

SCIENTISTS WHO DESIGNED THE AQUATIC PROTECTIONS IN THE NORTHWEST FOREST PLAN SAY THE ADMINISTRATION'S CHANGES RUN COUNTER TO THE PLAN'S ECOSYSTEM GOALS

The Aquatic Conservation Strategy (ACS) of the Northwest Forest Plan was designed as a science-based strategy intended to protect and restore watersheds on federal lands within the range of the northern spotted owl. The Bush Administration has made sweeping changes of the ACS in a new Record of Decision (ROD) under the guise of “clarifying” specific language and general guidance in the original ROD.

While developing the new ROD, several of the US Forest Service scientists who designed the ACS as members of the Forest Ecosystem Management Assessment Team (FEMAT) received a questionnaire titled “ACS SEIS: Scientist Interview.”¹ The questionnaire asked the scientists to weigh in on how they intended certain aspects of the ACS to function. We received the responses of six scientists and, while the specifics of their answers are not always in complete agreement, they refute the administration’s claim that it is simply clarifying language to bring implementation of the ACS into accordance with the intentions of the scientists who designed it. In fact two of the scientists, Dr. Burnett and Michael Furniss, responded at one point: “Unfortunately, we think the language proposed...is not consistent with our original intent for the ACS so does not clarify its implementation.”

None of the responses were referenced in the draft or final changes—indeed, the responses apparently were ignored altogether.

Central rollbacks of the new ROD and what the FEMAT scientists who designed the ACS say about them.

The new ROD makes many changes to the original ACS, some of which are more straightforward than others. Below are three of the central changes and excerpts from the scientists’ responses regarding them.

ISSUE #1. THE ADMINISTRATION’S CHANGES ELIMINATE THE REQUIREMENT THAT INDIVIDUAL PROJECTS BE CONSISTENT WITH THE ACS OBJECTIVES.

A key requirement of the original ACS is that projects be consistent with the ACS Objectives. The Northwest Forest Plan states:

The intent (of the ACS) is to ensure that a decision maker must find that the proposed management activity is consistent with the Aquatic Conservation Strategy objectives.²

The Bush Administration has deleted this requirement; the agencies will no longer need to make any findings regarding whether projects are consistent with the ACS objectives. This eliminates

¹ It should be noted that the questionnaire was sent out prior to the drafting of the new ACS ROD language.

² 1994 ROD, Attachment A, Standards and Guidelines, p. B-10.

the trigger for ensuring the ACS objectives will be met over time or at any scale—the project, watershed, basin, or region.

SCIENTISTS’ RESPONSES: Each of the six scientists interviewed affirmed the importance of individual projects and their effects in meeting or not meeting the ACS objectives. Following are excerpts.

Dr. Kelly Burnett and Michael Furniss [combined response]:

We agree, “Projects must be analyzed at the site scale for ACS consistency.” *As we interpret this, each project must be assessed for its consistency with the ACS Objectives.* [Emphasis added.]

Dr. Fred Swanson:

To me the most important point is: Consider consequences of proposed actions over local (project) and broader (watershed) spatial scales and over short-term (days to a few years) and long-term (decades to centuries) temporal scales. To focus on only one or a few of these scales can fail to reveal undesirable consequences of a proposed action and may fail to permit actions that have aggregate payoff.

Dr. Jack Williams:

The concept of short-term and site-specific degradation is not necessar[ily] inconsistent with overall improvement of integrity, but *the degradation must be limited in time and space* (certainly not chronic) and when weighed at the broader scales, *demonstrate an overall improvement in attainment of ACS Objectives.* (Emphasis added.)

If the purpose of the proposed changes is to strictly segregate the Standards and Guidelines to project scales and the Objectives to broader scales, then, in my opinion, it is likely to be inconsistent with our intent. It certainly does not fit with my personal thinking...Analysis must occur at both project and watershed scales.

Dr. Bruce McCammon:

A possible example of where ACSO’s would be compromised is a proposed activity (harvest/roads) in an unentered [sub-watershed] that lies within a 5th level watershed that a watershed analysis shows to be degraded and directly affecting values at-risk (fish, water quality). Site contributions to downstream degraded conditions are contrary to attainment of ACSO’s.

ISSUE #2. THE CHANGES LIMIT ACS COMPLIANCE TO ONLY A FEW, SPECIFIC STANDARDS AND GUIDELINES AND DIMINISH THE ROLE OF THE ACS OBJECTIVES.

Probably because it was written by scientists rather than planners, important ACS rules ended up in subsections not titled “Standards and Guidelines.” Some of these rules have formed the basis for the successful litigation by commercial fishing and conservation groups that has stopped bad timber sales from going forward. Likely in recognition of the importance of these rules, the original Northwest Forest Plan authors stated that all sections of the original ACS ROD

constitute Standards and Guidelines. The new ROD deletes these statements and defines ACS compliance as simply conforming with a limited subset of Standards and Guidelines.

SCIENTISTS RESPONSES: Each of the six scientists interviewed addressed the importance of meeting the goals, objectives, and standards and guidelines at multiple scales. Following are excerpts.

Dr. Jack Williams:

If the purpose of the...changes is to strictly segregate the Standards and Guidelines to project scales and the Objectives to broader scales, then, in my opinion, it is likely to be inconsistent with our intent. It certainly does not fit with my personal thinking...Analysis must occur at both project and watershed scales.

Dr. Gordon Grant:

I do not agree that simply complying with Standards and Guidelines at the project or site scale, that ACS Objectives are automatically met. Some larger scale consideration of landscape elements such as: 1) pattern of activities; 2) intensity or activities; 3) timing of activities relative to other actions; and 4) other natural or anthropogenic disturbances operating at larger or neighboring scales, all have bearing on whether an individual site activity conforms to ACS objectives. That's what a cumulative effect or watershed analysis is intended to provide.

Dr. Kelly Burnett and Michael Furniss:

[W]e expected that each project would be evaluated relative to its compliance with the ACS Objectives at the site, watershed, and landscape scales.

ISSUE #3. THE CHANGES DISPENSE WITH THE REQUIREMENT THAT WATERSHED ANALYSIS BE USED TO DETERMINE IF PROJECTS ARE CONSISTENT WITH THE ACS OBJECTIVES.

The original ACS ROD required that decision makers use the results of watershed analysis to support findings that projects are consistent with the ACS objectives. The new ROD deletes this requirement. In fact, the new ROD only requires some sort of larger scale analysis for projects in riparian reserves, and even in this limited situation the decision maker must only determine "that the project is designed to contribute to maintaining or restoring the fifth field watershed over the long term, even if short-term effects may be adverse."³ In other words, if you examine a project or series of projects at a large enough scale (20 to 200 square miles) and over a long enough time frame (five years or more) then just about any impact can be dismissed as insignificant.

SCIENTISTS RESPONSES: Although there was no interview question regarding Watershed Analysis, many of the scientists interviewed explicitly discuss the important role that watershed analysis was intended to play, as the following comments illustrate.

³ 2004 ROD, p. 9.

Dr. Kelly Burnett and Michael Furniss [combined response]:

We expected that landscape and watershed context would indicate when and where short-term site-scale effects are acceptable.

We agree [with the statement] “Watershed analysis findings must be used, instead of being discretionary.”

Dr. Gordon Grant:

[In response to the question: Was it your intent that landscape-scale long-term ACS objectives can still be met if projects are found to have short-term site-specific impacts?] The answer is yes, **but only if tiered to a broader view afforded by watershed analysis**. Otherwise specific project actions could directly and negatively affect ACS objectives. For example, basin-scale hydrologic or sediment delivery processes that conflict with ACS objectives can be influenced by individual site impacts, such as canopy removal or root strength loss. [Emphasis added.]

Conclusion

As the scientists’ responses show, the original authors of the ACS were very clear about how the strategy’s components were designed to work in harmony to improve aquatic conditions within the Northwest Forest Plan area—at the stream reach, watershed, and regional scales. The Bush Administration’s changes to the ACS neither “clarify” direction nor conform with the original intent of the scientists who carefully crafted the strategy.