1995, which indicated mining contributed in excess of \$18.2 billion.

Taking the logic used by the agencies to its conclusion, the economic output of the region could theoretically go up if all natural resource industries were shut down. To make matters worse, these same politically charged anti-natural resource industry and anti-traditional rural community statements are now appearing in DEISs for specific mining projects. An example is the recently released Supplemental DEIS on ASARCO’s Rock Creek Project near Noxon, Montana. A sampling is attached as

Exhibit 2. This is one example of why there is so much distrust and skepticism about this project and its purposes being expressed by the public.

The stated environmental objectives can be met through approaches that are less disruptive to the economies of local communities. Statements alluding to affected communities having “largely completed the transition away from a timber based economy” and that “a limited amount of new mining is expected due to lengthy permitting delays that are driving investment overseas” only serve to reinforce the impression that very real adverse economic impacts due to lackluster agency performance are being glossed-over. In other words, excessive regulatory processes that appear designed to delay and thwart legitimate natural resource development opportunities are creating a self-fulfilling prophecy. It is obvious that the open hostility of some public officials and special interest groups to natural resource development is designed to destroy the custom and culture of Western rural resource dependent communities and force them to change, whether they want to or not.

Soon after the DEISs were released to the public, a consortium of county governments expressed serious concerns about both the methods and conclusions of the socio-economic section. In response, the BLM and USFS promised to do additional studies and thoroughly revamp this part of the documents. Congress also mandated a new socio-economic analysis in the 1997 Interior Appropriations Bill. Unfortunately, when the revision became available, it quickly became apparent that no substantive changes had been made and the same questionable conclusions were drawn. The traditional economies of Western rural communities are basically written off.

NWMA member companies such as Cominco American Incorporated, Western Mine Engineering, Inc., Yamana Resources, Inc. and the other mining companies in Spokane County, and Battle Mountain Gold in Okanogan County, Washington would be surprised to learn that according to the revised report there is no mining employment in these counties. An examination of the revised report reveals numerous other examples of insupportable conclusions about the communities impacted by ICBEMP.

*C. The DEISs contain no analysis of the impacts on small entities as required by the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act (5 USC § 601 et. seq.).*—The Preferred Alternative would clearly have serious adverse impacts on small entities throughout the Interior Columbia Basin. Neither the DEISs nor the supplemental socio-economic analysis contain the required analysis of the impacts of the seven alternatives on small entities mandated by the Regulatory Flexibility Act (RFA), and the Small Business Regulatory Enforcement Fairness Act (SBREFA) 5 USC § 601 et. seq.

Congress passed the Regulatory Flexibility Act in 1980 to address the failure of federal government agencies to recognize differences in the scale and resources of regulated entities has adversely affected competition in the marketplace, discouraged innovation, restricted improvements and productivity, and discouraged entrepreneurship. Congress also found that treating all entities equally led to inefficient use of regulatory agency resources, enforcement problems, and actions that were inconsistent with legislative intent. Congress decided that agencies should be required to solicit comments from small entities, examine the impact of the proposed and existing rules on small entities, examine regulatory alternatives that achieve the same purposes while minimizing small business impacts, and review the continued need for existing rules.

The RFA requires federal agencies to prepare and publish a regulatory flexibility analysis “whenever an agency is required by Section 553 of this title, or any other law, to publish general notice of proposed rulemaking for any proposed rule, \* \* \*” The RFA also requires a final regulatory flexibility analysis when issuing a final rule for each rule that will have a significant economic impact on a substantial number of small entities. The proposed action and ROD meets the test of being a rulemaking.

The RFA defines small entity to have the same meaning as small business, small organization and small governmental jurisdiction. Small governmental jurisdiction means governments of cities, counties, towns, townships, villages, school districts or special districts, with a population of less than 50,000. Small organization is defined to mean any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. Small business is defined to have the same meaning as the term small business concern under Section 3 of the Small Business Act. The RFA provides that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after the opportunity for public comment may establish a different definition for each of those terms which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.

The original RFA exempted an agency from these requirements if the agency certified that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Note that this is the exception, not the rule. However, Congress found that many agencies simply ignored the RFA by relying on the certification of “no significant economic impact” in order to avoid a full regulatory flexibility analysis. Since agency compliance with the RFA was not judicially reviewable, agencies could not be held accountable for their non-compliance with the statute. Thus, recognizing widespread agency indifference, Congress amended the RFA by enacting SBREFA. SBREFA requires agencies to provide a statement of the factual basis for a certification of “no significant economic impact.” It is clear that Congress intended that the factual basis requirement would provide a record upon which a court may review the agency’s actions. Thus, an analysis is required in order to provide a factual basis.

SBREFA also provides for judicial review of an agency’s final decision under the RFA. In addition, the judicial review provisions of the RFA now include review by a court of the certification by the head of an agency that the final rule will not, if promulgated, have a significant impact on a substantial number of small entities.

On May 13, 1998, the United States District Court for the District of Columbia issued a favorable interpretation of the RFA as amended by SBREFA in *Northwest Mining Association v. Bruce Babbitt, Secretary, Department of Interior and the Bureau of Land Management*. The court invalidated hardrock mining regulations that were enacted almost six years after the close of the public comment period because the BLM failed to comply with the procedural mandates of the RFA in promulgating the rules. The ruling in this case affirms the RFA’s mandate on federal agencies to use the procedures set forth when analyzing the proposed impact of agency actions on small entities. It is also important to note that the court acknowledged the agency’s responsibility for maintaining the rights and protecting the interests of small entities in the rulemaking process. Judge Green, who was appointed to the bench by President Lyndon Johnson, concluded her 14-page Decision Memorandum stating: While recognizing the public interest in preserving the environment, the Court also recognizes the public interest in preserving the rights of parties which are affected by government regulation to be adequately informed when their interests are at stake and to participate in the regulatory process as directed by Congress.

The mandates of the RFA require the agencies to analyze the impact of the ICBEMP proposal on all small businesses, small organizations and small governmental jurisdictions. There is no question that this is a monumental task given the size of the area encompassed by the ICBEMP proposal. However, the language of the RFA is not discretionary. The size of the effort and the costs involved are not reasons to ignore the interests of small entities. A U.S. District Judge has made it clear that the failure to comply with the RFA will invalidate an agency’s action. A copy of the court’s decision in *NWMA v. Babbitt, et. al.* is attached to this testimony and incorporated by reference.

Also attached to this testimony is a “Dear Colleague” letter from Congressman James M. Talent, Chair, Committee on Small Business, U.S. House of Representatives, acknowledging the significance of the courts ruling in *NWMA v. Babbitt, et. al.* In the concluding paragraph of his letter, Chairman Talent states “When the Congress passed SBREFA in 1996, the message was that federal agencies could no longer ignore our nation’s small businesses. It’s clear that the courts have begun to uphold the spirit and letter of the law.” The federal government does not need to waste more taxpayer money on a process that is clearly fatally flawed and legally insufficient.

The 144 million acres being addressed by the two DEISs of the ICBEMP contain numerous small entities. With relatively few exceptions, almost every county, city, township, village, school district or special district qualifies as a small governmental jurisdiction. Furthermore, it is estimated that more than 90 percent of all of the businesses affected by the ICBEMP proposal are “small businesses” as that term is defined by the Small Business Act. Furthermore, there is no question that ICBEMP, with its standards, rules and mandatory guidelines is an action required by 5 USC § 553 to publish a general notice of proposed rulemaking.

ICBEMP has failed to comply with the RFA, as amended by SBREFA, in that it did not prepare and make available for public comment an initial regulatory flexibility analysis. The RFA requires that the initial regulatory flexibility analysis be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for ICBEMP. The agencies also are required to transmit a copy of the initial regulatory flexibility analysis to the Chief Counsel for Advocacy of the Small Business Administration.

The RFA requires that each initial regulatory flexibility analysis contain:

1. a description of the reasons why action by the agency is being considered;
2. a succinct statement of the objectives of, and legal basis for, the proposed action;
3. a description of and, where feasible, an estimate of the number of small entities to which the proposed action will apply;
4. a description of the projected reporting, record keeping and other compliance requirements of the proposed action, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and
5. an identification, to the extent practicable, of all relevant federal rules which may duplicate, overlap or conflict with the proposed rule.

Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as:

1. the establishment of differing compliance or reporting requirements or time-tables that take into account the resources available to small entities;
2. the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;
3. the use of performance rather than design standards; and,
4. an exemption from coverage of the rule, or any part thereof, for such small entities.

The RFA further requires a final regulatory flexibility analysis when an agency promulgates a final rule. Each final regulatory flexibility analysis is required to contain:

1. A succinct statement of the need for, and objectives of, the rule;
2. A summary of the significant issues raised by the public comments and response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;
3. A description of and an estimate of the number of small entities to which the rule will apply, or an explanation of why no such estimate is available;
4. A description of the projected reporting, record keeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and,
5. A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of the applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

It is clear that the ICBEMP Team has made no effort to comply with the requirements of the RFA. NWMA submits that the RFA requires the agencies to, at the very least, conduct an initial regulatory flexibility analysis and republish the ICBEMP proposal together with the initial regulatory flexibility analysis and seek public comments as required by law. It is legally indefensible for the agencies to attempt to issue a record of decision in this matter without complying with the requirements of the RFA. NWMA further submits that the agencies' failure to comply with the RFA and to prepare and publish an initial regulatory flexibility analysis compels the agencies to conclude that no record of decision should be issued, and the EIS process be stopped. The lead agencies, with the assistance of a peer review committee, should analyze the science that has been developed and provide it to the local land managers for utilization in implementing or amending local plans.

*D. Qualitative value judgments based on undefined terms, not quantitative science, are the primary drivers of the management direction outlined in the DEISs.*—The documents admit that absolute measures of ecosystem integrity do not exist, and that it is difficult to measure. However, they go on to assert that pre-settlement ecosystem dynamics must be “restored” and imply that human activity is an undesirable environmental factor. What concrete direction is provided is prescriptive and restrictive. Examples include no activities in riparian areas, removal of existing roads, and limited construction of new roads. Such management standards are not science based and conflict with several statutes that mandate multiple-use and reasonable access. The following quotes are illuminating: “The debate over ecosystem management is really about whose values will determine resource management. \* \* \*” Ron Johnson, Economist, Montana State University. “The goal of eco-

system integrity places the protection of ecosystem patterns and processes before satisfaction of human needs." Ed Grumbine, The Sierra Institute.

*E. The DEISs are fatally flawed because of over-reliance on unproven concepts whose definitions are vague, ambiguous, or non-existent.*—Two of the most important phrases in the documents, ecosystem integrity and within the capability of the ecosystem are not defined. The term 'ecosystem' itself is not defined anywhere in the DEISs. Regional Forester Robert Williams, based in Portland, Oregon, has stated that an ecosystem is, "\* \* \* whatever I need it to be to address the problem." Jack Ward Thomas, former Chief of the U.S. Forest Service said, "I promise you I can do anything you want to do by saying it is ecosystem management \* \* \* it's incredibly nebulous."

*F. The DEISs assume that natural undisturbed systems are the ideal model for determining land management goals, that pre-settlement ecosystem dynamics must be "restored" and that human activity is an undesirable environmental factor.*—The Preferred Alternative states its goal is to "restore" natural functions on a landscape scale, yet fails to tell how this idealistic goal will be implemented. Mimicking natural systems can provide us with more management tools. However, the assumptions that all natural forces are benign and nurturing, and all human activities must be classified as destructive, are false. *Prima facie* evidence is Mt. St. Helens, which wrecked havoc on the Columbia Basin Ecosystem. And, we might add, without the approval of the USFS, BLM, or any other federal agency.

*G. Effects on State, Local, Tribal and Private Land ignored.*—The DEISs continually assert that the ROD will provide direction only for public lands administered by the BLM or USFS in the project area, and will make no management decisions for any state, local, tribal or private lands. However, since so much is undefined, the ICBEMP Team is not in a position to offer reassurances that decision-making on private lands or at the state and local levels will not be affected. After all, if all the ecosystem restoration objectives cannot be met by changes in how federal lands are used and managed, is obvious that USFWS and NMFS will be compelled to make up the "difference" elsewhere. The agencies have the legal and moral responsibility to include in the assessment the probable impacts the new federal management direction will have on non-federal lands in the Columbia River Basin. For example, if all the ecosystem restoration objectives for ESA purposes cannot be met by changes in how federal lands are used and managed, then how will this affect policies of agencies like USFWS and NMFS toward private, state and tribal lands?

#### CONCLUSION

In closing, NWMA believes there is a compelling need to improve the management approach used to by the BLM and USFS to administer the lands under their jurisdiction. An awful lot of time and money has been spent by federal agencies and the private sector over the past 5 years. The most regrettable aspect of all is that the ICBEMP process seemed to begin with a high level of integrity, but now appears to be falling prey to the whims of political appointees in Washington, DC. Political science has been substituted for good science throughout the DEIS. It is most blatant in the sections on socio-economics. It seems that the deep concerns our members, along with many other groups, had from the beginning about the ultimate outcome are coming to pass. We were assured that there would not be abrupt changes in management philosophy, and that details would be worked out at the local level. Instead, we have been presented with a classic command-and-control-from-Washington, D.C. model for managing federal lands in the West. It is a plan that attempts to circumvent Congress and tells people, especially the people who live in the Interior Columbia Basin, that they are second class citizens. It is a plan that discourages, and in many cases, prevents the creation of new wealth. It is a plan that will ensure the economic destruction of our Western rural communities and have a significant adverse impact on the American economy.

*We believe a preview of what "ecosystem management" will really mean has been shown to us by the USFS in the form of a proposed road building moratorium for so-called roadless areas.*—It seems ironic that much of the proposal addresses closing roads or not maintaining roads found in "roadless" areas. It is also interesting to note that the acreage potentially affected by the proposal is greatly expanded because the agency has taken it upon itself to redefine what constitutes a roadless area. The Moratorium, if implemented, will place more than 30 million acres off-limits not only to miners, loggers and ranchers, but recreational users as well. Carl Pope, executive director of the Sierra Club called the road moratorium a "30 million acre withdrawal" in the presence of Chief Dombeck, Director Shea and Deputy Secretary Bob Armstrong, and no one bothered to challenge or correct his statement.

*This USFS proposal stands as the perfect example of how the Administration, through the federal land management agencies, EPA and CEQ is becoming increasingly bold about circumventing the will of Congress.*—The agencies are, in fact, attempting to change national policy through executive fiat and bureaucratic rule-making, many times in direct contradiction to the laws passed by Congress. It is unfortunate that the Administration's agenda does not seem to include obeying Congress, maintaining natural resource industries or helping working people.

It must be recognized that people are our most important resource and that poverty is the great polluter. Economic health and ecological health go hand in hand. Study after study has shown that you won't have strong support for ecological concerns if the economy is failing. It is said that the public lands are a national commons. Each one of us has a claim in this national commons, but those with the greatest stake are the people of the region, those who live in our resource-dependent communities.

Almost one-third of the United States is public lands and well over 90 percent of it lies west of the 100th Meridian. Our public lands contain vast quantities of minerals, timber, water, and grasslands as well as beautiful scenery and diverse wildlife. There is enough for all of us to share and use wisely. The preservationists have a right and proper share of this national commons in the form of National Parks, Wilderness Areas and other reservations. However, there must be a balance struck between use and non-use. Other stakeholders include everyone (preservationists too) who use the minerals, oil, natural gas, timber and food produced from the public lands. In order for each of us to share in the natural resource wealth of our public lands, we must rely on an intermediary: a mining company, an oil company, a timber company, a rancher or a farmer. They are the ones who live in the rural West and responsibly make their living from the land. They depend on the production of natural resources to support their families. These rural stakeholders who act on behalf of all who live in our great urban areas, must have access to produce the minerals, the timber, the petroleum and the food that the rest of society requires and demands. No one in the Federal Government has the right to tell them they are irrelevant and obsolete.

Congress was very wise in providing that the public lands be managed according to the principles of multiple-use. Any other policy will reduce the economic diversity of our society and increase the likelihood that the United States will fight more resource wars. The battle over our ability to continue to develop our resources goes to the heart of what this country is about. It is a battle about the United States of America as we know it, as we knew it, and hopefully, as it will be.

Based on the information contained in the DEISs, it is clear that the preferred alternative would greatly, and needlessly, restrict human economic use of the public lands (as measured by the flow of real dollars through the region). It would eliminate multiple-use, create new delays in land use decision-making, and increase the level of litigation and administrative appeals. At the same time, the documents indicate that the amount of measurable improvement in overall environmental quality would be relatively low under any of the alternatives.

Given the enormous amount of work needed to resolve the major problem areas pointed out above, we believe it is a mistake for Congress to further allocate funds to ICBEMP. It is time to stop the project, dismantle the ICBEMP Team and allow the local land managers to utilize the good science, as opposed to political science, developed by the Project Team to help implement land management policy according to the laws passed by Congress and judicial decisions.

Thank you for considering these comments in support of continuing to manage the federal lands within the Columbia River Basin according to the time tested principles of multiple-use.

**STATEMENT OF ADENA COOK, PUBLIC LANDS DIRECTOR, BLUE RIBBON COALITION, INC.**

Senator GORTON. Ms. Adena Cook, Public Lands Director of the Blue Ribbon Coalition, Inc., from Idaho Falls.

Ms. COOK. Thank you, Senators, for inviting me here and giving me the opportunity to talk to you about recreation and how ICBEMP treats recreation.

It is schizophrenic, like Dr. Jekyll and Mr. Hyde. And on one hand it acknowledges the importance of recreation to the region and that recreation on public lands is increasing, and that recreation contributes to local economies. Yet when you get down to the

details of the document and its standards, Mr. Hyde is right there. A different, negative direction emerges. Mandated road density standards will eliminate access. Riparian conservation areas will close roads, trails, and campgrounds. And active restoration—the key theme of a selected alternative—is but a euphemism for closing roads.

Yes; it acknowledges the importance of recreation and roads. It says recreation on public lands is important, that roads are essential and support recreation, and that recreation generates many jobs. And as you very aptly state, it says more than any other kind of jobs in the region. Well, you can dispute that or not, but it is there.

And the guidelines support this in warm and fuzzy terms. For example, the guideline that says recreation opportunities are consistent with public policies and abilities. Well, I cannot disagree with that.

And how about this support of tourism. It says: Tourism opportunities fit well into the ecosystem, and the natural environment is the central attraction.

Well, Senator, I am a snowmobiler. And when I am vacationing in Stanley, ID, and I am skimming across the fresh powder, with the Sawtooth Mountains in the background, I assure you that the natural ecosystem is the central attraction.

But this curious guideline makes me a little bit uneasy. It says: Construction, management, and visitation take place with the goal of minimizing energy usage, and encouraging people involved with the tourism opportunity to be environmentally sensitive.

Now, what does this mean? Does this mean they are going to turn down the thermostats in the visitor centers? Well, I do not know.

However, when you get down to the standards, it translates these vague guidelines into closures. The RM standards propose closures in every forest and range cluster. Broadly stated, it means that up to 50 percent of the roads on public lands in Idaho could be affected and closed.

The riparian conservation area standards will close trails and campgrounds and access next to streams. Now, where do we like to go when we recreate on our public lands? It is next to a stream. We will not be able to take our children there. We will not be able to get there. The chosen alternative, active restoration, translates to road and recreation closures.

But ICBEMP itself fails to analyze the effects of these standards on recreation and access, even though good data is out there. So, we need to pull the plug on this. We need to withdraw it. Do not throw good money after bad.

We need to use the science that is out there. But recreation management is not rocket science. It is common sense. And land managers at the local level, right now, use this, and they use it in cooperation with State agencies and with other public entities, counties, and even individuals, even volunteers. These partnerships must be strengthened, and they must be elevated to the planning level.

## PREPARED STATEMENT

Now, it is ironic that Yellowstone Park, right now, has instituted a partnership among the participating agencies, among the States and surrounding counties for the planning of recreation management for winter. And I do not see why the rest of the forests and their surrounding counties, and the State agencies cannot participate in a similar way. That is where we need to go.

Thank you.

Senator GORTON. Thank you very much.

[The statement follows:]

## PREPARED STATEMENT OF ADENA COOK

ICBEMP's treatment of recreation is schizophrenic, like Jekyll and Hyde. On one hand, it acknowledges the importance of recreation in the region, and that recreation on public lands is increasing. It states, in generally positive language, that recreation contributes to local economies. The guidelines are so vague as to appeal to nearly everyone, and are generally positive in tone.

However, when the implementing details are sifted from the bowels of the document, a different, negative direction emerges. Mandated road density standards will eliminate access. Riparian Conservation Areas (RCA) standards will close roads, trails, and campsites. "Active restoration", the key theme of the selected alternative, is a euphemism for closure of roads and access.

Finally, ICBEMP fails to acknowledge, let alone accommodate motorized recreation. Readily available facts are ignored. Its policies will result in the displacement of these sports, enjoyed by an increasing number of people in the region.

*ICBEMP acknowledges the importance of recreation and the role that roads play.*

ICBEMP presents these recreation facts:

- Roads constructed for commodity use now are used 60 percent for recreation.
  - "Roaded natural" settings receive about 75 percent of all activity days.
  - Roads supply or enable the majority of recreation use, including winter recreation.
  - Area wide recreation supports 190,000 jobs (p. 186) or alternatively 225,600 jobs (p. 178). Whichever figure is accurate, ICBEMP states categorically: that recreation generates more jobs than other uses of Forest Service and BLM lands.
- From these statements, ICBEMP acknowledges and documents that, area-wide:
- Recreation on public lands is important.
  - Roads support recreation.
  - Recreation generates many jobs, more than other uses of public lands.

*ICBEMP's guidelines are vaguely supportive of recreation.*

ICBEMP's recreation guidelines are broad, general and sound benign. However, they can be interpreted in many different ways.

For example, the guideline, "Supply recreation opportunities consistent with public policies/abilities," could mean that opportunities dependent on road access would decline if public policies demanded road closures. It could as easily mean the opposite: if public policy favored more access, then roads would increase.

This guideline apparently supports tourism, "The tourism opportunity fits well into the ecosystem and the natural environment is the central attraction." (Appendix H, p. 247) However, this statement could also be interpreted to mean that only "tourism opportunities" deemed compatible with excluding people from public lands would "fit well into the ecosystem".

It could also mean the opposite. For example, when I snowmobile (as a tourist) in the Stanley Basin, skimming across fresh powder with the Sawtooth Mountains above me, I assure you that the natural environment is the central attraction.

This curious guideline makes us uneasy, "Construction, management, and visitation take place with the goal of minimizing energy usage and encouraging people involved with the tourism opportunity to be environmentally sensitive." Does this mean that thermostats will be turned down in visitor centers?

## ICBEMP STANDARDS TRANSLATE VAGUE GUIDELINES INTO CLOSURES

ICBEMP road density standards will reduce and eliminate public land access:

- The standard RM-03 states, "Reduce road density where roads have adverse effects."

—The standard RM–S8 “Decrease road miles in High and Extreme road density classes.”

—Standard RM–S8 (Chapter 3, Page 161) proposes road closures and obliteration in every forest and range cluster. Low means a 0–25 percent reduction in road density, Moderate means a 25–50 percent reduction in road density, and high means a 50-percent 100-percent reduction in road density.

Although these definitions of low, medium, and high have latitude, most areas in Idaho, for example, would fall into the moderate reduction category. This means that up to 50 percent of all roads within a particular area could be eliminated. Broadly stated, it translates to a 50 percent reduction in public access to public lands in Idaho.

The standard RM–S4 mandates, “Develop or revise Access and Travel management plans.” In this revision mandate, the standard fails to identify recreation need as a priority for revision. By omitting recreation need, mandating these Access and Travel Management Plan revisions imply closures.

The ICBEMP section on road management emphasizes reclamation. It is absolutely silent on road maintenance or improvement.

*Riparian Conservation Areas (RCA) will close roads, trails, camping areas.*

ICBEMP states that Alternatives 3, 4, 6, and 7 would establish an extensive network of RCA that would likely result in a reduction in the sustainable timber base and long-term sustained yield on National Forests. Establishing this extensive network of RCA will effect recreation resources as well. The document is silent on the effects of RCA on recreation in spite of the fact that most campgrounds and trails are within these areas.

The recreation standards reinforce this direction. The standard AQ–S24 states that recreation facilities should be located outside of RCA if at all possible. It states that if the effects to the RCA can’t be minimized, then the recreation facility would be eliminated. Implementing this standards will close many roads, trails, informal campsites, and even campgrounds.

ICBEMP fails to acknowledge that much public enjoyment of public land occurs next to water. It fails to analyze the effects of potential closures to streamside recreation, which occurs in many different ways. Its RCA standards address environmental impacts only and do not accommodate human use.

*Chosen alternative that emphasizes “Active Restoration” translates to road and recreation facility closures.*

ICBEMP has chosen an “active restoration” management prescription as its selected alternative. It states that this will mean decreasing the negative impacts of roads. In other words, “restoring the landscape” will mean road closures. This will limit public access and the recreation opportunities that access affords.

Active restoration also states that recreation sites will be altered to improve streambank and sedimentation conditions. This means closing campgrounds and informal camp-picnic sites.

*ICBEMP fails to analyze the effects of these standards on recreation and access; ignores other available recreation data.*

ICBEMP, while imposing a wide range of standards that will reduce public access and recreation, fails to analyze how these standards affect recreation across the range of alternatives. Amazingly, it claims that there will be no change across the range of alternatives. This failure to accurately show how closures (of 50 percent or more area-wide) affect recreation and access in each alternative is a violation of the National Environmental Policy Act (NEPA).

Amazingly, the new 30 million dollar social and economic report mandated by Congress also fails to address the impact of these standards on recreation. It merely states that the impacts of management direction on recreation across the basin is expected to be limited, and therefore the impacts on communities will be limited. This means nothing.

If the impacts are limited, will there be no road closures? Will people be able to access their favorite streamside campsite? Will an increasing number of ATVers find trails to ride? That’s not what the standards say.

ICBEMP officials failed to use readily available data to accurately depict recreation activity and its economic contribution to the basin. For example:

—Idaho’s latest registration figures show that snowmobile use has grown from 27,509 registrations in 1992 to 34,769 registrations in 1997. This is a 26 percent increase in five years. It is estimated that this is a \$70 million dollar business in Idaho.

—Off-road motorcycle and ATV registrations have grown even faster. In 1992, Idaho had 14,196 registrations. In 1997, this grew to 30,868 registrations. This is an increase of 117 percent over five years.

—The Motorcycle Industry Council reports that off-road motorcycles and ATVs generate 63 million dollars in the retail marketplace in Idaho (1993).

Other similar figures are readily available from the state agencies of the other states in the Basin. ICBEMP officials had been made aware that this information was available, yet it was not incorporated in the supplementary social and economics report.

#### RELATIONSHIP OF ICBEMP TO FOREST SERVICE'S NEW AGENDA

On March 2, Forest Service Chief Dombeck announced a new "Natural Resource Agenda for the 21st Century". The agenda emphasizes four areas: watershed restoration and maintenance, sustainable forest ecosystem management, forest roads, and recreation.

Discussing recreation, Dombeck said, "Forest Service managed lands provide more outdoor recreation opportunities than anywhere else in the United States. We are committed to providing superior customer service and ensuring that the rapid growth of recreation on National Forests does not compromise the long-term health of the land."

The ICBEMP standards cited above tell us precisely what this means on the ground. We fully expect that 50 percent of national forest roads, much streamside camping, picnicking and general forest recreation will be eliminated through this new "Natural Resource Agenda for the 21st Century".

ICBEMP is the tip of the iceberg. It tells us what administration officials have in mind for all of the national forests in the country.

#### ICBEMP MUST BE WITHDRAWN

Numerous extensively documented and learned critiques on ICBEMP have been submitted by resource oriented organizations and businesses, such as Farm Bureaus, Cattle Associations, timber and wood products groups of the states in the region. Approached from diverse perspectives, all have concluded that it is a bad plan.

From all these diverse points of view, all have observed that ICBEMP illegally imposes 166 standards and 398 guidelines uniformly across the region without adequately disclosing the effects. As I have described from a recreation and access perspective, there is a logical disconnect between ICBEMP's description of the area's activities, its vague guidelines, and the actual standards that it intends to implement.

We urge the withdrawal of ICBEMP. Although some of the scientific information can be used in preparing other management plans on a more local basis, little of the scientific data pertains to recreation management. Good recreation planning integrated with productive use of our public lands remains to be developed.

#### RECOMMENDATIONS

Although the ICBEMP Science Study gathered some good information on the area's resources, very little was gathered on recreation even though excellent sources are available. These sources range from the Analysis of Management Conditions to Monitoring Reports on existing Forest Plans and LRMPs to information from state agencies and reports gathered from industries. They are routinely used by local federal land managers. These local managers often collaborate with state agencies and interested publics in these efforts.

It is one of ICBEMP's major flaws that these sources and ongoing efforts are disregarded. Instead, the document proceeded in ignorance to impose standards that not only will deny the public access and limit recreation, but will disrupt these ongoing partnerships that have been productively managing recreation.

Management emphasis must be returned to the local level, to the local Districts and Forests. These partnerships can continue to flourish, providing access for the public while mitigating impacts to the resources.

If planning on a larger scale is deemed worthy, then it must be with states and counties as participating partners. Recently, Yellowstone Park has taken this step in their recently announced Environmental Impact Statement on Winter Recreation in Yellowstone Park, Grand Teton National Park, John D. Rockefeller Memorial Parkway. The States of Wyoming, Montana, and Idaho as well as the counties surrounding the park, are all partners in this EIS. Yellowstone Park Managers have acknowledged that the surrounding states and counties have valuable expertise to bring to the table. Individual Forests and State BLM agencies need to do the same as their management plans are revised.

**STATEMENT OF THOMAS K. GOODALL, ASSISTANT TIMBERLANDS  
MANAGER, BOISE CASCADE CORP.**

Senator GORTON. We will go to Mr. Tom Goodall, of Boise Cascade, from La Grande.

Mr. GOODALL. Mr. Chairman, I want to thank you for the opportunity to present testimony regarding the Interior Columbia Basin Ecosystem Management Project. I am Tom Goodall, assistant timberlands manager for Boise Cascade's Northeast Oregon Region.

Our company relies on raw materials from Federal lands to supply about 60 percent of the total required to keep our mills running, our people employed, and the demand for our product satisfied. Our facilities range from small field offices in inconspicuous places, such as Cascade, ID, and Kettle Falls, WA, to major paper and sawmill mills in regional employment centers, such as La Grande, OR, Hammett, ID, and Yakima, WA.

A successful ecosystem management plan in the Interior Columbia Basin is important to us, including the 17,000 workers we employ and the people who purchase our products. Since January 1994, Boise Cascade has been following this Federal project. Our interest has been to proactively promote plans that streamline and improve consultation with regulatory agencies, provide professional support and management flexibility to local managers, actively address forest health issues, replace interim policies that are top-down and operationally prohibitive, and provide predictable and sustainable levels of timber.

Our overall view is that the DEIS's fail to meet these important project expectations. The seriousness of these failures is such that the project purposes and needs cannot be met without a major overhaul of the DEIS's and the management plans they evaluate. If implemented today, and without a significant change, the project would fail, implementation of ecosystem management would be delayed, forest and range ecosystem health would continue to decline, and management gridlock would remain.

Our general conclusions are that the ICBEMP fails to meet expectations for performance because forest restoration goals will not be achieved; the preferred management approach, which was an aggressive active management, will not be realized; and predictable and sustainable levels of goods and services are not provided. And as a consequence, the DEIS's need major work to be implementable.

The projected rates of restoration under this plan will not achieve healthy forests in a reasonable period of time. Boise Cascade estimates that under the preferred alternative, only 1 to 3 million acres of the 24 million acres needing restoration will reach high integrity in 10 years. The most aggressive alternative would not fully restore forest health in the project area until some 70 years, assuming full implementation of the plan.

This is unacceptable. Therefore, none of the alternatives meet the purposes and needs of the project.

A key feature of a forest ecosystem assessment should be to identify the types and locations of forests needing various types of silvicultural treatments or prescriptions. The DEIS's fail to provide sufficient analysis of these basis issues.

The project should have provided an accurate inventory of forest ecosystem health conditions and a strategy for applying the various types of silvicultural treatments to improve forest ecosystem health. Instead, there is an over-reliance on prescribed fire plans to restore forest health. Most of the alternatives proposed to allow 20 to over 40 percent of the forests to naturally burn every decade, which is not sustainable. At a minimum, mechanical fuel reduction treatments are needed to reduce wildfire risk prior to prescribed fire treatments.

Commodity outputs are too low to meet the needs. The extent of the projected reductions in timber supply will result in significant economic impacts, especially at some local levels, and probably cause the project to fail in meeting its social and economic goals. Low harvest will not be able to sustain many of the timber-dependent communities and mills that support them.

A successful plan would have provided acceptable and predictable levels of timber resource flows at a reasonable cost to the industry as an element of ecosystem management. Depending on the action alternative chosen, projected reductions in timber availability on a volume basis could range from 17 to 73 percent in the DEIS project area.

The budget assumptions that limit proposed spending on various programs contained within the alternatives are of significance to us. Arbitrary budget assumptions and caps should not limit proposed spending on programs containing forest health and ecosystem restoration strategies. The notion of assuming a budget cap is problematic, because the amount is based on old budget paradigms, not on current forest health needs and opportunities.

The project should identify the needed activity levels, then allow policymakers and Congress to decide how or whether to fully fund them. Funding assumptions ought to be made at a level that is adequate to accomplish forest health restoration and maintenance within meaningful timeframes.

In conclusion, we believe there is only one legally sufficient option for the project. And that is to revise or significantly amend forest plans without preparing final EIS's and records of decision. This could produce a win-win solution for all parties concerned. Our reasoning takes several factors into account.

First, the ICBEMP has successfully published valuable products upon which plan amendments could be based. Second, State governors and Federal legislators, such as yourselves, have been promoting action-oriented strategies for Federal forest management during the extended lifetime of this project. Locally developed forest management plans and strategies, such as Oregon Governor Kitzhaber's forest health strategy, provide the political will and public acceptance of proposed ecosystem health actions.

#### PREPARED STATEMENT

Finally, the advantage of revising or significantly amending forest plans without preparing ICBEMP final EIS's or records of decision are threefold. First, local planning decisions would be assured. Second, local communities would be considered. And, third, considerations for physical and biological resources on Federal lands

would be addressed at multiple planning scales and across administrative boundaries.

Thank you.

Senator GORTON. Thank you, Mr. Goodall.

[The statement follows:]

PREPARED STATEMENT OF THOMAS K. GOODALL

Chairmen, members of the Subcommittees, I want to thank you for the opportunity to present testimony regarding the Interior Columbia Basin Ecosystem Management Project (ICBEMP). I am Thomas K. Goodall, Assistant Timberlands Manager for Boise Cascade Corporation's Northeast Oregon Region. Although Boise Cascade provides stewardship for more than 1.1 million acres of privately owned forest land in the Interior Columbia Basin, the company relies on raw materials from federal lands to supply about 60 percent of the total required to keep our mills running, our people employed, and the demand for our products satisfied. Our facilities range from small field offices in inconspicuous places, such as Cascade, Idaho and Kettle Falls, Washington, to major paper and saw mills in regional employment centers, such as Elgin, Oregon and Emmett, Idaho. A successful ecosystem management project in the Interior Columbia Basin is important to us, including the 17,000 workers we employ, and the people who purchase our products.

Boise Cascade Corporation appreciates the interest expressed by the Senate Subcommittees during the current legislative session in addressing public lands management and the ICBEMP. By holding the hearing in Spokane, Washington, organizations and affected individuals with a stake in the management of our federal forests are given an opportunity to present testimony. We are encouraged that the Subcommittees are on the right track and hold the political will to make tough decisions, and are optimistic about working toward legislative solutions to improve forest management on federal land.

Since January 1994, Boise Cascade has been following the federal Interior Columbia Basin Ecosystem Management Project to develop an ecosystem management plan for federal forests and rangelands in the Interior Columbia River Basin. Our interest has been to proactively promote plans that:

- Streamline and improve consultation with regulatory agencies.
- Provide professional support and management flexibility to local managers.
- Actively address forest health issues.
- Replace interim policies that are “top-down” and operationally prohibitive.
- Provide predictable and sustainable levels of timber.

A series of documents has been produced by the ICBEMP related to two primary activities: (1) a scientific assessment on existing conditions, and (2) National Environmental Policy Act (NEPA) compliance for two management plans. Boise Cascade has submitted written comments to the project administrative record on two of the NEPA documents—the Eastside DEIS and the Upper Columbia River Basin DEIS (DEISs)—and other draft and final products of the project. This testimony presents some of the views expressed in those written comments.

Our overall view is that the DEISs fail to meet several important project expectations. The seriousness of these failures is such that the project purposes and needs cannot be met without a major overhaul of the DEISs and the management plans they evaluate. If implemented today and without a significant change, the project would fail, implementation of ecosystem management would be delayed, forest and range ecosystem health would continue to decline, and management gridlock would remain. However, we believe that a win-win solution is possible.

This testimony includes discussions of the following key project issues and concerns:

- General Conclusions
- The Projected Rates of Restoration Will Not Achieve Healthy Forests in a Reasonable Period of Time
- The Action Alternatives Do Not Meet the Project Purpose and Need
- Options to Achieve a Legally Sufficient Plan

GENERAL CONCLUSIONS

The ICBEMP fails to meet expectations for performance because:

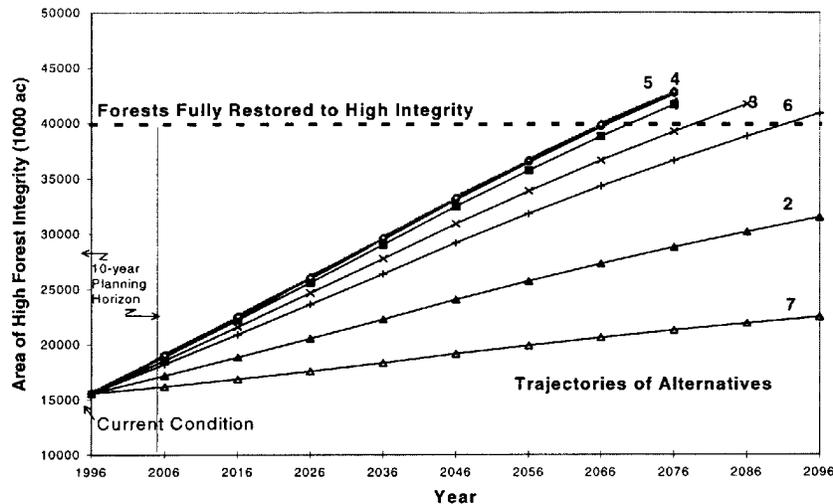
- Forest restoration goals will not be achieved.
- The preferred management approach—“Aggressive Active Management”—will not be realized.
- “Predictable and sustainable levels of goods and services” are not provided.
- DEISs need major work to be implementable.

THE PROJECTED RATES OF RESTORATION WILL NOT ACHIEVE HEALTHY FORESTS IN A REASONABLE PERIOD OF TIME

The proposed rates of forest restoration among alternatives are too slow and fail to meet restoration needs in a reasonable period of time. As a result, the DEISs fail to meet an important project the purpose and need; that is, to “restore and maintain long-term ecosystem health and ecological integrity.”

*Time Frame to Meet Restoration Needs*

The DEISs need to include alternatives that more aggressively pursue forest restoration. Generally, all alternatives fall short of meeting restoration needs in a reasonable period of time; that is, within the 10- to 15-year horizon of the plans. Boise Cascade estimates that, under the preferred alternative, only 1–3 million of the 24 million acres needing restoration will reach high integrity in 10 years. The following graph represents our estimate of the rate of restoration for each alternative. It shows that the most aggressive alternative would not fully restore forest health in the project area until some 70 years after plan implementation. This is unacceptable. Therefore, none of the alternatives meets the purpose and need for the project.



Without aggressive action, catastrophic risk levels will remain high, and opportunities to restore high ecological integrity will be lost. If ecosystem management is to succeed in yielding a sustainable balance of ecosystem values, forest ecosystem health problems must be addressed. While the DEISs do recognize the existence of the forest ecosystem health problems, they do not give these problems the prominence they deserve, especially in the impact analyses (for example, no data on forest productivity impacts, mortality rates, or financial losses), nor do they propose the aggressive restoration steps that are required to solve these problems in a timely manner (i.e., 25 percent of the forest land restored within 5 years, 50 percent within 10 years, 75 percent with 15 years, and 100 percent in 20 years).

*Identification of Forests Requiring Priority Treatments*

A key feature of a forest ecosystem assessment should be to identify the types and locations of forests needing various types of silvicultural treatments or prescriptions. The DEISs fail to provide sufficient analysis of these basic issues. For example, the stand structures that offer the greatest opportunities for forest ecosystem health risk reduction appear to be dense, intermediate-aged forests with multiple canopy layers in the high and medium risk categories. These are forest structures that provide the basic components for producing the older forest structures that are stated to be in relatively short supply. The Boise Cascade report submitted to the ICBEMP entitled, “Forest Inventory Analysis to Identify Forest Ecosystem Restoration Priorities in the Blue Mountains,” provides a method for assessing risks to forest health and displays risk ratings spatially.

Through treatments to reduce health risks, these intermediate structures advance more quickly into the more complex structures that are currently underrepresented. Many of these intermediate structures offer commercial products as byproducts of

forest ecosystem health treatments, thereby increasing the operational and economic feasibility of the treatments. The project should have provided an accurate inventory of forest ecosystem health conditions, and a strategy for applying the various types of silvicultural treatments to improve forest ecosystem health.

An example of a misused forest health strategy is that there is over-reliance on prescribed fire plans to restore forest health. Most alternatives propose to allow 20 to over 40 percent of the forest to naturally burn every decade, which is not sustainable. At a minimum, mechanical fuel reduction treatments are needed to reduce wildfire risks prior to prescribed fire treatments.

The consequences of not realizing aggressive active management and restoration are that:

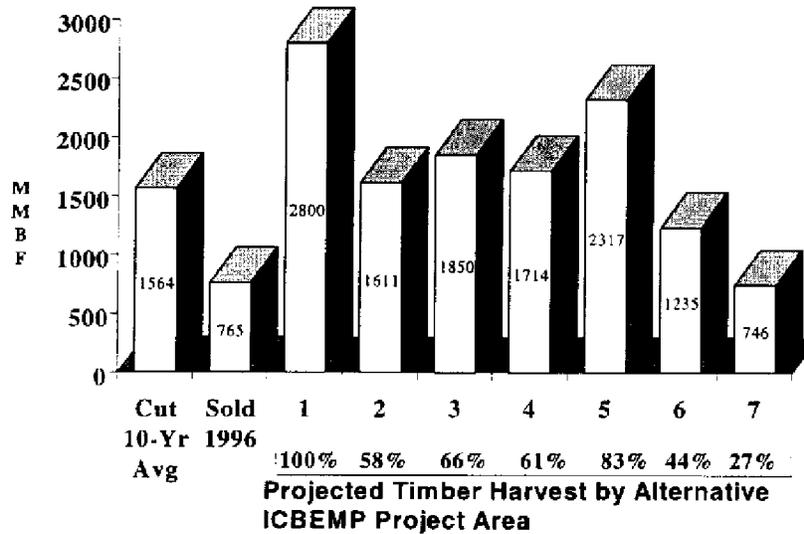
- Forest ecosystem health problems would not be given the prominence they deserve.
- Catastrophic risk levels of unhealthy forests would remain high.
- Opportunities to restore high ecological integrity of forests would be lost.
- The vision for forest restoration does not embrace timber production.
- Timber outputs would not be realized as a product of forest restoration.

*Commodity Outputs Are Too Low to Meet the Needs*

The action alternatives lack acceptable levels of projected timber harvest. The levels apparently were driven by ecological integrity analyses and management emphasis designations that lacked socioeconomic input.

The extent of the projected reductions in timber supply clearly will result in significant economic impacts, especially at some local levels, and probably will cause the project to fail in meeting its social and economic goals. Low harvests will not be able to sustain many timber-dependent communities and the mills that support them. Furthermore, there are no assurances of replacement industries to mitigate direct and indirect economic impacts of dwindling federal timber.

A successful plan would have provided acceptable and predictable levels of timber resource flows at a reasonable cost to the industry as an element of ecosystem management. Depending on the action alternative chosen, projected reductions in supply (on a volume basis) could range from 17 to 73 percent in the DEIS project area.



The graph above shows the projected reductions in timber supply as compared with the no-action alternative 1. These projections are compared to the volume of 2,800 million board feet that the existing land use plans allow to be cut, prior to interim guidance. It is disappointing to note that federal forest lands in the project area have not generated volume up to their potential over the last 10 years; they have only generated 1,564 million board feet, on average, or about 56 percent of allowable. The amount of timber harvest has rarely reached public expectations or the allowable sale quantity. The declining federal timber sale program is documented

in Production Prices, Employment, and Trade in Northwest Forest Industries, Third Quarter, 1996 by the USDA (1997).

The timber volume sold during 1996 dropped precipitously to only 756 million board feet, indicating further inability to meet plans and expectations. It is difficult to imagine future timber sale performance achieving the projections of the DEISs, based on past results and the current declining trend.

What are not shown by the graph are the potential cumulative impacts to businesses and local economies of continued reductions in the federal timber supply, on top of those reductions that have already occurred. The problem of continued reductions is compounded by the past performance of the federal timber sale program.

#### *The Budget Cap Is Arbitrary and Affects Timber Supply*

The budget assumptions that appear to limit proposed spending on various programs contained within alternatives are a significant concern. Arbitrary budget assumptions and caps should not limit proposed spending on programs containing forest health and ecosystem restoration strategies. The notion of assuming a budget cap is problematic because the amount is based on old budget paradigms, not on current forest health needs and opportunities. The proposed alternatives must be fully funded to remain true to their themes, and to successfully implement projects and achieve their objectives without jeopardy. Ecosystem goals, which include aggressive treatments for restoring forest patterns and processes to reduce the potential for large or catastrophic wildfire, may only be achieved under assumptions for full funding of recommended management activity levels.

The project should identify the needed activity levels, then allow policy makers and Congress to decide how or whether to fully fund them. Funding assumptions ought to be made at the level that is adequate to accomplish forest health restoration and maintenance within meaningful time frames.

Assumptions for ICBEMP program funding would be adequate if they:

- Provide adequate levels of funding for implementing active ecosystem management strategies and forest health treatments without delay.
- Lead to the desired level of forest health restoration projects.
- Galvanize already completed forest health assessments and plans for forest health treatments into action.
- Enable timber sale programs to accomplish broad-scale and fine-scale planning goals.
- Provide a workable stewardship contracting program.
- Remove funding obstacles to implementing locally developed forest management strategies, such as the Kitzhaber forest health strategy “Forest Health and Timber Harvest on National Forests in the Blue Mountains of Oregon.”
- Generate a natural resources investment account to ensure that funds would be available to implement nonrevenue-generating ecosystem management activities.
- Fully anticipate the costs of subbasin reviews, ecosystem analyses at the watershed scale, and forest plan revisions so that activities to restore forest health are not delayed.
- Prevent the diversion of funds for future forest management to monitoring and analysis.

#### *Skewed Range of Alternatives*

The rule set for assigning management emphasis among forest clusters appears biased against a full range of timber harvest alternatives. Of all the management emphases considered, only one, “Produce,” permits a “high” level of timber harvest. However, it is uncertain whether a “high” level of harvest would yield even the amount allowable under current plans. Moreover, “Produce” was assigned as a management emphasis in only one case out of 30 possible action alternative and forest cluster combinations. This limitation contributes to the low projections for timber outputs.

#### THE ACTION ALTERNATIVES DO NOT MEET THE PROJECT PURPOSE AND NEED

One of the two project need statements reads, “Supporting the economic and/or social needs of people, cultures, and communities, and providing sustainable and predictable levels of products and services from Forest Service- and BLM-administered lands,” (Chapter 1). Boise Cascade offered conditional support for this project, largely because this need statement appeared to capture the intent of the scoping comments that were submitted. However, the DEISs fail to include an action alternative that would meet this need upon implementation.

*Sustainability.*—The need for sustainability of the levels of timber products and services has not been addressed in the DEIS, either in the conventional sense or

in a sense that includes “all parts of the ecosystem and to account for the role of disturbance regimes in shaping how the ecosystem changes over time,” (Chapter 4). Certainly, the definition of sustainability, as discussed during various stages of DEIS development, included the traditional definition. However, the document states that “the Draft EIS did not account for the factors upon which conventional sustainability of timber supply is based,” (Chapter 4). Therefore, the project has failed to meet the need by its own admission.

*Predictability.*—Predictability of the levels of timber products and services is not addressed in the DEISs, either in the proposed standards and guidelines, or in the evaluation of environmental consequences. The document states that “predictability of timber benefits will be determined when the Preferred Alternative is incorporated into local Forest Service and BLM land use plans,” (Chapter 4). Deferral of programs addressing the predictability of timber production to future decisions substantiates the claim that the DEISs have failed to meet the project need.

*Opportunities for Using Commercial Timber Harvest Are Not Adequately Addressed*

Commercial timber harvest does not appear to have been a serious consideration in the DEISs. The topic was largely avoided despite the fact that commercial timber harvest, more than any other land management action, can treat large areas to improve forest health—deliberately, programmatically, and with minimum net cost to taxpayers. Certainly, the issues related to timber harvest, more than any others that could be included under the discussion of ecosystem management, need to be coherently and comprehensively addressed by the ICBEMP. Management capabilities for timber harvest must be resolved through the decisions from this project without deferring decisions to future planning processes. The management capabilities must be explicitly revealed in the DEISs to reduce or eliminate the management gridlock affecting public land management, not contribute to it.

*Commercial Timber Harvest Is Not Incorporated into Forest Restoration Programs*

Commercial timber harvest is a forest restoration tool that should be recognized by the DEIS alternatives. It is wrong, both technically and symbolically, to imply that commercial timber harvest and forest restoration are incompatible. Restoration through commercial silviculture can be used to develop a socially accepted pattern of disturbance that would allow forests to be healthy and that the citizen can support personally and financially.

The DEISs clearly state that commercial silviculture is not viewed as a restoration tool. But without that view, forest restoration activities do not provide sufficient flows of merchantable raw materials. Also, the ability to reduce fluctuations in supply that destabilize economic bases is lost. Furthermore, the DEISs’ treatment of commercial silviculture is in direct conflict with land managers who recognize that without commercial incentives, restoration actions would not be implemented.

The DEIS alternatives need to include commercial timber harvest in restoration strategies to increase the rate of forest restoration through vegetation management and the provision of funds for nonrevenue-generating restoration activities.

A well-honed ecosystem management plan should provide for the production of commodities to simultaneously sustain local economies and achieve ecosystem objectives while avoiding elaborate transition strategies. The proposed objectives and standards for action alternatives lack innovative strategies to achieve ecosystem restoration using commercial timber harvest methods that could result in social and economic benefits.

Economically viable timber sales for restoration of forest health would increase the percentage of bids awarded for restoration work, provide greater receipts, be easier to contract, achieve forest plan objectives, improve forest health, strengthen resource-based industries, and sustain resource-dependent communities.

*Strategies for Minimizing the Cost of Implementing Ecosystem Management Have Not Incorporated Commercial Silviculture*

The selected ecosystem management strategy should provide optimal achievement of ecosystem management goals with the least cost. The project has not objectively assessed how to achieve forest ecosystem health goals in a cost-effective manner. Commodity production could be an important means to offset restoration costs, while improving environmental quality. Under existing federal land use plans, many ecosystem management programs, such as road maintenance and recreation development, are paid for through the sale of natural resource commodities.

*Evaluation of Net Costs.*—A balance between benefits and net costs is critical in assessing which alternative is best for taxpayers. Where more than one strategy provides the same level of benefits and services, the one with the least drain on taxpayers is best. However, there is no way to determine which proposed strategy is the most fiscally responsible from the DEIS evaluation of alternatives. True costs

of alternatives including net costs, risk factors, ecosystem values, and opportunity costs are not accounted for.

*Timber Sale Program.*—Economically viable timber sales are achieved when sales contain an optimal mix of products, flexible terms, defined results, timely sale, appropriate purchaser discretion, and mutual trust. Inclusion of large quantities of small trees (that is, government cost items to attain ecosystem management objectives) will not be economical without just compensation. Sufficient value needs to be included in sales, or options to reject low-value pulpwood and small diameter trees need to be provided when market demand is not favorable.

Over recent years, federal land management agencies have modified otherwise viable timber sales to achieve pre-commercial thinning and other ecosystem management objectives. Potentially viable sales have been burdened with requirements such as: (1) excessive slash and downed wood treatments, (2) road obliteration, (3) sub-soiling, (4) high-cost and specialized equipment (for example, helicopters, skyline, forwarders) where ground-based equipment would yield acceptable results, (5) prohibitive seasonal restrictions, (6) low merchantable volumes, and (7) uneconomical isolated and small units. As a result, many otherwise viable sales are left unsold.

The DEISs must address methods of preparing and offering timber for sale to be more cost effective and successful (that is, management directives to support the offering of economically viable timber sales to achieve forest health objectives). The funding of forest restoration activities that are not supported by timber harvest revenues (that is, overzealous KV plan costs, pre-commercial thinning requirements, wildlife reserve trees above the minimum scientific requirements for special status species) must be addressed. Land managers cannot rely on direct Congressional allocations to carry out these activities.

#### *Important Constraints on Operational Timber Harvest Are Not Disclosed*

Reductions in the probable timber sale quantity, above and beyond the already significant reductions projected in Table 4–50, are expected, but have not been evaluated in the DEISs. The further reductions would result from standards and guidelines to meet non-timber objectives. Examples of the environmental consequences of such guidance are: (1) reduced production from riparian areas caused by ambiguous protection standards and interagency coordination requirements; (2) inoperable slivers of commercial timberland stranded between riparian setasides; (3) reductions in the timber base from constraints aimed to create wildlife habitat; (4) limitations on per-acre yields from standards that affect the size and amount of residual standing and down wood; (5) inaccessible timberlands resulting from road decommissioning or restrictions on new construction; (6) restrictions on harvest methods for steep slopes, landslide-prone areas, and sensitive lands; and (7) potential catastrophic losses of timberland due to passive management or management inaction.

*An Example.*—The potential area of timber tied up in RCAs has not been reliably estimated, and no attempts have been made to determine the indirect effects of setasides. Our estimates show that the area in riparian setasides easily would be more than the 24 percent estimated in the DEISs. It is more likely to be over 40 percent for dry forest and up to 80 percent for moist forest on steep slopes. These estimates are important because significant management restrictions would be imposed in RCAs. For the most part, little or no harvest would be allowed and limited vegetation management would occur. The DEIS alternatives do not explicitly eliminate all active management options within these areas. However, the sad reality is that the burden of proof on land managers to demonstrate anti-degradation performance is a barrier to action taken.

In addition, the limitations on what can be done to maintain forest health and fire control in RCAs is a significant concern. One questions whether our zeal for protecting riparian areas and aquatic habitats may set the stage for their destruction.

The direct and indirect consequences of other constraining management standards and guidelines would have similar results. Cumulatively, these constraints may lead to impacts that are greater than the sum of the individual effects.

#### *New Timber Harvest Levels Will Occur without Adequate Analysis*

Timber harvest is an important driver in this ecosystem management project since it is a key tool in resolving forest health problems; in maintaining and sustaining healthy ecosystems; in facilitating vibrant economies and communities; and in providing a funding source for these vital functions. Consequently, the public and the decision makers will want to know what harvest levels can be expected from each DEIS alternative.

*Scale and Resolution.*—The ability of this project to accurately estimate timber harvest acres and volumes is severely limited. The broad scale of the project focuses

on coarse resolution estimates that lack spatial specificity. The timber harvest projections at this scale will have limited utility when high resolution or spatial specificity are required. Additionally, the forecasting tools have produced data of limited accuracy or unknown validity. It is critical that the EIS documents disclose the accuracy of the future timber harvest estimates.

*Future Decisions and Analyses.*—It is important to ensure that the public and decision makers do not assume that the timber harvest projections are management targets for any of the basin's administrative units, or that they will be used in any future decisions beyond this broad-scale, programmatic NEPA process.

The DEISs should make it clear that more accurate, fine-scale timber harvest estimates and decisions about the actual management activity and timber output levels will be made at the forest or district level. They should explain that fine-scale assessments of resource conditions and management opportunities should be based on a type and accuracy of data that is beyond what the ICBEMP produced.

The proper place for timber supply decisions to be made is in the land use plan revision process, and during the planning of individual projects based on site-level inventories and assessments. Unfortunately, the DEISs set expectations for timber quantities, and establish a de facto upper limit on the production of goods and services, that is, a maximum threshold for production under all land use plans combined.

#### OPTIONS TO ACHIEVE A LEGALLY SUFFICIENT PLAN

In their current form, the ICBEMP DEISs contain a number of significant legal flaws that threaten the goals of the project. Legal issues have been raised throughout Boise Cascade's comments on the DEIS and its written correspondence to the ICBEMP administrative record during preparation of the DEIS. For example, one of the fundamental flaws is that the DEISs fail to provide targets for forest level resource outputs or to reveal how they will affect the existing schedule of forest level resource outputs.

Actions are needed to remedy the legal insufficiency of the DEISs. The USFS and BLM must produce a legally sufficient and workable ICBEMP strategy. This leaves the agencies with only two options: (1) they can significantly change the DEISs and publish supplements; or (2) they can withdraw the DEISs and proceed with forest plan amendments as required by NFMA. Moving directly to publish final EISs is not an option given the major faults with the ICBEMP strategy and DEISs.

The first option is to rewrite the DEISs and publish supplements. To be legally sufficient, the rewritten documents must move in one of two directions. The DEISs must either be rewritten as much more general, guiding documents to facilitate the detailed analysis that will follow in forest plans or the DEISs must be rewritten as much more detailed, site-specific EISs that contain the analysis needed to support the decisions being made. The more general DEIS supplements must not contain standards and must be like Regional—Guides rather than Regional Plans. More detailed DEISs must contain a forest-level analysis of suitable lands, allowable sale quantity, and sustained-yield of timber to accompany any standards that the DEISs adopt. The latter task would require a huge sum of time and resources; therefore, Boise Cascade believes it is preferable to take the more general Regional Guide approach or to adopt the second option described below.

The second option is to revise or significantly amend forest plans. This option would utilize ICBEMP information and published science to guide revisions/amendments to Forest and Resource Management Plans at the local level. In doing so, the need to produce FEISs and Records of Decision would be obviated. The ICBEMP has no way around significant amendments to the forest plans because the end of the 10-year life of the plans is fast approaching, and NFMA requires that the Secretary review the land classified unsuitable for timber production in the plans "at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production."

We believe that the second option stated above—to revise or significantly amend forest plans without preparing FEISs or RODs—would produce a win-win solution for all parties concerned. Our reasoning takes several factors into account. First, the ICBEMP has successfully produced valuable products upon which plan amendments could be based. The products include the: (1) Integrated Scientific Assessment of Ecosystem Management; (2) Assessment of Ecosystem Components; (3) Framework for Ecosystem Management; and (4) numerous spatial databases for managing federal resources. The information could be utilized to proceed now with Forest and Resource Plan revisions at the local level within a regional context.

Second, state governors and federal legislators have been promoting action-oriented strategies for federal forest ecosystem management during the extended lifetime of the ICBEMP. Locally developed forest management plans and strategies, such as Oregon Governor Kitzhaber's forest health strategy (Forest Health and Timber Harvest on National Forests in the Blue Mountains of Oregon), provide the political will and public acceptance of proposed ecosystem health actions. Most of these specifically address the forest health crisis. These strategies would be more readily implemented if incorporated into revised or significantly amended forest plans with their locally developed schedules for implementation.

Finally, the advantages of revising or significantly amending forest plans without preparing ICBEMP FEISs or RODs are threefold. They are that: (1) local planning decisions would be assured; (2) local communities would be considered; and (3) considerations for physical and biological resources on federal lands would be addressed at multiple planning scales and across administrative boundaries.

**STATEMENT OF KATHLEEN BENEDETTO, EXECUTIVE DIRECTOR, MINERALS EXPLORATION COALITION**

Senator GORTON. We will now hear from Kathleen Benedetto, Executive Director of the Minerals Exploration Coalition.

Ms. Benedetto.

Ms. BENEDETTO. Thank you, Senator Gorton and Senator Craig, for the opportunity to speak.

I was asked by a number of grassroots organizations to come and talk about the relationship of the Wildlands Project to the Interior Columbia Basin Ecosystem Management Plan. These groups include the Communities for a Great Northwest, Montana Resource Providers Coalition, Alliance for America, American Land Rights Association, and others.

I think that from the previous panel members you have heard about specific issues or specific problems with the EIS. I think that if we look at it in the perspective from the Wildlands Project that it might explain why some of these problems exist. I think many of us in the room are familiar or have heard of the Wildlands Project, and we have been very reluctant to speak about it publicly because we might be accused of either having the lights on with nobody home or something along those lines, because it is a pretty wacky idea.

In the words of the chairman of the project, Dave Foreman, he says it is an audacious plan. This plan, as currently in place, they envision that it will take 75 to 100 years to implement. Andy Kerr, in 1994, on the front page of the Region section of the Oregonian, articulated what this plan meant for Oregon, his vision of what Oregon should be: that they would reduce their population to 1 million people instead of 3 million; they would increase public land ownership by at least 20 percent; and reduce consumption of raw materials by 75 percent. Their overall vision for the world is to reduce world population so that we have 2 billion people here.

Though the primary purpose for this, they have melded the ideas of having this huge, great wilderness area that they perceive North America to have been prior to Columbus coming over and bringing Europeans to settle here. They want to take us back to that time period, or what they envision the situation was during that time period. They have gotten together with Reed Knauss and others, who have put forth the concepts of conservation biology.

The concept is that in order to maintain biodiversity and enhance biodiversity, we need to rewild 50 percent of North America. That consists of core areas, with large buffer zones, where maybe some

resource extraction and recreation activity can take place on the outer fringes of the buffer zones, where they are close to islands of human habitat. They currently look at the situation of wilderness areas and national parks as being islands that have been set aside, theoretically, to protect, to help or enhance biodiversity. And they want to reverse that trend.

We see elements of conservation biology in the Wildlands Project in each alternative in the Interior Columbia Basin EIS. Alternative 7 would impose the Wildlands Project for the geographic area that is covered by this particular document. There are more than 35 organizations that are actively working to implement this program. Their primary tool for doing this is the Endangered Species Act. They have filed over 100 positions to list species as threatened or endangered, and have asked for a listing of over 2,000 species.

So, they are extremely well organized and very effective at what they are doing. They have produced a manual as to how to begin to implement this program. Their core areas and buffer zones are supposed to be linked by biological corridors. We see this terminology showing up in many EIS's that have been produced for other areas of the national forest or BLM lands. There are several incidents in Montana, where we have seen this language occur.

The Greater Yellowstone Vision Document was probably one of the first Federal documents that incorporated conservation biology as a management tool. And that was resoundly rejected by the people that would be impacted by that document.

We see elements of this in the recent EIS's that were produced—final decisions on the Lewis & Clark and Helena Deer Lodge EIS's for oil and gas leasing in Montana. The Forest Service 50-year plan also incorporated elements of the Wildlands Project as part of their strategy.

So, I think that we need to investigate this. I think it is important. And we need to look at some of the things that are happening, that the administration is doing, and these major ecosystem plans that have been proposed throughout the United States, as to what the real agenda is.

#### PREPARED STATEMENT

I do not think that most of the people in this country would accept what their vision of the future is for us.

Thank you.

Senator GORTON. Thank you, Ms. Benedetto.

[The statement follows:]

#### PREPARED STATEMENT OF KATHLEEN BENEDETTO

##### INTRODUCTION

My name is Kathleen Benedetto. I am the Executive Director of the Minerals Exploration Coalition (MEC), a non-profit advocacy group for the multiple use of public lands. Specifically MEC works to maintain access for mineral entry on these lands. Our membership, including 30 corporations, represents a diverse group of professionals and companies engaged in mineral exploration and development.

I have more than twenty years experience in the minerals industry as an exploration geologist and activist. In 1993 I co-founded the Women's Mining Coalition to work on responsible mining law reform. I have worked closely with the Western States Coalition, the Alliance for America and other grassroots organizations. The common thread for these groups is a commitment to improving and modernizing na-

tional environmental policy by promoting a strong conservation ethic that recognizes our most important resource, people, as part of the environment.

Today I am pleased to testify before this joint committee hearing on behalf of MEC, The Alliance for America, the Montana Resource Providers Coalition, Communities for a Great Northwest and The American Land Rights Association, on the Interior Columbia River Basin Ecosystem Management Plan—Draft Environmental Impact Statement.

I have been asked by these organizations to discuss the relationship of this ecosystem management plan to the “Wildlands Project.”

Many people have heard about the “Wildlands Project,” others are intimately familiar with it. However, most of us have made a conscious decision not to discuss the project publicly or include our concerns about the implementation of the project in comments we submit for proposed federal actions or congressional testimony. The decision not to discuss ‘Wildlands’ stems from the outrageous nature of the project and the propensity of the media and others to castigate the messenger rather than proponents of an ‘audacious’ project. In other words we’re concerned that our credibility will be destroyed, that no one will take us seriously, that our words will fall on deaf ears.

However, the “Silence is Golden” approach with the “Wildlands Project” is not working for the people that are opposed to the project. Many of the Clinton Administration’s Executive Orders and Initiatives affecting management of federally administered and private lands help to facilitate the implementation of the “Wildlands Project” for different regions of the country.

In the absence of public debate on the “Wildlands Project,” uninformed decisions are made on a daily basis by governments, businesses and the public to support or compromise on proposed projects that serve to implement the “Wildlands Project.”

The Interior Columbia River Basin Ecosystem Management Plan (ICRBEMP) is a good example. The Principles of conservation biology (the science behind the “Wildlands Project”) have been used as a basis by the forest service in the development of ecosystem management planning (see attachment). The alternatives in the draft EIS incorporate these principles; Alternative 7 would impose the full brunt of the “Wildlands Project” for the geographic area covered by the ICRBEMP.

“Alternative 7: Emphasizes reducing risks to ecological integrity and species viability by establishing a system of reserves on Federal Land. Reserves are selected for representation of vegetation and rare animal species. Management activities are limited within reserves and are similar to Alternative 3 outside the reserves.” (From Considering All Things: Summary of the Draft Environmental Impact Statement—Pg. 35)

#### THE “WILDLANDS PROJECT”

The following quote from the “Wildlands Project” vision statement provides a graphic description of the ‘wildlanders’ dream for the future of North America.

“ . . . [W]e live for the day when Grizzlies in Chihuahua have an unbroken connection to Grizzlies in Alaska; when Gray Wolf populations are continuous from Durango to Labrador; when vast unbroken forests and flowing plains again thrive and support pre-Colombian populations of plants and animals; when humans dwell with respect, harmony, and affection for the land; when we come to live no longer as strangers and aliens on this continent.

Our vision is continental: from Panama and the Caribbean to Alaska and Greenland, from the Arctic to the continental shelves . . . ”

Dave Foreman, co-founder of Earth First! and chairman of the “Wildlands Project,” describes this project as “audacious.” He originally conceived of the idea in the early 1980’s. With the help of Dr. Reed Noss and Dr. Michael Soulé (co-founders of the theory of conservation biology) the concept was developed into a model based on the principles of conservation biology and published in the 1992 special issue of Wild Earth. The basic concept is to re-create big wilderness areas throughout North America to preserve bio-diversity.

Supporters of the “Project” (wildlanders) believe that fifty percent of North America needs to be set aside as wilderness, without influence from mankind. The main wilderness areas, CORE Areas, would be surrounded by buffer zones. These land packages will be linked with similar core areas and buffer zones through biological corridors. Highly restricted human activity, including recreation, mining, agriculture and limited timber harvest would be allowed in the outer fringes of the buffer zones near ‘islands’ of human habitat (see attachments). ‘Wildlanders’ propose to use existing National Parks, Wilderness, Recreation and other federal and state land designations that are surrounded by “roadless areas” as the CORE areas outlined in the “Wildlands Project” (In The Big Outside, Dave Foreman, catalogues federally ad-

ministered lands that meet his definition of "roadless." His inventory identifies Idaho as the state with the highest concentration of land that meets his 'roadless' definition.)

According to materials published by the Project, the objective is to establish a "regional reserve system which will ultimately tie the North American continent into a single Biodiversity Reserve." Conservation biologists use 'island biogeography', a theory of population biogeography, as a basis for their arguments for this 'reserve system.' They consider National Parks, Wilderness, Wildlife Reserves and other federal and state land designations to be 'islands' where biodiversity is supposed to be maintained. They believe that biodiversity cannot be maintained through the existing system of 'islands.' The purpose of the "Wildlands Project" is to reverse what they perceive as the existing situation and create islands of human habitat surrounded by Wilderness. Wildlanders view the world "biocentricly." That means that everything is equal, viruses, landscapes, insects, plants, animals, rocks, etc. Their "project" is based on the philosophy of Deep Ecology and the Science of Conservation Biology.

Andy Kerr, past executive director of the Oregon Natural Resources Defense Council, wrote one of the best personal descriptions of a wildlanders vision of the future. It appeared on the front page of the Regional Section of the Oregonian Newspaper on September 11, 1994 (see attachment). In the editorial, Mr. Kerr described what he envisioned for the state of Oregon and the world over the next seventy-five to one hundred years under the implementation of the "Wildlands Project."

- Reduce world population by 4 billion people. Reduce the population of Oregon by 2 million.
- To preserve the greater Oregon Ecosystem—transfer an additional 20 percent of privately owned land to the public sector bringing the total percentage of lands administered by the federal government in Oregon up to 80 percent.
- Reduce consumption of resources by 75 percent, and
- “ . . . end the dreaded capitalism.”

The Oregon Natural Resources Defense Council is one of more than 35 organizations working to implement the "Wildlands Project." The principle tool at their disposal is the Endangered Species Act. Together these organizations have petitioned for the listing of over 100 species as threatened or endangered and have filed lawsuits for the listing of over 2,000 species. They have been successful in severely restricting human activity, including motorized recreation and resource production, in geographic areas impacted by their lawsuits. Areas impacted by the listing of the spotted owl provide a good example of their success.

Wildlanders have been influential in the development of several federal land management projects including:

- “The Greater Yellowstone Vision Document,” one of the first federal documents that incorporated elements of the "Wildlands Project" (This was rejected by the people that would have been affected by the adoption of the proposed plan.);
- The Fifty Year Strategic Plan for the Forest Service;
- The Biodiversity Legal Foundation was successful in forcing the incorporation of the principles of conservation biology into the 1993 revised Grizzly Bear Recovery Plan for grizzly populations in Montana and Idaho;
- The EIS's for Oil and Gas Leasing on the Helena-Deerlodge and Lewis and Clark National Forests in Montana; and
- The Interior Columbia River Basin DEIS incorporates the principles of conservation biology into each alternative. Alternative Seven would implement the "Wildlands Project" for the geographic area covered by the DEIS.

In addition, three bills have been introduced into Congress that would impose the "Wildlands Project" for the geographic area covered by the proposed legislation:

- The American Red Rocks Wilderness Act (H.R. 1500/S.773). This is a Utah wilderness bill introduced by Rep. Hinchey (D-NY);
- The Northern Rockies Protection Act (H.R. 1425). "A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming and for other purposes." This bill was introduced by Rep. Shays (R-CT); and
- The Northern Forest Stewardship Act (H.R. 971/S. 546).

The organizations working to implement the "Wildlands Project" have had a strong influence on state governments as well. Florida is a prime example. Reed Noss and Larry Harris designed a nature reserve system for Florida that is being implemented by state agencies and the Nature Conservancy.

## CONCLUSIONS

The Interior Columbia River Basin Ecosystem Management Plan Draft Environmental Impact Statement should not be allowed to come to a record of decision.

Ecosystem Management is based on the principles of conservation biology, which stem from the philosophy of Deep Ecology. Deep Ecology is an extreme environmental perspective that attempts to force people to view the world biocentricly.

The absurdity of this kind of thought process has been described best by Bruce Vincent, President of the Alliance for America, when he explained to an environmental activists class at the University of Montana at Missoula, "I am hopelessly homocentric, I cannot think like a frog without that thought first going through my human brain."

People will ultimately reject the "Wildlands Project." However, in the interim period, there have been and will be many casualties. It's time for main stream folks to begin talking openly about the project and start asking pointed questions. The proponents of the project have many Websites on the Internet. They have already published several regional maps illustrating their version of how the world should be (see Attachment for ICRBEMP area map). If there are no challenges from those of us with an opposing point of view the project will continue to move forward. Reversing what has already been done will be challenging at best.

People asked a lot of questions during the 60's—no one had any answers. So we moved forward . . . today we pay the price of not having answers to legitimate questions. Debate is a critical part of the process of improving society. Those of us who are opposed to the "Wildlands Project" and the world view of the Environmental extremist need to find the courage of our convictions and be willing to take on the slings and arrows directed at us if we are to move forward. This includes grassroots and industry leaders, and the Members of Congress that have oversight authority on our land management and environmental regulatory agencies. All silence does is create a vacuum to be filled by the proponents of this "audacious" plan to "end . . . industrialized society."

"Does all the foregoing mean that Wild Earth and the Wildlands Project advocate the end of industrialized civilization? Most assuredly. Everything civilized must go . . ."

## IMPORTANCE OF SOCIOECONOMIC STUDY

Senator GORTON. Thank you, all.

There seems to be a remarkable degree of unanimity on this panel, more than on some of the other panels.

Mr. Halley, you may have really put your finger on it. There are two things here: We have a socioeconomic analysis here that is a faulty analysis of the facts. That is something that ought to be corrected. That is a human failure within the study itself.

But I think that, over and above that, we have what the representative of the State of Idaho talked about: by and large, good people making plans on the basis of statutes that do not allow those socioeconomic considerations, those human considerations, to play a significant role in the way these plans come out. So, even if the socioeconomic study is a good and a valid study, it is going to have only a subsidiary importance in the ultimate plan. Not because the people who are developing these plans are bad people, but because they are enforcing statutes that did not envisage the situation in which we find ourselves today, and which are too narrow in nature.

And I guess that is where our frustration here comes. In a sense, the buck stops up on this side of the table, because we and our predecessors were the ones who passed those statutes. And I think we all have to recognize that those statutes are not going to be changed, at least in the next 2 or 3 years. And so the dilemma on the horns of which we find ourselves is simply whether or not, you know, your counsel that we ought to try to stop this process really will have any positive impact on the organizations that you all rep-

resent or if it just will result in more orders from other governmental entities, enforcing these statutes or from courts enforcing these statutes, that may not result in the cure being worse than the disease.

And I sympathize with the testimony of everyone here. I still do not know that that gives me a course of action that I can follow that will result in you being more satisfied, at least short of being able to change the statutes. So, I do recognize the frustration of all of you. But do recognize that those of us who are up here are frustrated as well.

And Senator Craig has done a mighty job in attempting to make even minor changes in some of the statutes. And he would be the first to admit he has not been very successful yet, nor have I. And that is where we find ourselves.

Ms. Cook, you wanted to make a comment?

Ms. COOK. Yes; we are all frustrated on a short-term basis. But we need to keep moving forward. And we need to keep nibbling at the edges. And if pulling the plug on—we recognize that pulling the plug on ICBEMP, not allowing it to go to a final decision will not bring us a new tomorrow, and that there will be legal challenges ahead, and there will be additional problems ahead of us. But it will stop this one-size-fits-all from immediately being implemented upon all of us. It will buy us a little time for some of these short-term and incremental solutions and progress, before we can get to the right reform that we all need, that Senator Craig is working on with his forest and land management reform legislation.

For example, the Regulatory Flexibility Act implementation. Now, that is a tool. That allows us one more little step forward at the local level to make them do what they should be doing. The Ohio decision that just came out, now that is another thing that we can use incrementally.

We will slowly move the picture forward to where we can get real reform. Real reform will not happen tomorrow, and we should not expect it to. But if we can keep moving forward until that day comes when we can finally have real reform, like Senator Craig has proposed, and other people have as well, then we are really making progress. And we have to congratulate ourselves for that.

Senator GORTON. Thank you.

One question, I think basically for Mr. Goodall and Mr. Halley. I assume both of you would be more than willing to admit to assert that we do have a very real challenge with respect to forest health. Do you think that this process has led us to focus more constructively on those forest health problems, or has it been a smoke screen that has really hidden those challenges and made them more difficult to meet?

Mr. GOODALL. Well, unfortunately, I do not think the plan is constructive in approaching forest health problems. And my reason for saying that is as we take a look at the standards that are contained in these plans and all of the restrictions that are going to be applied to active forest management kind of programs, we basically do not feel that programs are going to move forward.

That is not only our view. We have visited with the field operation units at the Forest Service and the BLM. And when you get those folks aside, basically what they will tell you is that they are

very concerned about what they are going to be able to do out of this plan. And when you add it all together, and basically I think that you take a look at the restrictions and the constraints of applying the standards that are in the plan, and we do think that we are going to really make much headway at all in the restoration of forest ecosystem health issues.

And we see that just as we add up the programs that are in the plan. I think I mentioned earlier that the most aggressive strategy takes 70 years to restore forest health to the 25 million acres that they have identified needs to be restored. We do not think that is a very aggressive program. And that assumes a full-plan implementation, and that has not been the case in the past.

Senator GORTON. Mr. Halley.

Mr. HALLEY. I have to agree with a lot of that. One of the main reasons that our local unions and the grassroots organizations that I am involved with were behind this plan in the first place was because of some of the people that were in charge of gathering the science and implementing forest health actions or taking this in the direction that we thought it should go.

And one example of that is Mr. Steve Mealey and the work that he did in fire restoration after the Boise National Forest fires, where basically you had people on the ground who knew what to do. They had a fire; they went out and did what they had to do in an ecological, best management practice, and also wary that there were timeframes involved for extracting a resource there and also putting the land back to use and rehabilitating that land.

I testified in front of the House Appropriations Subcommittee 2 years ago this month. And I said those same things. If you leave it in the hands of some people who you believe in and who can get the job done, and the job gets done, we do not have any problem with it whatsoever. And to just basically—reason, logic, and common sense is what it all comes down to. And then you add this—we have dealt with these layers of bureaucracy and the gridlock and the conflicting forest management laws and everything.

And from my point of view, as an hourly worker in a factory, when there is something that needs to be done—I mean, I am an operator of a boiler that is 15 stories high and burns 400 gallons a minute of fuel—fuel that comes from trees, to make paper and to generate steam—when something needs to be done, you go do it. And when we were talking—earlier panels were talking about the private property part of it, and how this will—you take a look at Clinton's Northwest Forest Plan and the fact that it stated right in it that it would ease restrictions on private property owners because it would assure—make more assurances of species protection on Federal land.

And then, right after that, you came out with a decision on the 4(d) rule, that basically backed that up. And at the same time all this was coming down, you had Jennifer Belcher, the Commissioner of Public Lands in Washington, and the Forest Practices Board, running around like their pants were on fire, trying to institute an emergency owl rule of 500 acres. And what we need to do is while these plans are being implemented and while these decisions are being made, if there is somebody out there making random decisions or decisions that do not fall in line with what we are trying

to accomplish, then somebody has got to put some heat on them to get back to what really is important and what really needs to be done.

Senator GORTON. Thanks.

Senator CRAIG.

Senator CRAIG. Mr. Chairman, I will be brief.

I have been sitting here doing some figures, Mr. Goodall. You had mentioned that most alternatives proposed allow 20 to 40 percent of the forests to burn naturally every decade. You made that statement.

Mr. GOODALL. That is correct.

Senator CRAIG. So, I was doing some calculations. That is 2 to 4 percent annually. That is between 2.8 to 5.6 million acres in the region. In 1994, it was probably one of the worst recorded fire years we had here, at least in recent decades. And that year, within the region, we burned 1.2 million acres. That is an amazing figure.

While I am supportive of fire as part of our natural ecosystems, and recognize that we get a forest that has a variety of uneven aged stands and the vitality that comes from fire, 2.8 to 5.6 million acres means that Spokane and Boise, and possibly La Grande and everybody else, are going to be under smoke most of the year. I do not think the Director of EPA is going to like that very much. [Laughter.]

Senator GORTON. Well, it may reduce Oregon's population.

Senator CRAIG. OK, we finally figured out, Kathy, how to reduce Oregon's population. [Laughter.]

Time is short, so let me ask this based on a yes or a no. Speaking for your organizations and interests, are each of you willing to accept whatever consequence that might occur if the ROD is not signed and your recommendations prevail?

Senator GORTON. Yes.

Ms. SKAER. Unequivocally, yes.

Mr. HALLEY. Yes.

Ms. COOK. That is certain for me.

Mr. POULSON. We would love that opportunity.

Ms. BENEDETTO. Absolutely.

Ms. BECK. Yes, absolutely.

Senator CRAIG. Thank you, all.

Mr. GOODALL. Senator, if I may. Mike Poulson referred to a letter that was addressed to the county commissioners that you wanted to put into the record. If I may, I would like to read the three recommendations. They are very brief.

Senator GORTON. Go ahead.

Mr. GOODALL. Thank you.

This is addressed to the county commissioners in Oregon, Washington, Idaho, and Montana. It starts out, it says:

Dear Commissioner, On behalf of the 19 organizations listed at the end of this letter, I want to express our concerns about the Interior Columbia Basin Ecosystem Management Project. The ICBEMP has taken 4 years and over \$40 million to produce two draft environmental impact statements that we cannot accept.

And I am going to skip to the recommendations. It says:

We ask for your support in bringing the ICBEMP to closure. Our recommendation is, one, close the ICBEMP regional office without the completion of a final environmental impact statement and record of decision. Second, disseminate the scientific

information to the local levels within the BLM and the U.S. Forest Service. And, last, direct the local levels of the BLM and the U.S. Forest Service to consider the scientific information in conjunction with site-specific information, and amend or revise their respective land management plans accordingly.

Represented in this letter are the Washington Farm Bureau, the Idaho Mining Association, the Oregon Cattlemen's Association, the Blue Ribbon Coalition, Idaho State Grange, Oregon Farm Bureau, Washington Association of Wheat Growers, Wyoming Farm Bureau, Nevada Farm Bureau, Washington State Potato Commission, Northwest Mining Association, Intermountain Forest Industries Association, Idaho Cattle Association, Idaho Farm Bureau, Montana Farm Bureau, Utah Farm Bureau, Washington State Grange, Oregon Wheat Growers League, and the Washington Cattlemen's Association.

Thank you.

Senator GORTON. Thank you.

Mr. POULSON. Could I make one comment?

Senator GORTON. I am going to have to call for the next panel. We have one more whole panel.

Mr. POULSON. I was real disappointed we were not asked about effects on private property, and I wanted you to know that we feel very strongly that there will be indirect effects, yes.

Senator GORTON. OK. Good. That will be included in the record.

#### PREPARED STATEMENT

Senator CRAIG. Mr. Chairman, I ask unanimous consent that a statement by a county agent from Owyhee County, in Idaho, a University of Idaho extension agent, become a part of the record.

Senator GORTON. It will be.

[CLERK'S NOTE.—The statement was not received in time to be included in the hearing record.]

#### STATEMENT OF MARK SOLOMON, EXECUTIVE DIRECTOR, THE LANDS COUNCIL

##### ACCOMPANIED BY SARA FOLGER

Senator GORTON. Now, our fifth and last group, Gary MacFarlane, Friends of the Clearwater; Bill Haskns, The Ecology Center; Barry Carter, Blue Mountain Native Forest Alliance; Mark Solomon, The Lands Council, Sara Folger, The Lands Council. Would they come forward, please.

Senator CRAIG. Mr. Chairman, let me apologize to the panel that is coming forth. I will commit to read your testimony. I have got to depart. And I want to thank all who have come today.

And, Senator Gorton, let me tell you, your decision to have this hearing and to allow us to work cooperatively with you I think was extremely valuable for the region. I agree with you that we are at a sensitive point, in which decisions have to be made. And I think the testimony today was extremely valuable. And I thank you for that.

Senator GORTON. My gosh, are you here all alone?

Mr. SOLOMON. Well, Senator, it appears that you are, as well. [Laughter.]

Senator CRAIG. Mark, I have got your statement; I will read it.

Senator GORTON. We will hope that some of your colleagues come in. And if they do not, their written statements will be included in

the record. But under those circumstances, I will not turn the light on, and you can try to represent all of them.

Mr. SOLOMON. Thank you for that luxury.

Senator Gorton, and, Senator Craig, in your absence, on behalf of the conservation community of the Inland Northwest, I would like to thank you for this opportunity to testify before this joint hearing.

I am executive director of The Lands Council, a nonprofit, Spokane-based conservation organization, dedicated to protecting and restoring the lands included in the ICBEMP study north of the Salmon River, in Idaho. The other invited witnesses were unable to attend, but have provided written testimony for the committee's record.

For your information, I am also a former county commissioner of Idaho.

Senator GORTON. What county in Idaho?

Mr. SOLOMON. For Latah County, in north-central Idaho.

All copies provided to the committee have been printed on tree-free paper.

Senator Gorton, as we approach the completion of the ICBEMP planning process, it is appropriate to restate the reason why it was initiated. Please remember the time, 1993. The President's Forest Conference had just concluded in Portland. The conference, attempting to develop a consensus for management of the spotted owl forests of the Westside. A similar train wreck scenario was developing on the Eastside, where various salmon runs were being listed under the Endangered Species Act.

Eastside conservation groups, including The Lands Council, convinced then-Speaker of the House Tom Foley and the administration to seek to avoid that train wreck by preparing a Federal lands management plan before the crisis hit. Our communities, our forests, our watersheds were and still are at stake.

Please allow me to read to you the words of retired Senator Jim McClure on this very subject, excerpted from his April 1995 Endangered Species Report, under the letterhead of Givens, Purseley & Huntley, Idaho's most prestigious law firm, in which he is a partner.

Senator McClure says:

As you know, the Pacific Rivers Council scored a frightening and impressive victory before U.S. Federal District Judge Ezra, resulting in the injunction against all mining, logging, grazing, and road-building activities in Idaho national forests. This litigation focused on habitat management issues, specifically in respect to endangered salmon. The decision was quickly followed by the Biological Opinion issued on March 1, 1995, by the National Marine Fisheries Service on eight Idaho forest plans. This led to the lifting of the injunction on March 8th.

Along a parallel and significant track, the U.S. Forest Service and Bureau of Land Management are in the process of preparing two unprecedented ecosystem management plans. The first is the Upper Columbia River Basin; the second is the Eastside Ecosystem Management Plan.

In the words of one of this firm's regulatory lawyers, the March 1, 1995 National Marine Fisheries Service Biological Opinion on the LRMP's, or land management plans, is: one of the strangest I have seen, because, among other reasons, it cannot be readily classified as jeopardy or no jeopardy. The unique nature of this regulatory action is now evidenced by the fact that people are starting to describe it with a new label: conditional jeopardy.

Although not a model of clarity, the Opinion seems to say that jeopardy will result if certain regulatory steps are not taken, but that actions now underway, such as

the Eastside and Upper Columbia EIS's, will avoid jeopardy if carried to successful conclusion.

In this way, the Biological Opinion contains a cleverly devised booby trap. For instance, if the Congress sought to suspend, streamline or terminate the Eastside System Analysis, environmental interests would be in a position to claim that the conditions in the Biological Opinion were not satisfied and that the injunction against ongoing actions should be reinstated.

I reiterate, these are not my words; these are the words of Senator McClure.

Senator, since the initiation of this process, there have been even more listings of salmon and steelhead stocks in the Basin. PACFISH and INFISH stream buffers have bought the Federal agencies a little breathing space between lawsuits, but only a little. PACFISH and INFISH were designed as interim protections while the science of the ICBEMP was being developed.

If you wish to see Senator McClure's train wreck prediction come true, continue with the current congressional micromanagement of agency professionals and budgets. Many people may disagree with the conclusions that are being developed through the ICBEMP process, but it should stand on its own feet, not on the resource industry lobbyists' Gucci Gulch loafers.

The salmon, steelhead, and now bull trout cannot wait. And neither will their advocates.

Many of the panelists today were asked about the roadless moratorium and its interaction with the ICBEMP process. I guess I would offer that Chief Dombeck's moving forward at this time with a roadless moratorium is a direct reflection of the science that has been developed through the ICBEMP process that identified those remaining roadless areas of the Interior Columbia Basin as key core reservoirs of the biodiversity necessary to maintain the health of the endangered species stocks and those that are threatened.

It is the politics of delay that have resulted in the necessity to engage in a moratorium prior to enactment of the ICBEMP EIS.

I would also add to a question that Senator Craig had regarding property taxes and the effect of decoupling that is being proposed on the counties. And this is from the perspective of a former county commissioner. The last thing a county commissioner ever wants to do is raise the property tax to provide for the infrastructure needed in his or her county. I know. I was run out of office for one of those many same reasons.

But I would also say that the county commissioner that does not make it plain to his constituents that they may be living beyond their means unless they accept that they have to be responsible for their own infrastructure is simply leading to a crisis that is now evident before you.

I would be glad to stand for any questions.

Senator GORTON. Yes; your reading of the McClure letter is very impressive. Since then, you have had the opportunity, for 3 years, to watch the development of this plan and to see the preliminary EIS and all of the other documentation. You probably have a fairly good idea of even what a record of decision is going to look like. Comment for me, for yourself and your organization and, to the extent that you can, for the others, on the degree of acceptability of that process and of the direction of the planning from your perspective.

Mr. SOLOMON. The motto of the conservation community of the week, as it were, is "fix it or nix it." The community would ask that there be a supplemental EIS to address the significant flaws that have been identified not only by some of the many panelists here today but in the numerous comments that have been received on that draft. And that is appropriate—to spend more time developing a management plan that accurately reflects the underpinning science and, where the underpinning science still has information gaps, to provide those so a full record of decision may actually be based on the reality of the ground and not on the political considerations that drive the budgeting process.

Senator GORTON. Is it your view that the apparent direction of the process so far with respect to the economic uses of the various forests, the level of harvest of timber, grazing uses, and the like, is true level is too great and that what you think the plan might be bends too much in the direction of that kind of use and not enough in the direction of preservation?

Mr. SOLOMON. I would say that the vitality of our communities that depend on timber resources are less dependent these days on the amount of wood that is available on the Federal lands than they are on the corporate decisions that are made in the various corporate offices as to where they wish to invest for the best return on their moneys. The closure of mills throughout the region that we have experienced over the last number of years has not been directly related to the amount of timber available. It has instead been related to the type of timber that is available.

As we move toward more and more of a second-growth or third- or fourth-growth stocking for the feed for our mills, there is just simply less return for the corporations. They are moving to other places where there are simply larger trees.

Senator GORTON. Well, that is certainly an appropriate opinion, but it was not an answer to my question. And maybe my question was not clear enough. If Bob Williams says, when we get to this point, it looks like we will have a plan that will have less of an allowable harvest than present forest plans have, but considerably more than is being harvested at the present time, is that a conclusion with which you are comfortable?

Mr. SOLOMON. You know, I look back at the experience we had in this region under the salvage rider and the amount of timber that was put up for sale and the amount that was actually harvested. And there was a vast disparity between those two numbers. There is a large difference between what is written in a plan, be it a forest plan or this record of decision should it ever come out, and how it will actually be implemented based on either the return to the agency from the sales, to allow them to continue to put forward more sales, or from a congressional appropriation.

If there is not the driving force of mills in the area to harvest that timber, it does not matter what is in the plan regarding how much timber is available; it can be offered and it will not be bought. That was the experience in a large degree of the salvage rider. And that will probably be the experience of any attempt at a massive thinning to mimic fire.

Senator GORTON. I still do not think I got an answer to my question, but I guess I am probably not going to. Would you comment

on your views of the intense frustration that you heard here today from the representatives of various private interests, and even of local governments to a certain extent, what it stems from, what can be done to deal constructively with it?

Mr. SOLOMON. There is a—I guess I would have to call it a truism, because it derives from many different religions and from secular trains of thought—and that is just simply that the resistance to change, a resistance to transformation, is always the greatest just before that transformation occurs. We are on the cusp of major change in the Western States, and particularly in this region. And the frustration is there, it is real, and has to be acknowledged and has to be mitigated to whatever sense is necessary to accomplish that change to a true, sustainable economy in this region.

So, yes, it is there. I sympathize with it, and I work to see that it can be alleviated.

Senator GORTON. How?

Mr. SOLOMON. Well, when I was county commissioner, I had many more tools to be able to attempt to effect that change.

Senator GORTON. How would you have us do it?

Mr. SOLOMON. How would I have you do it? I would have you, first, embrace the concept that that change is going to occur, and then to offer your leadership to the communities through the transition. At this time, I sense more from the Congress a resistance to that change and, as such, the leadership to change is not available.

Senator GORTON. Mr. Solomon, thank you very much for your testimony. And of course the statements of the others who could not get here will be included. And if you would like to supplement what you have said in any respect, the record is open for that supplemental.

Mr. SOLOMON. Thank you, Senator.

#### CONCLUSION OF HEARING

Senator Gorton. Thank you very much. Thanks for being here. The subcommittee will stand in recess awaiting the call of the Chair.

[Whereupon, at 10:30 a.m., Thursday, May 28, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]



## Material Submitted Subsequent to Conclusion of Hearing

[CLERK'S NOTE.—Additional material was received by the subcommittee subsequent to the conclusion of the hearing. The statements will be inserted in the record at this point.]

PREPARED STATEMENT OF BILL HASKINS, DIRECTOR, ECOLOGY CENTER, INC.

Honorable Members of the Subcommittees: I would like to submit for the record the following comments regarding the Interior Columbia Basin Ecosystem Management Plan.

As the director of a non-profit organization working to protect this country's invaluable public lands assets, I have interacted many times with agency personnel associated with ICBEMP, have extensively reviewed ICBEMP documents, and have worked at length with ICBEMP digital data products. In my experience, the ICBEMP process has been an exceedingly valuable exercise in gathering together some of the kinds of data that will be needed if this country's public lands are to be managed in a manner that will leave future generations any hope of having clean water and healthy wildlife and fish populations. The more successful aspects of the ICBEMP process brought together information from a remarkably broad spectrum of sources, and integrated it in a rather impressive manner.

The task of figuring out the manifest effects of past, current, and future human impacts on the landscape is not an easy one, and is not one that can be accomplished on the cheap. In my opinion, some of the more conspicuous failings of the ICBEMP scientific data gathering process (eg. lack of decent road location and use data, and lack of revised roadless area data) can be linked directly to failure to secure adequate funding for accomplishment of some of the more basic research needs.

It has become apparent that some members of the Committee, perhaps after having seen some of the more objective presentations of ICBEMP data and having seen the likely implications for modifications in the preferential treatment of extractive industries, have sought to divert, defund, and ultimately defeat the idea that large-scale, ICBEMP-style analysis is necessary and desirable for the long-term protection of our public resources. Such a defeat would not be in the interest of the vast majority of American citizens that have reasonably come to expect that their public lands would provide them with at least the potential for providing some of the host of environmental amenities associated with lands not given over to extractive uses. In fact, such a defeat would only lead to more squabbles over process rather than substance, more litigation over Threatened and Endangered species that were supposed to have been protected in part by the ICBEMP process, and more clumsy, crisis-oriented public lands management from Washington, DC.

I urge the Committee Members to reconsider opposition they may have to science-based, objective, large-scale analyses, and divert their attentions instead to the refinement and adjustment of an ICBEMP process that has been relatively tall on scientific effort, but appears thusfar to have been very short on logic and foresight on the decision-making and implementation end.

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PREPARED STATEMENT OF RICK BROWN, RESOURCE SPECIALIST, THE NATIONAL WILDLIFE FEDERATION

My name is Rick Brown, Resource Specialist in the National Wildlife Federation's Western Natural Resource Center in Portland, Oregon. I am pleased to have this opportunity to testify on issues associated with the Interior Columbia Basin Ecosystem Management Plan (ICBEMP or Project). The issues of Public land management raised by the ICBEMP process are of great interest to the National Wildlife Federation (NWF) and its state affiliate organizations. At NWF's Annual Meeting in 1995 our affiliates passed a resolution supporting development of ecosystem-

based plans for the Columbia Region, and NWF staff have been actively involved in the ICBEMP's public processes since the Project's inception.

NWF continues to believe that there is an important role to be filled by regional ecosystem planning for federal lands. Key issues, including viability of wide-ranging species, establishing default standards for management of important habitats and resources such as riparian areas, old growth forests and soils, and the setting of regional context for site-specific decisions such as fire management, all must be addressed through ecoregional analysis and planning. The ICBEMP represents the first attempt to accomplish ecoregional planning by the Forest Service and Bureau of Land Management (BLM).

In some key respects, the ICBEMP has set a good example for ecoregional planning. The leadership of the Project has been committed to an open public process, and the willingness of the Project staff to share information with the public has been both refreshing and highly professional. The decision to establish separate science and EIS teams continues to appear to have been sound. However, adhering to the original plan for completing scientific analysis prior to EIS development, as well as achieving better integration among the science teams and more effective communication between the science teams and the EIS teams likely would have led to better results.

The Project's scientific teams have provided a considerable amount of useful information and analysis, for instance the assessment of condition and trend of ecosystems the Basin in terms of ecological integrity, and discussion of issues relating to economics, soils and the ecological functions of animals and plants. However, there were also some major failings of the scientific effort, in particular the failure to rigorously examine either the efficacy of large scale thinning and prescribed fire in restoring ecological integrity or the potential detrimental effects of these management actions. Consequently, the assumptions in the DEISs that landscape-scale thinning and prescribed fire will be both effective and benign cannot be supported by the science teams' work. The science and DEIS teams similarly failed to examine the effects of livestock grazing on changes in forest structure and composition. Also, the Project's analysis relies too heavily on the CRBSUM computer model, which is flawed by untested assumptions and lack of adequate data.

The greatest disappointments from the ICBEMP lie in the DEISs. These documents are flawed not only by the failure of the science teams to take a hard look at key issues pertaining to the relationships among thinning, burning, livestock and the integrity of forest and range ecosystems, but also by the failure to identify management strategies commensurate with the problems documented by the agencies' own scientists. That management decisions need to be tailored to site-specific conditions is axiomatic, but it is nonetheless essential that ecoregional efforts such as the ICBEMP properly set the stage for local decisions by developing default management standards and establishing analytical processes and data standards for more site-specific decision-making. Almost without exception, the ICBEMP has failed to fulfill this crucial role. The DEIS's are also flawed by the failure to develop meaningful and reasonable alternatives; Alternative 7, the presumed "conservation" alternative is particularly offensive by its inclusion of a reserve system that is supported neither by the conservation community nor science.

The challenges faced by the Forest Service and BLM as they look to completion of the ICBEMP process are considerable. Frankly, we do not envision a resolution that can be true to principles of public disclosure and sound decision-making without development and issuance of revised DEISs. While the agencies have not committed to this course, we believe that analysis of the comments received on the current drafts will support the conclusion that revisions will be necessary.

Despite our disappointments in the process to date, NWF believes that ecoregional planning is sufficiently important that the agencies must be allowed to see the ICBEMP process through to completion. In addition to the basic function of oversight, the most important role for Congress at this point is to encourage completion of the project, consistent with sound science and full public involvement, and to provide the funding for the agencies to do so.

Again, thank you for the opportunity to submit this testimony. We hope you will find these brief comments useful in your deliberations.

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PREPARED STATEMENT OF GARY MACFARLANE, FRIENDS OF THE CLEARWATER

I was informed I was invited to testify before this panel, but I was never officially notified when I was to appear. Thus, I submit this written statement regarding the Interior Columbia Basin Ecosystem Management Project.

The draft environmental impact statement (EIS) process for the Columbia River Basin is very disappointing. The alternatives simply are inadequate and inappropriate to address the concerns which the scientific assessment team discovered. The prescriptions for the problems are ludicrous. The agencies have twisted the scientific assessment in order to accommodate continued logging, grazing, and mining.

One option to fix this problem is to prepare new (supplemental) EIS for each of the two regions. However, this solution pre-supposes integrity on the part of the agencies in a process which has been tainted by a lack of honesty where the desire to produce commodity outputs from public lands masquerades as science. Any new EIS(s) would likely be subject to the same problems.

Thus, we suggest these specific EISs be terminated. While the concept showed promise, the results have been disastrous. If a new effort is pursued—and there is much merit in incorporating ecological principles in federal land management policies—it must be far different from what has been proposed to date.

Two facts emerge from the scientific assessment of the Columbia Basin. First, the areas with most ecological integrity are those that are roadless and undeveloped. Second, the factors that have most negatively affected the integrity of the Columbia Basin are roads, grazing, logging, dams, and perhaps fire suppression. More of the same won't restore the area.

The Forest Service recently admitted in a report: "the nation's forests are generally in a healthy condition. While each region does have a variety of health concerns in need of attention, a listing of these concerns should not be interpreted as a description of a forest health crisis."

Given this, there is no justification for massive thinning projects across the basin as proposed in the preferred alternatives in the draft EISs. The absurdity of the premise in the DEISs—thinning mimics natural fire but natural fire doesn't mimic natural fire and is bad—would be laughable if it were not such an entrenched false dogma within the various federal agencies and especially the timber industry.

The alternatives in the EIS's are far too narrow to be of any value. There is no discussion between goals and process. The EISs are so output oriented (acres treated, etc.) that they ignore the dynamism of natural processes. Years may go by with few fires, floods, or other natural events. Forest stands may change, rangeland plant composition may ebb and flow. These ecosystems have evolved for millennia without industrial human manipulation/management. While it is true indigenous people did light fires and interact with the system, it is highly doubtful they had the equivalent of the Forest Service, BLM, chainsaws, domestic cattle, bulldozers, or especially the Interior Columbia Basin Ecosystem Management Project. None of the alternatives addresses the issues of outputs (goals) versus process. Thus, no alternative was analyzed which adopted a process of minimal trammeling by industrial society to help restore some ecological integrity to our nation.

Furthermore, there is no alternative that analyzes or adopts a process allowing natural events to occur unimpeded on undeveloped areas in conjunction with light-handed restoration (road removal, remove of exotic plant species, replanting and re-seeding of native species, dam removal, allowing nature fires to burn) on roaded landscapes. Such an alternative would be much more ecologically sustainable and economically justifiable than the preferred alternatives in the two EISs. There is no alternative which analyzes or adopts the end of industrialization of public lands—commercial extraction and industrial recreation. Yet those are the very activities which have caused the ecosystem to become less stable, less diverse, and less desirable.

Rather than recognize the vital impotence of undeveloped areas, the DEISs choose to develop or manipulate them. Rather than recognize the negative impacts of commercial extraction and industrial recreation on public lands, the EISs encourage them. The EISs fail to address the real issues in the Columbia Basin.

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PREPARED STATEMENT OF BARRY CARTER, BLUE MOUNTAIN NATIVE FOREST ALLIANCE

I would like to thank you for this opportunity to testify before the Senate Subcommittee on Interior and the Senate Subcommittee on Forests and Public Land Management on issues relating to the Interior Columbia Basin Ecosystem Management Plan.

The Blue Mountain Native Forest Alliance is an alliance of individuals and small environmental groups who monitor public land management in eastern Oregon. As the Coordinator of the Blue Mountain Native Forest Alliance, I have taken a keen interest in the ICBEMP process. I have attended and participated in virtually every public meeting that the ICBEMP has hosted.

I am gravely concerned that this project, which was directed to “develop a scientifically sound, ecosystem-based management strategy for lands administered by the BLM and Forest Service east of the Cascade Crest”, has become the political tool of Washington politicians in their efforts to micromanage western lands for the exclusive benefit of corporate interests; contrary to the wishes of the American public.

I have watched the verbal abuse and public harassment of Forest Service decision makers by other Congressmen at a previous Congressional Committee hearing. I have watched as ICBEMP managers have, in the face of this type of harassment, changed their priorities from the implementation of good science to the implementation of a politically expedient final solution; the liquidation of our public forests and grasslands.

This hearing is apparently part of the continuing effort to pressure the Forest Service and BLM people involved with the ICBEMP project into “reinterpreting” data and developing management solutions to so-called “forest health” problems. On one hand many Congressmen claim that they are interested in local control—but only when it means that local control will be cheaper to manipulate by corporate interests. On the other hand they are striving to implement a command-and-control management plan which would be designed by corporate lobbyists and mandated by Washington politicians. This is about as far from local control as you can get.

Those who are responsible for this should be ashamed of themselves. They know what is right here but they continue to try to bully public land managers into implementing scientifically discredited land management schemes. The cost and time overruns in the ICBEMP project are the consequence of the pressures coming from Congress, they are not the fault of the ICBEMP management team. Continued Congressional meddling in the ICBEMP process has mucked up the science with politics so badly that the draft EIS looks like a politically motivated smorgasbord presenting the wish lists of corporate America. If those who are responsible in Congress would withdraw their threats, these land managers might feel free to come up with a scientifically sound supplemental draft EIS that we could all be proud of.

I hope that you will take my criticisms in the constructive spirit in which they are offered. The people, land and creatures of our country will benefit if you take a principled stand to protect and restore Teddy Roosevelt’s great legacy: the public lands of our nation. We will all benefit if you encourage your colleagues to allow a supplemental DEIS which actually reflects the science rather than reflecting the last grasping by the extractive industries for our public resources.

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PREPARED STATEMENT OF ERNIE HORVATH

Since the beginning of 1994, the USDA Forest Service and the USDI Bureau of Land Management have been trying to develop a plan on federal lands in Eastern Oregon and Washington, Idaho, parts of Montana, Utah, Wyoming, and Nevada. The project has recently released two draft Environmental Impact Statements (EISs) that are intended to give direction on 36 national forests and 14 BLM districts in the region.

After reviewing the draft EISs, I have concluded that the project has neither met its objectives, purpose and needs, nor produced a plan to accomplish needed on-the-ground work to restore forest health. I have concluded that:

- Proposed management direction is inappropriate for a broad basin plan; it is too light on guidelines (should do) and too heavy on standards (must do).
- The draft EISs do not meet their stated purpose and needs.
- Necessary evaluations are incomplete or missing.
- Interpretation and inflexibility will lead to implementation problems and the continuation of management gridlock.
- Legal non-compliance problems exist with NEPA, the National Forest Management Act (NFMA), and other federal laws.
- There are 533 standards in both drafts. Some are vague, others overbearing and restrictive with little or no multiple use factors addressed. This will leave the forest to great risk to wild fires. Along with big-reserves and “Riparian Conservation Strategies,” this puts the federal forest lands out of any type of multiple use programs.
- The purpose and needs statement proposed “rates of forest restoration” are so slow that even the most aggressive alternatives will take 70 years to restore forest to high integrity. The draft EISs fail to address the sustainability or the predictability of products and services.
- We need to have in place a workable plan for the local forester to implement. This would put the right people in control of the forest they have been running

for years—which is what the people have been saying at all the meetings. To ignore the local knowledge is a waste of years of good forest practices.

The list goes on about the things that are wrong with the plan, but to tell you the truth, if you take the politics out of the plan, you might have something to work with. The people came to the meetings and voiced their opinions. Their voices were not heard! The data taken didn't match what the people said they wanted. The outcry from the people is still there, but the political influences have won out again. Common sense and knowledge loose again!

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PREPARED STATEMENT OF THOMAS E. DAYLEY, EXECUTIVE VICE PRESIDENT, IDAHO FARM BUREAU FEDERATION

My name is Thomas E. Dayley. I am the Executive Vice President of the Idaho Farm Bureau Federation. Our organization represents approximately 50,000 member families in Idaho. This represents more than half of the approximately 22,000 farms and ranches in our state.

I would like to thank those in Congress, especially the members of the Idaho Delegation, who have expressed concern regarding ICBEMP. It is refreshing to see Congress take seriously its responsibility for the oversight of government. The people of this country who know how important this is are very grateful.

The subject, ICBEMP, is very serious and exemplifies the importance of oversight by the Congress on such matters. I would like to review two aspects of this issue, the process and the product.

Let us first consider the process briefly, using the documents themselves. May 1993, President Clinton directed the Forest Service to "develop a scientifically sound and ecosystem-based strategy for management of the east side forests." August 1993, Assistant Secretary of Agriculture for Natural Resources and Environment, Jim Lyons announced the Forest Service would begin. Subsequently, the project was initiated. January 1994, Jack Ward Thomas, Chief of the Forest Service, and Jim Baca, Director of the Bureau of Land Management, jointly signed a charter directing the development of an ecosystem management framework.

In June 1994, a decision was made to develop a second EIS for the Upper Columbia River Basin at the same time as the east side EIS. The region that is the subject of ICBEMP includes approximately 144 million acres. If it were a state, this area would be the third largest state behind Alaska and Texas. Seventy-five million acres are federal lands and the remaining 69 million acres are mostly private property. We are told that those private acres will not be impacted. On its face it seems ludicrous to suggest that could possibly be true. Certainly, experience tells us that any decision regarding federal lands impacts adjacent private property in dramatic ways.

It should be noted that, for the most part, this has been a federal initiative directed from Washington, D.C. down. The last paragraph of the Briefing Paper from the project (attachment 1) tells the story about the process being used here.

"Coordination with affected state and Tribal government leaders is essential. In addition, local governments, key interested and affected parties, and other federal and state agencies will be encouraged to participate."

Is it appropriate that after millions of dollars and years of time that the affected parties would only be "encouraged to participate?" All public meetings held around the region were referred to as an "open house" because no comments were taken down and information given from the public was not recorded.

This process was initiated because a conscious decision was made in advance about what results were desired regarding the management of the lands in the Pacific northwest. There has been an all-out effort to prove the goals as directed from above. This project has now taken us into year five having cost more than \$40,000,000.00. However, this is not science and this is not the system of government that our founding fathers envisioned.

Now I will take some time to discuss the product that has resulted from these many dollars and many months. I will be using the analysis of this project by Allan K. Fitzsimmons which I have submitted for the record (attachment 2).

First, the DEIS represents a significant change in the direction of Federal land management. This entire project is based on the concept of ecosystem management, a term that has no clear agreed upon definition. Even the most ardent supporter of this term agree that there is no precise definition. Jack Ward Thomas, Chief of the Forest Service who signed the original charter directing that an ecosystem management framework must be developed said it this way in April 1993, "I promise you I can do anything you want to do by saying it is ecosystem management . . . it's incredibly nebulous." (Speech "Ecosystem Management" delivered in Washing-

ton, D.C. April 11, 1993) The entire basis for this evaluation, ecosystem management, is in scientific limbo yet we are being asked to use it as the justification for radically changing how we manage these 144 million acres of public and private lands in the northwest.

Ed Grumbine of the Sierra Institute said, "the goal of ecological integrity places the protection of ecosystem patterns and processes before satisfaction of human needs." (Introduction to "Environmental Policy and Biodiversity, Edward Grumbine) University of Vermont professors Carl Reidel and Jean Richardson said it this way, "such revered principles as multiple use, sustained yield and even conservation" must give way because they "are no longer scientifically or politically valid." ("Strategic Environmental Leadership in a Time of Change," Inaugural Donion Lecture, State University of New York at Syracuse)

The Keystone National Policy Dialogue on Ecosystem Management spent 18 months trying to achieve a consensus on ecosystem management. This was more than 50 individuals from federal, state, and local land managing and regulatory agencies; tribal organizations; national, regional, and local environmental groups; forest, farming, ranching, and housing industries; think-tanks; congressional staff; and academics. The definition they came up with was, "A collaborative process that strives to reconcile the promotion of economic opportunities and livable communities with the conservation of ecological integrity and biodiversity." (The Keystone National Policy Dialogue on Ecosystem Management—Final Report) The group did not define ecological integrity.

The Ecological Society of America tells us that "a dung pile and a whale carcass are ecosystems as much as a watershed or a lake." "A scientifically defensible and comprehensive view of ecosystem management has yet to be articulated." Thus we see that an ecosystem can be anything that the speaker may want it to be.

There is no federal statute that gives the Forest Service or the Bureau of Land Management the use of ecosystem management as a tool. Current law requires federal lands be managed for multiple use and sustained yield on the federal lands. For this to happen agencies are required to make plans and manage but not in the nebulous way that ecosystem management could and would allow.

Ecosystem management is awash with uncertainty, ambiguity, and would allow land managers to be even more arbitrary and capricious than now because this system provides no measurable standards. It is based upon the vague concept of "ecosystem health." The estimates used in this report indicating where we were 50 to 100 years ago, are out of whack. The projections were based on either faith or estimated information and makes these projections very risky. We would never think of making precise budget decisions for 100 years from now and certainly not using this type analysis and projection.

The White House Interagency Ecosystem Management Task Force states it this way: "No single federal statute contains an explicit, overarching national mandate to take an ecosystem approach to management, and Congress has never declared that a particular federal agency has the ecosystem approach as its sole, or even primary mission." (Washington, D.C. November 1995)

This gives too much power to the federal regulators who will give the meaning to key, regulatory language and interpret what all of this ambiguity means. A new set of values not scientific findings, stand behind the assumptions that an unfettered nature produces ideal landscapes. Many of the scientific concepts elevated to the status of principles are in fact judgements reflecting the values of the scientists who define the principles. If this is allowed to become the basis for land management decisions in the northwest, it will increase the uncertainty for the resources of the land and the citizens who are the stewards of that land.

Every ten years, as directed by the Constitution, this country conducts a census. Based on that census, the various states choose a certain number of representatives in the House of Representatives. Would this committee or the House of Representatives or the Congress accept a system where the number of Congressmen could be changed unilaterally, or the congressional district boundaries could be shifted at will by some higher bureaucratic authority?

Why should we be forced to accept the premise that the well-being of nature should replace the well-being of people as the central premise of land management?

Why should I accept the premise that placing protection of nature first will lead to the well-being of humans?

If this plan had been in place one hundred years ago, what would this area be like today? Would our people and our land be better off?

We get some insights into the answer to that question from the proceedings of a conference at Tufts University in November 1995 (Attachment 3):

"Many accounts report on how many buffalo actually grazed the western plains. A reliable estimate is about 60 million. However, we do not need an exact count to

visualize the impact the buffalo must have had on the riparian zones during the presettlement era. Their trampling of banks and the effects of their grazing must have been very great compared with what we observe today.”

“Evidence of their impact on riparian vegetation is supplied by trapper Osborne Russell . . .” The bottoms along the rivers are heavily timbered with sweet cottonwood and our horses and mules are very fond of the bark which we strip from the limbs and give them every night as the buffalo have entirely destroyed the grass throughout this part of the country.

Captain Fremont in July 1842 gave this report: “We found no grass today at noon; and in the course of our search on the Platte, came to a grove of cottonwoods where some Indian village had recently encamped. Boughs of the cottonwoods, yet green, covered the ground, which the Indians had cut down to feed their horses upon. It is only in the winter that recourse is had to this means of sustaining them; and their resort to it at this time was a striking evidence of the state of the country”

I have enclosed a copy of both of the studies that give extensive quotations from Lewis and Clark and others regarding what it was like 100 years ago. The subject of the articles is how the environment has been enhanced through agriculture.

These papers point out that the team has made assumptions that are incorrect about where we were 100 years ago. This has brought them to conclusions and recommendations that are almost 180 degrees off base.

The document under consideration in this hearing is too large, too speculative, too nebulous and too non-scientific for any credibility or reliability. It imposes 166 new standards that must be followed by land management agencies and issues 398 new guidelines for management which will result in a huge burden for managers and countless opportunities for antagonists to issue court challenges affecting every facet of public and private land management and use.

Idaho Farm Bureau does not feel that public involvement in the EIS process has even approached what could be considered adequate. All meetings have been informational only. There has been no public input allowed that questions the lack of credibility of the science, the assumptions or the conclusions of the document. We cannot believe that a document as far-reaching and complex as this EIS did not have adequate summaries, public work sessions, broad analysis or peer review prior to being shoved on the public for comment.

We strongly oppose the method of adoption of complex and far-reaching proposals by federal agencies, and would recommend withdrawing this entire document and, if necessary, the process started over with adequate public involvement and more in-depth analysis by scientific experts.

In our overall opinion, the draft Environmental Impact Statement does not provide an adequate basis for well-reasoned and scientifically sound management of federal lands. Quite frankly, we do not think this type of management plan will work and we will oppose any such move to implement management based upon this non-scientific approach. One of our major concerns is that the entire draft EIS is driven by individual value judgement. This is not science. An assumption that nature provides the perfect model is absurd, but it is one of the major recurring themes in this document. The use of vague and ambiguous concepts is constantly used in the document. Such concepts are neither explained nor defined but left to the reader’s discretion. Standards proposed lack objective and quantifiable assessment and again will lead to major confrontation between managers and public land users. Court challenges by those who oppose multiple uses will be endless.

Not even the term ecosystem is defined sufficiently to be understood in this entire massive document. There are no maps defining the ecosystem, there are no procedures defined to evaluate this so called ecosystem-based management, and there certainly is no rationale given for shifting from current scientific management objectives to an ill-defined, ecosystem-based procedure. If we don’t know what it is or how to get there, when will we know if we’re successful? These proposed management alternatives simply will not work in our estimation.

Alternatives, 1 and 2 in the document are simply dismissed as not meeting their purpose, and each needs an explanation of the requirements for the new land management policies. However, Alternatives 1 and 2 are the only methods that actually have any scientific basis for implementation. The draft EIS represents a significant if not radical change in the direction of federal land management, and by dismissing the only two alternatives that have formed the basis for land management up to this time, this document moves us into uncharted territory without a map, without a means of evaluation. In the words of Jack Ward Thomas, this is “a management technique that is incredibly nebulous and lacking a consensus.”

Perhaps no part of the draft EIS is as upsetting to us as the blatant attempt to move land management into a process that eliminates human uses. The apparent purpose of this EIS is to protect nature by restricting or prohibiting human use of

the earth. We strongly object to any such premise. The inescapable conclusion of this document is that whatever humans do that is inconsistent with shifting toward natural landscapes must be prohibited or limited by government as much as possible. We presume this envisions curtailing everything from logging to backpacking. Apparently the draft EIS moves management away from time-honored production of goods produced from natural resources toward, a goal of protecting ecosystems as though they were definable entities.

This draft EIS would try to shift the landscape to a "natural" condition without the vaguest idea what a natural condition is or could be. Alternative 7 places 42 percent of the entire project area into strictly controlled reserves and the other Alternatives, although not so blatant as Alternative 7, do the same thing. Terms such as road closures, slope adjustment factors, prohibited and restricted uses, are very subjective. When these uses are restricted because they are not within the "capabilities of the ecosystem" it will only lead to major disputes on every point. We envision that within the ecosystem concept just about anyone in Idaho will be able to concoct some ecosystem whose capabilities are exceeded by virtually any human activity and would be declared outside the "capabilities of the ecosystem!"

The draft EIS administrative impacts on decision-making and planning will undoubtedly create uncertainty for land owners, increase appeals and litigation, delay decision-making and increase bureaucratic requirements. We envision a massive move toward never-ending bureaucratic requirements for every decision. Alternatives 3 and 7, just about eliminate any stability in the livestock industry, as owners will watch the implementation of the raft of new subjective standards and decreased rangeland activities. Costs of such implementation will be a constant threat to anyone trying to make a living grazing livestock on public lands.

The same premise will follow the timber industry and what used to be sustainable yields will only be a memory under this draft EIS. As the nebulous standards are applied to ecosystem management, the meaning and measures associated with key terms as well as which ecosystems to protect and which to ignore, will surely lead to constant litigation and administrative challenges. This will totally tie the system in knots.

In conclusion, the draft EIS represents a world view in which nature knows best. The ideal from this prospective is landscape shaped entirely by natural processes and uninfluenced by industrial or post-industrial western society. The draft EIS indicates the landscape is impacted by non indigenous peoples and can cause a loss of ecosystem integrity and landscape health.

The document fails to provide an adequate basis for well reasoned government decision making because of vague, ambiguous and imprecise concepts that lack objective standards and measures. The document has entirely too many standards, and at best, these should be guidelines without the force of law.

The draft EIS lacks a definitive map showing every ecosystem the government is to protect and what health issues the government managers are supposed to restore. The maps most commonly associated with this EIS are hydrographic or water basin maps, geographic maps, fish prevalence maps, wilderness set aside maps, etc.

An ecosystem map does not exist. No one can map an ecosystem since no one can define one.

We feel this draft EIS is totally unacceptable and if adopted will lead to less public use and enjoyment of public lands, massive economic impacts to local communities, and reduced grazing, mining, recreational and timbering. Federal managers who are tied tightly in red-tape now will find themselves confronted with bureaucratic hurdles which will grind the entire process to a halt and make any positive outcome almost impossible.

On page 13 of the Idaho Farm Bureau Federation policy book is a good summary of what Idaho Farm Bureau feels regarding the subject of this report:

We ask that Congress investigate Interior, Forest Service, Fish and Wildlife and any other agency who has a compelling interest in promoting ecosystem management for misappropriation of taxpayer dollars in their planning process. Congress must restrict funding for ecosystem programs and prosecute those who are responsible for circumventing the authority of Congress.

We therefore suggest abandoning the report and process.

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PREPARED STATEMENT OF DIXIE RIDDLE, STATE SECRETARY-TREASURER,  
WASHINGTON ASSOCIATION OF WHEAT GROWERS

The Eastside Ecosystem Management Project was divided and renamed the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and the Upper Columbia Basin Ecosystem Management Project (UCBEMP). The ICBEMP and the

UCBEMP are attempts by the federal government and environmentalists to control public and private lands, in Washington and Oregon.

The federal government has effectively assumed local control of the Columbia River Gorge through the Gorge Advisory Commission, which advises the U. S. Forest Service on local land-use policy, without the advice and consent of local county commissioners. The ICBEMP and UCBEMP are being implemented under the control of federal agencies that, while operating under the guise of public hearings, desire to affect local private property land use through federal regulations. The ICBEMP and UCBEMP may be implemented by Presidential Executive Order, by-passing congressional input on the establishment of these projects.

The ICBEMP and UCBEMP will be even more widespread than the Columbia River Gorge government takeover. It will be a devastating loss of your citizen vote, personal rights and property rights. It will implement a twenty federal-agency control between the Cascade Mountains and the Rocky Mountains. The original KEMP Charter states that "Decisions will only affect state and federal land."

WAWG will strive to insure that the government's decisions will not and cannot be extended to privately owned properties. WAWG will continue to actively educate its members and lobby various authorities to reach this goal at the grassroots level with input to the project and interested parties.

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#### PREPARED STATEMENT OF THE NORTHWEST TIMBER WORKERS RESOURCE COUNCIL

The following is an overview of the Northwest Timber Workers Resource Council (NWTWRC) input to the Interior Columbia Ecosystem Management Project (ICBEMP). As described in its directional documents, the ICBEMP was intended to (1) Restore forest health, (2) support economic and social needs with sustainable and predictable levels of products and services, (3) update and amend Forest Service and BLM management plans with long term direction, (4) provide clear direction to local managers in the context of a broad ecological scale, (5) emphasize adaptive management, (6) restore and maintain wildlife habitat, (7) provide opportunities for cultural recreational, and aesthetic experiences, (8) provide long term direction to replace PACFISH, INFISH, and the Eastside Screens, and (9) identify where current policy prevents achieving desired future conditions.

The NWTWRC finds that the ICBEMP Draft Environmental Impact Statements (DEISs) do not meet the nine major points iterated above.

##### *Restore Forest Health*

All alternatives fail to restore ecosystem health in a reasonable length of time. This is because most of the principals mandated in the ICBEMP DEISs rely on passive management rather than active management. The DEISs badly underestimate the risk of forest health hazards from wild fires, insects, and disease.

Many credible scientific studies have recommended forest management practices such as timber harvest as ways of improving forest health, but these are ignored by the DEISs.

##### *Support Economic and Social Needs*

Economic considerations have not been adequately addressed in the DEISs. They fail to define sustainable and predictable levels of products. The cultures, economies, and social needs of the natural resource-based communities have not been accurately identified.

The DEISs treat economic and social needs as impacts to the ecosystem, rather than legitimate parts of the ecosystem.

Little or no consideration has been given to the fact that reducing the federal timber supply by at least 40 percent and in some cases up to 100 percent, as mandated by the DEISs, will drastically affect timber producing communities. In addition, the economic analysis regarding recreation is badly flawed.

##### *Update and Amend Current Forest Service and BLM Plans*

Individual forest plans have been challenged in court so often that they provide little meaningful direction. Analyses indicate approximately 200 hard standards are mandated by the ICBEMP DEISs. These hard standards, when applied to local forests, will cause additional gridlock.

##### *Provide Clear Strategies and Consistent Direction*

Many scientific questions have been left unanswered by the DEISs. However, hard standards that will mandate actions on-the-ground have been imposed anyway. For instance, the rationale for excessively wide riparian buffers has never been sci-

entifically proven, yet expansive Riparian Conservation Areas are mandated in the DEIS.

The DEISs mandate watershed analyses before projects can go forward. Yet such intricate analyses will take months or years to complete.

The DEISs lack clear direction on how to minimize the gridlock with which the government is faced today.

*Emphasize Adaptive Management over the Long-Term*

The DEISs provide little or no direction for adaptive management practices. There is no mechanism for changing standards or practices if management actions fail to bring expected results.

*Restore and Maintain Habitat for Plant and Animal Species*

The entire project is driven by wildlife and fisheries concerns, with most emphasis placed on endangered species, rather than on the needs of thousands of more abundant species.

*Provide Opportunities for Cultural, Recreational, and Aesthetic Experiences*

The culture of rural, timber, and other natural resource producing communities has been omitted in the DEISs. The recreational considerations of the plan seems to be devoted to primitive recreation which is in conflict with demand for developed recreational facilities and increased access to resources. The DEISs over-dependence on passive (not on active) management, will cause more wildfires, and forest health problems and will degrade aesthetic quality.

*Provide Long-term Management to Replace PACFISH, INFISH, and Eastside Screens*

PACFISH, INFISH, and the Eastside Screens, were intended to be temporary, "quick-fixes" in response to threatened litigation. However, the DEISs have incorporated regulations that are even more stringent than these three "temporary" directives.

*Identify Where Current Policy Prevents Achieving Desired Future Conditions*

The DEISs have greatly minimized the challenge of reaching the desired future conditions by not prescribing active management and underestimating funding needed for the studies proposed. Analysis shows that even the most aggressive management proposed in the DEISs will not restore forest health in a reasonable length of time. Within the DEISs there has been too much reliance on philosophy and theory and not enough emphasis on active restoration activities.

*Recommendations*

The DEISs need to include alternatives to aggressively pursue forest restoration.

Revise the DEISs to include an accurate estimate of social and economic impacts at the individual community level. Include environmentally sound commercial timber harvest to generate funds for ecosystem restoration and provide economic stability to rural communities.

Revise the DEISs so that management direction is given to the individual forests in the form of general guidelines instead of hard standards.

Eliminate the requirements for overly intensive watershed analysis prior to project implementation.

Use silvicultural practices, including logging, to maintain and restore forest health in the most cost-effective manner.

Provide a mechanism for changing and adapting management practices that will assure predictability in goods and services by giving local managers flexibility to implement projects on an as-needed basis.

Management requirements should emphasize healthy ecosystems, and not be measured only by rare or endangered species populations.

Standards without scientific proof should be dropped.

The DEISs should contain provisions that more accurately meet the projected demand for increased developed recreation and access.

Replace alternatives that are simply reiterations of PACFISH, INFISH, and Eastside Screens with performance based-objectives.

Provide local public land managers with flexible guidelines rather than top-down, one-size-fits-all standards that do not meet the site specificity required by NFMA and NEPA.

*Summary*

As written, the ICBEMP DEISs do not meet the direction given in its foundational documents provided by President Clinton, its Charter, or its Statement of Purpose and Need. Furthermore, the NWTWRC feels the DEISs are in violation

of the National Forest Management Act (NFMA), and the National Environmental Policy Act (NEPA).

The NWTWRC contend the DEISs are not in compliance with the planning structure required by either act. They fail to provide targets for resource outputs or reveal how the plan will affect the existing schedule of commodity production. NEPA mandates that DEISs must be limited to regional guide amendments, yet the ICBEMP DEISs will arbitrarily force amendments of individual forest plans. Inventories and data on which the DEISs are based, appear to be legally insufficient, fail to assess the social and biological effects on the sustained yield of timber, and attempt to adopt management standards.

The NWTWRC feels the ICBEMP should be stopped at this point, and the effort be re-directed to its original intent, that of providing a guiding document for local managers' use in implementing local projects. Our organization is adamantly opposed to instituting the DEISs as written, and feel that forcing the ICBEMP implementation without significant changes will further undermine the credibility of the Forest Service and BLM, cause additional degradation of the ecosystem, additional bureaucratic gridlock, and increased social and economic problems for the rural citizens of the Interior Columbia Basin.

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LETTER FROM RICHARD BASS, CHAIRMAN, BOARD OF OWYHEE COUNTY  
COMMISSIONERS

MAY 28, 1996.

Senator SLADE GORTON,  
Senator LARRY CRAIG,  
Senator GORTON SMITH,  
Senator CONRAD BURNS.

DEAR SENATORS: This letter is sent to you at a late hour because of the fact that we, as a Board of County Commissioners of a County which will be severely impacted by ICBEMP, did not receive information regarding your scheduled hearing until just prior to our weekly meeting of the Board on May 26, 1998. We as a Board representing our County are unanimously opposed to further funding of ICBEMP and to issuance of any Record of Decision under which ICBEMP can be implemented.

It does not surprise us to learn that the only County officials who are scheduled to testify in your Spokane field hearing are members of the Eastside Coalition. From the inception of ICBEMP, the federal agencies have tried to evade the statutory mandate of coordination with local governments by dealing with the Coalition. From the inception, we in Owyhee County have opposed that process, pointing out repeatedly that coordination with local governments involved in the land use planning process means just that: coordination with the units of local government not with a coalition named by a state association. We have made our objections clear to the Idaho Association of Counties, to the Coalition itself, to the federal agencies involved in ICBEMP, and to Senators Craig and Kempthorne and Representatives Chenoweth and Crapo.

But, repeatedly, the Eastside Coalition members have served as a shield for the ICBEMP process, falsely contending that they have served as the "coordinators" for local government. You might want to ask the testifying members of the coalition some specific questions about the content of this EIS as it effects Boise County, Owyhee County, Lemhi County, Elmore County, Adams County, Washington County, Valley County, or any other county in Idaho. For example, ask them what the effect of ICBEMP as outlined in the EIS will be on RS 2477 rights of way in Boise County, or what the effect of ICBEMP as outlined in the EIS will be on water rights in any of the Idaho counties which lie within the Snake River Basin which is currently under state adjudication. Then ask to see and review the testimony presented as to those issues at the recent field hearing conducted in Nampa, Idaho by Representative Helen Chenoweth. If you ask these questions, and make the comparison, you will learn as we have that the Coalition did not really take part in drafting the EIS but rather stood only as a shield against real coordination with the local government.

The members of the East side Coalition do not speak for Owyhee County and its people. They have spoken for themselves at repeated meetings at which they have voiced their objection to ICBEMP. Most recently they spoke at the April field hearing conducted in Nampa, Idaho by Rep. Chenoweth: Twelve members of the Owyhee County multiple use Land Use Planning Committee testified as to the specific flaws in the ICBEMP EIS, and, joining representatives of every user industry including the Oregon Cattleman's Association, the Idaho Farm Bureau, and the North West

Mining Association, I, as Chairman of the Board of Owyhee County Commissioners presented the testimony which is attached to this letter. That testimony outlines the repeated protests which we have made as a county against the process used in developing ICBEMP.

ICBEMP is not based upon sound science. If you ask to review the written comments presented to the ICBEMP team by such industry users as Boise Cascade and the North West Mining Association, and particularly those comments furnished in behalf of the Idaho Farm Bureau, you will see the deficiencies in development of the base for the ICBEMP EIS.

ICBEMP does not include an adequate economic analysis. We heard testimony in Nampa that Dr. Fred Obermiller, a noted range economist at Oregon State University, has reviewed the economic analysis and determined that it is totally inadequate. We have the greatest respect for Dr. Obermiller and his objective analysis and opinion. We know the Congress shares that respect because it repeatedly calls upon him for advice. Please listen to him regarding ICBEMP. Hopefully he has been asked to testify at your hearing. If not, reach out to him and to other experts in range economics and range management.

Dr. Neil Remby of the University of Idaho is a noted economist who has been called upon to conduct economic studies of the counties most impacted by natural resource industrial cuts. He is currently working on such a study in Owyhee County under an agreement with the BLM, Owyhee County and other groups. Call upon Dr. Remby as to his opinion of the economic analysis of ICBEMP.

Dr. Chad Gibson of the University of Idaho is a noted range management expert whose expertise is utilized by ranchers and units of government in Idaho as the base for planning for the type range management which is mandated by federal statutes. Call upon Dr. Gibson as to his opinion of the range management subject content of ICBEMP.

Dr. Wayne Burkhart, retired from the University of Nevada and currently a range management consultant for all the western states, would have been invaluable asset to those who developed ICBEMP. But his services were not called upon because his views of range management do not coincide with those of the federal agencies who would reduce all natural resource uses and gain control of all land and water throughout our western states. But, if you want to know the flaws in the substance of ICBEMP as to range management, call upon Dr. Burkhart. Senator Craig certainly is familiar with his work and would know how to contact him.

Hopefully some of these experts are scheduled to appear at today's hearing. But we will not be surprised if they are not. Hopefully, some experts of the same caliber from Washington are scheduled to testify. If so, you will see that no one outside the federal agencies (and perhaps members of the Eastside Coalition) can discuss the specific substantive content of ICBEMP and support the soundness of the science upon which it is supposedly based.

We urge you to listen to the people of the four most impacted western states and take every step necessary to stop ICBEMP in its tracks, with no further funding for issuance of a record of Decision and implementation.

Very truly yours,

RICHARD BASS,  
*Chairman, Board of Owyhee County Commissioners.*

PREPARED STATEMENT OF THE OWYHEE COUNTY COMMISSIONERS

Representative Chenoweth, members of the Subcommittee and Staff, it is my pleasure to have the opportunity to testify today regarding the Interior Columbia Basin Ecosystem Management Project. I want to specifically direct my testimony, first, to the failure of the federal agencies to coordinate the development of this Project with Owyhee County, and with other counties engaged in the local planning process.

I know that the agencies have told Congress that they have extensively coordinated the Project with local government, and I know that the draft EIS makes the same representation. But, that representation is misleading and does not tell you, or the public, the truth about coordination, especially as coordination is required by federal statutes.

As you know the BLM has been actively engaged in development of the Ecosystem Project. In fact, on at least two occasions the former manager of the Owyhee Resource Area of the BLM's Boise District stated to me, and to members of the Owyhee County Land Use Planning Committee that he was upset because of the demands of the Ecosystem Project on his staff's time. He and other members of BLM's management staff confirmed to us that their staff was being used in develop-

ment of the Project, and that the demands of the Project took up time that could otherwise have been spent in management work in the Resource Areas. He and other members of the BLM's management staff have also told us that land use management plans of the BLM would be amended to conform to the Ecosystem Plan when it was issued. But they also told us that they did not expect any major amendments to be necessary because the content of the Ecosystem Plan would be mainly consistent with the local Resource Area plans, even though the Resource Management plan for the Owyhee Resource Area was still being developed. So, it is clear that the BLM's Boise office was involved in the planning process which produced the draft EIS.

Since the BLM was involved in this process, the agency had the statutory obligation to coordinate that planning process with Owyhee County, and with other Idaho counties engaged in the land use planning process. As the members of this Subcommittee are aware, the Federal Land Policy and Management Act requires such coordination.

FLPMA specifically provides that the Secretary of Interior "shall" "coordinate the land use inventory, planning and management activities [of the Department of Interior] with the land use planning and management program of other federal departments and agencies and of the State and local governments within which the lands are located." (43 U.S.C. 1712(c)(9)).

FLPMA further provides that if, after coordinated planning, a federal plan is inconsistent with a local county plan, the Secretary "shall" assist in resolving the inconsistencies. The statute also provides that the Secretary must assure that the federal plan is "consistent with State and local plans" to the maximum extent possible under federal law.

The Forest Service was also extensively involved in development of the draft EIS, and in selection of a preferred alternative. Forest Service regulations require the same level of planning coordination with county governments which have a land use planning process as that required of the BLM.

These mandates required coordination of the development of the draft EIS and the selection of a preferred alternative with those counties in Idaho which have a "land use planning and management program". Owyhee County is such a county. We adopted a Land Use Plan setting forth guidelines for management of the federal lands in our County in 1993. Our land use "planning and management program" as to the federal lands has been in existence, and actively developed, since 1992. The BLM's Boise District the BLM state office, the Secretary of the Interior himself, the Forest Service, and Steve Mealey, the former Project Manager, were all specifically advised of the Owyhee County Plan and the "planning and management program".

Having been advised of the Owyhee County planning program, it became the obligation of the BLM staff involved in development of the Project, the Secretary of Interior, and the Project Manager to assure that the congressional mandate of coordination with Owyhee County's program was carried out. They failed to follow the congressional mandate.

Repeatedly agency personnel have told members of Congress that there was extensive coordination with local county government in the development of the draft EIS and alternatives. That simply is not true.

The Ecosystem Project staff, working with the Associations of Counties in Washington, Oregon and Idaho established a Coalition of members of the Associations to work with the project staff in developing the draft EIS. But, such work with the Coalition did not include coordination with counties who have a "planning and management program". And, such work with the Coalition was not an adequate or even satisfactory compliance with the congressional mandate of coordination.

The Association of Idaho Counties is simply a lobbying and informational association which counties may join on a voluntary basis.

The Association has no authority to speak for the citizens of Owyhee County.

The Association has no authority to substitute for Owyhee County in planning activities with the federal planning teams.

The Association is not a county or even a local government which has a "land use planning and management program."

The Association has no local land use plan to be made consistent with a federal plan, and has no authority to develop such plan.

The Association does not represent the citizens of Owyhee County who do have a local land use plan and a "land use planning and management program."

Owyhee County's views as to the objectives of the Ecosystem Project, the flawed process for gathering data, and therefore the flawed data, upon which conclusions were reached by Project staff, the negative bias against grazing which is dominant throughout the EIS, and the decisions made by Project staff were never adequately

represented by the Association or the members of the Association who served on the Coalition.

Owyhee County has repeatedly voiced its objection to the failure of the Ecosystem Project staff to coordinate with the County. It has repeatedly voiced its objection to the attempt by the Project staff to substitute the Coalition of Counties for the local government officials of Owyhee Counties and other counties which have land use plans and programs. I personally have stated our county's objections to the process used for development of the draft EIS on many occasions. I have personally stated and written our objections to the BLM staff, to Steve Mealey and other members of the Project team in Boise and in Walla Walls, to the Secretary of Interior, to the Association of Counties and to members of the Coalition.

In spite of the repeated protests and objections, there has been no coordination with our County. We believe that the same failure to coordinate occurred with each of the counties throughout Idaho which have a local planning and management program for the federal lands.

We made our request for coordination from the inception of the Project. When our request was ignored, we made demand for coordination and specifically set forth the statutory provisions requiring coordination. Now, we make our objection to the Project process to you, as oversight authority over management of the federal lands.

The Project team responded to our request for, and demand for, coordination and involvement in the planning process by pointing out that the team was working with the Coalition. We pointed out that working with the Coalition was not the coordination specifically mandated by the Congress.

Finally, we advised to the office of Rep. Chenoweth of the failure to coordinate, and apparently as a result of that contact, Mr. Mealey came to Murphy, the county seat, and met with our Land Use Planning Committee. He stated that he did not understand our position on coordination. He was aware of the Forest Service and BLM coordination requirement, but said that he did not understand our position that the Ecosystem Project had to be coordinated in the same way. With members of the Association of Counties in attendance, we carefully explained the FLPMA coordination requirement, as well as requirements in other statutes that the Secretary of Interior involve units of local government in planning. Mr. Mealey left the meeting after assuring us that he would see to it that Project planning was coordinated with Owyhee County's planning and management program.

That coordination never occurred. He attended another meeting of the Committee, bringing with him an advance copy of what was represented to be the first draft of the EIS. He reviewed the document as he spoke to the Committee, voiced his dissatisfaction with what he determined could lead to a perception of negative approach to grazing, assured us that such was not the intent of the project team, and left the meeting. He did not leave a copy of the draft with our Committee for its review, saying that the negative overtones had to be removed before further review. He told us that when the first draft was finished, the Committee could review it and provide input before it was released for public review. In spite of several contacts by our Committee, we never saw that draft.

Rather, we received a notice, as did all members of the interested public, that a draft of the EIS would be released for public review in the late spring of 1996. The notice assured us that counties had participated in the development of the draft and that the draft had been subject to "internal" review by various groups including counties. Owyhee County had not so participated. None of the other Idaho counties which have a planning and management program had so participated.

Any "county" review was conducted not by the counties specified by FLPMA, but by the Coalition of Counties which did not deliver the draft to the planning counties for review. In fact, one of the members of the Coalition who knew that the law as to coordination was not being followed told us that the Coalition members were admonished not to share the preliminary drafts even with the counties which they supposedly represented.

We know from summaries of the draft which we received from private companies that the companies were consulted and allowed to review the draft. We know from comments made by Mr. Mealey that the draft was submitted to hard negotiations with other federal agencies. We know also from comments made by Mr. Mealey that the Forest Service Employees for Environmental Ethics had reviewed the draft and made comments, both positive and negative. We also know that there is not the same statutory mandate for coordination with such employee groups as there is for coordination with counties. Yet, the counties such as ours were foreclosed from the planning process.

At this point in the development of the draft EIS, I personally talked with one of the project team members and voiced our objection to the process. He told me that he was aware of the congressional mandate of coordination, and he agreed that

there was no coordination with Owyhee County or the other Idaho planning counties as the law required. He stated to me directly that the team did not know how they could coordinate development of the plan with the individual counties which have a planning process. My response to him was simple: we are expected to follow the law, the ranchers and other users of the federal lands in our county are expected to follow the law, regardless of the inconvenience and cost involved. I told him that we expected no less than compliance with the law by this planning team which was developing a Project Plan which would effect all of us and our uses of the federal lands. I told him that I would take little, if any, extra time to furnish to all planning counties the draft EIS so that we could make planning input before the document was completed to the point of stating the alternatives. I told him that all the project team had to do was to provide us the draft and allow us to provide "meaningful input" during the development stages of the federal plan.

In spite of this conversation, no coordination efforts were made by the Project team. So, we advised the Coalition of Counties that we intended to resist adoption of the EIS through litigation if necessary. We also advised that we would urge the Congress to end all use of funds for further development of the EIS.

After this warning, Mr. Mealey advised that he would meet with our Committee to discuss meaningful participation. A meeting was scheduled, and our Committee went to Mr. Mealey's staff offices in Boise. During the meeting, Mr. Mealey told us that he knew that the grazing portions of the draft EIS were weak. He told us that he felt confident in the forest health provisions because of this background in forest science. But, he told us that he did not have the background in grazing that he did in forestry and needed and wanted our input.

Mr. Mealey stated that he was concerned about dealing directly with our Committee because of the Federal Advisory Committee Act. We explained to him that FACA did not apply. We explained that the Owyhee County Land Use Planning Committee was not a committee established to advise the Federal Government; rather, it was a Committee established to advise the Owyhee County Board of Commissioners. He would not be seeking advice from the County committee, but rather would be "coordinating" the planning effort as required by FLPMA.

We then asked that Mr. Mealey share with us the data which had been used to develop the draft grazing portions of the EIS for our analysis. The former manager of the Owyhee Resource Area, Jay Carlson, was in attendance at this meeting and, during a recess in the meeting, he advised Mealey that the law would be complied with if the County were allowed to provide input during the public review process. One of our members overheard the comment and pointed out that such was not a correct statement of the law. Mr. Mealey responded that he knew that it was not a correct statement of the law and that he work work out a way for us to participate in a coordinate process.

Mr. Mealey suggested that Owyhee County request that the Coalition establish a "Pilot County" project which would allow Owyhee County to actually participate in the planning process throughout further development of the EIS. He said that under such a project our planning Committee would be actually involved with the Project planning team. He said that he knew we were entitled to that involvement, but that it would be much easier for him if the Pilot project were established by the Coalition.

We agreed to the procedure and we submitted a formal request for such Pilot County project status. The request was submitted to the Coalition and was never granted.

As a result, the Owyhee County Board of Commissioners instructed the County Attorney to begin preparations or litigation. The Attorney contacted Mr. Mealey regarding his position on "meaningful participation" by and "coordination" with our County. Mr. Mealey personally contacted Fred Kelly Grant, the planning coordinator for the Board and our Land Use Planning Committee and advised Mr. Grant that he would provide us with the draft EIS for review. He assured Mr. Grant that any input which our County submitted would be considered by his staff before the draft was released for public review.

Mr. Grant suggested that after the County completed its review the Committee could meet with Mr. Mealey's staff to discuss any concerns which was had and any contributions to the draft which we proposed. Mr. Mealey agreed to that process and said that we would certainly have the opportunity to provide input into the final writing of the EIS.

But, even before the full draft had been delivered to the County, Mr. Mealey spoke to a meeting in Montana on May 8, 1996, and announced that his staff writers had stopped work and the editors were putting the finishing touches on the final product. His comments were reported in a letter written on May 9, 1996, by Dr. James Rathbun who attended the Montana meeting. Dr. Rathbun, an environ-

mental consultant in Forestry and Public Land Policy, attended the meeting in Libby, Montana and reported that Mr. Mealey acknowledged at the meeting that the public would have a difficult time in reviewing and commenting on the draft EIS because of its complexity.

I have gone into detailed because I want to provide you with enough specifics to assure you that we in Owyhee County have tried to coordinate planning with the Ecosystem Project Team. We have tried to follow our planning responsibility set forth in FLPMA. You may hear that Owyhee County has been unwilling to accept change, and that we are stubborn and bull-headed when it comes to change. We believe that the contrary is true.

Owyhee County has actively participated in land use planning and management for the federal lands. We have developed an extensive plan for implementing the federal statutes which contain your Congressional mandates for management of the federal lands. We have offered coordinate status to all agencies and groups throughout the development and implementation of our plan.

We have worked cooperatively with those agencies which have followed the statutory requirements of coordination. We have worked with the Bruneau Resource Area of the Boise District in the planning process which led to amendment of the Birds of Prey Plan, and we have played our coordinate role in developing AIE project throughout that Resource Area. We have always been willing to work cooperatively with the Owyhee Resource Area of the Boise District, and since the change in Managers we have cooperatively initiated, with BLM personnel, a new approach to the relationship between the Owyhee resource Area management and the County.

We have worked cooperatively with the U.S. Fish and Wildlife Service regarding their inventory and study of the spotted frog in the County. We have worked cooperatively with the same Service in attempting to avoid further listing action regarding the Bruneau Hot Springs Snail. As late as this past Tuesday evening, April 7, 1998, our Committee agreed to work with Dr. Jim Munger of Boise State University as he conducts further study of the breeding sites of the spotted frog on private land located in the County. His study is being made in conjunction with the BLM.

The only area in which we acknowledge being stubborn is that we do stubbornly insist that the federal law be followed by federal management agencies. Our Plan calls for such compliance, and we insist upon it. The Congress established the rule that the federal agencies coordinate planning with the Counties, and now we ask you in Congress to oversee the performance of such agencies to assure that coordination actually takes place. It has not taken place; the law has not been followed, in the development of the Ecosystem Project.

What damage has been done by the failure of the agencies to coordinate their planning process? We believe that the lack of coordination with planning counties has contributed significantly to inclusion of flawed data regarding grazing, condition of the range, recreation uses, and welfare of wildlife. We believe that lack of coordination with planning counties has allowed the agencies to present inadequate economic and social data and analysis. We believe that the lack of coordination with planning counties has allowed the federal agencies to ignore the inconsistencies between the planning evidenced in the draft EIS and that evidenced in County Plans such as the Owyhee County Land Use Plan.

Grazing use of the federal lands is critical to the economy and human environment of Owyhee County. Economic data gathered by personnel from the University of Idaho shows the following dramatic impact which grazing has on the County and on the surrounding area of Southwestern Idaho and Eastern Oregon:

- Ranch budget analysis shows that the rancher annually spends \$325.00 per cow in operating money;
- There are 46,500 cows in Owyhee County. 70 percent of those cows, or the number 32,550 cows graze the federal land.
- At the rate of \$325 spent on each head, that means that \$10.5 million dollars are spent into the economy annually by Owyhee County ranchers who graze their stock on federal land.
- Economists believe that a multiplying factor “5” is a safe factor to use to determine the total economic impact of this expenditure throughout the area of Southwestern Idaho and Eastern Oregon surrounding Owyhee County. This means that the annual economic impact of the dollars spent into the economy by Owyhee County ranchers for cows which graze the federal lands is \$50 plus million dollars.
- The asset value of a ranch in Owyhee County per cow unit is, conservatively, \$1,500.
- Again, calculating by multiplying \$1,500 by the 32,550 cows which graze the federal lands annually in Owyhee County, the asset value of that stock is \$48.8 million.

The magnitude of these economic facts is nowhere shown or considered in the draft EIS or in the document called the Economic and Social Conditions of Communities which was published in February 1998 by the Project. Yet, the impact of the various alternatives, including the Preferred Alternative 4, on these economic facts may be severe.

The Economic and Social Conditions report states that for the preferred alternative, Alternative 4, for example, there are levels of uncertainty which flaw the estimate of production under that Alternative. As a result, the conclusion stated at page 92 of the report is that the Alternative will have a negative impact. Any alternative which has a negative impact on productivity should have been openly discussed with Owyhee County, its Planning Committee and the economic, grazing and environmental experts available to them.

We are subjected by this draft EIS to unknown, but negative impact, on productivity and on the economy of the County and its citizens without having the benefit of participating in the development and analysis of data.

We are subjected to such unknown, on the basis of negatively biased data and information regarding the condition of the grazing lands in Owyhee County. We know that the condition of the grazing lands in this County are nowhere near as bad as would be portrayed by those whose goal is to limit grazing on the federal lands. Involvement of the County in the planning process would have exposed the Project Team to information, data, and interpretation provided by well known experts on grazing whose expertise is available to the County but not used by the Project Team.

The Project Team did not consult with such distinguished range management and economic experts as Dr. Chad Gibson, Dir. Neil Remby, Dr. Ken Sanders, all associated with the University of Idaho, and Dr. Wayne Burkhard, a range expert known and consulted throughout the western United States. All of these experts live and practice their trade within the area "studied" by the Project team. All of them are known to the Project Team.

There are recreation use associations within the immediate surrounding area of Owyhee County whose leaders have studied carefully the condition of the federal lands which they use in Owyhee County. At least one of those associations conducts a national racing event in Owyhee County and has continually cooperated with the BLM in cleaning up and maintaining the land used for the races. None of these associations were consulted by the Project team as to recreation use levels or any other recreation analysis contained in the draft EIS.

The ranchers in Owyhee County who have implemented the Proper Functioning Condition riparian area assessment process advocated by the interdisciplinary agency team headed by Wayne Elmore were not consulted about the condition of such riparian areas or the methods of management now being implemented. These ranchers who have embraced the PFC assessment as encouraged by Forest Chief Dombeck when he was head of the BLM, were ignored by the Project Team throughout the planning process.

In short, local experts in grazing and grazing land management who have particularized knowledge of the federal lands located in Owyhee County were ignored along with the Owyhee County Board and Planning Committee.

As a result, the draft EIS is filled with erroneous and flawed information and analysis. Comments regarding such erroneous and flawed data and analysis are being submitted by individuals, companies, and associations even as this oversight hearing is taking place.

Coordination of planning would have required that the Project Team take a hard look at information, data and analysis provided by those who regularly use and know the resource. Without such information, data and analysis, the economic stability of Owyhee County is endangered by the draft EIS which can be used by management agencies to restrict grazing and recreation use regardless of the actual condition of the resource.

That is not the result which we believe Congress intended for planning and management related to the federal lands. It certainly is not the result which should be reached under the clear coordinated planning language of FLPMA.

We believe that it is an American Tragedy that so many millions of dollars have been spent on this project which was never sanctioned by Congress and which has not been implemented in accordance with law.

One last point should be made to show the failure of the Ecosystem Project and the vast waste which it has caused. Steve Mealey led the Project Team right up to the point at which the draft EIS was ready to be released for public review. He believed in the soundness of the forest health contents of the EIS, even though he recognized the weakness of the grazing contents. But, the executive committee of federal agencies which controls the Project rejected the Project Team's recommenda-

tions and sent the document back for re-drafting of preference because the preference as presented by Mealey left too much discretion with local agency managers. That decision made it clear that there was never any intention on the part of the federal agencies to produce a scientifically sound document and plan. Mr. Mealey left the Project and now serves as Idaho's Director of Fish and Game. Even he could not stand the waste, or the obviously biased product of the Project. Perhaps he would have realized the actual goal of the executive committee of agencies earlier had he implemented coordination with the planning counties.

We ask that the Congress stop this Project in its tracks, right now, by refusing to appropriate any funds for implementation of the draft EIS, any of the alternatives produced or any land use plan or regulation issued by an agency based upon the draft EIS or any of the alternatives included.

Any project with such arrogant disregard of the law should not be blessed with Congressional approval.

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PREPARED STATEMENT OF ARLENE MONTGOMERY, FRIENDS OF THE WILD SWAN

I am submitting this testimony on behalf of Friends of the Wild Swan, a grass-roots conservation organization located in the Swan Valley of northwest Montana. Friends of the Wild Swan has over 700 supporters and has been working on National Forest and endangered species issues since 1987.

*Current Forest Conditions*

We believe that while a regional planning effort seems like a good idea, this particular effort is by no means comprehensive or complete. We would like to think that the agencies can address the flaws in the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and produce something better, but we are extremely skeptical. Conditions in the Columbia Basin have deteriorated under current Forest Plans as evidenced by the current condition of these ecosystems. Following are examples from the Upper Columbia river Basin Draft Environmental Impact Statement (UCRB DEIS) which illustrate this fact.

**Soils:** Generally stable to declining course woody debris has been lost from logging, erosion has caused soil displacement, soils have been compacted, soil ecosystem function has been compromised, riparian soils have reduced abilities to absorb and regulate chemicals and water or have been lost to roads. (UCRB DEIS pgs. 2-9 and 10)

**Noxious Weeds:** Invading forests and rangelands at an accelerated pace competing with native plant vegetation. (UCRB DEIS pg. 2-35)

**Aquatic Ecosystems:** Management has affected the quantity and quality of water, sedimentation and erosion, production and distribution of organic material. The most pronounced changes are due to road construction, vegetation alteration, (silvicultural practices, fire exclusion and forage production) and improper livestock grazing. (UCRB DEIS pg. 2-104)

Approximately 10 percent of streams and rivers are classified as "Water Quality Limited" under the Clean Water Act from sedimentation and turbidity, flow alternation, and high summer water temperatures. (UCRB DEIS pg. 2-109)

Road construction has had a major effect on runoff and streamflow. (UCRB DEIS pg. 2-109)

Direct human impacts include channelization, wood removal, diversion, and dam-building. Indirect effects of past management activities are pervasive including logging, grazing, beaver trapping, and road building (UCRB DEIS pg. 2-112)

Pool and wood frequency are generally less in areas with higher road densities and high logging emphasis. The percent of channel bed covered with fine sediment increases with road density. (UCRB VETS pg. 112)

Land management practices have caused an overall change in the scale and frequency of landscape disturbance altering the character of watersheds and their stream systems. Most watersheds contain stream channels and aquatic habitats that are now subject to continuing cumulative effects of watershed disturbance. (UCRB DEIS pg. 2-114)

The extent and continuity of wetlands has decreased, riparian ecosystem function has decreased in most subbasins, most Forest Service and BLM riparian areas are "not meeting objectives," "non-functioning," or "functioning at risk." The frequency and extent of seasonal floodplain and wetland inundation have been altered by dams, diversions, groundwater withdrawal, sedimentation and erosion, roads, and railroads. (UCRB DEIS pg. 2-116)

There is an overall decrease in large trees and late seral vegetation in riparian areas. (UCRB DEIS pg. 2-116)

Riparian areas have been reduced in abundance and there has been a significant increase in habitat fragmentation. (UCRB DEIS pg. 2-121)

On Forest Service and BLM lands major factors contributing to the decrease in riparian area function are improper livestock grazing, logging; fire management, conversion to crop and pasture lands, roads, dams, and diversions/pumping. (UCRB DEIS pg. 2-122)

The composition, distribution and status of fishes are different than they were historically with some native fishes extirpated from large portions of their historic range. Many native fish are vulnerable because of restricted distribution or fragile and unique habitats. (UCRB DEIS pg. 2-124)

Most key salmonids have shown declines in abundance, loss of life history patterns, local extinctions, fragmentation and isolation. (UCRB DEIS pg. 2-124)

Many species of native fish and other aquatic biota are considered imperiled. There are 47 special status species in the project area which include federally listed endangered or threatened species, candidate species for Federal protection and species recognized for special protection by states or managed as sensitive by the Forest Service. (UCRB DEIS, pg. 2-126)

Bull trout are presently known or estimated to occur in 44 percent of historically occupied watersheds. Current information indicates that despite its relatively broad distribution, this species has experienced widespread decline. There is evidence of declining trends in some populations and recent extinctions of local populations have been reported. Distribution of existing populations is often patchy, even where numbers are still strong and habitat is good. Further isolation of populations will probably lead to increasing rates of extinction that are disproportional to the simple loss of habitat area. (UCRB DEIS pg. 2-136).

#### *Alternatives*

One would think that given the current condition of forest and rangelands that the alternatives proposed would reduce output levels to facilitate recovery of threatened, endangered, and sensitive species however, that is not the case. With the exception of Alternative 7 which has a "conserve" emphasis but is a strawman designed for failure because it does not include repairing the damage from past management through road removal, restoring connectivity for wildlife via corridors, repairing fish passage, identifying and fixing sediment sources in streams and actions (other than logging) which would actually restore the ecosystem. Instead we are served up more of the same impacts which caused the current degraded conditions with the addition of more discretion given to the Forest Service and BLM.

It even appears that the Forest Service is planning to enter designated Wilderness areas to "conserve/restore" them in spite of the fact that the Science Integration Team has identified Wilderness and roadless areas as those with the highest ecological integrity and managed areas as those with the lowest ecological integrity.

Following are examples from the UCRB DEIS which illustrate the inadequacy of the alternatives developed in this process.

The vast majority of species analyzed would not have significant changes in viability status as a result of implementation of any action alternatives. (UCRB DEIS pg. 4-129)

Implementation of any alternative would result in some risk of extirpation for some species because of cumulative effects. (UCRB DEIS pg. 4-96)

Under alternatives one and five if a species were trending toward extirpation based on the changes from historical to current conditions, that trend would be continued. In comparison under alternatives 4 and 6 predicted negative trends in habitat would tend to be stopped or slowed down. (UCRB DEIS pg. 4-96) So where is the improvement or recovery?

Only one alternative (7) would actually improve conditions for the threatened grizzly bear. (UCRB DEIS pg. 4-96)

Habitat conditions for threatened and endangered species would not change from current conditions. (UCRB DEIS pg. 4-130) As federal agencies, the Forest Service and BLM are charged with recovery of species by providing adequate habitat to meet their needs.

In spite of the claims that more logging needs to be done to "restore" the ecosystem the DEIS admits that the reduction in human activities and associated mortality risks to species are more important than the vegetation pattern and characteristics that may be present in the reserves [of alternative 7]. (UCRB DEIS pg. 4-130)

Alternatives 1 and 2 would not likely provide watershed-scale consideration and protection of hydrologic and riparian area/wetland processes and functions. (UCRB DEIS pg. 4-132)

The preferred alternative may have some potential to-benefit native fish species composition, distribution and status but uncertainty in the ability to prioritize management actions and evaluate risks, coupled with high levels of activities decreases confidence in successful ecological outcomes. (UCRB DEIS pg. 4-133)

Alternative 4 would only benefit depressed populations of bull trout most when they overlap with Federally listed species such as steelhead and chinook salmon. Otherwise there is uncertainty regarding benefits expected for depressed populations. (UCRB DEIS pg. 4-144)

However, the picture becomes much clearer when you compare the outputs for grazing, logging and roaded recreation. Alternative 2 (current Forest Plans amended by INFISH and PACFISH) compared to Alternative 4 (preferred) offers no change in grazing animal unit months or roaded recreation and an increase in alternative 4 of 30,000 acres treated by logging with an attendant volume-increase of .12 billion board feet! This is restoration? We look upon this as the same business as usual which has resulted in environmental degradation.

#### *Conclusion*

After years of work and a tremendous amount of taxpayer dollars it is perfectly clear that the Forest Service and Bureau of Land Management did not produce alternatives in their draft Environmental Impact Statement which remedy the current degraded condition on public lands or facilitate recovery of threatened, endangered and sensitive species. We are doubtful that they will produce a final Environmental Impact Statement which does this either. However, we are sure that Congress is no place for land management decisions to be made. The fiscal pressure and micro-management it has exerted on the agencies to date is a contributing factor to the current degraded condition of our forest lands and agency dysfunction.

We appreciate the opportunity to provide input to your Committees on this important issue on the management of our public lands.

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#### PREPARED STATEMENT OF GOVERNOR JOHN KITZHABER, SPOKANE, WA

Mr. Chairman, members of the Committee, thank you for holding a field hearing and providing an opportunity for some of those in the Basin to provide testimony on the Interior Columbia Basin Ecosystem Management Plan (ICBEMP).

As you may know, one of my top natural resource priorities is restoration of ecosystem health in the forests of eastern Oregon. I have four goals that have guided my efforts on the eastside of Oregon:

- Restore the health of the forests themselves;
- Restore the health of streams and watersheds;
- Provide commodities to locate communities;
- Reduce the risk of catastrophic fire.

These goals are embodied in a broadly supported 11-point ecosystem management strategy that I outlined before Chairman Bob Smith's House Agricultural Committee last January (1997) in Sun River and that I have attached for reference. They are also supported by ICBEMP.

I believe these are goals that we all share. Today I want to address two main issues: how we can use ICBEMP as a tool to achieve these goals, and, the need for federal investment to finance the stewardship and restoration treatments needed for these lands.

I believe that ICBEMP is an important and perhaps essential tool for achieving our ecosystem goals in the interior Columbia Basin. As you know, this effort emerges from the recognition that we as a society need a broad scale, scientifically-based understanding of the cumulative effects of activity on the public lands as well as the levels of sensitivity, risk, and benefits from treatments. We need this to guide our activities in the basin to ensure the future health and safety of our communities, as well as the future health of the resources that we depend on for resource use, recreation, wildlife habitat, water supplies, flood protection, hunting and fishing, aesthetic values, tourism income and economic support from federal resource-dependent industries. ICBEMP provides an impressive foundation for this.

ICBEMP then provides both the regional direction for what we need to collectively adhere to as well as a process for stepping down the analysis to smaller units. These sub basin reviews are intended to be collaborative, interagency, intergovernmental process in which broad-scale information from the ICBEMP Scientific Assessment is reviewed along with existing finer-scale data from BLM District and National Forest offices. This approach engages governmental agencies and stakeholders at a more local level and assists with prioritization of ecosystem analysis at the watershed scale within a subbasin.

This stepping down process helps us as governments and helps our citizenry understand a more specific area. This area, in the context of the region, can then be evaluated for what it might provide in terms of resources, what is needed in terms of restoration and what the risks, benefits and sensitivities are from different actions. It also helps us establish priorities for our limited resources.

From a legal perspective we also need this plan. We know from the courts that we need to replace the interim guidance (e.g. PACFISH, INFISH, and SCREENS). It is intended that ICBEMP will do this. We also learned during the spotted owl debate on the westside that large scale planning across the landscape makes these plans legally defensible in light of the need to protect species throughout their range and meet the requirements of the Endangered Species Act. The value of this cannot be underestimated.

There is an additional advantage that comes from having a regional plan in place that may not be obvious to those who have not attempted what we in Oregon have done over the last three years. On the westside of Oregon we were able to put together a recovery plan for coho salmon and steelhead under what we call "The Oregon Plan for Salmon and Watersheds." It is a different way of protecting and recovering species. Rather than the top-down, regulatory approach that follows listings under the Endangered Species Act, we have put together a collaborative, grassroots effort involving federal and state agencies, local governments, conservationists and thousands of private landowners. Our plan includes a significant component of voluntary efforts by private landowners on their lands as well as be watershed councils. The Oregon Plan was deemed adequate to defer an endangered species listing of coho salmon and steelhead. This deferral has allowed thousands of individual landowners and communities to retain greater control over their own destinies. The point that is critical to note here is that we were able to do this in large part because we have a broadscale regional plan in place for federal lands on the westside—the Northwest Forest Plan.

On the eastside we have no such regional plan. However, the one-year clock has started for listing decisions on steelhead in the Deschutes River, John Day River, Umatilla River, and 15-Mile Creek. Clearly, we will have a much better chance of recovering these fish and preserving some level of control by private landowners and municipalities under The Oregon Plan if we have a legally defensible, regional plan for federal lands in the interior Columbia Basin either in place or coming on line. Without a regional plan, forest management on the eastside could easily become nothing more than the sum of court injunctions and court-ordered recovery plans.

Within regard to the Interior Columbia Basin Plan itself, I favor a blending of the theme of Alternatives 4 and 6. My view of how to do this is shaped significantly by the recommendations of a diverse citizens panel from the east side and the work of a range of scientists who provided the foundation for my 11-point strategy for eastside ecosystem health restoration. It has been further reinforced by our experience in its implementation over the last 15 months.

Given that we have 15 months of experience with an enduring forest health strategy, I am providing our experience as an illustration of:

- how you in Congress could work to make forest policy less polarized and more efficient, and
- the significant pieces that you can provide that will support the success of this major and important undertaking, the ICBEMP.

The scientific document supporting my 11-point eastside strategy demonstrates the need to actively manage within many of the lower elevation forests on the eastside while acknowledging the fragile state of many of our aquatic and terrestrial resources. I consider active management to include thinning in overstocked stands, reduction of fuel loadings through harvest and prescribed fire, riparian area planting, reforestation road obliteration where appropriate, and stream rehabilitation. Further, these treatments should be done efficiently. I believe a fund should be available to help finance these activities on a priority basis. The sale should not be "sweetened" by the addition of valuable old growth timber that science tells us needs to be left behind for wildlife or improve stand structure. Also, light-touch low impact equipment should be used for the treatments. The benefits of these new technologies have been demonstrated in eastern Oregon. I am interested in providing incentives or finding funds to make it feasible for local operators to use this equipment.

My strategy also acknowledges a strong social dimension that must be addressed—the lack of trust in public lands management that has developed over the last five years due to the continuing debate over federal forest policy. I believe this must be repaired over time by demonstrating that ecosystem health can be restored. Because of this lack of trust, however, active management should initially be tar-

geted at lower risk areas, while staying out of controversial areas such as roadless areas, old growth stands and sensitive riparian habitat.

My recommendation for going forward with ICBEMP is to go first to low-risk areas to demonstrate the effectiveness of active management in restoring the health of forests, streams and watersheds and providing commodities to local communities. The Scientific Assessment contains pioneering work on classification of watersheds, aquatic systems, and forest conditions that will be valuable in identifying areas with this potential. For treatments that are more risky and with uncertain outcomes, we should wait to learn from treatments to the lower risk areas before proceeding to higher risk areas.

For areas that science indicates that active management poses a higher risk, we should take an adaptive management approach as described under Alternative 6. After learning from the success of the treatments on the less controversial areas, these areas may be appropriate for active management. The timing and expansion of such management adjustments will depend on the ability to apply treatments that restore the system; to evaluate the success of these treatments; and to mend public trust in land management capabilities.

Finally, there are areas that are highly controversial for any level of activity and will require evidence of treatment success to gain public support for any significant treatment. I suggest that in roadless areas, habitat supporting salmonid strongholds, and old growth stands, activity be avoided in the near term unless a clear scientific case can be made for the urgent need for treatment. These are lightening rods for controversy and will lead back to gridlock if there is not broad support and a clear demonstration of the ability to treat these areas. I am confident that, over time, this support can be gained by learning and demonstrating competence at successfully treating less controversial lands.

With the federal budget reduction efforts, this phased approach for levels of activity gives us greatest efficiency and certainty in meeting our objectives by targeting areas with high potential for improvement while steering away from the more controversial areas and the associated legal and time costs. It assures that ecosystem restoration activities will still proceed at the level that funding allows.

I must also emphasize the need for ongoing effectiveness monitoring. In a stakehold discussion of ICBEMP there was broad agreement among representatives from the Oregon Farm Bureau, the Northwest Forestry Association, the East side Ecosystem Coalition of Counties, and a number of environmental groups that ongoing, long-term monitoring was fundamental to ongoing, successful implementation of ICBEMP. This will require a commitment to long-term funding for monitoring by Congress.

Another missing piece that is outside the purview of ICBEMP but is needed for the communities in the Basin, is the same recognition of economic hardship and support for economic adjustment that the westside received under the Northwest Forest Plan. While the downturn for the eastside came some years ago, there has been no federal assistance to help these communities pursue new markets or other economic opportunities. While ICBEMP, when it finally comes on line, may provide some new opportunities and additional certainty to new industries for investment, it is still some time away and is unlikely to meet the need that exists. I appeal to you as Congressmen from the Basin to pursue economic adjustment funds to assist these communities vitality.

Finally, I want to alert you today that unless we are willing to make the financial investment in our forests, we have no hope of recovering the health of these ecosystems. Many of the treatments these areas need—such as pre-commercial thinning, control of noxious weeds, and prescribed burning—are expensive and cannot be financed by timber sale receipts alone. I ask you in Congress to recognize this change from times passed, and find additional resources to support the needed investments on the public lands.

Since I am not able to be with you in person today to discuss ICBEMP, our experience in Oregon, or the additional funding investments that I see such a need for, I encourage any follow up by phone or letter that may assist with your important exploration of forest health restoration and ICBEMP. Thanks again for this opportunity.

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ECOSYSTEM HEALTH FOR THE FORESTS OF EASTERN OREGON

A PROPOSAL BY GOVERNOR JOHN KITZHABER

The forest ecosystems of Eastern Oregon have been significantly altered by past management and fire suppression practices and in many places do not support

healthy forests, streams, and watersheds. Sensitive species are at risk, and the threat of catastrophic fire constitutes a hazard to local populations. Timber dependent communities have seen drastic declines in their resource-based economies.

*Background.*—Eastern Oregon, and much of the inland Northwest, was blessed with huge stands of old growth pine covering millions of acres when Europeans arrived during the last century. Over the past 80 years, forest management policy, characterized by active fire suppression and harvesting of valuable old growth pine, has transformed these forests to their present state. Today we are left with overstocked stands of young fir and pine, thousands of acres of dead and dying timber infested with insects, and an unacceptable risk of catastrophic fire. Thousand of miles of riparian areas have been damaged by harvest and grazing practices, as well as by road and urbanization.

*Four Goals for Eastside Forest Management.*—Governor Kitzhaber has laid out four goals to guide restoration efforts on the eastside: Restore the health of the forests themselves; Restore the health of riparian systems and watersheds; Provide wood to local communities; Reduce the risk of catastrophic fire.

*Development of the Proposal.*—In the spring of 1995 Governor Kitzhaber appointed a diverse group of highly respected scientists from throughout the Northwest to make recommendations on ways to restore ecosystem health and provide wood to communities in an environmentally sound manner. That panel issued a report that reflected a consensus among the scientists on what needs to be done to improve the health of the forests, streams and watersheds of the eastside.

In May 1996 the Governor appointed an Eastside Forest Advisory Panel, consisting of a very diverse group of Eastern Oregon community leaders, to make recommendations on ways the United States Forest Service might implement the findings of the scientific panel. The panel has visited numerous sites throughout Eastern Oregon and has recently made recommendations to the Governor.

*The Governor's Proposal.*—The main premise of the 11-point proposal is that there are key areas of agreement where we can move ahead now to restore ecosystem health and provide wood to local communities without threatening non-timber resources.

One of the critical elements of the proposal is that we need to use active management to treat stands that are overstocked, or have been inappropriately converted from pine to fir. At the same time, the Forest Service should plan and implement operations first in less controversial areas, avoiding roadless areas, sensitive fish habitat and old growth areas.

Monitoring of the effect of forest treatments is imperative, and will allow the Forest Service to learn from its efforts, establish a track record, and make adjustments where necessary.

Where the proceeds from the sale of timber associated with a treatment strategy are not enough to pay for the work needed, the Forest Service should have access to money to fund the project. The income from a sale should not be enhanced by the addition of valuable timber whose harvest does not promote ecosystem health objectives.

#### *Strategy for Establishing Governor's Program this year*

Work with Congress to secure funding to finance ecosystem health restoration efforts.

Work with the U.S. Forest Service to ease administrative barriers to restoring ecosystem health in forests, streams and watersheds, reducing the risk of catastrophic fire and providing wood to local communities.

Work with local Forest Service officials to focus forest treatment programs on ecosystem health restoration and away from projects that tend to hinder restoration or are not broadly supported by local stakeholders.

Use the "Oregon Option" to identify obstacles to achieving ecosystem health restoration goals and to modify administrative procedures to aid in achieving these goals.

Coordinate with the Interior Columbia Basin Ecosystem Management Project. Implement the Governor's proposal in a way that enhances the long-term planning effort contained in the Eastside Project.

Request that the Forest Service report on an annual basis on the implementation of the Governor's proposal.

#### PROPOSED CONSENSUS APPROACH TO EASTSIDE ECOSYSTEM HEALTH RESTORATION

There are broad areas of potential agreement about goals for restoration of ecosystem health to the forests of Eastern Oregon.

Ecosystem health includes the health of forests, streams, and watersheds.

Ecosystem health may be improved through active management in overstocked stands which have suffered from fire exclusion and highgrading of large trees.

Thinning of small diameter green trees is an important component of active management for forest health and will help make sales economically viable.

Plan and implement operations first in less controversial areas. In the short run, avoid operating in roadless areas, near fish habitat and old growth areas.

For ecosystem health restoration activities to truly succeed monitoring and learning from these efforts is essential. The Forest Service and the research community, Congress, the Administration and the Governor's Office should join together in assuring that we learn from the management strategy employed to restore ecosystem health. Monitoring actual results will be critical to justifying ongoing active management.

Cumulative effects analysis should include all ownerships within a watershed, where possible. This may be accomplished by working with local watershed councils.

Active management includes more than cutting trees. Riparian area planting, reforestation, road obliteration and stream rehabilitation are all key components.

Use of low impact cost effective, equipment is an important element in effective restoration. The Forest Service, federal government and the state should provide incentives that encourage the use of such equipment.

Timber salvage may be an important component of ecosystem health restoration and fuel reduction strategies to the extent that it promotes ecosystem health goals.

Where the costs of ecosystem health restoration efforts are not paid for by timber sale proceeds, funds should be made available to finance these activities on a priority basis.

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TESTIMONY OF GOVERNOR JOHN KITZHABER BEFORE THE HOUSE AGRICULTURE  
COMMITTEE—JANUARY 16, 1997

Mr. Chairman, members of the Committee, thank you for the opportunity to testify on eastside ecosystem health issues.

Today I bring you a message of hope and opportunity. Almost two years ago we began a process to assess the needs of eastside forests, streams and watersheds and the communities that depend on them. Over that time a number of citizens, scientists and government officials have worked tirelessly to produce recommendations to land managers on ways to improve ecosystem health. Today I would like to announce two major achievements of these efforts.

First, we have identified a forest management strategy that will help restore ecosystem health while protecting forest resources, critical habitat for endangered salmon stocks, and the integrity of eastside watersheds.

Second, and perhaps more significantly, we have brought together a diverse group of interests, from timber purchasers to environmentalists, who share common objectives and who endorse such a proposed strategy for eastside forests.

Before I describe our proposal, I think it would be useful to outline the history of our efforts to address ecosystem health problems faced by forests east of the cascades.

Oregon, and much of the inland Northwest, was blessed with huge stands of old growth pine covering millions of acres when Europeans arrived during the last century. Over the past 80 years, forest management policy, characterized by active fire suppression and harvesting of valuable old growth pine, has transformed these forests to their present state. Today we are left with overstocked stands of young fir and pine, thousands of acres of dead and dying timber infested with insects, and an unacceptable risk of catastrophic fire. Thousands of miles of riparian areas have been damaged by harvest and grazing practices, as well as by roading and urbanization. In addition, timber dependent communities that were established to support lumber mills have seen tragic declines in employment.

Early in my administration I established four goals to guide our efforts to restore ecosystem health to eastside forests. These are: Restore the health of the forest themselves; Restore the health of riparian systems and watersheds; Provide wood to local communities; Reduce the risk of catastrophic fire.

In the spring of 1995, I appointed a diverse group of highly respected scientists from throughout the Northwest to make recommendations on ways to restore ecosystem health and provide wood to communities in an environmentally sound manner. That panel achieved something that was nothing short of remarkable—a true consensus among the scientists on what needs to be done to improve the health of the forests, streams and watersheds of the eastside. Dr. Norm Johnson, chair of that panel, will testify before you today and describe his group's recommendations.

Last spring I appointed an eastside forest advisory panel, consisting of a very diverse group of eastern Oregon community leaders to make recommendations to me on ways the U.S. Forest Service might implement the findings of the scientific panel. Under the able leadership of Dave Cash, the panel has visited numerous sites throughout eastern Oregon and has recently issued its first set of recommendations. A number of the panel members are present in the audience today.

Over the last two months members of my staff, joined by various eastern Oregon stakeholders, have met with forest supervisors to learn about their goals for the land and about the constraints under which they must operate. I have been uniformly impressed with the professionalism and dedication to the health of the forests exhibited by these federal land managers.

As a result of this almost two years of work, I am able to present here a broadly supported proposal for restoring ecosystem health. This basis of the proposal is that there are key areas of agreement where we can move ahead now to restore ecosystem health and provide wood to local communities without threatening non-timber resources.

The key elements of the eleven point proposal are attached to my testimony. I would like to highlight a few of them here.

We need to use active management to treat stands that are overstocked, or have been inappropriately converted from pine to fir. Understory thinning and commercial thinning are key components to this strategy.

At the same time, we need to avoid activities in controversial areas, such as roadless areas and old growth stands. If the Forest Service continues to push for timber harvest in areas where there is not broad support for doing so, there is a risk that the entire ecosystem health effort will be derailed. That is unacceptable. The Forest Service needs to first establish a track record of success to show it can in fact employ active management techniques that actually restore forest health, while protecting other critical non-timber resources, such as fish habitat, water quality and wildlife habitat.

Learning from our efforts through monitoring is critical to the success of this proposal. One of the tragedies of the continuing debate over Federal forest policy is the tremendous amount of public trust and confidence in the Forest Service that has been lost over the last five years. For this agency to be an effective manager of fully half the forest land in this state, it must have broad public support. Now is the time to rebuild that support. Effective monitoring by the agency of the impact of its land management treatments on key forest resources is the first place to start. The agency must demonstrate to the public that its actions are having the intended effect. This was the principle recommendation of the citizens panel that I appointed to study this issue.

It is also important that we offer cost effective timber sales. Where the proceeds from the sale of timber associated with a treatment strategy are not enough to pay for the work needed, the Forest Service should have access to money to fund the project. The sale should not be "sweetened" by the addition of valuable old growth timber that science tells us needs to be left behind for wildlife or improved stand structure.

Restoration of riparian areas and watersheds will take money. I would ask Congress to change the way it allocates funds to the Forest Service so that money is available to do the work needed without depending on a profits from a timber sale.

One of the greatest benefits of this strategy will be the reduction in risk from catastrophic wildfire. By thinning out overstocked stands and returning the forest to its historic range of variability, we can reduce the frequency of huge stand replacement fires. Although smaller fires will continue to be an important part of the ecosystem. I hope your committee will consider the benefits of investing in the proactive fire prevention measures embodied in our proposal and perhaps avoid the budget busting costs of stopping a 100,000 acre wildfire.

Three people who have been essential in developing this broadly supported plan will be testifying later in this hearing. They are Dr. Norman Johnson from Oregon State University, Paul Dewey, a citizen of Bend who has been very active in forest conservation efforts, and Pat Wortman, a Wallowa County Commissioner. Wallowa County is heavily timber dependent. I would commend their testimony to you.

In conclusion I want to emphasize that for any ecosystem health effort to succeed it must enjoy broad acceptance. You have before you today an action plan that has high credibility with the scientific community and is supported by many community leaders—both on the environmental and resource utilization side. Implementation of this proposal does not require changing the federal laws governing land management. What it does take is a clear vision by federal land managers and the will to implement that vision.

Thank you for the opportunity to testify.

FOREST HEALTH AND TIMBER HARVEST ON NATIONAL FORESTS IN THE BLUE MOUNTAINS  
OF OREGON

A REPORT TO GOVERNOR KITZHABER

*Major Points*

The east-side "forest health problem" should be defined broadly to consider forests, streams, and watersheds.

Most of the forest in the National Forests of the Blue Mountains is alive, but much of it has recently experienced severe problems:

- Sizeable amounts of certain species, such as Douglas-fir and true firs, have died as a result of overcrowding on drier sites, drought, and insects. Historical forest management practices (fire exclusion, harvest practices) have contributed to the problems.
- Large stand-replacing (crown) wildfires have recently occurred, due to a build-up in fuels, in forests where that type of fire behavior was historically infrequent.
- A major portion of the live forest is under stress because stands are too dense, especially the true fir/Douglas-fir understories beneath pines and larch, which increases the likelihood of future mortality in both the understory and overstory.

Restoration treatments, including thinning and fuel reduction, could reduce the risk of loss from insects and fire on large areas of these forests.

- Forests at highest risk are primarily in the low and moderate severity natural fire regimes (ponderosa pine, Douglas-fir, and dry grand fir types). Forest restoration should start here, with reduction in live tree density and fuel loadings, concentrating on the smaller live tree component (eg., thinning from below).
- The more "boom and bust" types of fire disturbance regimes were naturally a part of the cooler, higher elevation ecosystems, with stand-replacing fires approximately every 100–300 years. Intensive treatment there may actually move the ecosystems away from natural (historical) conditions.
- In general, treatment should begin in upland zones and work down to lower-priority riparian zones.
- Active management of forest stands can help recreate the historical mosaic of stands in different conditions that offers natural firebreaks and less concentrated food sources for insects.

Time is of the essence to capture economic value and reduce risk of catastrophic losses in the future.

The wood products industry, an important component of eastern Oregon's economy, depends heavily on timber from federal lands. Timber shortages can be relieved by a responsible, timely salvage and forest restoration program.

Salvage and restoration treatments have the potential to pay for themselves and provide funds for other ecosystem restoration projects.

True fir and Douglas-fir sawlogs and pulp logs will be the major wood products from these treatments, with little of the old-growth ponderosa pine that has been a staple of the east-side forest industry in the past.

Opportunities exist to harvest timber with relatively little site disturbance:

- Most treatment areas are already roaded and environmentally-sensitive logging methods are now available.
- Road treatments, including reconstruction and closure, can be used (and will be needed) to enable successful treatment without causing unacceptable impacts to aquatic habitat.
- The challenge will be to ensure that low-impact logging and roading methods are employed on a broad scale in the treatments.

There is relatively little environmental/ecological risk on the National Forests in the Blue Mountains from salvage and restoration treatments, which use low-impact logging and roading methods, undertaken in the context of Forest Plans, watershed analysis, East-side Screens, PACFISH, and an active monitoring/review program.

There are impediments to a timely response by the National Forests:

- Difficulty in implementing interim guidelines for forest management (East-side Screens, PACFISH). Problems such as changing guidelines, the inherent complexity of the guidelines, their rigidity in some cases, and the occasional overly-conservative interpretation of them can all slow salvage and restoration efforts.
- Shortages of skilled specialists to plan and implement projects. The Forest Service has lost many skilled people with local knowledge and experience in recent years. Yet, the agency needs skilled people more than ever before.
- Cumbersome, overlapping processes to implement the laws that guide National Forest management. The major environmental laws have helped bring about a

more ecologically-sound approach to National Forest management. The current complexity in their implementation, though, could unnecessarily slow salvage and restoration work.

With the environmental controls on timber harvest now in place, the major risks to aquatic systems come from other sources (such as sedimentation from existing roads and grazing in riparian areas).

Monitoring and internal and external review will be important to ensure that management works toward desired goals.

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PREPARED STATEMENT OF TOM PARTIN, GENERAL MANAGER, MALHEUR LUMBER CO.

Mister chairman and members of the subcommittees: I was unable to testify at the Field Hearing in Spokane, Washington on May 28, 1998 and submit this written testimony for your consideration and the Hearing Record. I am Tom Partin, General Manager of the Malheur Lumber Company in John Day, Oregon. Our Company harvests and manufactures timber that is grown throughout the Interior Columbia River Basin.

INTRODUCTION

The Malheur Lumber Company has followed and been an active participant in the development of the Draft Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Project (ICBEMP). We have focused on promoting an ecosystem management plan that would provide for aggressive active management that addressed the forest health problem and that would give recognition to all resources while providing for a sustainable and predictable level of timber harvest. Such a plan would need to provide enough flexibility that National Forests and BLM Districts would be able to properly apply the policies on site-specific locations at the local level. To our disappointment, such a plan has not been developed. Continued delays over the last four years and cost overruns have plagued the project. The \$40 million spent on the project has come at the expense of other budgeted programs, primarily timber management, timber sales along with a multitude of other programs. The forest health problem has only worsened.

CONCLUSION

The performance record for the Interior Columbia Basin Ecosystem Management Project (ICBEMP)(Project) is less than satisfactory.

- The Projects Purpose and Need Statement has not been accomplished.
- Amending 72 Land and Resource Management Plans based on the Projects broad analysis and not following the 36 CFR 219 planning regulations removes all opportunity for a legally sufficient plan, and establishes “one-size-fits-all, top-down” direction.
- Sustainable and predicable supplies of timber outputs have not been identified.
- Interim direction has been made more restrictive and “rolled-over” into Project without any supporting analysis.
- The economic analysis has been repeatedly found to be inadequate and misleading and does not adequately disclose the impacts on the economy of the Project area.

We ask that funding for the completion of the ICBEMP be discontinued and recommend that the following termination actions be taken:

- Close the ICBEMP regional office without the completion of a final environmental impact statement and record of decision.
- Disseminate the scientific information to local levels within the BLM and USES.
- Direct the local levels of the BLM and USES to consider the scientific information in conjunction with site-specific information and amend or revise their respective land management plans accordingly.

We recognize that this action may not immediately correct the current policies that have stopped any active forest health management. However, we suggest that it will require that the BLM and National Forest management issue to be reevaluated in such away that we can once again attempt to influence the initiation of aggressive forest health management.

The following testimony includes a discussion of the points and issues that have been presented in the Conclusion.

## PURPOSE AND NEED

The DEIS fails to accomplish and conform to the nine items presented in the Purpose and Need Statement. Of major significance, in both the purpose and need statements, is the lack of disclosure concerning actions that will restore and maintain long-term forest health. Bullet 1 in the Purpose Statement was doomed to fail from the start, because nowhere is “restore” identified or defined in a way that it can be understood or applied on the ground. Is this point attempting to “restore” or to develop a perceived condition that existed at some point in history? Or, is it attempting to restore to a desired future condition that may have never existed and which is based on a perceived vision of a desirable long-term conditions. As developed in the DEIS, restore appears as an intangible benefit, a value laden concept lost in the concepts of limited or no active management, included in a philosophy of limited access on the land. Bullet 1 goes on to say that ecological integrity is going to be “restored”. Ecosystem integrity is not a tangible or scientific condition that can be restored. It is a concept or philosophy that is talked about, but cannot be used as a purpose for the development of alternatives and management direction in a DEIS. Even the DEIS glossary is elusive in its definition: “In general, ecological or biological integrity refers to the elements . . . that . . . sustain the entire system; the quality of being complete; a sense of wholeness. Absolute measures of integrity do not exist. Proxies provide useful measures to estimate integrity of major ecosystems components . . .”

Of equal significance is the failure of the DEIS to fulfill the purpose of Bullet 2 in the Purpose Statement. This bullet establishes the need to “[S]upport economic and/or social needs of people . . . and provide sustainable and predictable levels of products and services . . .” This failure is best shown by statements in the DEIS such as: “Evaluating how changes in timber harvest would affect particular communities or counties must await local implementation of regional strategies.”— “. . . the Draft EIS did not account for factors upon which conventional sustainability of timber supply is based.”—“It is unknown which factor would ultimately have the greater effect on long-term sustained yield. . . .” “Clearly, the purpose and need statement does not drive the DEIS or the development and selection of alternatives. This is a fatal litigation point and does not provide the framework for a sound analysis.

## INTERIM DIRECTION

The delay in completing the ICBEMP project is resulting in institutionalizing the Eastside Screens, PACFISH, and INFISH. The decisions from the EAs that implemented this interim direction were based on short term (12 to 18 months) over conservative assumptions with little or no analysis or supporting science. These actions were justified and documented with the assurance that the missing analysis and science would be accounted for during the development of the forthcoming ICBEMP and the subsequent EISs. This assurance has not been fulfilled, and the interim direction has been rolled-over into the DEIS. This action has resulted in numerous NEPA and NFMA violations. Current justification for continuing the interim direction is based on the assurance that both the short and long term effects will be evaluated and disclosed when Forest Plans are revised. Because the short and long term effects of the interim direction have not been analyzed, the ICBEMP EIS will amend Forest Plans and again institutionalize decisions and direction developed outside the NEPA process. It is clearly documented in the DEIS that the broad-scale design and analysis of the ICBEMP was never intended to fulfill the assurances documented in the EAs for the Eastside Screens, PACFISH, and INFISH. Only as recently as May 28, after the Field Hearing, the Project Manager informed us that they never intended to follow the Planning Regulations because it is not required when a Forest Plan is only amend and not revised. The NEPA and NFMA violations and the demonstrated lack of performance and accountability, clearly show the need to discontinue the Project. The ICBEMP publications and results should be finalized and published outside of and not identified with the NEPA process. These documents should then be made available as guidance for use in Forest Plan revisions and the resulting forest management. The NEPA process for the ICBEMP project needs to be formally terminated.

## LEGAL SUFFICIENCY

The assumption that an FEIS and ROD can be released that will withstand litigation is seriously flawed and not realistic. An enormous amount of input has been provided in opposition to the completion of a FEIS and ROD. This information from all walks of life has been ignored and documents that the public has not accepted

the flawed NEPA process. This opposition is supported by congressional efforts not to continue to fund the project. An enormous amount of information and documentation has been assembled in the format of an EIS that is outside the limits of NFMA and the implementing planning regulations (36 CFR 219). If published as a final EIS accompanied with a ROD that is designed to amend Regional Guides and Forest Plans, it will not withstand the appeals and litigation that are forthcoming. For example, the project managers have refused to recognize the need to follow the ten step planning process required in 36 CFR 219.12. No information is available to show that these planning steps were addressed. Many of these steps are progressive, support one another, and need to be accomplished in an orderly manner. The following is examples of documentation that has not been included in the DEIS:

- Information showing how the same procedures were followed that were used during the development and approval of forest plans and regional guides. [36 CFR 219.12, 219.8(f), 219.10(f), & 219.1].
- A display for each alternative that shows the changes in ASQ and AUMs. [36 CFR 219.16(a)].
- A revised timber sale schedule for each alternative. (36 CFR 219.16).
- The tentative resource objectives for each planning area taken from the current RPA Program. [36 CFR 219(a)(3)].
- A display of specific changes in standards and guidelines in the regional guides that show harvest cutting methods, size and dispersal of created openings, utilization standards, etc. [36 CFR 219.9 (a) (5)].

Existing forest plans provide direction to insure the coordination of multiple-use and sustained yield goals. The DEIS does not display how the changes that will amend forest plans will effect these goals. The Chief has held in administrative appeals, and the courts have adopted the Chiefs characterization, that plan approval results in:

- Establishing forest multiple-use goals and objectives. [36 CFR 219.11(b)].
- The establishment of forest-wide management requirements (standards and guidelines) to fulfill the requirements of 16 U.S.C. 1604 applying to future activities—both resource integration requirements (36 CFR 219.13 to 219.26) and management requirements (36 CFR 219.27).
- Establishment of management areas and management area direction (management area prescriptions) that applies to future activities in a particular management area—both resource integration requirements and minimum specific management requirements [36 CFR 219.11(c)].
- Establishment of the allowable timber sale quantity and designation of lands not suitable for timber management. (16 U.S.C. 1611 and 36 CFR 219.16) and [16 U.S.C. 1604(k) and 36 CFR 219.14].
- Establishment of monitoring and evaluation requirements [36 CFR 219.11(d)].

We have repeatedly pointed out this lack of attention to NFMA and the 219 planning regulations. The normal response has been that it is not required for this type of project. Our November 17, 1995 input letter regarding the Eastside Preliminary Draft EIS said in part:

Chapter 1 does not discuss the need for a “revision” of current plans and guides, nor does it address the “amendment” process that is being followed. Terminology used to describe the new information and requirements for new long-term management direction suggests that a “revision” is more appropriate than an “amendment”. Either process requires following the same procedure that was required for development and approval of a forest plan or regional guide. The intention to follow the required ten planning steps and other requirements in 36 CFR 219 is not shown; nor, can it be identified. Even more confusing Chapter 1 shows that “[I]t is possible that an ecosystem management strategy identified in the EIS will conflict with one or more of those laws, policies, or regulations . . . An alternative that conflicts with existing law cannot be implemented unless. Potential conflicts are discussed in . . . Chapter 3. Few if any meaningful conflicts with law, regulation, or policy are discussed in Chapter 3. Conflicts with the foundation of NFMA and 36 CFR 219 planning regulations are shown in the discussions concerning ecosystems, restoration, trade-offs, ecosystem based management, in the seven Issues, and elsewhere in Chapters 1, 2, and 3. Much work remains to be done to show that the process and resulting alternatives meet the requirements of existing laws and regulations. “This input has not been acknowledge nor used in the DEIS, and the same violation of law and regulation still exists.

#### TIMBER OUTPUT

Because of the broad-scale nature of the analysis and the intent to amend individual forest plans, attempts have been made to include forest plan level data and then

qualify it as not being final until forest plans are revised. This results in serious misrepresentation of information and fact. This concern is represented by the statement: "Timber outputs displayed in this Draft EIS are based on simulation of disturbance processes (including timber harvest) from which landscape effects were analyzed . . . but results were adequate for broad-scale analysis." (Chap. 4, pg. 171) It does not acknowledge that the standards used to develop this broad-scale analysis are being carried forward to the fine-scale analysis.

Of particular concern is the display of Measured Annual Benefits in Table 4-50 and Timber Volume Offered in Figure 4-53. (Chap. 4, pgs. 168 & 187). Table 4-50 and the associated narrative inflate actual boardfoot harvest volumes and values four fold. This is the result of using faulty volume per acre cut figures. Consequently, throughout the DEIS when natural disturbances or values from timber harvest are presented serious discrepancies are involved, and assumptions and conclusions are inaccurate. Timber volumes to be offered on a per acre basis range from 10,000 boardfeet per acre in Alternative 1 to 6,956 in Alternative 4. Realistic volumes per acre, as documented by timber sales offered under interim direction since August 1993 is in a range of 2,000 to 3,000 boardfeet per acre. Figure 4-53 displays timber volume offered for 1989 through 1995, and compares them to projected harvest volumes by DEIS alternative. These figures and the narrative leads one to assume that there will be an increase (from current harvest) in timber volumes and revenues as a result of implementing the Eastside EIS. However, the associated narrative states that: "Sustainability and predictability of timber benefits will be determined when the Preferred Alternative is incorporated into local Forest Service and BLM land use plans." (Chap. 4, pg.173).

In an effort to correct this misrepresentation of information, an earlier draft of the DEIS was revised to include Alternatives 1a, 2a that presents offered volume. This immediately resulted in an "apples and oranges" mix of information in Table 4-50. A comparison of offered and harvested acres, volume, and values are presented. Alternatives 1a, 2a are offered volumes, acres, and values, while 1 through 7 is harvested volumes, acres, and values.

The measured annual timber benefits as shown in Table 4-50 and the associated narrative are grossly overstated. These over inflated numbers are used elsewhere in the DEIS and result in an inaccurate picture of the social-economic impact resulting from the significant reduction in volume and value of timber harvest from levels in the forest plans and current programs. Expected financial impacts to County Government, schools, employment, and financial impact to communities is grossly understated. Project Managers will not recognize that a problem exists, and they have taken the position that acres harvested is the governing element. They contend that volume and value adjustments will be made when individual forest plans are revised. This will be after the Eastside EIS is final and public input is finished. This information and direction (without public input) in the FEIS will then become the driving force behind further revision of the forest plans.

We have been repeatedly told, and it is documented in the DEIS, that the broad-scale nature of the data does not allow for the identification of timber outputs from units of Federal land (National Forests and BLM Districts). The rationale provided is that detailed information would be developed and presented when the forest plans are revised under direction of the FEIS and Record of Decision. Again, it is shown that the impacts of decisions are being developed without the benefit of public input. The Forest Service and BLM is under Congressional direction to provide estimated goods and services from each unit of Federal land for the first 5 years following the decision to implement FEIS. (H.R 2107, Sec. 323). This information is being developed exclusive of public input and involvement. The required report is being made between the Draft EIS and the release of the ROD. This report will be a significant action that requires the development and analysis of information directly effecting each management unit and all adjacent communities and concerned citizens. NEPA requires that if this type of information is used in the decision making process, public involvement, input, and comment must be obtained.

#### ROADS AND ROAD EFFECTS

The DEIS continues the existing misconception that road density is the measure of the effects that roads have on the environment. It is frustrating not to find in the volumes of documents supporting this DEIS, information focusing on a risk assessment relating to the needs, benefits, economics, and environmental risks associated with roads. Instead we find a generic generalized statements about road density. It is not the miles of roads in the vicinity of streams that effect water quality, it is the amount of sediment and other pollution that get into the stream. Miles of road do not effect wildlife habitat, but wildlife could be effected by the use of these

roads. It needs to be recognized and documented that the existence of roads is not the same thing as using roads. It is unacceptable to continue to use the unsupported and undefined concept that controlling the miles of roads per square mile is the answer to road management.

Guidelines RM-G2 and RM-G8 in a suggestive way will address the question of risk at some point in the future. Road Standards RM-2 and the discussion of road standards in Chapter 3, page 78 references the Science Assessment and suggests that reduced riparian impacts may cause additional effects to other ecosystems over time. These are the types of direct and indirect effects that are not disclosed in the DEIS.

Most of the recreation activities are predicated on the use of forest roads. We believe that recreation use and the related economic benefits have been grossly overstated. However, DEIS Road Standards are designed around over conservative assumptions that result in closing or not constructing or reconstruction the very roads needed to support the inflated recreation use. Any reduction in the miles of roads or the drive-ability of these roads, reduces the projected trends in recreation use. Recreation activities and the resulting economic benefits have not been shown. Nor, has a projection been made that shows the miles of roads that will be available to support public use and the associated economic returns.

#### ECONOMICS

In an effort to obtain continued support from the Eastside Ecosystem Coalition of Counties (EECC), the Project agreed to provide a more complete and accurately described characterization of communities, including the potential impacts and effects of decisions. Also, Section 323 (b) of the Department of the Interior and Related Agencies Appropriation Act of 1998 (Public Law 105-83) directed the Project to: "analyze the economic and social conditions, culture and customs, of the communities at the subbasin level within the Project area and the impacts the alternatives in the draft EISs will have on communities." The response to these requests is included in the Economic and Social Conditions of Communities (ESCC) report released on March 3, 1998. The very existence of this report makes suspect the validity of the social and economic information included in the DEIS. Of equal concern is how this questionable information was used in the development and analysis of alternatives. The only realistic assumption that can be made is that a reasonably accurate characterization of communities, including the potential impacts and effects of decisions needs to be avoided if the predetermined and predecisional concept of ecosystem management is to be supported.

The response to the EECC and the Appropriations Committee as presented in the Economic and Social Conditions of Communities (ESCC) report does little to meet the requests from these governing bodies. However, it does further expose the deficiencies in the DEIS and the design of the ICBEMP. As stated in the Questions and Answers sheet accompanying the ESCC report: "The community level results expressed in this report do not change the effects that were described for the county and regional levels discussed in the Draft EISs." After spending tens of thousands of dollars developing a report, this non-responsive answer to the request for the potential impacts and effects of decisions is unacceptable. It is but another example of the Project failing to be responsive to the public, even at the Congressional and County level. It is clear the intent of the Draft EISs is to amend Forest Plans. It is also clear that EECC and the 1998 Appropriation Act language requested additional information focused on the impacts from decisions that result in amending Forest Plans or that direct how Forest Plans will be amended or revised in the future. Example of fatal flaws in the ESCC report or that exist in the DEIS and reinforced in the (ESCC) are:

- The EECC had concerns that the potential impacts on communities be accurately described, yet the effects that each alternative could have at the community level are only described in terms of trends. (ESCC transmittal letter).
- Current impacts and effects from the existing interim direction, that has been "rolled-over" into the DEISs, are not disclosed. Consequently, the potential economic and social impacts and effects are grossly misrepresented and understated. It is obvious that the ESCC is designed to support the direction to implement the existing perceived concept of ecosystem management. This is supported by the statement that "community-level results expressed in this report do not change the effects that were described for the county and regional levels discussed in the Draft EISs."
- Prior to and during the development of Congressional and ESCC report much concern was expressed over the social-economic analysis in the Scientific Assessment. This assessment is being used to provided the driving employment

statistics in the Columbia Basin. The Scientific Assessment determined that recreation, timber, mining, and ranching produced 240,000 jobs. Recreation accounted for the bulk of these jobs, totaling 225,600 jobs. Timber and wood manufacturing are shown as accounting for 14,400 jobs. Of the 1.5 million jobs in the Columbia Basin, only 15 percent are accounted for in resource related jobs. The recreation sector is shown to account for 16 times more jobs than timber, mining, and ranching. This relationship is totally unrealistic and needs to be revised. An obvious flaw in the analysis is that both direct and indirect employment was used for calculating recreation jobs, and only direct employment was used for calculating timber, grazing, and mining jobs. The preparation of the Economic and Social Conditions of the Communities (ESCC) report was an excellent opportunity to correct and explain this misrepresentation of statistics. However it only continued the "apples and oranges" comparison.

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LETTER FROM BARBARA EVANS COMMISSIONER

BOARD OF COUNTY COMMISSIONERS,  
Missoula, MT, June 18, 1998.

Senator SLADE GORTON,  
Room 730, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR GORTON: I would like to take this opportunity to comment on the Interior Columbia River Basin draft environmental impact statement. At your recent field hearing, Commissioner Michael Kennedy of Missoula testified before you. It is my strong belief that Commissioner Kennedy does not represent the majority of the citizens of Missoula County. I have been a Commissioner here for almost twenty years, recently elected for the fourth time, with a sizable majority.

Commissioner Kennedy testified that he favored a Record of Decision—I do not. I have enclosed a copy of Governor Marc Racicot's statement, wherein he calls for No Record of Decision. It is my understanding that the majority of Montana's western counties do not agree with Commissioner Kennedy, and they support a No Record of Decision.

I hope you will give consideration to my concerns, and those stated in the Governor's testimony.

Sincerely,

BARBARA EVANS,  
Commissioner.

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PREPARED STATEMENT OF MARC RACICOT, GOVERNOR, OFFICE OF THE GOVERNOR,  
STATE OF MONTANA

Thank you for the opportunity to comment on the Interior Columbia River Basin draft environmental impact statement (EIS). We fully recognize that as a part of the EIS, the scientific teams have conducted unprecedented scientific analysis of conditions in the Interior Columbia River Basin. We have appreciated the briefings by various federal officials and the opportunity for the State of Montana to analyze and address different aspects of the EIS.

As a preface, let me make it plain that we are convinced we can better manage our natural resources, including wildlife and fish populations, while providing more predictability to our communities, than we are doing now. By "we," in this instance, I mean all of those involved in managing public resources. As a result, the State of Montana has attempted to contribute constructively to this project, which in our understanding, is to provide for long-term sustainability of economic, social and biological systems in the basin. We recognize and believe that only by accomplishing these goals will local communities be able to better manage our shared resources and achieve predictable levels of products and services from Forest Service and BLM-administered lands. Unfortunately, in recent years sustainability and predictability for these communities have been unpredictable and unsustainable.

Unquestionably we believe there is a great need to change the current approach that federal agencies have been taking in management decisions. As a threshold matter, however, we have significant reservations whether this environmental impact statement will result in bringing about more stability to the economic, social and biological systems in the basin.

Some of our reservations arise because it has been our experience and observation that the real driving force behind management decisions today are the actions taken by regulatory agencies, like the U.S. Fish and Wildlife Service, the National Marine

Fisheries Service, the Environmental Protection Agency and the Army of Corps of Engineers. While we understand these agencies have been involved in the EIS process, the EIS does not reveal how those regulatory agencies will adapt their individual and collective regulatory regimens to provide the assurance of and equilibrium for long-term sustainability of economic, social and biological systems to occur. For instance, the EIS does not provide any definitive direction as to how these agencies will appropriately address threatened and endangered species within the context of the EIS.

The EIS does not mention changes to the Endangered Species Act even though changes would most likely be required to meet the entire purpose and need statement. An example of our concern is on summary page 2, where it is claimed that the record of decision will “Establish general direction for management of habitat for threatened or endangered species or for communities of species that require management across broad landscapes to assure viability.” However, the only direction that the EIS provides is to implement recovery plans (HA-S14) or conservation strategies (HA-S15) following recovery. This direction is no different than what is currently mandated by existing law. The EIS analysis indicates that only the reserve blocks proposed in alternative 7 provide the large areas, connectivity and isolation that are likely to benefit many of the wide ranging carnivores and ungulates that are threatened, endangered or sensitive.

One “purpose” of the EIS (1-6) is to “Identify where current policy, regulation, or law may act as barriers to implementing the strategy or achieving desired conditions.” The EIS also states (1-15) that “The ROD(s) will identify necessary changes to policy or suggest modifications to existing laws as needed to implement the decision.” What changes or modifications to what policies or laws? In our review of the related documents, we do not see any mention of proposed changes. How can we possibly offer cogent analysis in this regard if we don’t know which statutory or regulatory changes will be necessary for changes on the ground to occur?

Our concern in this instance is that a massive and entirely new management approach that applies to 16 Bureau of Land Management districts, 30 National Forests, 104 counties and 144 million acres will be adopted, but that the existing statutory or regulatory framework will not be adjusted to allow for the flexibility and discretion necessary to implement this new approach on the ground. What has been achieved if that were to occur? It appears to us that in such a situation the field of litigational possibilities will be expanded exponentially thereby directly and tragically undermining the stated purpose of and need for the EIS. What assurance do we have that such will not occur when there is no identification of necessary policy or statutory modifications that are a necessary prerequisite to implementation? As mentioned above, the issuance of a final EIS and record of decision could actually result in more litigation in the future because the document is so vague and could be interpreted in so many different ways. Issuing a massive programmatic EIS may in reality provide more tools for more litigation and administrative appeals instead of bringing about better and more expeditious management action. As noted above, things are not good now, but under this scenario, they could get worse—worse for people and worse for our shared natural resources.

It is alleged that within the EIS (1-18) there is a specific “aquatic conservation strategy”. The EIS mentions (2-106) the conflicts regarding Columbia river system management issues and includes a ‘sidebar’ (2-151) on the topic. However, it does not resolve those conflicts and we have serious questions, after review of the alternatives and the objectives and standards, about how a record of decision would be affected by river management or how river management would be affected by the EIS. Management of native and anadromous fish cannot help but be affected by the issuance of a record of decision and therefore related river management activities will be affected as well. We simply cannot endorse an alternative without knowing the impact of that alternative on river management.

Regarding river governance issues, we remain concerned over the substantial and sometimes destructive drawdowns of reservoirs within our state for downstream fish and wildlife interests. As you may know, the State of Montana has filed suit in federal court regarding the noncompliance of state water quality standards by federal agencies. Contrary to the view of the EIS (4-153) where it states, “The goals of States’ natural resource agencies are generally not specifically aimed to protect aquatic ecosystems and biodiversity, but to meet societal needs while disrupting ecological processes and conditions as little as possible” and that Implementation of State requirements for protection of aquatic ecosystems are uncertain,” the State of Montana has a profound and abiding interest in protecting our natural resources and assuring compliance with applicable law.

We are also concerned that the EIS will not create predictability for forest managers. In fact, we believe it would precipitate the opposite of its stated purpose. The

publication "Considering All Things" (page 4) states "What you won't find in this plan is a one-size-fits-all direction." Yet the proposed standards and guidelines if adopted in a final EIS and record of decision will create a "one size fits all" presumption that will diminish the discretion of local forest managers to predictably work toward restoration and the sustainable production of goods based upon the unique circumstances and conditions of individual forests.

We also have grave concerns over the costs of implementing a record of decision. The EIS projects some of the potential costs of implementing the various alternatives. The costs do not include those which would be required under section 7 of the Endangered Species Act and they do not include the costs of wildfire suppression and rehabilitation. The preferred alternative, for example, would cost \$138,234,000 compared to the status quo (Alternative 2) of \$73,675,000. While annual agency funding is set by Congress, how do the agencies anticipate securing additional funding? The EIS states (1-18) that "If full funding does not occur, then the rate of implementation will be decreased appropriately." What exactly does this statement mean? Would one forest or region be deemed more important than another? Would one community's economic stability be more important than another? Would some species be more important than others? What criteria will be used? What about staffing implications? Currently, Region One of the Forest Service is facing difficult choices in how to fund existing needs due to decreases in financial resources attributed to decreases in timber sales. How much more will the implementation of a record of decision add to this already existing problem?

As acknowledged by the authors, it is impossible to tell what impacts might accrue under the various alternatives contained in the EIS. This is partly a matter of scale, partly due to unfamiliar descriptions, and partly the challenge of bureaucratic prose that allows almost any interpretation to fit almost any alternative.

While we fully understand the Interior Columbia Basin Ecosystem Management Project is a programmatic EIS and is not designed to specifically address individual environmental, social and economic consequences, the EIS visibly lacks explanation of how it will achieve the purpose and need statement.

Let me offer an example. Representatives of the Montana Department of Natural Resources and Conservation and the Montana Department of Fish, Wildlife and Parks attended a Kootenai National Forest presentation on the EIS. While the Kootenai Forest staff made a good-faith effort to answer questions raised by the public, they could not determine the impacts of the alternatives at the forest level. They took several months to look at just one alternative (Alternative 4 was presumed to be the preferred alternative) and tried to compare it to existing management plans to determine comparative impacts. The result of that comparison was that there would probably be fewer roads, larger buffers around streams, about the same wildlife habitat, slightly less timber harvest than in 1996, and timber or vegetation growth would continue to grow about three times beyond the utilization rate, increasing the role of prescribed burning and natural fire to control fuel levels. The Kootenai Forest analysis basically provided a comparison between Alternative 1 and Alternative 4. It said nothing about the other five alternatives. In addition, we have no other knowledge from the other national forests in western Montana that an analysis similar to the Kootenai Forest has been undertaken.

The jargon problem is monumental. While ecosystem management is not new in the scientific literature, it is significantly new in the public realm. and even though the EIS appears to be written by competent scientists intimately familiar with the ecosystem management concept, frankly, even a sophisticated and educated reader would have trouble understanding the meaning and context of many of the terms used in the EIS. The definitions and use of key terms within the EIS reflect the anxiety, uncertainty and confusion swirling about the EIS. As an example (5-38), the definition for "ecological integrity" seems to be more subjective than objective. What is the scientific basis for the phrase The quality of being complete; a sense of wholeness? Many of the terms used are not in the glossary and some of the definitions in the glossary require looking up additional terms in order to understand the original definition. How many years will it take for those terms to be construed by various courts and through administrative appeals before they will receive settled definitions? And in the process how will our shared resources and those who provide stewardship of them be impacted?

In order to make confident recommendation for a preferred alternative, the state is faced with the almost impossible task of trying to decide what alternative is best for Montana, without the tools or information to know what one alternative means, much less the tools and information necessary to understand a comparative analysis between alternatives. The Kootenai Forest, taking several months and utilizing professionals already familiar with the ecosystem management concept and who also contributed to the EIS, could explain only the comparative difference between no ac-

tion (alternative 1) and the preferred alternative (alternative 4). Even then, they could not break down impacts to anything more than a Kootenai Forest level analysis. They could not speak to what would occur to the local economy or forest conditions in communities like Libby or Trout Creek, for example.

Also, many of the projected outputs require the investment of a high degree of faith by the public, who may be justifiably skeptical that these outcomes could actually be realized. For example, the Preferred Alternative 4 proposes to: Increase the volume of timber harvested compared to current levels (Page 3/186); increase acres of timber harvest by 154 percent compared to current levels; increase precommercial thinning by more than 2-times current acres; increase prescribed fire by 150–335 percent; and, simultaneously reduce road densities in most forest types by up to 50 percent.

Where is this going to occur? According to the Kootenai National Forest analysis, it's not going to occur there. And, even without the reality of limited budgetary constraints, the EIS does not provide an explanation of how apparent contradictory goals can be accomplished?

While we do appreciate the agencies taking a new look at the socioeconomic analysis included within the DEIS as originally released, we still believe there are many unanswered questions. The Economic and Social Conditions of Communities report (Report) provides a general overview of Interior Columbia Basin communities. However, it avoids the issue of what the specific socioeconomic and economic impacts would be to each community under each of the different alternatives. This is due in part to the fact that the EIS, which the Report supplements, uses a "broad-scale" approach and therefore prevents the estimation of local effects. However, a complete analysis of socioeconomic and economic impacts for each community under each alternative is a necessary prerequisite to the issuance of a final environmental impact statement and record of decision. That's what the law and simple fairness contemplate. Even though in our understanding the National Forest Management Act requires an individual analysis for each of the 104 counties to be impacted by the EIS, the Report, at the least, should have provided a range of potential socioeconomic and economic impacts for the Bureau of Economic Analysis (BEA) regions and a more detailed discussion of how the communities in each of the BEA regions would potentially be impacted under each of the different alternatives. Several assumptions are used in the Report in order to allow for a simplification of the analysis. However, the "broad-scale" approach of the EIS must be narrowed and the socioeconomic and economic impacts at the BEA region level must be analyzed.

We are concerned by language (1–14) regarding "adaptability of plans" that indicates reinitiation of consultation under the Endangered Species Act may result from this project. We suggest any such action be done in a manner that does not unreasonably delay or alter previously approved site-specific projects or projects close to decision. Adaptive management occurs through predictable and reasonable processes that do not cause an undue burden in the process of balancing development with appropriate levels of environmental protection.

We were pleased to see the importance weed management was given in the EIS. Implementation of an integrated weed management strategy on identified noxious weeds is a component of each of the alternatives listed except Alternative 1 [No Action]. A coordinated weed management approach is paramount as we look at emerging management issues.

The effort expended on this project is significant and appreciated. Similarly, the information produced as a result of this extraordinary inquiry is invaluable. Nonetheless, for the reasons mentioned herein, we do not believe the project should proceed to the issuance of a record of decision. Instead, goals and objectives, based upon the information and analysis produced, should be formulated to guide the development of forest plans pursuant to the National Forest Management Act.

By drawing this conclusion, we do not intend to diminish the effort invested to produce this analysis, nor the competence of the professionals responsible for its creation. We also appreciate the many opportunities offered for collaboration throughout the preparation of the EIS. And importantly, we believe that the body of information synthesized as a result of the scientific inquiries will assist greatly in making better management decisions in the future. Our best recommendation, however, is to use that information to guide the development of forest plans suited to the unique characteristics of individual management units. To proceed to adoption of a preferred alternative in a final EIS and the issuance of a record of decision would, for the reasons expressed herein, achieve the opposite of what the purpose and need statement sets out to accomplish.

Thank you for consideration of our comments.

PREPARED STATEMENT OF HUBERT B. SAGER, VICE PRESIDENT, RESOURCES, VAAGEN BROS., LUMBER, INC.

Thank you for the opportunity to comment on the Eastside Draft Environmental Statement (DEIS).

This has been a long and expensive effort and we commend the Forest Service and the Bureau of Land Management (BLM) for their attempt to be responsive to the Presidential direction issued in 1993. However, we find it unfortunate that the agencies decided to go totally beyond the President's direction to develop a scientific supported ecosystem strategy. This DEIS, if it becomes a FEIS with a Record of Decision, will be a site specific directional document mandated to the lowest field level. This effort goes completely beyond our understanding of what a "strategy" constitutes and beyond what was the intent and scope of the Presidential direction.

We appreciate the agencies granting additional time for the DEIS public review and comment period. We still found the task extremely difficult and complex. To simply review the "summary documents" or the DEIS document, by themselves, does not constitute an adequate review. We found that the documents were numerous, voluminous and extremely complex in nature. The following material was received or obtained for review:

DEIS DOCUMENTS FOR REVIEW

Document	Date	Pages
Considering All Things .....	Undated .....	56
Preferred Alternative .....	5/97 .....	4
Eastside DEIS:		
Vol I .....	6/97 .....	731
Vol II .....	6/97 .....	396
Subtotal .....		1,187
Evaluation of EIS Alternatives by the Science Integration Team:		
Vol I .....	5/97 .....	536
Vol II .....	5/97 .....	558
Integrated Scientific Assessment for Ecosystem Management in the Interior Columbia Basin and Portions of the Klamath and Great Basins .....	9/96 .....	303
An Assessment of Ecosystem Components in the Interior Columbia Basin and Portions of the Klamath and Great Basins:		
Vol I .....	Dated 6/97 but received 10/97 .....	335
Vol II .....		720
Vol III .....		658
Vol IV .....		353
Status of the Interior Columbia Basin, Summary of Scientific Findings .....	11/96 .....	144
Highlighted Scientific Findings of the Interior Columbia Basin Ecosystem Management Project .....	5/97 .....	34
Framework for Ecosystem Management .....	6/96 .....	48
Subtotal .....		3,689
Total .....		4,876

Given this amount of information, even with the 240 days of review time, it requires an average reading of 20.3 pages per day. Virtually an impossible task to accomplish with understanding. The following are our specific comments:

- If the Objectives and Standards are implemented, they will result in the following:
  - A higher number of appeals and litigation actions;
  - Substantial delays in the local decision making process;
  - Substantial reductions in the levels of goods and services produced, especially timber;

- Substantial increases in road closures and resulting loss of public access to their lands;
- Less predictability of the levels of outputs to be produced, again especially timber;
- Reductions in authority and flexibility at the National Forest and BLM local level; and
- Higher costs of doing business which will result in either less skills on the ground or less outputs since budget increases will not keep up with the increased costs.

The agencies cannot move toward meaningful ecosystem management until major terms, such as ecosystem, ecosystem management, forest health, landscape health, and ecosystem integrity are defined in an understandable, measurable manner.

We agree that the agencies need to look at a scale larger than the “stand” level but we totally disagree that analysis or direction should be done or established at the Columbia River Basin scale. There is too much variability at the Columbia River Basin scale for a “one-size-fits-all” solution. The scale for analysis, with resulting Objectives, Standards and changes in management direction, should not be larger than sub-basin or 4th-field Hydrological Unit Code drainage.

Agencies must provide a ecosystem boundary map which clearly reflects where the ecosystems to be managed are located and how these ecosystems relate to the other ownerships, especially the private lands.

Although the documents stress that the requirements only apply to Federal land management, the scientific assessments were done for all ownerships. The resulting findings are mostly based on the total ownership pattern and therefore, any conclusions or direction established to “restore” ecosystems must include the private land. This will result in pressure being applied to the State regulatory agencies to also apply these standards to State and private lands based on “science”.

To shift to a policy where production of goods and services is a by-product of ecosystem restoration is not supported by law or regulations and is in violation of existing laws such as the Multiple-Use, Sustained-Yield Act of 1960.

NEPA requirements are not being met. For example, the Social/Economic analysis is totally inadequate, the Implementation Plan has not been completed, and the Monitoring Plan has not been completed. Therefore, this document is incomplete (not a full disclosure of potential effects) and has not had adequate public review.

The “Desired Range of Future Conditions” is based on scientific values, not findings, and have been developed without adequate stakeholder involvement.

The direction of the DEIS is driven by trends established, for all ownerships, by comparing current conditions to conditions prior to the arrival of Europeans. The assumption is then made that nature is the ideal model and that future conditions should strive to regain the prior conditions or the Historical Range of Variability which existed in pre-European times. This whole concept is based on “values” not on scientific findings. We do not agree that these are the proper or desirable conditions for future Federal land management.

Numerous Objectives and Standards are not understandable, measurable, or implementable based on our experience. The inclusion of “guidelines” seems to be a “wish book” or “brainstorming” exercise and will only add confusion and misunderstanding in the future. We also don’t understand whether “rationale statements” are mandatory statements of direction. For example, are the units required to complete sub-basin analysis in 2–3 weeks? This seems like an impossible task given the requirements of Appendix 3–1, the coordination/consultation required, and the lack of comparable data between agencies!

We can not find the science which adequately supports the proposed Standards. We especially tried to find the scientific support for the riparian buffer zones and the degree of road density reduction. In neither case could we find adequate scientific support, in fact we found scientific evidence which supports the adequacy of PACFISH/INFISH buffer widths which are substantially less than those proposed in the DEIS. There is also new information coming out of the Washington State Timber, Fish, and Wildlife process that shows that even PACFISH/INFISH Standards are excessive for appropriate riparian functioning. The standards for road density, snag retention standards, and down woody material are not supported by science. It appears that these were established by the planning teams judgement or during negotiation with the regulatory agencies. We find this unacceptable and that the DEIS is not “scientifically sound”.

Neither the economic assessment or the social assessment adequately evaluates the effects to the local communities. In fact the document continues to refer to future local planning to determine these effects. Scientist predict mill closures and reductions in timber production, loss of road access, and even reductions in recreational use but we don’t know where or the degree of impact expected at our local

National Forest or BLM units. This is unacceptable and must be corrected prior to completion of a FEIS.

Economic assessment is biased toward non-market production. This is evident in the way the values of goods and services were established. Commodity values were established based on the user prices paid e.g. stumpage or AUM values. Recreational values were determined using a questionnaire to determine what people would be willing-to-pay. This is ridiculous. What are people paying for manufactured lumber, paper, meat, metal, etc. There must be a comparability between values. This assessment is biased and misleads the public.

DEIS discounts the issue of community stability. This has been a long standing policy of the Forest Service and BLM and has been reinforced through laws such as the Small Business Administration Act and the National Forest Management Act. This issue must be adequately addressed.

Social assessment is totally inadequate to disclose potential effects to the local communities or area. Even the scientist threw in the "towel" and state "this broad scale plan could not provide the understanding panelist felt they needed to evaluate social effects, except in the broadest terms". Again, we find this unacceptable and it must be corrected.

Implementation of the DEIS will result in significant amendments to the local National Forest Land Use Plans. This DEIS does not meet the requirements of the NFMA for this type of plan amendment.

This plan is "locking up" roadless areas that have been released for management through the Washington and Oregon Wilderness Acts. This is in conflict with law and is an illegal action.

DEIS does not adequately evaluate county and community Land Use Plans, Economic Development Plans, Zoning Plans, and other resource related plans.

DEIS is not complete and therefore does not allow adequate public review and comment. Some examples are:

- Ecosystems are not mapped and the relationship between Federal, State, county, and private land management is unknown;
- Implementation Plan has not been completed;
- Monitoring Plan has not been completed;
- Riparian Management Objectives are not complete for all Alternatives;
- Levels of goods and services and the resulting social/economic impacts have not been determined for the local community/areas;
- Integrated risk analysis will not be completed prior to the Record of Decision, this may have significant impacts at the local National Forest and BLM District level and therefore to the local communities;
- Effects to existing activities and the time frames for corrections are unknown; and
- Total funding needs, for all effected agencies, was known but was not released for public review and comment (see chapter 4, page 218).

Based on our review, we do not find this to be an acceptable document. We feel it must be revised and completed and then re-issued for additional public review and comment.

Since we could not find the science to support the proposed changes in management, we do not support any Alternative other than continuing current management. In our judgement, the agencies should complete the missing portions of the DEIS, modify the DEIS based on the analysis of public comment, and then re-issue the DEIS for public review and comment. We seriously wonder what the merit is to complete this project; however, if the agencies elect to complete a FEIS, there should not be a Record of Decision and the FEIS should be issued as a "guideline document" for the Forest Service and BLM units to consider during project planning and when they do their mandatory update of unit Land Use Plans.

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PREPARED STATEMENT OF THE FRANKLIN COUNTY BOARD OF COUNTY  
COMMISSIONERS

The Franklin County Board of Commissioners believes ICBEMP should be terminated and a clear and concise management plan developed by the communities directly affected. This information should be developed with local communities and private landowners working with Federal and state agencies and then go through the proper Congressional process.

The current ICBEMP project gives little practical consideration to local communities, its people and the economic factors affecting those communities. The plan is based on negative historical information with little attention to positive impacts

from the past and current agricultural practices which have led to an increase in survival of wildlife as well as increased vegetation in the forests.

There needs to be a clear definition of "ecosystem" that is consistent with local plans and recognition that ecosystems are continually changing. It is ludicrous to try to restore what cannot be described.

It is our grave concern that this ICBEMP project could result in duplication of the disastrous spotted owl issue.

Until ICBEMP is terminated, it is our desire that the counties remain involved.

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PREPARED STATEMENT OF LAWRENCE A. DOLEZAL, CHAIR, BOARD OF COMMISSIONERS,  
LINCOLN COUNTY, STATE OF MONTANA

Thank you for providing this opportunity to submit comments to you. My name is Lawrence A. Dolezal. I am currently the chair of the Lincoln County, Montana Board of County Commissioners. I am also one of two county commissioners representing the Montana Association of Counties (MACo) on the Eastside Ecosystem Coalition of Counties (EECC) actively involved in reviewing the Interior Columbia Basin Ecosystem Management Project (ICBEMP).

As you are aware, Lincoln County has been very active regionally and nationally in public land issues. We have testified before Congress on PILT and other legislation, attended various Committee hearings and meetings in Washington, D.C. during our tenure as county commissioners. Lincoln County is active in public land issues for many reasons. Our county consists of 3,750 square miles. 80 percent of the county is public land encompassed by the Kootenai National Forest, while 13 percent is comprised of corporate timberlands. Only 7 percent is other privately owned land that provides the tax base to support our public services.

The President of the United States, by executive order, initiated the Interior Columbia Basin Ecosystem Management Project (ICBEMP) to create a scientifically sound, legally defensible ecosystem management plan. ICBEMP was to be a broad-scale, 12-month project that would give general direction to public land managers for ecosystem management, on a landscape basis. We now feel that the project should be ended for the following reasons:

- The management direction provided by ICBEMP does not achieve the purpose and need for the EIS (i.e. Restore and maintain a healthy forest and provide sustainable and predictable levels of products and services and support economic and/or social needs of people, cultures and communities).
- Many experts also maintain that ICBEMP violates the following laws: Multiple Use Sustained Yield Act of 1960, the National Forest Management Act of 1976, the Forest and Rangeland Renewable Resource Planning Act of 1974, the Organic Administration Act of 1897, the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996.
- ICBEMP was intended to be a scientifically sound management plan but has become politically based upon "selective science" which supports predetermined preservation goals with a top-down one-size-fits-all highly prescriptive set of management standards and objectives.
- The recent interim roadless policy proposed by the administration indicates a strong desire to create de-facto wilderness areas and circumvent the authority of Congress in direct violation of the aforementioned laws and indicates the political direction provided to ICBEMP obfuscating the tireless efforts put forth in good faith by counties engaged in the process.
- ICBEMP has become a political document rather than a resource management planning document.
- ICBEMP draft documents fail to adequately and truthfully define and disclose the economic, environmental and social condition of our counties and communities and ignore the future effects to our communities should implementation of the ecosystem management practices embodied in the Draft EIS documents occur.
- ICBEMP has evolved to reflect a top-down management paradigm which reduces or eliminates effective local input in natural resource management and environmental decision making.
- ICBEMP has become a 6-year, \$35 million project, with no end in sight.
- One driving force behind the initiation of this project was to avoid potential litigation via a long-term strategy that would bridge jurisdictional administrative boundaries when dealing with broad-scale issues. Cumulative actions would be incorporated into decisions crossing unit boundaries to avoid jeopardy opinions. However, we are concerned that this project may, in fact, simplify the litigation process and provide more tools to those who are most likely to litigate.

We would like to summarize for you what we sense is the most important issue to consider. It is the constant barrage of federal edicts enacted from above that are threatening our custom and culture, our traditional way of life in rural communities out west. We were encouraged to "come to the table" to negotiate and review forest management practices through the ICBEMP process. We have kept our promise and stayed active in this process under tremendous political adversity. Our constituents tell us "You can't trust the federal government any more". They tell us to look at the effects of the grizzly bear protection and other endangered species management. They see forests that are in dire need of help and could catastrophically burn this summer. They attend public meetings to voice their opinions but feel as if their input falls on deaf ears. We used to tell them that we still need to try to work for a common goal and work out our differences in a managed plan that can benefit all interests. We constantly appeal to them to attend one more meeting or write one more letter that will hopefully influence decisions. We are not sure that we can tell them that any longer. Anymore, we and our constituents see manipulation of public meetings to be used as a formal mechanism to validate the desired outcomes of the sponsoring agencies while ignoring the public's input.

Lincoln County strongly supports natural resource planning and environmental management featuring site-specific management decisions made by local decision makers, local citizenry and parties directly and personally affected by public land resource management decisions. But every effort we have made to work together with federal agencies to solve the important management decisions with words of reason have been ignored by this Administration which continues to impose additional regulations with no understanding of the effects on rural America. We are being backed further and further into a corner and are fighting for our survival.

After careful consideration, due to the reasons listed herein, we have a strong feeling that ICBEMP should be terminated with no Record of Decision being approved, and that the accurate ecosystem management data developed by the project and all public comments generated should be communicated to BLM district managers and national forest supervisors for consideration of further public input in statutorily scheduled land and resource management plan revisions. All public comments should become a part of the official record. These plan revisions should be coordinated with adjoining units to provide consistency and connectivity and consider cumulative impacts in dealing with broad-scale issues that overlap onto multiple jurisdictions.

Thank you for allowing me to submit these comments to you today.

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PREPARED STATEMENT OF PETER S. TEST, ASSOCIATE DIRECTOR OF GOVERNMENT AFFAIRS, OREGON FARM BUREAU

The Oregon Farm, Bureau Federation (OFBF) is the State of Oregon's largest general farm organization representing over 21,000 producers in the state. A large portion of our membership depend on the resources provided by the Federal Lands within the Interior Columbia Basin. We appreciate this opportunity to comment on the Interior Columbia Basin Ecosystem Management Project (ICBEMP) Draft Environmental Impact Statements (DEIS). Although our comments will be directed more to the Eastside Draft EIS many of them will apply to both.

The OFBF has a clear policy related to the ICBEMP and the Draft EIS's. The OFBF policy is as follows:

"The Oregon Farm Bureau opposes further federal expenditures to complete the Interior Columbia Basin Ecosystem Management Project (ICBEMP) as long as the plan is contrary to federally legislated public land management policy. We will not support any alternative that goes contrary to our national (federal) policy that sets multiple use as the goal for management of public lands."

The OFBF policy related to multiple use management is as follows:

"We favor the multiple use of public lands and publicly controlled or managed natural resources."

The preferred alternative deserts the multiple use goal defined in federal statute and replaces it with the unscientific, undefined value laden goal of "ecosystem health", through an undefined, unproven process, "ecosystem management".

Other policy related to land use planning authority states that:

"We believe all lands including state and federal lands should be subject to all provisions of local land use."

This policy supports our belief that federal land management actions should support local land use planning and not contradict or work against local land use plans. ICBEMP's seriously threatens local land use planning goals, particularly as they relate to agriculture in the form of livestock production. The ICBEMP preferred alter-

native will reduce livestock use of public lands which in turn will threaten the local ranching community. The ICBEMP economic analysts projects loses in the agriculture community, forcing people out of business, thereby forcing their private lands to be used for other than the originally planned agriculture use.

The entire ICBEMP project is unparalleled in both it's scope and it's reach. The project encompasses more that 144 million acres of land in portions of seven western states. Of that total, approximately 55 million acres (38 percent) are privately owned and approximately 75 million acres are lands administered by the Forest Service and BLM. The sheer magnitude of size of the project can be illustrated by the fact the federal portion represents 24 percent of the total lands administered by the Forest Service, and 10 percent of the lands administered by the BLM nationwide.

Despite the fact that the DEIS's profess only to effect management on federal lands, we cannot see how implementation of ICBEMP will not effect private lands. Attainment of federal standards and guidelines on federal lands, especially related to water, will certainly have an impact on privately owned lands and the manner in which they can be used.

Our policy for National Forest Planning supports the present system outlined by Congress and supports it as long as it meets the following standards:

"We believe that the national forest planning effort should strive to maintain the present supply of timber from national forests to insure county support, employment and community stability. We are sure that this objective can be met without jeopardizing environmental concerns and without violation the intent of the National Forest Management Act"

The framework by which Forest Service land is to be managed is primarily described in the National Forest Management Act (NFMA) and the Bureau of Land Management (BLM) in the Federal Land Management and Policy Act (FLMPA). In both acts agencies are charged with developing individual land use plans for each jurisdictional unit which provides the framework for site specific land use decisions. ICBEMP, particularly the preferred alternative short circuit and violates the intended framework for both of these acts. It will violate statute provisions related to amending and revising land use plans in the acts, and supersede both NFMA and FLPMA with respect to the management units affected by the project.

The preferred alternative for the ICBEMP is in major conflict with our Farm Bureau policy and cannot be supported by our organization as currently drafted. The only alternatives OFBF could presently support are Alternative 1 and possibly 2.

General concerns about the DEIS's identified by American Farm Bureau requested analysis by Allan K. Fitzsimmons, Ph.D., as well as, those of our own are summarized below.

#### *Legal Basis for ICBEMP*

There is no legal basis for the process. As explained above, the process short circuits both NFMA and FLPMA and would in the end negate current statutory law. One of the goals of the project is to reduce litigation and its effects on the management of the land. Under the NFMA and FLPMA system of planning, litigants must litigate by planning unit but if ICBEMIP becomes a process overlaying the present system then activities on the whole 75 million acres could be stopped with one suit.

#### *Lack of Definition of Key Terms Will Invite Litigation.*

The most basic term in the entire document "ecosystem" is not adequately defined, it can be as broad as the globe or as specific as the stomach of a cow. Specialists have made continuous efforts to adopt a definition of ecosystem. They have had some success with the "Keystone Dialogue" but the resulting definition was totally ignored in the document. The document also makes no effort to address the scope of the term "ecosystem" leaving it open to value judgments, with the final decisions being made through litigation in the courts.

Similar problems exist related to the terms "ecosystem health" and "integrity". Both terms are subjective and not base in science, The result will be a hidden, subjective value system being imposed as a basis for decision making. Since the system is value based on undefined scientifically subjective terms all decisions are open challenge by anyone unhappy with management decisions because their values or interpretations are different. This situation can only lead to conflict among managers and other interests which will result in litigation to clarify the plans basis of decision making, The management and planning out of the hands of professionals and science into the hands of the courts. In the mean time the terms can mean anything an administrative agency may want them to mean,

Similar problems exist with other terms and concepts in the documents but the terms described here are most important because they form the basis for all management decisions.

*Process Is Not Feasible*

The present authorized process for federal land management is based on science and being done over land areas that allow for proper site specific management decisions. ICBEMP is built around a concept "that-one-size-fits-all" management prescribed, with standards and guidelines and objectives. If our present system of planning were properly funded it would produce more and better management results than the project is expected to do. The present system of management still functions with limiting funding but allows commodities to be harvested from the forest. Under the proposed process, if funding is not available then activities that would produce renewable resource commodities from the federal land stop. The many activities required by ICBEMP process will further delay needed land management. Assessments are called for that will repeat activities that have already been carried for the present forest planning process, leaving less funding available for much needed management on the ground.

Even Forest Service managers for some of the National Forests in the area covered by the project have commented that the process is not feasible. The following came from a Umatilla National Forest review of ICBEMP and similar comments can also be found in a Wallowa-Whitman National Forest review.

"In our judgment, completion of all the analysis, and the Forest's planning and project work is probably not Feasible."

The Lower Grand Ronde Sub-basin Review, a pilot or trial of the analysis that was supposed to be limited to three weeks is still in the process of being completed after 6 months of full time work by a team of professionals. This pilot would seem to verify the comments found in the reviews just mentioned by Forest Service professionals, who indicated that the process would take a major effort in time and resources. The DEIS's claim that this effort would be short and easily done. The analysis, related to the assessment should, in light of the results of the pilot project and the review of the professionals (that will be expected to put it in action) be reevaluated.

*Scientific Information Used For the DEIS and many of the Assumptions May be Seriously Flawed*

Vegetation cover types current and historical, as well as vegetation structural stages are part of the basic information that are used to develop the assumptions of the condition of the project area and develop standards, guides, objectives and management decisions. Ecosystem integrity is largely based on surrogate data, instead of actual data, related to man's activity on the land (road density is often used as a surrogate for watershed integrity) Human activity is considered hazardous to ecosystem integrity. If new growth vegetation cover types are over estimated the picture related to present "integrity" of the area will be skewed and assumptions related to management needs of the resource area and potential commodity harvest effects on the land become less than credible and cannot be substantiated.

The people carrying out the Lower Grande Ronde Sub-basin Pilot Review found while reviewing and ground proofing the vegetation cover data have found errors, some major, related to the vegetation structural stages by diameter class/acreage in the Blue mountain ERU. Vegetation structural stages by diameter class/acreage were found to be as much as 64 percent off. Such errors in the base data cannot be tolerated and must be corrected before any assumptions or decisions related to ICBEMP can be made. Such errors should put the results the whole process in doubt and require serious and probably expensive reevaluated.

Until such potential errors are addressed the OFBF cannot support going forward with the process.

*Standards, Objectives and Guidelines Do Not Allow for Adaptive Site Specific Management*

In general the standards, objectives and guidelines in the DEIS's are ambiguous, arbitrary, impractical and often inherently contradictory. The standards and objectives are vague, some of the standards even become the objective which is not conducive to good management. Because they are vague, they will likely be applied inconsistently throughout the project area. The standards are in many cases are not based on scientific principals and in fact have been adopted in spite of conflicting science. With the potential data errors found in the Lower Grande Ronde pilot work, some of the assumptions that were used to develop the standards, as well as the guidelines and objectives could be seriously flawed.

Standards in one section often seem to conflict with standards in another. The standards in the Terrestrial Strategies seem to conflict with those in the Aquatic/Riparian Strategies.

The main problem with the section and particularly the standards is that they are too restrictive and prescriptive for an area the size this process is to cover. They result in a "one-size-fits-all" management scheme which is sure to fail over the seven state area. Management must be site specific and any standards, objectives, or guidelines must be also specific to a site. Resource management by its nature is an art, as well as a science. Adaptive management is the rule and a large scope "one-size-fits-all" process excludes such management. Section three must be eliminated or seriously changed to objectives that can be changed to fit site specific situations.

The impact of the interim strategies (PACFISH, INFISH, EASTSIDE SCREENS) have already negatively impacted thousands of jobs. These strategies are said to be discontinued with the acceptance of ICBEMP. They are, for all intent and purpose, incorporated into the standards, objectives and guidelines. We already have some history with the economic and social impacts of these strategies. Such information, we believe, has not been completely or properly addressed in the economic analysis.

Section three must be eliminated or completely redirected (rewritten) to be general objectives (including clear consumptive use objectives) capable of adjustment on a site specific level before the OFBF could support the project.

*The DEIS's Do Not Adequately Analyze the Social and Economic Factors*

As would be expected, the DEIS's presume human activity to be harmful to ecosystem integrity. The economic and social aspects of the various alternatives, particularly the preferred alternative, treat all such factors as impacts (usually harmful) on the ecosystem rather than an integral part of the ecosystem. The economic and social issues were and are still not adequately addressed in the DEIS's, and in our opinion not properly peer reviewed. Such treatment of these factors as a threat to the environment concerns us because it means that efforts or permission to use the resources of the federal lands, in question, will be harder to acquire and therefore seriously threaten agriculture producers in the area of our state effected by the project.

The economic analysis fails to consider the effects of increased development of lands previously used for agriculture. With their development comes more demand on the local government for goods and services. Recreation, the expected replacement to the resource based economic losses, will not provide the funds necessary for the county's to provide the infrastructure and deal with increased problems such development brings with it.

The ICBEMP project is partially fashioned after the President's Forest Plan for most of the west side of Oregon. Promised flexibility and continued use of the resources of the federal lands were promised as was a decline in litigation. None of that ever happened. The courts have stopped almost all timber sales in the region. While management actions based on the plan have threatened and caused livestock producers to lose permits or had their permits reduced to a point that their economic and practical management values have been lost.

*Other*

Besides our own review of the DEIS's materials we have reviewed many comments sent by other stakeholders, and interests. We agree with the analysis in comments from the following: Washington, Idaho, Wyoming and American Farm Bureau; Wallowa and Grant County Court; Boise Cascade; North West Forest Resource Council; The Oregon Cattlemen's Association; and Eastside Ecosystem Coalition of Counties. (The OFBF actions related to the ICBEMP DEIS's will be different than many of these comments but we agree with their reviews and analysis of the issues.)

CONCLUSION

It is our belief that ICBEMP will not clear the problems and roadblocks that threaten the future of resource management and agriculture in the West. In fact it will add more paperwork, administrative roadblocks, and litigation into the management and use of our natural resources.

While some of the stated goals of the project are commendable, we cannot support the process or the preferred alternative because they both go directly against OFBF's policies related specifically to the project, multiple use management, the forest management planning, as well as, parts of our land use planning policy.

Alternative one in the process would be acceptable but it for all intent and purpose is the present system of management, which is generally more in tune with

our policy. If the process could be brought into line with present federal laws and statutes, eliminate Section 3 and/or replace it with a process that allows for well defined site specific objectives, we might be able to reevaluate our position related to the project.

The social and economic analysis must be repeated. Ecosystem must be specifically defined and man's influence on it considered a part of the ecosystem function not an impact or threat to it's health or integrity (whatever they are). Both the ecosystem health and integrity concepts must be dropped from the process and, if desired, clear scientifically accepted, quantifiable (measurable concepts identified to replace them. Multiple sustained use of the resource should be one of the main objectives of the process.

Local movement and residents must be real partners and participate in all decisions, particularly those that may effect their well-being, the local economies, private landowners, land use planning, customs, and culture of the area. If the moratorium on forest road construction and maintenance is any example of how the local partnership process is to work then it is not acceptable.

The science and data used to develop the assumptions in this project must be reviewed and ground proofed and the DEIS's rewritten and alternatives reevaluated in light of the errors the pilot assessment discovered.

At this time the OFBF feels these QEIS's and efforts to launch this project or management option into reality is premature. We cannot support its continuation. The scientific information, after being thoroughly reviewed and ground proofed should be distributed to the regions various management units and used to supplement the information necessary in their local, legally recognized planning process.

Thank you for this opportunity to comment on these Inner Columbia Basin Ecosystem Management Project DEIS's. We reserve the right to comment further if the comment period is for any reason extended. If there are further questions please contact me.

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PREPARED STATEMENT OF KING WILLIAMS, CHAIRMAN, BOARD OF DIRECTORS,  
PROTECTING INDUSTRIES NOW ENDANGERED

The following comments and information are respectfully submitted as an example of the need for the Interior Columbia Basin Ecosystem Management Project to be dismantled and defunded without going to a Record of Decision.

The "Interim Direction" within this document should be withdrawn since the elements of Pacfish, Infish and the Screens have expired and their inclusion in this document were meant to be temporary and not of the long term.

The so-called science portion of the document does not apply because it has not been tried, tested or proven to work on the broad scale that this document is supposed to be and, in most cases, cannot be applied in a site-specific manner necessary for sound natural resource management.

The ICBEMP has, in many cases, completely shut down any resource management within current Forest Service Management plans from the day of its inception.

*Aquatic systems*

Better riparian zones—many sub-irrigated for many years, due to the management practices utilized, maintained and improved the land's ability to filter and maintain an even water flow with cleaner water and lower temperatures to the streams. (Many of these practices have taken place on public lands because of the good management practices that are mandatory for grazing allotments and the silvicultural regulations that have made it possible for water to reach the ground and penetrate the soil, both in the form of rain and snow.) No logging and less grazing on public lands for the last several years is causing the loss of water by transpiration instead of its being added to the riparian areas and streams. This document does not recognize the need for coordinated management of our resources.

Climatic conditions on the Eastside areas are not the same as in the coastal areas, but are being treated the same.

Since most of the science team have not even seen the areas addressed, especially some of the authors of many of the reference documents (some are on the eastern seaboard and some are not even in the United States) it is very difficult to find any basis for some of the rhetoric used in much of the document, as well as in the rationale statements.

*Terrestrial & Habitat*

Many species being treated as native or endemic to a region are, in fact introduced species, including vertebrates, many species of fish, trees, birds and many types of vegetation. The numbers of these species have increased dramatically since

they were introduced and in some areas they are destroying their own habitats from sheer numbers and increased acres that they are inhabiting. This is partly due to the fact that, in the past, land management was ongoing and the habitats were being improved by good management practices, both on and off of public land. Regulations and shutdown of ongoing management on public lands has caused an undue economic impact on private lands, communities and counties within the affected basin area. Less grazing and little or no logging has taken a toll on the ability of public lands to sustain the numbers of animals, fish, vegetation and other resources. Grazing and logging have long been used as resource management tools. Since these lands have not been managed, for a number of years, they have deteriorated to the point that wildfires, noxious weed invasion, loss of water retention and less forage available (for both wild and domestic animals) is causing a lot of the so-called need for restoration. Restore to what or when—no specifics—only projections “Restore” has never been defined.

The fact that there were many fish hatcheries throughout eastern Oregon (we do not know about eastern Washington, but presume there were some) has been ignored. These hatcheries, many associated with and using natural hot springs as part of their rearing process, increased the numbers of salmon and steelhead dramatically prior to the introduction of dams in the Columbia river. Many of these hatcheries closed in the late thirties and early forties, consequently the numbers of fish going to the ocean declined almost immediately. This was not caused by the advent of the dams, but by a war. These and other similar facts, such as climatic changes, have been conveniently left out of this document. These fish, by the way, were considered native.

Aquatic objectives and standards, of which there are 14 objectives and 56 standards, are addressed in a manner that precludes land management, except for aquatic species. This does not allow for multiple use management of the resource base or make it possible to improve and restore the land in order to make management for aquatic species a practical and implementable part of any management plan.

There are also aquatic objectives and standards throughout the other strategies within this document. There is no science being put forth in this document that on the ground managers can apply to aquatic objectives and have balanced resource management program that will maintain or improve the natural resource base that is critical to our public lands.

#### *Hydrology*

The amount of water on this earth is the same as it has always been and as it always will be. Changes occur in: Where it is stored; What form it is stored in; When it is released; Its climatic distribution; When it is stored; What form it is released in; Where it is released; Its utilization—as available.

None of the above are predictable over the long term so aquatic standards probably cannot ever be met on a sustained basis. When the amount of water available in a given spot at a given time cannot be a known quantity, it cannot be planned for a specific use—only if and when it is available can it be used. Storage behind dams is critical for the availability of water and for planning for its needed uses.

*Human needs are not specifically addressed in this document*—Human needs should be taken into consideration before those of other species. We are also part of the ecosystem. The human body is 93 percent water. We have many more bodies that store water today than we have had in the past.

Food, shelter and clothing are all resource based needs. These resource based needs must be planned for and this requires management of our natural resource base to its fullest potential. Set aside, lock-up and no-use prescriptions cause degradation of the resources themselves, as well as the degradation of our society, cultural heritage and even our national security.

Our natural resource base must be managed sensibly and economically to provide for all of our needs.

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#### PREPARED STATEMENT OF MAURICE WILLIAMSON, ACF, CONSULTING FORESTRY

I wish to thank you for holding a field hearing in Spokane on May 28, 1998, to get a better feel for the opinions of the various stakeholders on the Upper Columbia Basin Ecosystem Assessment. You are aware this document could have far reaching effects on regional and local economies and communities.

I would like to address certain comments made by one of the panelists.

(1) A statement was made by Bob Williams assuming that a record of decision would decrease private pressure on private lands under ESA. I do not agree with that assumption particularly in light of the current negotiations which I am in-

volved in called TFW (Timber, Fish and Wildlife), these negotiations are to resolve water quality and salmonoid habitat concerns on private lands in the state of Washington. These negotiations will lead to a new set of Forest Practice (Option 9) regulations statewide. The ICBEMP is similar to the presidents plan for western Washington and Oregon. If Mr. Williams' assumption that these types of plans take pressure off of private lands under ESA is correct, we would not be having the TFW discussions, as the presidents plan addresses many of the anadromous Salmonoid habitat protection requirements.

(2) Anadromous Salmonoid habitat is primarily concentrated in lower gradient streams which are generally found at lower elevations than Federal ownership and in many cases lower elevations than industrial ownership. Many of the functions such as large woody debris recruitment and temperature are therefore not affected or protected by Federal land management. Hence the need for additional ESA protection on private lands. To put it more succinctly, science does not support the assumption that Federal protection efforts are adequate for many species. The recent examples include the spotted owl and marbled murrelet which also have required extensive efforts under ESA on private lands.

(3) ICBEMP standards will influence private land regulations. The effect of any Federal land management schemes protection measures are that the standard set on Federal lands becomes the standard by which private land protection measures are judged. This is particularly burdensome when "risk free" standards are set over varied landscapes as large as the Upper Columbia Basin where, in many cases, the level of protection for a particular function is totally unnecessary and unjustified on significant portions of such a large landscape. I have enclosed an example which related to mass wasting (landslides). This is one of the parameters that is used to judge the effects of road construction/maintenance and placement of harvest units on habitat. You will note the mass wasting expressed in failures per square mile for northern Idaho is 1.94 versus eastern Washington at .45. Additionally, the east Cascade slope range averages 1.55 compared with western Washington at 6.65. This information was gathered from level 2 watershed analysis done in the state of Washington and similar type studies done in the state of Idaho. I believe the implications of this data as it relates to prescription formulation is apparent. If a risk free prescription is applied to large areas such as the Upper Columbia Basin many areas are unnecessarily restricted.

(4) To illustrate how public land policies "wash" into private property regulations, I have enclosed a letter from Chris Drivdahl, Washington State Department of Wildlife, dated October 10, 1994. This letter was in response to a "white paper" produced by the Washington Forest Protection Association and the Washington Farm Forestry.

Association titled, "The Role of Private Landowners and Improving Forest Health". In that paper we differentiated between public land management for forest health issues versus private land management for the same issues. The bottom paragraph is self-explanatory and confirms our suspicions and concerns regarding the use of the "science" promoted for public lands on private lands.

I have enclosed a copy of an article printed in the April edition of Western Forester, a Society of American Foresters publication. The article is a consolidation of several state societies review of ICBEMP.

I hope you or your staff has had an opportunity to review the rather lengthy comments that were given to you by Senator Bob Morton which I and my staff produced. The draft EIS is severely flawed with regard to procedure, assumptions and legalities. Additionally, you may not be aware that the terrestrial wildlife component of the EIS has not been included in the draft. Therefore, the public is being asked to approve an incomplete document. In my opinion Senator Morton's request to terminate ICBEMP without a record of decision is the only appropriate alternative legally and for the welfare of local communities, as well as, the ecosystem that the document purports to protect.

If you have questions please feel free to contact me.

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PREPARED STATEMENT OF CHRIS DRIVDAHL, STATE OF WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

The Department of Fish and Wildlife (WDFW) appreciates the opportunity to respond to the Washington Forest Protection Association (WFPA) and Washington Farm Forestry Association (WFFA) document, "The Role of Private Landowners in Improving Forest Health." While WDFW understands the severity of loss some landowners suffered during the recent eastern Washington forest fires, we are concerned with making blanket changes to eastside forest practices rules.

It is your estimation that 15 percent of the private forest land in Washington is regulated such that forest management is either restricted or prevented. This would indicate that a very large proportion of private forest land exists on which management is not restricted or prevented. In addition, restrictions on forest practices are not necessarily incompatible with forest health management. Experimentation with specific forest management techniques to increase forest health and monitoring the effects of these techniques on wildlife habitat is acceptable when it does not violate forest practices rules and regulations. The WDFW welcomes the opportunity to work with WFFPA and WFFA constituents in formulating a plan for their particular ownership with addresses fish and wildlife resource concerns as well as forest health.

Improving the health of eastside forests is important. The Eastside Ecosystems Scientific Team is analyzing existing eastside forest conditions and will be making recommendations with the objective of, among other things, increasing forest health. Their document is expected to be released in the near future and will provide scientifically-based information regarding current eastside conditions and the effects of specific types of forest practices on fish and wildlife resources. It is in the best interest of all to evaluate potential revisions to the Forest Practices Act and rules and regulations in light of this information.

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PREPARED STATEMENT OF DALE W. WILLIAMS, DISTRICT 1, FLATHEAD COUNTY BOARD OF COMMISSIONERS

I somewhat hesitate to write, but were it not for the embarrassment to MACo and the lack of Western Montana counties representation at the recent field hearing conducted by Senator Larry Craig (Idaho) and Senator Slade Gorton (Washington), I would let otherwise misrepresented positions lay on the table.

Commissioner Kennedy sat at the table on a panel representing tide EECC with each panelist representing each of their respective state associations of counties.

I am enclosing the full text of remarks submitted to the Senators by Commissioner Kennedy at that recent May 28, 1998 congressional field hearing. You will note his unequivocal support of ICBEMP and the process to date.

As of this writing, I believe six of the twelve Western Montana counties affected have passed resolutions requesting a No Record of Decision. Three more have indicated sending letters requesting a No Record of Decision. Two counties positions remain unknown and one county—Missoula—apparently supports ICBEMP. Governor Racicot's representative on behalf of the State of Montana also called for a No Record of Decision.

Taking this into consideration, the remarks of Commissioner Kennedy were absolutely outrageous in terms of representing Western Montana counties. Furthermore, he left Montana with a less than united position which we sorely need in this debate.

The purpose and objectives of MACo as outlined in the January 1998 director on Page iii clearly state, "protection of the interest of Montana counties, to promote legislation as will be beneficial to the counties of the State, to do any and all things to benefit the counties" and most pointedly #6, "to secure harmony of action among counties of this state in matters that affect the rights and liabilities of counties."

I can only conclude from Commissioner Kennedy's remarks and actions his willingness to overlook his responsibilities to sister counties, his lack of effort to form reasonable, collaborative responses that represent and respect his sister counties, and a complete willingness to place personal thoughts, beliefs, and actions above and to the detriment of Western Montana counties.

I therefore respectfully request that immediate steps be taken to remove, replace, and otherwise discharge Mr. Kennedy from his responsibilities on the EECC and other MACo committees.

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PREPARED STATEMENT OF MICHAEL KENNEDY, COMMISSIONER AND EECC MEMBER, MISSOULA COUNTY BOARD OF COUNTY COMMISSIONERS

Thank you for this opportunity to present my perspective on this vital project of significant national importance.

As a member of the Eastside Ecosystem Coalition of Counties (EECC) for the past three and one half years, I have become familiar with the project enough to discuss all aspects of it and to reach an informed opinion about its value and its prospects for success. Without recounting the remarkable efforts by countless agency staff, citizens and elected official, I can report that this several year project has resulted in an implementable option which has the highest probability of success in achieving the goal of long term multi-use sustainability on public lands within the Colum-

bia River watershed. The project process has been open to input from all directions and that openness has resulted in numerous substantive changes in approach and direction. That conducive atmosphere has been consistent throughout the process and remains a key element of the support received from the EECC.

The purpose of my testimony is to offer wholehearted support for the Project and to urge funding for its implementation. The picture I see for the future of the basin is clouded by the prospect of restricted or delayed implementation because of lack of funding. At a time when there are major and necessary cutbacks in funding of national programs, it may not be popular to say that this program is different and deserves top priority funding consideration, but that's exactly what I'm saying. This project is unlike any other program in that it involves stewardship of a major component of our national natural resources which are in trouble and will not recover without substantial efforts which can only be mobilized through the Congressional funding process. What we notice on the land is that the trees are smaller, the water dirtier, the weeds more invasive, the habitat more constrained, the fires more catastrophic, and the communities in serious peril as never before. We also notice that expenses are up and productivity is down on public lands and the prospect is for more of the same unless we do something.

The scientific assessment and subsequent recommendations for aggressive on the ground management are judged to be the best approach for ecosystem recovery over the long term. The benefits of this approach are clear and can be measured favorably in ecological, economic and social terms. Restoring ecological balance will reduce pressures on threatened and endangered species, will support critical gene pools, and will reduce opportunities for ecological catastrophes due to cultural influences. Economic stability and predictability will add real meaning to the definition of sustainability. Repairing, improving and preserving the social structure of resource dependent communities will honor the commitment of families throughout the Interior in their quest for stability, a healthy environment and a decent standard of living.

The cost of implementation of the Project is estimated at \$125 million per year. If we examine only two of the ongoing expenses on public lands, that of fire suppression and road maintenance, we can see that the implementation investment will have reduced those costs in a dramatic way and in a short period of time. At the same time, the implementation investment will have accomplished a great deal of on-the-ground work. It makes more sense to restore a landscape ravaged by erosion or to thin a forest unit to allow room for trees to reach harvestable size than to spend money on fire suppression where there is no return. It also makes more sense to spawn new public lands industries and to develop new ways to earn a living off the land than it does to waste money on roads which have no use. This project presents opportunities to do those kinds of things an more.

Although some cultural impacts on public lands are severe, they are not, at this moment in time irreversible, but we must act. We finally understand that our natural resources are not unlimited and we also understand the urgency of pursuing aggressive restoration efforts as rapidly as possible. Each year the problems grow worse and will be more difficult and costly to address. As an EECC member, as a career scientist and engineer, as an elected official, and most importantly as a citizen, the wisdom of investing in the implementation of the ICBEMP is evident. I urge you to support and recommend investment in the future through full funding of project implementation.

Thank you for your consideration.

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PREPARED STATEMENT OF BOB PLAYFAIR, RAFTER SEVEN RANCH

I want to thank you and Senator Craig for holding the hearing on the ICBEMP in Spokane last week. The information presented was very informative in how the various public groups view the document and its information.

The only thing that disturbed me was that the NIPF (Non-industrial Private Forest) landowners were not recognized and represented on a panel. We probably have the largest "Private Property Rights" investment of any party that will be affected by any decision made by the EIS process for the following reasons.

(1) Many of our properties are adjacent to or intermingled with National Forest lands. Any forest health problem that is not actively addressed by the USFS affects our land. This includes insect and diseases epidemics that move into our well managed forests and if a fire starts in an adjacent overstocked, unhealthy overstocked stand it does not stop at our boundary fence.

(2) The ICBEMP and its Economic supplement did not address the direct affect of reduced USFS harvests on the viability of local Sawmills. For the last ten years

we have continually lost Sawmills through closings. We are down to a bare minimum to maintain any form of local competition. In NE Washington the loss of 1 or 2 more mills will put the remaining ones in a monopolistic position. You can see this happening with both USFS and Wash DNR salvage sales that were not bid on last year.

(3) The ICBEMP document writers did not refer to the TSPIRS reports each National Forest provides congress annually showing the regions employment and timber income they produce. The report also did not consider how the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness acts would apply under each of the 7 options. The option chosen will have an enormous affect on the numerous small businesses utilizing forest products or natural resource lands.

Modification or elimination of existing or new mining claims, grazing permits, road easements and other historic forest uses affect the local citizens private property rights. Road building, logging, berry picking, hunting, fishing and sight seeing are rights all American citizens have become accustomed to. All of these activities contribute to the economic well being of local small businesses.

(4) No reference was made as to how future National Marine Fisheries and Fish and Wildlife Service actions regarding the future listing of Threatened and Endangered species will totally change any option selected. This is because these Agencies were not a direct and designated part of this project and their actions are not controlled by its decisions.

Based upon this list of regulatory actions that were not considered, Congress should close down the Project without a decision and remand the volumes of Scientific Data to each National forest. There the Supervisor can use the new information to actively managing the forest health problems and enhance the habitat Or all wildlife, not just listed threatened or endangered species.

The other thing Congress needs to do is to modify the laws that allow environmental activists to file lawsuits where they cannot show personal monetary losses created by the proposed actions. They also need to be held financially accountable for their actions if they do not prevail because their actions have cost local citizens both time and money due to the delay. This is necessary if I interpreted Mark Solomon's testimony correctly. I believe I heard him say they planned to take any decision to court that did not meet their "no management activity" agenda whether or not the Decision Process was completed.

Thank you for allowing me the opportunity to voice our comments on this very important matter that will have a permanent and long lasting economic impact on our family farm. Your decision will determine how my grandchildren are allowed to produce those vitally needed wood and paper products your grandchildren will need to continue to live the American dream.

Ten years ago our family Tree Farm looked just like the adjacent NF with dead and dying trees throughout. We have initiated an intensive management program of harvesting, burning and planting the worst areas first. This is giving us a naturally mosaiced forest landscape coupled with an annual income; a National Forest can do the same.

I would like to invite you and any of your staff to tour our managed forest and then look across the fence at the adjacent National Forest which is still dying and being harvested by wood gatherers.

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PREPARED STATEMENT OF DENNIS REYNOLDS, JUDGE, COUNTY COURT OF GRANT COUNTY

Thank you for conducting the Senate ICBEMP hearing here in Spokane on this the 28th day of May.

It is imperative congress hears from all those who are materially impacted by this administratively driven, lethargic, and exuberantly expensive planning process. This plan will be impossible to implement because of its attempt to be specific from a broad base.

It is appalling yet true. Those who will pay the price for this administratively driven agenda are the hard working citizens of our timber based counties who have dedicated their life and endured substantial financial risk, to serve the needs of our federal resource managers.

As a professional forester I have grown to understand that forestry is nothing more than mankind's attempt to mimic Mother Nature's effect on the forest while doing so in a way that will benefit and serve the needs of mankind. This plan ignores the needs of mankind.

This plan if allowed to go to a record of decision will do nothing more than allow those who are so inclined to tie up 144 million acres of resources in one finely orchestrated litigated battle that will cost little more than one large timber sale appeal costs them now. This plan must not be allowed to go to a record of decision.

The Citizens of Grant County, Oregon deserve better. Codify the good science and place it in the hands of the local resource managers. Proceed with district and national forest management planning.

I have attached for your convenience copies of comments and correspondence that Grant County has offered the process. This documentation includes Grant County, Oregon's formal resolved position on the ICBEMP process.

Thank you for this opportunity.

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PREPARED STATEMENT OF DENNIS REYNOLDS, JUDGE, GRANT COUNTY, OR

INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT, EASTSIDE ECOSYSTEM COALITION OF COUNTIES MEETING, WALLA WALLA, WASHINGTON, OCTOBER 7, 1997, 10:00 AM

I wish to thank Gil Riddell with the Association of Oregon Counties for inviting my views on the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and members of the Eastside Ecosystem Coalition of Counties (EECC) for allowing them to be presented today.

These views are offered from my background as a graduate of Oregon State University in Forest Management (1972), experienced in road design and construction supervision; logging and sawmill management; design, fabrication and installation of irrigation head gates and measuring devices. I am currently enjoying the awesome responsibility of representing as their elected county Judge, 8,100 citizens of Grant County, Oregon who are actively pursuing their inalienable rights to life, liberty and the pursuit of happiness.

While the ICBEMP has produced both the Upper Columbia River Basin environmental impact statement (IJCRBEIS) and the Eastside EIS (EMS), my views will specifically address elements of the Eastside EIS. I expect you will find a substantial amount of similarity when applying these views to the UCRBEIS.

The fifth reason the ICBEMP was initiated was "to replace interim management strategies (PACFISH, Inland Native Fish Strategy and Eastside Screens) with a consistent long term management strategy." (EEIS Draft/Summary/Page 1) PACFISH, Inland Native Fish Strategy and Eastside Screens were reported to have reflected the most current and applicable science at the time they were implemented. "It is important to understand that for changes in grazing systems to be meaningful, they must be in place over the long term. This appears to conflict with the short term nature of PACFISH. However, management put into place through implementation of PACFISH would be expected to continue through the long term if it confirms with direction provided by the EEMP and ICBEMP when these plans are completed. Based on the current state of knowledge of the effects of grazing on riparian and aquatic systems, it is expected that this would in fact occur. Therefore, the implementation of PACFISH can correctly be envisioned as the initiation of management changes over the next 18 months which will likely continue and whose benefits to aquatic habitat will become apparent through the long term." (EEIS Draft/Apx 3-2 Attachment 1/Page 7) The net effects of the interim strategies (PACFISH, INFISH, and Eastside Screens) remain in the draft EEIS through long-term management direction and standards. It is ill-advised to advocate support for the continuance of the ICBEMP sighting the elimination of the interim strategies as a reason. Interim strategies in the EEIS Draft will be eliminated by title only.

The EEIS Draft is exceptionally careless with words. I have added the underlines to emphasize the wording differences. In the EEIS Draft/Summary/Page 3 and again on Chapter 1/Page 5&6 the consistently stated second need reads; "Supporting the economic and/or social needs of people, cultures, and communities, and providing sustainable and predictable levels of products and services from Forest Service- and BLM-administered lands." while the May, 1997 General Technical Report PNW-GTR-404, page iv reads "Support, within the capacity of the land, the economic and social needs of people, . . ." EEIS Draft/Summary/Page 1 states the number 2 purpose: "Support economic and/or social needs of people, cultures, and communities, and provide sustainable and predictable levels of products and services from lands administered by the Forest Service or BLM;" while the unnumbered stated purpose on page 5 of Chapter 1 reads; ". . . predictable levels of products and services from lands administered by the Forest Service or BLM including fish wildlife, and native plant communities." The nature of these disparities cause me to question but what

the entire document is laced with personal bias and or individual agendas. “Individuals operating within governmental organizations are not immune from the problem, as Ascher and Healy (1990: 177–78) have noted. In various combinations, their motivations are to:

- Pursue partisan political objectives,
- Pursue a particular a priori policy objective (such as environmental protection at any cost).” (SCIENCE TO SERVE, The report of the Independent Review Group on Research Supporting Ecosystem Management in The Pacific Northwest, March 29, 1996, page 16)

TL–S11 Standard EEIS Draft/Chapter 3/page 164 is not consistent with current direction. It states; “Where it becomes necessary to implement Conservation Measures in the Endangered Species Act, restrictions on Tribal activities shall be the least restrict possible, and implemented only when restrictions on non-Indian activities are insufficient to ensure Conservation.” Department of the Interior Secretarial Order No. 3206 dated June 5, 1997, page 1, signed over each of their seals by the Secretary of the Interior and Secretary of Commerce in part reads; “Accordingly, the Departments will carry out their responsibilities under the Act in a manner that harmonizes the Federal trust responsibility to tribes, tribal sovereignty, and statutory missions of the Departments, and that strives to ensure that Indian tribes do not bear a disproportionate burden for the conservation of listed species, . . .” (author added underlining) Webster’s New World Dictionary defines disproportionate; “not proportionate; not in proportion; too great or too small” Appearing to be contradictory to the above the following appears on page 6 of the same document: “In cases involving an activity that could raise the potential issue of an incidental take under the Act, such notice shall include an analysis and determination that all of the following conservation standards have been met: (i) the restriction is reasonable and necessary for conservation of the species at issue; (ii) the conservation purpose of the restriction cannot be achieved by reasonable regulation of non-Indian activities; (iii) the measure is the least restrictive alternative available to achieve the required conservation purpose; (iv) the restriction does not discriminate against Indian activities, either as stated or applied; and, (v) voluntary tribal measures are not adequate to achieve the necessary conservation purpose.” Upon careful review of this document I am of the opinion these thresholds apply only when a tribal activity that could raise the potential issue of direct take under the Act occurs. I think you will find tribes enjoy dependent sovereignty. In such they are subject to the Federal Threatened and Endangered Species Act the same as non-Indian persons.

“By actively restoring and maintaining ecosystems, this alternative [alternative 4] contributes to the social and economic well being of communities throughout the project area.” (EEIS Draft/The Preferred Alternative/Page 2) Then there seems to be some uncertainty. “The priority in this alternative [alternative 4] is placed on forest land, rangeland, and watershed health, assuming that healthy streams, wildlife populations, and economic and social benefits will follow. Actions taken to achieve desired conditions are designed to produce economic benefits whenever practical.”(author added underlining for emphasis) (EEIS Draft/Summary/Page 12) Where is the science that supports this assumption? I argue this assumption is not valid. “Neither the Forest Service nor the BLM have a specific legal mandate to provide economic stability to rural communities.” (EEIS Draft/Chapter 2/Page 199) This is self evident when we read; “Alternatives 4, 3, and 6 would concentrate a larger proportion of total restoration investments (and jobs) at the wildland-urban interface (generally areas with high socio-economic resiliency) than other alternatives. It is inferred that economically vulnerable areas (low socio-economic resiliency) would benefit proportionally less (in terms of jobs) under these alternatives.” (EEIS Draft/Summary/Page 30) Those who don’t need it as much will get it while those who need it the most will not. This is in direct conflict with the Objective HU–06 found on page 159 of Chapter 3 where it reads “Emphasize customary economic uses in rural communities or geographic areas that are less economically diverse and more dependent on outputs of goods and services from Forest Service- and BLM-administered lands.” In the Rationale it reads; “The intent of this objective is to help sustain an area through the transition to a less dependent condition.” but then it admits “The intent is not to maintain areas of Economic Vulnerability in a priority status or to necessarily favor specific industries.” Show no special treatment to any species who has been identified as threatened or endangered. This we say to the community likely to fail or who solely exists to serve the managerial needs of a federal agency while there is no limit to the amount of dollars we can spend of our own or of others, trying to save an assumed to be, declining population of a particular species while they grow and prosper proficiently in other areas of the region. This angers me deeply. It should you as elected community leaders.

From the EEIS Draft/Chapter 3/Page 20; "Forest Service-and BLM-administered lands efficiently provide a mix of economic and cultural benefits to people that balances local, regional, national, and international interests." What international interests? I have yet to find where in the EEIS Draft these international interests are defined, disclosed or discussed. Could some of these international interests relate to the following?

The ICBEMP is heavily impacted by high level administrative agendas. One of the reasons cited for the initiated ICBEMP was to ". . . respond to President Clinton's July 1993 direction to develop a scientifically sound, ecosystem-based management strategy. . . ." (EEIS Draft/Summary/Page 1) In a Forest Service informational memorandum to James R. Lyons, Under Secretary, NRE; from Barbara Weber, Associate Deputy Chief for Research through Mike Dombeck, Chief FS the following excerpts were taken:

—"The Man and the Biosphere Program (MAB) was established at the 1970 General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO)."

—"MAB's current interest is the development of tools for ecosystem management . . ."

—"The U.S. MAB goal links closely with the President's commitment to achieving sustainable forestry in the U.S. by the year 2000 and the Santiago Agreement."

—"Currently 128 nations participate in the MAB program, including the U.S. The U.S. has 47 biosphere reserves with 99 administrative units, . . ."

—"The USDA Forest Service manages 16 U.S. MAB sites."

—"SUMMARY: The survival of the U.S. MAB Program is threatened. Benefits to the U.S. and USDA Forest Service are significant. Loss of authority to participate in the U.S. MAB Program, or the loss of our MAB sites, would significantly deter progress in achieving the goals of the President and that of the Santiago Agreement."

"U.S. MAB's activities build on biosphere reserves that are nominated by the U.S. and designated by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which coordinates the intergovernmental MAB Program." (U.S. Man and the Biosphere Program Home Page/WWW.MABNET.ORG)

"The International Union for Conservation of Nature and Natural Resources (IUCN) is an accredited scientific advisory body to the United Nations, and has more than 880 state and federal governmental agency and non-governmental organization (NGO) members in 133 countries." (THE NEW AMERICAN/AUGUST 18, 1997, p. 13) On January 18, 1996 President William J. Clinton signed Executive Order 12986. In part it says ". . . I hereby extend to the International Union for Conservation of Nature and Natural Resources the privileges and immunities that provide or pertain to immunity from suit." He went on to exempt sections 2(b), 22 U.S.C. 288a(b); 2(c), 22 U.S.C. 288a(c) and 7(b), 22 U.S.C. 288d(b).

The UN Convention on Biodiversity, which was signed by Bill Clinton in 1993 has yet to be ratified by the Senate. The date of the above referenced "informational memorandum" is thought to be May of 1997. I am of the opinion the Clinton Administration is aggressively implementing its provisions through executive action.

Another strong concern among the citizens of my county is how will this federal planning process affect their personal property rights? To that extent we read; ". . . no management decisions for and would not impose regulations on state, local (city or county), tribal, or private lands in eastern Oregon and Washington." "Nothing in this plan can override valid existing rights or permits, such as water rights, mineral leases, mining claims, rights-of-way, livestock grazing permits, awarded contracts, and special use permits; however, to meet the objectives of an alternative, some reasonable changes may be required in the way maintenance and operations are carried out." (Both, EEIS Draft/Chapter 1/Page 21) (author added underlining for emphasis) If we are to believe the importance of this ecosystem approach then how can we be assured healthy ecosystems can be obtained by applying these Objectives and Standards to 72 million acres of the 144 million acres in the planning area or apx. fifty percent of the plan area? Private land and property rights will be impacted by the ICBEMP. "Ecosystem management is being proposed as the new framework for management of wildland, both public and private." (SCIENCE TO SERVE, The report of the Independent Review Group on Research Supporting Ecosystem Management in The Pacific Northwest, March 29, 1996, page 11) Note, the word wildland is a United Nations term used in the Helsinki Agreement.

What are others saying about the ICBEMP or EEIS?

1. (Boise Cascade Corporation, Executive Review, August, 1997, Tom Goodall, contact)

- “As the Project moves into its final stages, we are convinced that the Project will not meet its objectives, purpose & needs, or accomplish the much needed on-the-ground work to restore forest ecosystem health.”
- “At this point, the Project lacks the support of many key stakeholders. . . .”
- “The Eastside Coalition of Counties appears to be among the few supporters of this project despite waning support from some of their constituency.”
- “The DEISs may also be out of compliance with the National Environmental Policy Act (NEPA) for a variety of reasons, making it vulnerable to legal challenges which will negate its intended purpose.”
- “. . . we support the efforts of the NW Congressional Delegation to limit the appropriation of funds for continuation of this federal planning effort.”
- 2. (Ken Evans, Retired forest supervisor of Malheur National Forest, and now consultant, draft letter dated September 25, 1997)
  - “We ask that you join us along with the large and growing movement that is not supporting the DEISs and the continuation of the ICBEMP.”
  - “It needs to be recognized that the ICBEMP is too large and unmanageable to be used to amend individual forest plans.”
  - “If a ROD is not issued, it will put the NEPA process at the Forest and local level where it should be and allow effects and impacts to be fully disclosed”
  - “Monitoring evidence does not show that current Forest Plan Standards, without any interim direction, will or have damaged the environment.”
  - “These forest plans will be appealed and litigated regardless of the completion of the ICBEMP.”
  - “One area of particular concern is the display of Measured Annual Benefits for the First Decade in the Eastside Planning Area DEIS, Table 4–50; and Timber Volume Offered, Historical and by Alternative, Eastside Planning Area, Figure 4–53, (Chap.4, pg. 168 & 167). Table 4–50 and the associated narrative inflates actual board foot harvest volumes and values four-fold.”
  - “Expected financial impacts on County Governments, employment, and financial impact to communities are grossly understated.”
  - “The DEIS points out that the quality of timber harvested is expected to decrease The effects of this projection are not displayed in the DEIS.”
  - “We are faced with an unacceptable situation and only legislative assistance can help.”
  - “The EECC should be asked to explain in detail how they can continue to support the ICBEMP in light of its deficiencies and the open public opposition.”
  - “. . . help terminate the Interior Columbia Basin Ecosystem Management Project and to move rapidly forward with the revision of forest plans.”
- 3. (Shelley Short, speaking for Congressman Nethercutt, to Eastern Washington Counties at a ICBEMP workshop in Spokane on September 17, 1997)
  - “Many land management laws and guiding processes, including the Sustained Yield Forest Management Act of 1944, National Forest Management Act of 1976, that have been passed since the Organic Act of 1897, all left intact the emphasis of local communities and their economies.”
  - “I note that Stevens County, the county in which I live, shows .4 percent of its total budget comes from revenue associated with federal land payments.”
  - “. . . I note that the column describing the percentage of federal lands payments compared with total county budgets was in fact provided by “Schmidt, Wilderness Society, forthcoming (draft, 1995)! Why was this information not garnered from the counties themselves? I found through initial inquiry to the county auditor, however, that that figure is 2.85 percent of its total budget! What other figures are also inaccurate?”
  - “As the project now stands, Congressman Nethercutt fears this project will become another layer of bureaucracy on top of already conflictive and regulative laws.”
- 3. Allan K. Fitzsimmons, PhD, in an Analysis of the Interior Columbia Basin Ecosystem Management Project commissioned by numerous Farm Bureaus the Public Lands Council and the National Cattlemen’s Beef Association, July 1997)
  - Principle Finding—
    - The Draft Environmental Impact Statements do not provide an adequate basis for well reasoned and scientifically sound management of federal lands.
  - In General—
    - Value judgements, not science, drive the DEISs
    - The DEISs make extensive use of vague, ambiguous, and controversial concepts
    - Standards and measures frequently defy objective and quantifiable assessment
    - Key terms lack plain definitions
    - No convincing legal rationale for shifting to ecosystem-based management is offered

- The specific ecosystems to be protected by land managers are not mapped
- The procedure used to evaluate proposed management alternatives is fatally flawed

If Implemented, the Public Could Reasonably Expect—

- Reduction in human use of public lands
- Delays in land use decision making
- Growth in litigation and administrative appeals
- Increases in uncertainty for commodity users
- Decreases in commodity and non-commodity outputs directly benefiting humans.

What is my opinion?

- The EEIS Draft lacks attention to detail.
- While I have noted some errors; myself and I believe others, wonder how many more of these errors exist in the EEIS Draft?
- The EEIS Draft can not be repaired and made to work.
- Most members of the public including myself can not make an adequate review of this EEIS in a time frame of less than a year and work full-time when it took thousands of man hours and millions of dollars to assemble and compose the two DEISs and supporting documents.
- I believe the EEIS is poorly constructed enough to become numerous attorney's pension plan.
- The most infuriating thing about the EEIS Draft is its calloused disregard for the citizens that live in my ecosystem called Grant County, Oregon. If I were to hurt a member of an endangered species like the ICBEMP will hurt my county and eventually our county, I would be thrown in jail.
- It is time to codify the true science, bind it, and place it in the hands of the Forest Supervisors and BLM District managers and instruct them to continue their forest plan reviews using the best science as a guide. For this to work it will become necessary to insulate their decisions legislatively from those who employ frivolous lawsuits to further their agendas.

It is time to bring to an end the ICBEMP before the final draft and Record of Decision are written for the ICBEMP.

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PREPARED STATEMENT OF THE COUNTY COURT OF GRANT COUNTY

We are requesting that you and your office help to prevent implementation of the Interior Columbia Basin Ecosystem Management Project. Whether this is done by direct legislation from Congress or by eliminating funding makes no difference. This project has putrefied into such bad and far reaching documents that it simply must not be allowed to proceed to implementation.

What started out as a 12 month project is going into its sixth year, has consumed around \$35 million tax dollars and no end is really in sight. The interim management strategies (PACFISH, INFISH, EASTSIDE SCREENS), that were only supposed to last for a short time, have negatively impacted thousands of jobs, have accelerated forest health deterioration to now epidemic conditions, and have contributed significantly to fuel load buildup that is causing the west to experience some of the worst wildfires in history.

What started out as a compilation and review of current good science to provide an overview of the various ecosystems and their interdependence and generate some general guidelines for management of forests in Eastern Washington and Eastern Oregon has become a set of one hundred and sixty six standards for 144 million acres in seven states. If allowed to continue, the results of this project will preclude site specific treatments that may be needed but are outside the standards set by the project. Only further costly analysis will allow site specific treatments, that fall outside the project guidelines, no matter how badly needed or reasonable they may be. The end result will be unhealthy forests that will support nothing: not people, not communities, not commodities, not livestock—nor the buzz activities—not recreation, not wildlife, and certainly not endangered species.

These documents are so convoluted and complicated that we doubt the team members have read more than the particular part of the document on which they worked. The document crafters do not seem to understand the interplay among the various components and what the on-the-ground consequences may be. When asked direct questions, they lack direct answers. Likewise, land managers who will be charged with implementing these plans have no idea what they are supposed to do or what the likely outcomes will be. They have been told this will cure all their problems, and they have, we assume in defense of their careers, joined the party line.

One of the publicly stated purposes of this project was to eliminate litigation. That concept is not even in the draft environmental impact statements, and in the public meetings, where advocates are trying to garner support, it has been changed to, "Now the Forest Service will win litigations." However, with the creation of region-wide standards and as convoluted as the document is, with the right hand not knowing what the left hand is doing and much of it couched in vague, ambiguous terms, it is likely—to the point of certainty—that more litigation will be generated not less. The result being that management will be tied up in the courts while forests and their dependent species and communities die.

The only faction that is winning or that will win with the continuation of this project is the one who advocates no use of natural resources. The faction whose doctrine, when followed to its logical and natural conclusion, is preaching at least national genocide if not total human species genocide. This faction is conspicuously missing from the public meetings on the project outcomes, and it makes one wonder if they have developed a different avenue of communications or influence on the project. An avenue that is not open to the rest of the public.

For all of these reasons and more we urge you to join us and others who love our forests and who live, work and recreate in our forests, in stopping this diabolical project before it can do more harm. Advocate printing the peer reviewed and peer accepted science

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For all of these reasons and more we urge you to join us and others who love our forests and who live, work and recreate in our forests, in stopping this diabolical project before it can do more harm. Advocate printing the peer reviewed and peer accepted science documents and making them available to the various land managers. Instruct these land managers to use the science in making sound defensible decisions at the local level, with input from local inhabitants who know local conditions. Advocate legislatively insulating these decisions based on peer reviewed science from frivolous litigation.

ANSWERS AND CONCERNS REGARDING THE INTERIOR COLUMBIA BASIN ECOSYSTEM  
MANAGEMENT PROGRAM FROM COMMISSIONER, BILL GIBBS

*Background/Introduction:*

There was a document recently circulated supporting the Eastside Ecosystem Coalition of Counties' involvement in and support of the ICBEMP. I am presenting answers and concerns from the loyal opposition.

Answers:

- Is there a better game in town with general support?*—Yes. The original forest plans that were locally established and have general local support. Other than EECC there is no general support for the ICBEMP. Let the federal land managers use the peer reviewed and peer accepted science documents to help administer the plans that are already in place.
- Do counties want to give up the favorable relationship they have with federal agencies?*—All relationships change over time. If the price of maintaining the current relationship is rubber-stamping a bad plan, the price is too high.

Concerns:

- Without the certainty of an acceptable plan there will be more ESA listings and a continuing loss of flexibility.*—There is no more certainty in this plan than any other plan—witness the current forest plans which were developed with local input at the local level but which never got a fair chance at implementation. There is no flexibility in the standards associated with this plan without further costly analysis. With this plan we are codifying what were interim guidelines and applying them to a broader area. There is nothing in this plan that will prevent or assure no further listings under the ESA.
- Legal challenges concerning species viability have been deferred and without the plan there is a high potential for gridlock.*—The key word is “deferred”. Those who wish to lock up our forests will continue to challenge use. The more documents you create the more they have to work with. The ICBEMP is convoluted and complicated enough to provide years of litigation before it ever gets a chance at implementation, and when and if it ever gets to the point of implementation it provides another vehicle for injunction and litigation. Continuing with this project plays right into the hands of those factions whose tactic is “stall”.
- Allowing the forests and districts to use the science findings locally would subject them to litigation, cost more planning dollars, and remove staff from doing planning and implementing projects.*—This document, by the Forest Service's own admission, will not stop litigation. What it will do is remove local option unless extensive, expensive, and time consuming local study and planning are done, which will remove staff from planning and implementing projects. There are already locally developed, reviewed, and approved forest plans in place. Give them a chance to work. Perhaps the managers could use the science from the project, after it has been peer reviewed and accepted, to help insure the success of the local plans.
- Without the ICBEMP the relationship between the Counties/EECC and the federal agencies might change.*—What happens to this relationship when the project comes to its supposed scheduled end at some time? A relationship that requires approval and support of bad policy is a poor relationship, especially for the slave. Further, the ICBEMP does not require the federal agencies to maintain or establish any additional relationship with local communities, it only requires them, “to begin to develop MOUs” with county governments. And, even if an MOU is established, the federal agency is not required to abide by it.
- Without the plan communities are at risk if a significant course change occurs and federal agencies would be bound by current laws and court decisions.*—This is double talk. The ICBEMP is a significant course change for most communities including at least fifty percent of the counties it covers which by the projects own admission are nonresilient. It is also a significant course change from federal policy. Current policy has been established by congressional action and to date that policy hasn't been changed by congress to allow the agencies to make the course change contemplated by the ICBEMP. The federal agencies are still bound by current and future legislation. The EIS is just further restriction.
- New lines of communication and understanding have been established between counties and federal agencies. These should be maintained.*—The federal law cited as evidence of this argument is FACA (the Federal Advisory Committee Act). The law was around before ICBEMP, and it will be around after ICBEMP. If local communities have indeed established better lines of communication it is the one thing that we need to try and salvage from the process. But the rela-

tionship has to be on an equal footing. And, that doesn't mean endorsing bad policy whether it be local, state or national.

—*Slam-dunk solutions to public policy are often short lived. Better outcomes should come from the people at the table.*—Bad public policy is bad public policy whether it is slam-dunk or whether it takes an extended number of years to develop. The ICBEMP is bad public policy. It is bad for the citizenry and bad for the environment. It is unfortunate, but it appears to most informed observers that the project is beyond salvaging even with the EECC at the table.

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PREPARED STATEMENT OF DENNIS REYNOLDS, JUDGE, COUNTY COURT OF GRANT COUNTY

Thank you, Chairwoman, Chenoweth for inviting me to testify before this oversight hearing. I am humbled by my surroundings and the stature of your committee. My name is Dennis Reynolds, Grant County Oregon, Judge. My county is entirely included within the planning boundaries of the Interior Columbia Basin Project. I have monitored the project since I was first elected in 1995.

I was not always an elected official. I often say: "I am a Forester by Education; Sawmill Manager by Experience; A Contract Logger by Choice; and a County Judge by means of Temporary Insanity."

I will share with you the status of the ICBEMP from the eyes of an elected official of an impacted county. Grant County is specifically asking that the peer reviewed and peer approved science assembled in the ICBEMP process be codified and made available to all National Forests and BLM districts to be incorporated in each of their respective plans. We are asking that the ICBEMP not proceed to a Record of Decision.

Nothing within this testimony should be construed to imply that Grant County wants anything less than vital communities, clean water, clean air, healthy federal lands, and a functional federal/county relationship. While we agree with the Eastside Ecosystem Coalition of Counties on these wants we respectfully disagree on how to obtain them.

I speak to you today as an elected official of Grant County, representing 7,950 residents residing on 2,897,920 acres of land of which 64 percent is publicly managed. Our principal industries include Forestry, Livestock Agriculture, Hunting, and Recreation. Grant County was created in 1864 and contains the head waters of the John Day River, which has more miles of Wild and Scenic designation than any other river in the United States.

Grant County also is known for its exceptionally high rate of unemployment. An article titled "Grant County's jobless rate highest in state" of The Oregonian on February 17, 1998 reported Grant County finished 1997 with an unemployment rate of 12.5 percent. Its jobless rate was the worst in Oregon while the seasonally adjusted unemployment rate in Oregon stood at 5.3 percent in December. "Six times during 1997 the Eastern Oregon county's unemployment picture is the worst in the state."

Grant County's average annual pay per job in 1996 was \$21,831 while Oregon's was \$27,031 and the United States was \$28,945. (Oregon Employment Department 1998 Regional Economic Profile Region 13, pg 40.)

Grant County's economy has been identified by the Oregon Economic Development Division as the second most likely county to suffer economic collapse in future years.

My county Assessor reports real estate prices are booming in Oregon. They sure aren't in Grant County.

I am convinced Federal laws provide a place at the land use management table for local government involvement and joint planning. I am not convinced the intent of the law is served when the federal agencies plan with delegates designated by an association of counties to which our county may or may not belong. The Eastside Ecosystem Coalition of Counties represents the state associations of counties of Washington, Oregon, Idaho, and Montana.

Grant County has not delegated planning or representation authority to either the Association of Oregon Counties or the Eastside Ecosystem Coalition of Counties.

Counties are distinctively different. For every variable you can list there is little chance another county is exactly the same. Because we are different our needs are not the same.

A major concern we have for the implementation of the ICBEMP relates to these differences. Like ecosystems our counties have specific subsistence needs. The ICBEMP attempts to address all of these specific ecosystem needs and county needs with the same "one size fits all" Objectives and 166 Standards. These Standards we

fear will not provide the flexibility local managers will need to accommodate the individual needs of our county.

Grant County identified this issue early in the process. Other counties agreed and became more concerned. Thankfully, Congress responded and invited additional socio-economical analysis. Near the end of January 1998 a member of the Association of Oregon Counties and a second member of the Oregon delegation to the EECC explained they had previewed the additional analysis and reported additional matrixing had revealed, as we had professed, there were "low resiliency" and "low, low resiliency" counties. Again I was orally assured all nine incorporated cities in Grant County had risen to the top of the list of the least resilient communities.

As of March 4, 1998 I have yet to see a copy of the new socio-economical analysis document. It was to be released in mid February.

All of the extensive and 40 million plus dollar planning done thus far for the ICBEMP and the economic team leader Mr. Nick Reyna has been unable to answer the question foremost in the minds of Grant County citizens. What does all of this mean specifically to Grant County? On two occasions I asked the question. In response if was told if our communities happen to be close enough to an area where restoration activities might occur, they might receive a benefit, if they were not close to an area where the restoration activity occurred then they more than likely would not benefit. Page 4-181 of the DEIS concentrates restoration within the wildland/urban interface. The wildland/urban interface is generally highly resilient. Restoration activity needs to be directed toward areas of least economic resiliency.

Nothing within the DEIS is specifically clear on how the lowest resiliency communities will be addressed, now that they have been further quantified and delineated.

Why are the ICBEMP planners not equally concerned with how they are complying with the Sustained Yield Forest Management Act of 1944 which established the even-flow sustained yield policy for timber harvest with a focus on community stability (emphasis added) as they appear to be with complying with the Endangered Species Act and National Forest Management Act of 1976?

Grant County has been skeptical of the federal/county collaborative relationship from the onset of the ICBEMP. On January 22, 1998 the U.S. Department of Agriculture's Chief of the Forest Service, Mike Dombeck proposed to halt all road construction in roadless areas on National Forests. A definite violation of trust by the absence of collaboration. On February 10, 1998 he held a private meeting with county commissioners, John Howard and Pat Wortman and Association of Oregon Counties staff and apologized for proceeding with the proposal without first having involved the counties in the basin. He termed it a serious mistake. (EECC 24th Report 2/18/98) On February 13th in LaGrande USFS Chief Dombeck by phone apologized again to attendees of an open forum assembled by Oregon Governor Kitzhaber. Yet the proposal continues with little to no respect given the betrayed counties.

Grant County had been told this collaborative technique was the only way to go, for so long, it was difficult for us not to say we told you so.

Grant County continues to fear and predict that in spite of all the planning efforts exhausted on the ICBEMP, if it goes to a Record of Decision, it will be appealed and subsequently litigated. The planning process will simply consolidate and stop all proposed activities on 144 million acres in one litigation.

On February 13, 1998 Oregon's Governor Kitzhaber invited all counties to embrace the notion of collaborative consultation. At the same time a member of his forest health task force reported that with the aid of the task force Governor Kitzhaber had identified 26 USFS timber sales that he felt should continue in the sale process to harvest. The Badger timber sale on the Malheur National forest was one of those 26 sales. Even with the intensive scientific review and considerable scrutiny and site visit by the Governor's task force and subsequent endorsement by the Governor of the State of Oregon the sale is now in litigation. Its award is uncertain much to the discouragement of the citizens of Grant County.

Frivolous litigation must be legislatively stopped. The situation can not be resolved until the weakest link in the chain, which is now an inevitable litigation at the end of any planning process, is removed. In the words of an elderly forester friend of mine, "When the tail starts to wag the dog, it's time to cut the tail off."

Management decision makers must be legislatively empowered to make decisions consistent with their professional expertise and required to utilize codified, peer reviewed and peer approved science. These managers deserve a degree of litigative insulation if they have applied the science consistently.

In another valiant and respectable effort Governor Kitzhaber pushed to completion The Oregon Plan, a Coastal Salmon Restoration Initiative designed to avoid the listing of the coastal coho salmon runs. The plan was put in place inspite of much local opposition. It received the endorsement of the National Marine Fisheries Service. Last week less than a year into the plan that was in the making since October

of 1995, the National Marine Fisheries Service unilaterally decided to mandate additional restrictions on harvest of private timber administered by Oregon State Forestry. A substantial amount of private timber harvest appears now in jeopardy. So extreme are the proposed restrictions some industry representatives are indicating some lands will be totally lost to management.

Can we trust these federal/county collaborative efforts? Grant County thinks not. The only hope for these efforts is to bring the decisions home to the situations and apply codified science with participation from local planners, both federal and county and local stakeholders.

Grant County is concerned about the degree of secrecy surrounding the ICBEMP.

The first draft of the ICBEMP was dated July 12, 1996. I asked the Oregon Association of Counties for a copy. They indicated the EECC had signed an agreement not to share any of the information with the outside. My contact indicated I might get my local Regional Advisory Council to "leak" a copy to me. After much effort I received a draft copy labeled "(for FACA-Exempt Agency Review Only)" on December 31, 1996 from the USFS. I am of the opinion counties are FACA exempt.

If counties are FACA exempt, what authority did EECC members have to conduct executive meetings and deny other impacted county participation? To the extent my personal knowledge can relay executive meetings were held on October 7, 1997 at Walla Walla, February 12, 1998 in Boise, Idaho, and February 13, 1998 in LaGrande, Oregon.

I attempted to obtain copies of forest reviews of the draft EIS. I obtained copies of comments from the Wallowa-Whitman and Umatilla National Forests. Each review was comprehensive raising serious questions and providing suggestions. One review when responding to the positive stuff reiterated "Nice Sidebars, good fonts, Colorful maps." The reviews were not particularly supportive of the draft EIS. Suddenly availability of review documents similar to these became unavailable from any other forests.

Computer GIS systems were seen as a visual management tool. I obtained a set of three draft computer overlay maps that attempted to pictorially project the impact effect of Alternative 4 implementation. The first map displayed the management intensity in 1987 according to the Forest and Land Management Plan of that year. The second map displayed the 1996 timber management opportunities after implementation of all applicable laws and direction. The third map displays the potential ecosystem restoration intensity preliminary as of August 20, 1997. In each case the higher degree of intensity is displayed by a darker color. The no management areas are white. All ranges of management between are a lighter shade of the darker color. It is vividly obvious that as you progress from 1987 to 1997 the map becomes very light with a great deal of white visible. The other major difference is the buffer strips becoming white and wider. These areas take on the appearance of veins in leaves. The legends change from intensity of management in the first two maps to intensity of timber based restoration in the last map. It's my understanding these maps have been sequestered. If so, why are the authors of the ICBEMP afraid of this information becoming common knowledge in the area of impact?

Current management decisions continue to be plagued by conflicting and overlapping federal laws and regulations. ICBEMP does nothing to reduce the overlap but compounds the problem with an additional 166 Standards. A case in point is the Summit fire salvage sale on the Malheur National forest. On August 13, 1996 a lightning storm started what was to become the Summit Fire. It was eventually controlled at 37,961 acres on September 16, 1996. The Long Creek district of the Malheur National Forest contained 28,286 acres or 75 percent of the burned over area. The district immediately began an Environmental Impact Statement to analyze recovery alternatives. A draft EIS was published in April of 1997. A Final EIS with Record of Decision was published September 1997. Two appeals were filed on the last day to file appeals, one by the Tribes and one by a coalition of 10 environmental groups. The forest supervisor announced his intent to withdraw his decision on December 12, 1997 and formally withdrew the decision on January 8, 1998.

In a recent meeting with the forest service the forest service team members discussed with the crowd the pros and cons of how many standing dead trees to leave to meet Management Indicator Species constraints. The area in question was about 7 percent of the proposed activity area which was about 11,000 acres, which was about 29 percent of the total area burned. Therefore, if you allow the surface area of this page to represent the 37,961 acres burned the square at the top of this page represents the proportionate size of the area in question. What covers the remainder of this page? More standing dead trees. This makes no sense to the rational thinking person. In the mean time we are 571 days down the road from the death of the trees. They have deteriorated in value to the American taxpayers approximately \$13,000,000 in value and continue to decline in value until about the end of the year

when they are likely to be of no sale value to the American taxpayers. At that time the American taxpayers will have lost an additional \$15,600,000 including an estimated \$1,600,000 in sale analysis. The laws then require the American taxpayers to fund the reforestation project to the tune of numerous more millions of dollars. While all this transpires the stream continues to run chocolate brown. Salmon spawning beds continue to silt. The county will have lost a little more than \$8,000,000 of family wage payroll not including the in county turn over benefit. I ask you, who wins in this scenario? If only the American taxpayers knew what was being wasted!

From Grant County's perspective, given the above information, the ICBEMP should not proceed to a Record of Decision.

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LETTER FROM SUE KUPILLAS, COMMISSIONER, JACKSON COUNTY, OREGON

OCTOBER 15, 1997.

Mr. BRUCE BABBIT,  
*Secretary, U.S. Department of the Interior,*  
*Washington, DC.*

DEAR MR. GLICKMAN: This letter is written in support of the concerns expressed by Idaho County Commissioners about the Interior Columbia River Basin Ecosystem Management Project (ICRBEMP). As a Commissioner from the "west side" in the State of Oregon, as a Board Member for the O&C Association and as member of the Public Lands Committee for the Association of Oregon Counties, I am very familiar with the entire process that has occurred as a result of the President's Forest Conference in April 1993. The issues that concerned us when the "plan" for the owl forests came out are more than concerns three years later. They are the reality we face on a daily basis as we deal with declining federal revenues, declining forest health and increasing regulation. Problems we are experiencing include severe reductions in timber harvest, even in areas scheduled for management; increase in use of expensive harvest methods, even in roaded areas; little or no consideration of the social and economic effects of decisions; inability of local managers to make decisions about forest management because of overly prescriptive regulation and top down micro-management of each decision; unclear paths of authority; restrictions going way beyond Record of Decision in LSR's and riparian areas, because of fear of controversy, and on and on.

The ICRBEMP is full of problems with confusion about who has decision-making authority and potential problems with implementation that mimic the owl region problems.

With reference to the letter from the Idaho Commissioners, Item 4 was of particular interest. The broad comments in the purporting to deal with social and economic issues were totally inadequate. The economics must include a study of the amount of federal land in each county, the decline in harvest, the employment decline, an actual comparison of timber jobs and related manufacturing, hauling, timber equipment, to pay in recreation, equipment, change in revenue to local governments, and where the money to pay for services comes from when no timber receipts, the difference between management burden on the federal government, and the revenue picture for management when timber receipts cover costs of management, impact of federal job decline on rural communities (since the federal government payroll historically has been the largest payroll in rural communities, except for the timber company). There has been no attempt to maintain a certain level of harvest activity to stabilize the less resilient communities. The analysis states the problem and offers no solution. There are many social factors that have not been quantified. What is the impact on local government, of the increase in drugs and alcohol, child abuse, domestic violence on families that go from a stable, family wage job, to either joblessness, lower paying jobs with no benefits or multiple jobs where they cannot supervise young children. There are many long term devastating effects on displaced, disenfranchised families as they struggle to remain in our rural communities. The social displacement, villianization and disruption of families continues to erode our rural communities. There is no attempt to say that maintaining a constant level of timber supply would help stabilize the rural community and help rural families. The social analysis and resulting conclusions in all of our forest plans are incomplete. It appears that forest managers do not require that sociologists look at habitat of people on the same scale as the biologists look at habitat for birds and fish. We need very local, community scale, family scale cumulative effects analysis of the social and economic effects of this plan, as it displaces the culture, future and productivity of our rural people. We need a plan where the ASQ will satisfy the social and economic needs of our rural communities.

In addition to declining ASQ in timber harvest, forests are decreasing grazing allotments in most areas of the States on Federal lands. The decrease in allotments will have a cumulative effect in systematically eliminating the cattle industry from Western lands. Grazing and mining are part of the intended multiple use of our national forests. Decrease and threats of elimination are very real as ranchers with declining AUM's start figuring what the break even point is and realize that the shorter grazing seasons, reductions of AUM's make their grazing operation unprofitable. What are the cumulative effects on the rural communities, on the economy, on the social well-being of our rural community when rancher after rancher sells out and divides up the ranch for development or goes bankrupt? In both the case of timber production and beef production, the consumers in America still consume the products. If we are not producing in USA rural communities, we transfer production to other countries. Then the income from production and the environmental effects are transferred to third world countries. While these countries probably need the economy, perhaps they do not need to be impacted by lack of environmental protection as we have the USA. The irony is that in some cases we turn our own rural communities into third world country status, with decline in services, infrastructure and products. We have not analyzed the cumulative economic and social effects of the decline in both timber and beef production to our rural timber and beef reliant communities. The plan's social and economic analysis is woefully inadequate.

When the federal government does not have statistics to perform biological analysis on habitat, biologists are hired who study and analyze until they have an answer. When the Federal government does not have statistics on what happens to rural people when a renewable, sustainable resource is politically withdrawn in a way that it does not satisfy the requirements of the law for multiple use, sustained yield, social economic etc., we have yet to hire enough sociologist and economists to look at the communities and human condition on a meaningful Mr. Scale. We need a plan that resolves to not reduce federal allotments because of cumulative social and economic effects. Lets say "NO NET LOSS IN AUM'S." The forest management laws supply the legal basis for those decisions.

The Jackson County Natural Resources Advisory Committee has assigned itself the task of examining the way the agencies look at the legal requirements of considering the social and economic effects of the Northwest Forest Plan on Jackson County in Southern Oregon. We will be happy to share the findings with the ICB commissioners. We will need funding if we are to do the job of the Federal forests in discovering what is missing.

Meanwhile, add my name to the ever-growing list of county commissioners from our Northwest communities who have found the plan inadequate—inadequate to meet the needs of our counties, our towns and villages in supplying rural services, employment, and the rural people's social needs.

Sincerely,

SUE KUPILLAS,  
*Commissioner.*

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IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF GRANT

IN THE MATTER OF INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT—  
RESOLUTION 98-08

THIS BEING the 25th day of February, 1998 and a regular meeting of the County Court of Grant County and there being present County Judge Dennis Reynolds and Commissioners William Gibbs and Bob Kimberling;

WHEREAS, the President of the United States, by executive order, initiated Interior Columbia Basin Ecosystem Management Project (ICBEMP) to create a scientifically sound, legally defensible ecosystem management plan; and

WHEREAS, ICBEMP was to be a broad-scale, 12-month project that would give general direction to public land managers for ecosystem management, but has become a top-down, highly prescriptive set of management directives; and

WHEREAS, ICEMP will directly affect management of 16 Bureau of Land Management districts and 30 national forests administered by USDA Forest Service, all located in western states; and

WHEREAS, ICBEMP covers 104 counties, 144 million acres (including 72 million acres of private land) and will directly affect the livelihoods of millions of citizens in the planning area; and

WHEREAS, the citizens of the United States and communities throughout the western states depend on the management stewardship, sustained-yield, even flow production of good and services from multiple-use management of public lands located in those states; and

WHEREAS, there is increasing demand within the United States and the world for renewable, recyclable goods and services including recreation, wildlife, fisheries, food, fiber, clean air, clean water; and

WHEREAS, ICBEMP draft documents fail to adequately and truthfully disclose the economic, environmental and social effects of implementation of ecosystem management practices embodied in the Draft EIS documents; and

WHEREAS, ICBEMP represents a top-down management paradigm which reduces or eliminates effective local input in natural resource management and environmental decision making; and

WHEREAS, ICBEMP directly contradicts public policy as established by Congress; and

WHEREAS, ICBEMP has become a six-year, \$35 million project, with no end in sight;

NOW THEREFORE, BE RESOLVED: ICBEMP should be terminated, with no Record of Decision being approved; the ecosystem management data developed by the project should be communicated to BLM district managers and National Forest supervisors for consideration as public input in statutorily scheduled environmental land and resource management plan revisions; and

BE IT FURTHER RESOLVED: Grant County strongly supports natural resource planning and environmental management featuring site-specific management decisions made by local decision makers, local citizenry and parties directly and personally affected by environmental land and resource management decisions.

DONE AND DATED 25th day of February, 1998.

DENNIS REYNOLDS, *County Judge.*

WILLIAM GIBBS, *County Commissioner.*

BOB KIMBERLING, *County Commissioner.*

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