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Pacific Southwest Research Station, Albany, CA 94710

Court Decides in Favor of Marbled Murrelet

In a ruling on February 18, the U.S. Supreme Court rejected a Pacific Lumber Company challenge to limits imposed on Pacific Northwest logging to protect the marbled murrelet, a threatened bird species. Without comment, the Court let stand rulings that bar the Company from logging an old-growth forest of redwood and Douglas-fir trees it owns in Humboldt County, Calif. It rejected Pacific Lumber's argument that a Federal appeals court wrongly concluded that the Endangered Species Act is violated by conduct that might impair the breeding practice of a threatened species.

The Company's appeal contended that the law bans only conduct that actually kills or injures members of protected species. Regulations of the USDI Fish and Wildlife Service define "harm" to include "significant habitat modification" that would lead to injury of a protected species.

The Owl Creek Forest of Pacific Lumber is considered suitable habitat for the marbled murrelet. About the size of a robin, this seabird resides in northern California, Oregon, Washington, and Alaska. It has long been regarded as a bird of mystery because of its nesting habitats.

Much of what is now known about the species has been documented in a recently released Station General Technical Report on "Ecology and Conservation of the Marbled Murrelet." This 420-page report describes the ecology, biology, territory, habitat requirements, and distribution of the species. Copies of PSW-GTR-152 are available from PSW Publications Distribution, 3825 East Mulberry Street, Fort Collins, CO 80524-8597 (phone: 970-498-1703).

USDA Adopts No-Smoking Policy

For U.S. Department of Agriculture employees—which includes all FS employees—who have wanted to give up smoking in the past but who have never made time to do so, the time may as well be now. Effective January 16, 1997, USDA adopted Departmental Regulation 4400-6, USDA Smoking Policy. This regulation prohibits all smoking in all interior space in both USDA facilities and motor vehicles. To comply with this policy at Albany, the Location Labor/Management Partnership Council has recommended that the smoking room, Room 0016, located in the basement of the main USDA building be closed. Effective immediately, no smoking is allowed within either the main USDA or West Annex buildings (home of PSW at Albany), or within 20 feet of any entranceway, air intake, perimeters of chemical storage buildings, or on the roof. Smoking is also prohibited in any USDA/FS vehicle.

FS Chief, Ex-Chief Offer Views

Both new FS Chief Mike Dombeck and ex-Chief Jack Ward Thomas recently aired their views on the agency's mission and its past, present, and future success. Mike spoke before the Senate Committee on Energy and Natural Resources on February 25 to outline his vision for forest health and an agency that is more accountable. Jack, meanwhile, presented his own views in a column entitled "In My Opinion," which appeared in the press.

"By the end of 2001, I expect the Forest Service to have effective and well-accepted individual accountability in every aspect of the agency," said Mike. "I also expect the Forest Service to have the clearest record of improving the health of the land in the world, while having created true sustainability with regard to natural resource extraction."

He continued, "I think we could all agree that over the past year, the Timber Salvage Act heightened tensions on National Forests and in local communities. The words 'forest health' have become mistrusted by the American people. But the fact is that many of our forests are sick. We can accelerate the healing through a balanced and measured approach. This is not about 'cutting it to save it.' It is about sitting down at the same table with regulatory agencies, other local managers, and citizens and taking action before we are confronted with incredibly costly fires. It took many decades for today's unhealthy forest conditions to develop, and it will take an equally long time to reverse them."

Mike's prescription for restoring forest ecosystem health includes using prescribed fire, thinning, noxious weed management, fuel obliteration and maintenance, and grazing management.

In addition, he noted that the FS must become more responsible to the taxpayer: "By fiscal year 1999, I am committed to the Forest Service receiving a 'clean opinion' on its financial statements." Mike said he will hold FS supervisors accountable with new, clearly-defined performance measures.

Jack echoed the new Chief's concerns, and primarily addressed the agency's need for a bipartisan effort to clarify its mission. "Only a unified drive could clarify the muddy morass of uncoordinated laws, out-of-date regulations, policy direction, budget decisions, overlaps in agency responsibilities, disagreements between Congress and Administration and inconsistent court actions that combine to 'guide' the agency," said Jack.

"Since my retirement in late November 1996, numerous interviewers have asked me what the primary problems I faced

(continued on page 2)

In Print

* Preisler, Haiganoush K.; Rappaport, Nancy G.; Wood, David L. 1997. *Regression methods for spatially correlated data: an example using beetle attacks in a seed orchard*. Forest Science 43(1): 71-77.

* Wilkinson, William H.; McDonald, Philip M.; Morgan, Penelope. 1997. *Tanoak sprout development after cutting and burning in a shade environment*. Journal of Applied Forestry 12(1): 21-26.

Status of the Sierra Nevada: Sierra Nevada Ecosystem Project, Final Report to Congress, volume II: Assessments and Scientific Basis for Management Options. 1996. Davis: University of California, Centers for Water and Wildland Resources. Contains the following chapters by PSW authors:

* Ferrell, Goerge T. *The influence of insect pests and pathogens on Sierra forests*. 1177-1192.

* Husari, Susan J.; McKelvey, Kevin S. *Fire-management policies and programs*. 1101-1117.

* McGurk, Bruce J.; Berg, Neil H.; Davis, Maureen L. *Camp and Clear Creeks, El Dorado County: predicted sediment production from forest management and residential development*. 1407-1420.

* McGurk, Bruce J.; Davis, Maureen L. *Camp and Clear Creeks, El Dorado County: chronology and hydrologic effects of land-use change*. 1369-1406.

* McKelvey, Kevin S.; Busse, Kelly K. *Twentieth-century fire patterns on Forest Service lands*. 1119-1138.

* McKelvey, Kevin S.; Skinner, Carl N.; Chang, Chi-ru; Erman, Don C.; Husari, Susan J.; Parsons, David J.; van Wagendonk, Jan W.; Weatherspoon, C. Phillip. *An overview of fire in the Sierra Nevada*. 1033-1040.

* Millar, Constance I. *The Mammoth-June ecosystem management project, Inyo National Forest*. 1273-1346.

* Millar, Constance I. *Tertiary vegetation history*. 71-122.

* Rogers, Deborah L.; Millar, Constance I.; Westfall, Robert D. *Genetic diversity within species*. 759-838.

* Skinner, Carl N.; Chang, Chi-ru. *Fire regimes, past and present*. 1041-1069.

* Weatherspoon, C. Phillip. *Fire-silviculture relationships in Sierra forests*. 1167-1176.

* Weatherspoon, C. Phillip; Skinner, Carl N. *Landscape-level strategies for forest fuel management*. 1471-1492.

Meetings/Conferences/Seminars

* Matt Busse, Soil Productivity Research Team, Redding, gave a talk, "Microbial activity and long-term soil productivity research," at the California Pest Council meeting, November 13-14, 1996, in Sacramento.

* Pat Shea, Insect Chemical Ecology Research Unit, Albany, presented a paper, "Update on the use of bark beetles to create snags for wildlife habitat," at the California Pest Council meeting, November 13-14, 1996, in Sacramento.

* George Ferrell, Disturbance Factors Research Team, Redding, was elected Secretary of the California Pest Council's Insect Committee; and Nancy Rappaport, Soil Productivity Research Team, Redding, was elected Secretary of the Council.

(*FS Chief, Ex-Chief—continued*)

were as Chief. Among those were: lack of clear mission; operating under laws that mesh poorly with effects exacerbated by overlapping responsibilities of several agencies, and a wide range of sometimes confusing court decisions; micromanagement—in other words, politicization of agency activities by Congress and political appointees; continued downsizing with inadequate consideration of what is expected of the Forest Service; and demonization of the agency by extremes in the debate over public land management. Such problems can be addressed through bipartisan action over the next two years."

Jack continued, "It is time to address underlying problems and eschew political temptation to wag fingers at the executors of confused policy, judicial mandates, and divided management authority. The National Forests and Grasslands, all 194 million acres, are our lands. This heritage is unique in the world. They were put together too laboriously, meticulously, and expensively over a century to be dismantled piecemeal to accomplish political objectives of the moment."

"The Forest Service has a new leader. Michael Dombeck is a career professional with extensive Forest Service experience. He packs all the right gear. But he needs help. Steering a ship with a malfunctioning rudder and too many co-captains is excruciatingly difficult. I know from experience. He, the Forest Service, and the American people deserve better," Jack concluded.

Visitor to PSW

Shannon F. Reeves, president of the Oakland, Calif., chapter of the National Association for the Advancement of Colored People, visited PSW Albany headquarters on February 21 as part of the Station's African-American History Month activities. His presentation focused mainly on the theme "The trade deficit between Black America and Corporate America." Shannon attended college in Louisiana, where he ran for mayor at the age of 20, and is now preparing to become a minister in addition to the work that he does for the NAACP.

Job Vacancies

Ecologist, GS-0408-05, Shaver Lake (temp., 1-yr.)
Social Science Technician, GS-0102-05, Riverside
Library Technician, GS-1411-04, Albany (temp., 1-yr.)
Research Landscape Ecologist, GS-0408-12/13, Fresno

Closes

3-12-97
3-13-97
3-19-97
3-24-97

Executive Calendar

Space.....M-F: Albany
Aune.....M-F: WO
Bell.....M-F: Albany
DeMuth (Acting)....M-Tu: Albuquerque; W-F: Albany
Ewel.....M-F: Honolulu
Mason (Backup)....M-Th: Las Vegas; F: Albany

March 3-7

Space.....M-F: Albany
Aune.....M-F: WO
Bell.....M-F: Albany
DeMuth (Acting)....M: Albany; Tu: AL; W-F: Albany
Ewel.....M-F: Honolulu
Mason (Backup)....M-F: WO

March 10-14