

## 11. SHORT TAKES: Forests, endangered species, renewable energy, waterfowl

(07/09/2009)

### Lawsuit filed over Warm Fire salvage logging plan

Environmental groups this week sued the Obama administration to block salvage logging operations along the north rim of the Grand Canyon, where a 2006 wildfire burned 40,000 acres of the Kaibab National Forest.

Forest managers approved the Warm Fire Recovery Project last March, allowing the harvest of damaged timber from more than 9,100 acres on the Kaibab Plateau, but environmental groups say such activities will undermine the natural recovery of the forest and degrade habitat for the federally protected Mexican spotted owl and other wildlife.

A direct appeal to the Forest Service to scrap the salvage logging plan was rejected by the agency's Southwest regional office last month.

"Burned forests are naturally recovering now, and logging will irreversibly harm that recovery," said Jay Lininger, a fire ecologist with the Center for Biological Diversity, one of three groups suing the Forest Service and the Fish and Wildlife Service in federal district court in Phoenix.

Plaintiffs, which also include the Sierra Club and WildEarth Guardians, allege in their complaint that the agencies violated the National Forest Management Act, National Environmental Policy Act and Endangered Species Act in approving salvage logging operations that could harvest up to 73 million board-feet of timber from the fire-damaged area, including designated habitat for the threatened Mexican spotted owl.

The complaint argues that ground-based tractor logging in the Warm Fire area will damage sensitive soils, streams and wildlife habitat by reopening 95 miles of logging roads, impede natural forest regeneration, aid in the spread of nonnative plants such as cheatgrass and increase long-term fire hazards.

Agency officials maintain that the salvage logging can be done in an environmentally sensitive manner, and that failing to clear damaged trees from the burn area could lead to greater wildfire risk in the future. "Our view is that it would be irresponsible to ignore the long-term heavy fuel accumulations that future managers would be faced with without treatment and the potential for another fire with very severe effects," Tim Short, district ranger for the North Kaibab Ranger District, said in May ([Land Letter](#), May 21).

The Center for Biological Diversity and the Sierra Club in May successfully challenged a second federal logging project covering 26,000 acres of the Kaibab Plateau adjoining the Warm Fire area. That project, known as the Jacob Ryan timber sale, was postponed so the Forest Service could further study the project's effects on the northern goshawk and other natural resources ([Land Letter](#), May 28). The Jacob Ryan sale was slated for lands adjacent to the Warm Fire Recovery Project.

### Groups urge federal intervention into Colo. roadless rule process

A coalition of hunting and fishing groups this week asked Agriculture Secretary Tom Vilsack to intervene in Colorado's development of a rule aimed at protecting the state's 4.4 million acres of roadless backcountry.

In a letter to Vilsack, the groups asked the USDA secretary to defer completion of the Colorado rule so that stakeholders can "take time to further address and attempt to fix the proposed rule's many problems."

Colorado is one of only two states fully engaged in developing a roadless rule following the Bush administration's 2003 policy directive that lifted sweeping federal protections for roughly 58 million acres of roadless areas, almost entirely within national forests.

In May, the Obama administration announced it would give highest scrutiny to any new development proposals involving roadless areas for one year until officials sort out a number of legal challenges to the Bush policy ([E&ENews PM](#), May 28). Idaho was not subject to the moratorium because it had already completed its roadless rule, while Colorado's status remained unclear, since it was putting the final touches on its policy.

But a number of advocacy groups have argued that Colorado's rule in its current form fails to protect the state's best fish and wildlife habitat, while others have said the rule contains multiple loopholes that could jeopardize pristine public lands.

"The public has spoken loudly and decisively in favor of backcountry conservation," said David Lien, co-chairman of Colorado Backcountry Hunters and Anglers. "Correspondingly, our federal government must assure the long-term conservation of our valuable national forest backcountry through a Colorado roadless rule that lives up to the expectations of the public and the requests of the

state Division of Wildlife."

David Petersen, state field director for Trout Unlimited's Sportsmen's Conservation Project, said preserving large areas of roadless backcountry is essential to protecting both watersheds and a number of big-game species that rely on densely forested areas for survival.

### **Colo. River Basin fish deserves protection -- FWS**

The Colorado River's roundtail chub deserves federal protection, but the Fish and Wildlife Service says it cannot help the fish until the needs of higher-priority species are addressed.

The agency said Tuesday that the chub -- a silvery predator that can grow as long as 2 feet -- that lives Arizona's lower Colorado River Basin is on its way to the candidate species list.

But the service is not ready to write a recovery plan to identify critical habitat for the chub. Providing the species full federal protection might lead to restrictions on human water usage in the basin.

In a *Federal Register* notice, FWS says excessive water diversions have pushed the chub toward extinction. The service cited similar threats to fish species in California's Sacramento-San Joaquin river system, where water diversions have been severely curtailed this year to protect the endangered species.

Fish and Wildlife Service officials in Arizona were unavailable for comment.

Noah Greenwald of the Center for Biological Diversity said protection for the chub cannot come soon enough. The center petitioned the agency to list the fish in 2003 and successfully sued to force a re-evaluation of an initial decision against listing in 2006.

"It's a win in the sense that we got them to agree" that the fish needs protection, Greenwald said. "It's a loss in the sense that they just made it a candidate and it doesn't get any real protection. It shouldn't take this long or require this much litigation to protect a species as obviously endangered as the roundtail chub."

### **FWS to draw new habitat proposal for bull trout**

A federal judge has granted the U.S. Fish and Wildlife Service's request to re-evaluate the amount of protected habitat needed to save the bull trout, allowing the agency to review a decision that an inspector general investigation found was politically motivated.

Environmental groups had sued FWS over an approximately 80 percent reduction to the trout's critical habitat, but Judge Robert Jones in Portland dismissed that suit now that FWS has agreed to take a second look.

FWS requested the re-evaluation in December ([E&ENews PM](#), Dec. 23, 2008).

The reductions to bull trout habitat were one of 13 FWS decisions that an inspector general report ruled were inappropriately influenced by Julie MacDonald, a Interior Department employee who was determined to have pressured federal scientists to reach politically expedient decisions. Critical habitat protections interfered with grazing, logging, mining and the building of dams.

"I hope this brings an end to the corruption of the critical habitat process under Julie MacDonald, and I hope the Obama administration will do it based on science instead of politics," said Michael Garrity of the Alliance for the Wild Rockies, one of the groups that had sued.

Service spokeswoman Joan Jewett said the agency was "already working on a revision to the critical habitat" and would have a new proposal by Sept. 30, 2010, the timetable established by the court.

### **Pickens cancels plan for 1,000-MW wind farm**

T. Boone Pickens is no longer planning to build the world's largest wind farm, instead settling for five or six smaller facilities.

Pickens last year announced his intention to build a 1,000-megawatt plant in Pampa, Texas, and to build his own transmission line to bring the farm's power to market.

Last week he announced new plans. "I don't think the first place we build ... is where we thought we would because we don't have the transmission," Pickens told the *Dallas Morning News*. Building the line "was a little more complicated than we thought," he added.

Pickens also pointed to problems securing financing after hydrocarbon energy sources declined in price from last summer's spikes.

Pickens had already ordered the first round of wind turbines, and they will begin arriving in 2011. When they do, Pickens is considering six sites, including places in Wisconsin, Oklahoma, Kansas and Texas.

### **Waterfowl populations up 13 percent in latest survey**

New federal survey data on the nation's waterfowl populations suggest the nation's ducks are faring well, with a 13 percent increase over last year's estimate and a 25 percent jump over the 1955-2008 average.

Preliminary **estimates** from the 2009 Waterfowl Breeding Population and Habitat Survey, released by the Fish and Wildlife Service, show the nation's waterfowl population at 42 million birds spread across more than 2 million square miles of habitat in the United States and Canada. The count focuses on duck populations on the continent's primary nesting grounds.

The total pond estimate, which includes ponds in both Canada and the United States combined, was 6.4 million, a 45 percent increase over last year's estimate of 4.4 million ponds.

Several of the best-known duck species saw population increases in the latest count, including blue- and green-winged teals (10.8 million), mallards (8.5 million), northern shovelers (4.4 million), pintails (3.2 million) and canvasbacks (662,000). Gadwall and redhead populations were roughly the same as in last year's count, at 3.1 million and 1 million, respectively.

Scaup populations, estimated at 4.2 million in the latest survey, were 12 percent higher than last year but 18 percent below the long-term average. Population estimates for American black ducks, ring-necked ducks, American wigeon, bufflehead, goldeneyes and mergansers surveyed in eastern North America are similar to last year as well as their 1990-2008 averages, according to FWS.

The annual survey is used to help establish hunting seasons and bag limits for hunters as well as to develop waterfowl conservation programs under the 1918 Migratory Bird Treaty Act. Much of that activity focused on the continent's four primary flyways -- the Atlantic, Mississippi, Central and Pacific.

[Click here](#) to review the survey results.



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