



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

---

**TESTIMONY OF KATHRINE DIXON  
STAFF ATTORNEY  
ENVIRONMENTAL LAW & POLICY CENTER**

**BEFORE THE**

**SUBCOMMITTEE ON DEPARTMENT OPERATIONS, OVERSIGHT, NUTRITION  
AND FORESTRY**

**UNITED STATES HOUSE COMMITTEE ON AGRICULTURE**

**July 20, 2009**

---

35 East Wacker Drive, Suite 1300 Chicago, Illinois 60601-2110  
Phone: (312) 673-6500 Fax: (312) 795-3730 [www.elpc.org](http://www.elpc.org) [elpcinfo@elpc.org](mailto:elpcinfo@elpc.org)  
Harry Drucker - Chairperson Howard A. Learner - Executive Director



100% Post Consumer Soy Based Inks



Mr. Chairman and Members of the Subcommittee:

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

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

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

### **Background**

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

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

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

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

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

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

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

### **Recommendations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

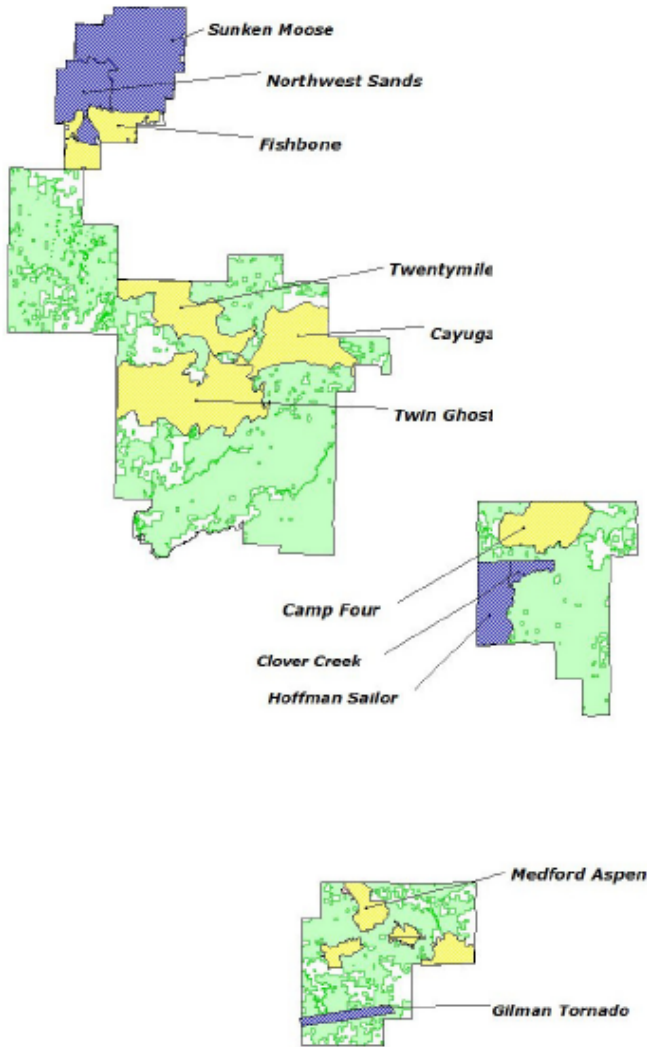
In reality, all of Wisconsin's forests have tremendous carbon sequestration potential. Increasing these benefits outside the boundaries of the Chequamegon-Nicolet will require coordinated efforts among federal, state, and county forest managers, as well as the cooperation of private and industrial forest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

## **Conclusion**

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

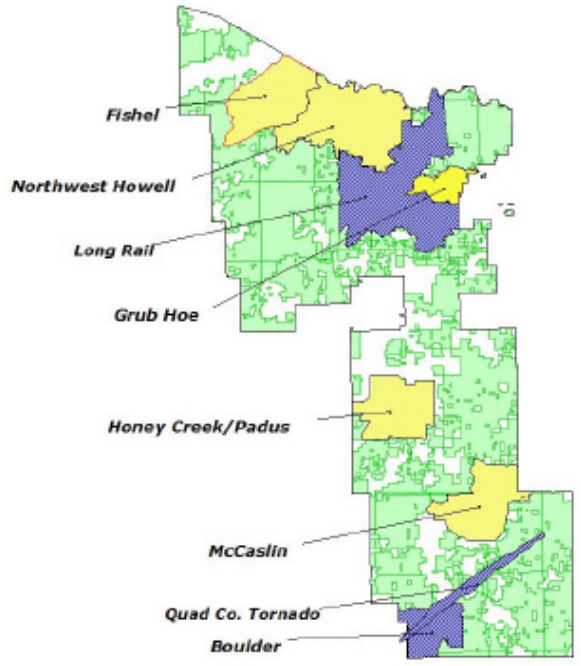
ELPC and our colleagues and supporters thank you for your interest in this topic, and we look forward to working with the Subcommittee, with the Forest Service, and with other interested parties on policies that preserve and protect these vital lands and their many values.

**Exhibit 1**

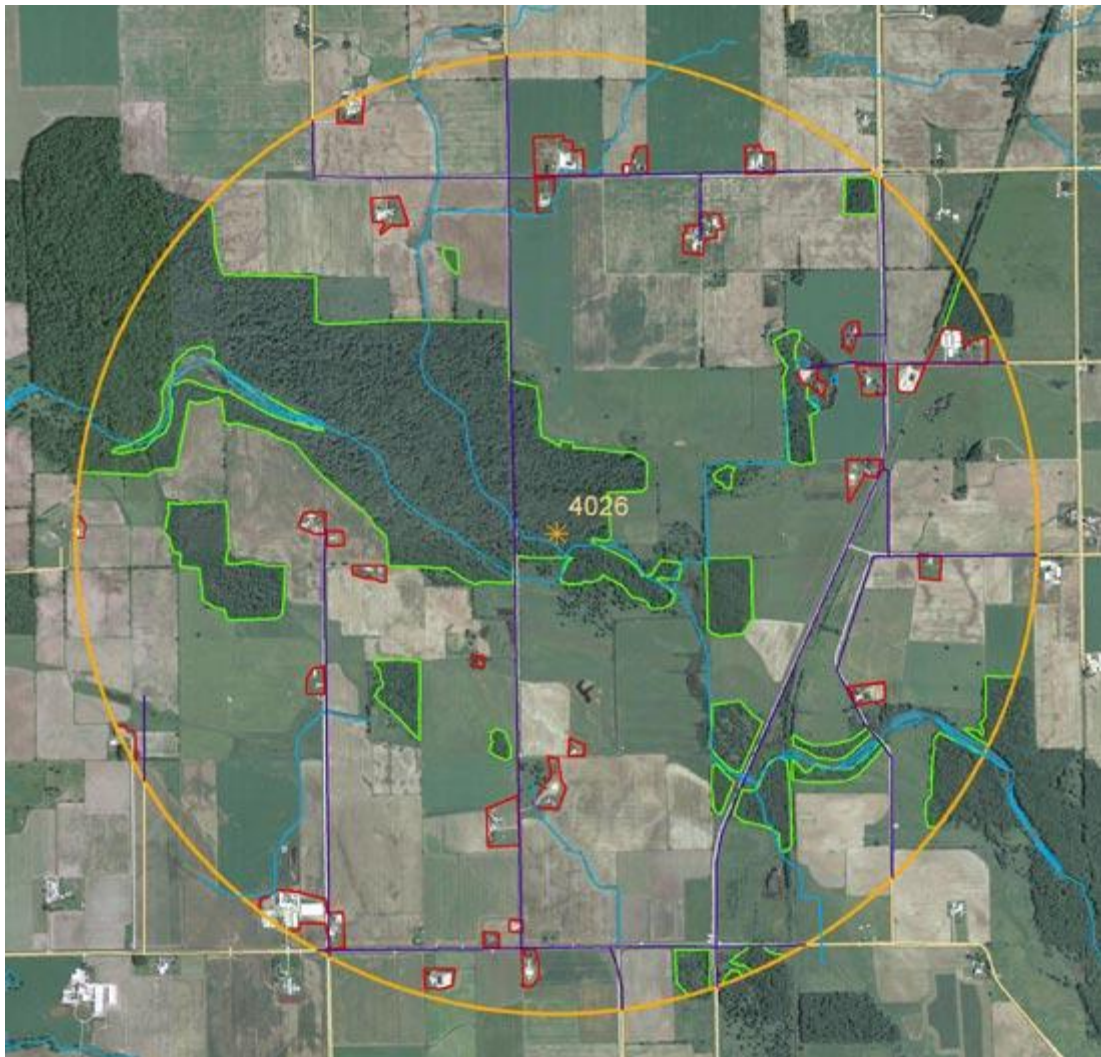


**Chequamegon Nicolet National Forest, WI  
 Logging Projects 2002-2009**

*Blue Shading = Logging Projects Settled/Not Challenged*  
*Yellow Shading = Logging Projects Under Review, In Court, Pending*  
*Notes: District and Forest-wide salvage and thinning projects not shown on map.*



## Exhibit 2



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