

APPENDIX B

Brief History of the HERGER-FEINSTEIN QUINCY LIBRARY GROUP PILOT PROJECT

OCTOBER 1998 TO NOVEMBER 2001

Background
**HERGER-FEINSTEIN QUINCY LIBRARY GROUP
PILOT PROJECT
OCT. 1998 TO NOVEMBER 2001**

In October 1998, the Herger-Feinstein Quincy Library Group Forest Recovery Act¹ (HFQLG Act) was signed into law. The HFQLG Act developed from the Quincy Library Group's (QLG) 1993 Community Stability Proposal² to test the benefits of a locally conceived forest management strategy for reducing forest fuels along with the risk of catastrophic wildfires, promoting forest health and restoring economic stability to rural communities. The Quincy Library Group's proposal envisioned a desired future condition of an all-age, multi-storied, fire resistant forest approximating conditions prior to European settlement.

From the inception of the Community Stability Proposal through passing of the HFQLG Act, the Forest Service implemented the Forest Health Pilot (FHP), which was the Administration's effort, through the Forest Service, to implement the kinds of activities advocated in the Quincy Library Groups' Community Stability Proposal. Approximately 56,900 acres of vegetation treatments were accomplished between 1995 and 1997, primarily through timber sale contracts.

The HFQLG Act specified a five-year Pilot Project to be implemented on the Lassen, Plumas, and Sierraville Ranger District of the Tahoe National Forests, and required completion of an Environmental Impact Statement (HFQLG EIS) within the first 300 days. In August 1999 the three Forest Supervisors of the Lassen, Plumas and Tahoe NFs signed the HFQLG Record of Decision (HFQLG ROD). They selected Alternative 2, which most closely resembled the QLG Community Stability Proposal and the HFQLG Act. The HFQLG Act mandated:

1. Construction of Defensible Fuel Profile Zones (DFPZs), a network of shaded fuel breaks, designed to interrupt crown fire and provide a relatively safe location for fire crews to take action against large scale, high intensity wildfires;
2. Implementation of small group selection (GS) and individual tree selection (ITS) harvest methods to promote an all-age, multistory, fire resilient forest; and
3. Implementation of a riparian management program, including riparian protection zones and restoration projects to address soil erosion, stream channel sedimentation and wildlife habitat degradation.

Because of concerns over the California spotted owl, a mitigation measure designed to avoid impacts to owl habitat from this mandate was included in the HFQLG ROD, pending release of an owl management strategy for the Sierra Nevada Ecosystem.

Additionally, the HFQLG Act specifically provided for the application of an owl conservation strategy and stated, in part: *...All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California Spotted Owl as set forth in the California Spotted Owl Sierran Province Interim Guidelines or the subsequently issued guidelines, whichever are in effect*³

Implementation of the Pilot Project began in fiscal year (FY) 2000, while thirteen appeals on the HFQLG ROD were reviewed. The appeal period ended in October 1999 with 15 appeals received, 12 of which were deemed timely. In March 2000, the Regional Forester affirmed the HFQLG decision on all 12 timely appeals. A lawsuit was filed by one of the untimely appellants, Californians for Alternatives to

¹ HFQLG Act, P.L. 103-354, Section 401(j), October 1998

² QLG Stability Proposal, November 1993

³ HFQLG Act, Section 401 (c), October 1998

Toxics (CATs). However, in April 2000 the Regional Forester agreed to accept and respond to the CATs appeal and the lawsuit was temporarily stayed. In June 2000, the Regional Forester again affirmed the HFQLG decision, and CATs resumed litigation. In June 2001, Judge Lawrence K. Karleton, U.S. District Court for the Eastern District of California, ruled on the CATs lawsuit. In resolving the case the court dismissed several of CATs' claims, but upheld the claim that the Forest Service failed to consider the environmental effects of maintaining DFPZs in the future. The court held that, in relation to DFPZ construction, maintenance was both a connected action and a cumulative action, and therefore had to be analyzed within the HFQLG Final Environmental Impact Statement (HFQLG FEIS). The court ordered the Forest Service to supplement the HFQLG FEIS by analyzing the environmental effects of maintaining DFPZs in the Pilot Project area. Ongoing Pilot Project activities were allowed to continue provided the Supplemental Draft EIS (SDEIS) was released for public comment within 120 days of the Court decision. The SDEIS was published in the Federal Register on October 5, 2001, 115 days from the judge's decision.

In October 2000, the Interior and Related Agencies Appropriation Act (Public Law 106-291) or Title IV directed the Secretary of Agriculture to publish in the Federal Register the Forest Service's Cohesive Strategy⁴ that led to the development of the National Fire Plan. The National Fire Plan goals of restoring damaged landscapes and forest ecosystem health through fuels management complimented the efforts being conducted under the HFQLG Act.

In December 2000, the Earth Island Institute filed a lawsuit seeking to halt over 200 timber sales approved after March 1, 1995, alleging that the Forest Service's continued reliance on the 1993 California spotted owl interim direction (CSAPO) was unlawful. In December 2000, the Regional Forester voluntarily agreed to suspend groundbreaking operations on existing timber sales within the Sierra Nevada planning area until 30 days after publication of the SNF Plan Amendments or March 1, 2001, whichever came first. The District Court twice denied plaintiffs motion for a preliminary injunction and the Ninth Circuit upheld the denial of an injunction on October 3, 2001.

In January 2001 the Regional Forester issued a Record of Decision for the *Sierra Nevada Forest Plan Amendment* (SNFPA) Final EIS. This plan amendment provided a new owl conservation strategy that affected the Pilot Project by replacing the mitigation measure imposed by the HFQLG ROD, replacing the 1993 CASPO Interim Guidelines being used in project design, and establishing additional standards and guidelines related to other facets of the forest. HFQLG projects planned in FY01 complied with these new strategies, which included canopy closure and large tree retention requirements. The Pilot Project continued implementing as many of the HFQLG activities as possible, although the new owl strategy changed the extent of some treatments. Group selections that were planned in FY 01 in non-suitable owl habitat continued without modification.

SNFPA also called for a collaborative Administrative Study to be developed by the Pacific Southwest Research Station (PSW) in conjunction with Region 5 monitoring personnel and National Forest staff. This study includes portions of the HFQLG Pilot Project area and is to investigate how the California spotted owl and its habitat respond to various silvicultural treatments. Group Selection is identified as a major component of the study and is not expected to exceed 4,000 acres of owl habitat per year in the Treatment Units. In May 2001, PSW released the first draft of the Administrative Study and by September 2001, released the second draft. The third and final draft was released in March 2002 and has considered all public and peer reviewed comments.

In November 2001, the Chief affirmed the Regional Forester's SNFPA decision by saying that the minimum requirements of Federal law and regulation were met. However, the Chief also said that he believes opportunities exist for refining the decision for greater consistency with current agency policy.

⁴ Cohesive Strategy, April 13, 2000

The Chief asked that certain aspects of the decision be subject to additional review and analysis. The relationship between the SNFPA and the HFQLG Act is one of the areas of concern that the Chief asked the Regional Forester to review. He stated that further review is necessary to ensure that the five problem areas identified in SNFPA are adequately balanced with the goals of the HFQLG Act. In December 2001, the Department of Agriculture's Under Secretary for Natural Resources elected to not conduct a discretionary review of the Chief's administrative appeal decision regarding the SNFPA. Also in December 2001 and in response to the Chief, the Regional Forester issued an action plan that outlines what the Region will be doing to comply with the Chief's direction and the timeframe in which to accomplish the action plan. A review team will look at the Forests' ability to fully implement the DFPZ strategy of the Pilot Project, and the ability to implement 8,700 acres of group selection annually. The Regional Forester also said that, based on the results of the review, he will propose a SNFPA amendment which will allow implementation of the Pilot Project.