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to: **Armand Gonzales**
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from: Catherine Moore
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re: Comments for the 2015 SWAP scoping

Dear Mr. Gonzales and members of the SWAP team,

I attended the San Leandro SWAP Scoping meeting and heard your presentation. I liked several aspects of what I heard. I liked the change in focus to integrated habitat management as opposed to individual species focus. I also appreciated the introduction of progress metrics to measure recovery effectiveness. It's an excellent start to revamping the way CDF&W manages listed species.

I have owned and managed forest land in Santa Cruz County since 1989. In this time, I have joined several forestry and landowner associations and I attend seminars, webinars and field trips every year to learn how other people manage their land and how it is working for them. I have also traveled to other states in our country and to other countries, and everywhere I go I look at the local landscape and talk to other forest managers. The various stories and opinions I will give you below are consolidated from all these experiences.

I would like to explain a landowner's view of managing forests and how California's methods play in the field. I hope these viewpoints can help you design better recovery plans that will be welcomed by private landowners and eagerly implemented.

The private landowners I associate with are an engaged and active group. We all spend personal time in our forests and have the poison oak rashes, yellow jacket stings and stories to prove it. Everyone I talk to loves being surrounded by their wildlife and we generally know what lives on our land, where they will be and what they will be doing. Our lands, however, are not playthings. They are active businesses and earn their keep. We can only afford to keep our forests as forests for as long as we can meet our expenses. Any wildlife recovery activity done on our land will be financed by profits from these businesses, and any restrictions imposed by wildlife or other regulations cuts into what we have available to invest in habitat

management. **Sensitivity to business constraints is an important part of formulating wildlife recovery.**

From the landowners' perspective, the current wildlife restoration methodology is a failed model. We read all the time about new species being listed, but very seldom about successful recoveries and delistings. We wonder why the environmental organizations who are so eager to find and list species do not have an equivalent success story to trumpet. I keep waiting for an organization to step forward with the motto "500 species recovered and delisted since 1975" or something like it, but it never happens. I feel this is an important point to keep in mind when certain organizations start dictating policy.

The theory that one can draw a boundary around a "critical habitat", then just stand back and watch it go successfully back to its original "natural" state fails to take post-Columbian changes into consideration. We now have invasive exotic species, blights and diseases that cross these boundaries at will. It also fails to take into consideration the impact of tribal land management activities. The books "1491", "Tending the Wild" and "California Indians and Their Environment" all discuss the considerable impact of human activity on the California environment. They burned, they weeded, they harvested seeds, plants, animals and fish. They scattered seeds and thinned overgrown bulb clusters. Extracting people from the landscape would be a radical change to environment processes and will not restore it to what was found here before Columbus. **People have been in California since at least the close of the last ice age and they are an integral part of the environment.**

When we bought our land in 1989, one of our early dreams was to have a stream we could fish in. We contacted CDF&G to discuss how they could help us design and implement fish-friendly changes to our stream, which only runs an inch deep in the summer. The CDF&G representative jumped down our throats and threatened all sorts of fines and penalties if we so much as moved a stick or rock in the stream without an extensive list of permits. The clear message was that streams were untouchable by private citizens, only agency people had the authority. The attitude and list of regulations and penalties for mistakes were very off-putting, so we backed away from the idea. The second nail in the coffin came when we learned more about the forest practice rules and the riparian protection borders. Upgrading our stream from Class 2 (permanent, nonfishbearing) stream to Class 1 (permanent, fishbearing) would remove our best tree-growing territory from our harvestable lands. This essentially punishes people for improving riparian habitat. Some friends to the north had extensive equipment restrictions placed on them because of a raptor nest, while less than a hundred feet away, a state highway had large trucks going by at all hours of the day and night, which the birds tolerated happily. These people were being punished for supporting nesting birds. These practices do not inspire private landowners to invest their time and money in supporting endangered species. **The current regulatory structures, with their management restrictions, extensive permit processes and penalties and fines are a deterrent to habitat restoration.**

We need a watershed philosophy change away from the regulations and restrictions that try to extract people from the environment. We need, instead, programs that inspire people to get into the land and build habitat improvements, perform experiments on the effectiveness of various restoration techniques, and simply maintain what is already there. We need to make endangered

species assets, not impediments. Any time we can find a way to help people make a living while restoring habitat or recovering the populations of listed species will be a win for the animals. Here are some ideas from other parts of the world.

Mississippi does not require hunting and fishing licenses for hunting on your own land. In Mississippi, people are inspired to put a lot of time and money into developing attractive habitat for game species on their land. Attractive habitat for deer, turkeys, pheasants, ducks and fish is attractive habitat for a whole array of other species, too. Once people have these attractive habitats installed, they lease access rights to hunting clubs for income. This helps pay for maintaining the habitat and provides money for property taxes. It also keeps the poaching problem down, since the hunting clubs are active in maintaining security on their exclusive hunting ground. **Give people extra privileges in exchange for habitat improvement activities.**

Another interesting observation about Mississippi was that they are very fierce about personal property rights. People are allowed to do pretty much whatever they want on their land, as long as it doesn't threaten the neighbors. We toured the forest production part of the state and observed that this led to a wide variety of management styles, depending on the ambition and energy of the landowner. We saw highly efficient timber row crops and we also saw patches of mixed woods and hardwoods interspersed with them. The borders may have often been straight lines, but it still made for a varied and diverse landscape. **Many small visions can build a diverse habitat structure without governmental mega-planning.**

Green sea turtles are a delicacy in the Caribbean. They became over-hunted and hunting restrictions were imposed. This led to a poaching problem. Turtle recovery was not going well. Some enterprising entrepreneurs on Grand Cayman came up with the plan to build a turtle farm. The business plan is to breed and raise turtles in sea pools. Some of the turtles are raised until they are big enough to have a chance of surviving in the sea and released, and the rest are sold to local restaurants. This significantly reduced the market for the poachers. Grand Cayman has recently seen an increase in the number of wild nesting green turtles on its beaches and some of them have tags from the turtle farm. **Species recovery does not have to be a losing business proposition.**

When the endangered species lists were first starting, the idea was that there would be relatively few species on the list and at the time it made sense for recovery plan documents to exclusively focus on a single species at a time. Today, the lists are extensive, with hundreds of species, and when we manage our lands, we are generally dealing with multiple species and many environments at once. When land managers do undertake habitat restoration/enhancement projects, we find ourselves dealing with a lot of befuddling questions. We hope future recovery plans will take into consideration the following:

- How do we manage for interspecies competition for the same resources? For example, coho salmon and steelhead trout occupy the same streams in the Central Coast and eat the same food. How do we enhance the viability of one species without destabilizing the other?

- What are we supposed to do if endangered species A is eating endangered species B on our land? San Francisco garter snakes and red-legged frogs are the classic example of this.

- What are we supposed to do if our efforts to recover a species draws in its predators?

- What are we supposed to do if we have multiple listed species on our land that have incompatible habitat requirements? Favoring one could adversely affect the others.

- What are we supposed to do if a protected species starts eating our endangered species? How easily can we get a depredation permit for a mountain lions or ravens that are eating our endangered species?

- What do we do when the most appropriate action to enhance a habitat runs up against regulations prohibiting that action? There have been indications that the riparian shading requirements currently in place are impeding the growth of salmonid food supplies.

- How are land managers informed of the latest science in species recovery?

- How well do recovery plans incorporate long term temporal cycles like timber harvests? The year of a timber harvest involves a lot of localized disturbance, but between harvests the land is relatively undisturbed for a decade or longer. Most animals will just shift off the disturbed land for that year then move back the next year, making timber production zones far better habitat over the long term than most commercial properties.

I also feel the zero-take rule for some severely endangered species is actually an impediment to implementing its recovery. If a species truly cannot sustain any losses, then it should probably be in a captive breeding program. Any time people enter habitat to remove exotic invasive species, improve the viability of the animals' food supply or simply to monitor progress, they run the risk of a take. No matter how careful you are, something is going to find a way to run under the tires of your truck, or you'll step on a nest while you are weeding, or… No one is going to sign up for a recovery project under these constraints.

California Department of Fish and Wildlife also needs to remember that they are not the only agency involved in habitat management and species recovery. The US Fish and Wildlife Service and the National Marine Fisheries Service have their own lists, regulations and protocols. The California Department of Forestry and Fire Protection has a large book of regulations relating to timber harvest practices and watershed management. Each of the Water Quality Control Districts have their own take on water quality standards and how to enforce them. Then there's the Air Resources Board. Those of us on the receiving end of all of these agencies get ulcers from trying to reconcile regulations and goals that do not mesh gracefully. We would be eternally grateful if:

- CDF&W coordinated with USFW and NMFS when formulating recovery plans so restoration regulations/activities are seamless and not contradictory. It's really hard to put together an integrated recovery plan when each agency is running its own show.

- CDF&W knew the forest practices regulations. CAL FIRE may already be handling much of what CDF&W wants done.

- Share your goals and coordinate your practices with other agency people before arriving on our land for an inspection. We don't have the authority to mediate your regulatory conflicts and really don't want to be involved.

In short, interagency awareness will make projects move more smoothly.

We have game animals on our land as well as endangered species, and we are just as concerned about their wellbeing as we are about the listed species. In the last few years we have noticed that our deer population is not doing well. The bucks are small with stunted antlers, and the does are not producing many fawns. We talked to the Quality Deer Management Association at the American Tree Farm conference this year, and one of their key suggestions was culling the does. Unfortunately, California does not issue hunting licenses for does. I'm sure this policy was forced on CDF&W by urban people whose entire experience with wild animals came from Disney movies. Bambi was a wonderfully sentimental story, but it's really bad biology. To refresh the deer genetic pool and reduce the populations pressures, we should cull the does. The Disney factor brought us the complete protection of mountain lions, and other laws that are going to come back to bite us in the future. What are we going to do when mountain lions become so bold that they snatch children out of their own back yards? **What can we do together to find some way to allow what is biologically correct to supercede what is politically correct?**

One of the biggest missing pieces in the California environment is fire. California is a known to be a fire-dependent ecology, but fire has not been in the land management toolkit for a long time. Somehow, we need to bring it back. There are several species of plant whose seeds need to be scarred by fire to germinate. Others need mineral soil to germinate. These plants provide food and nesting locations for local wildlife. Some plants benefit by being burned back to regenerate new crowns. Burning also knocks back several pathogens like plant diseases, fungi and insects like oak moths that spend part of their life cycle in the duff. If we're lucky, many of our invasive exotics will be less fire tolerant than the natives. When Indians managed California, seven million acres burned in an average year, far more than what happens in our "worst fire" seasons.

We now have houses interspersed in the wilderness, an huge overgrowth of vegetation making a dangerous fire load and liability laws that make attempts to return fire overly risky financially. We hope CDF&W will join the Prescribed Fire Councils that are forming in the state to learn the exciting things they are sharing about how to use fire for habitat restoration. We hope CDF&W will confer with CARB and CAL FIRE about how to start introducing fire into the environment in ways that enhance habitat for endangered species. We hope CDF&W will add their voices to regulation reforms that will allow land managers, both public and private, to add responsible use of fire to their land management practices.

I know this is a lot, but it encapsulates about twenty years of observations. Wildlife management is possible for most species, and we all want to see genuine progress so that people and animals can coexist.