

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: October 20, 2020	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Board of Supervisors
APPROVING PARTY: Paul Roen, District
PHONE NUMBER: 530-289-3295

AGENDA ITEM: Discussion/action on the request from the California Forestry Association to join coalition with respect to court case involving the US Fish & Wildlife Services and the decision not to list the California Spotted Owl as endangered.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
See attached email and support document.

BACKGROUND INFORMATION:

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED?

 Yes, -- --
 No

IS THIS ITEM ALLOCATED IN THE BUDGET? Yes No

IS A BUDGET TRANSFER REQUIRED? Yes No

SPACE BELOW FOR CLERK'S USE

<p>BOARD ACTION:</p> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2020- _____ Agreement 2020- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

[Cancel](#)

Re: Building a Coalition



On Oct 12, 2020, at 8:34 AM, Rich Gordon <richg@calforests.org> wrote:

Hope you are well. Thank you for your continued service on the Board of Supervisors. As I look back on my elected life, I still feel that my time as a San Mateo County Supervisor was the best experience I had.

I am reaching out to you in my role as President and CEO of the California Forestry Association. We are working to build a coalition to support the science-based decision of the U.S. Fish and Wildlife Service to not list the California Spotted Owl as endangered. This decision is being challenged and if the challenge is successful it could have serious impact on efforts to increase forest management and fire prevention.

I am hopeful that your County might be willing to join our coalition. I have attached a fact sheet which provides additional information.

Would you please do me the favor of calling me in the next day or two to discuss. You can reach me on my cell phone at (650) 380-6491.

Thank you,

Rich Gordon
President and CEO
California Forestry Association

[<20201009_REQUEST TO JOIN COALITION.pdf>](#)



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REQUEST TO JOIN COALITION

The California Forestry Association (CFA) requests your participation in a coalition seeking to intervene in support of the U.S. Fish and Wildlife Service (Service) in a lawsuit brought by Sierra Forest Legacy, Defenders of Wildlife, and the Center for Biological Diversity regarding a decision by the Service that listing the California Spotted Owl (CSO) was not warranted under the Endangered Species Act (ESA).

Why This Matters:

The best available scientific information supports the decision of USFWS that listing of CSO is not warranted. Listing of this species will hamper efforts on private, state, and federal lands in California to take management actions to reduce wildfire risk and protect human health and safety, natural resources and the environment. As the fires burning throughout California show, such responsible land management is long overdue, and will be needed in the coming years more than ever. Examples of the negative impacts of listing the CSO abound. Listing the species would slow and raise the costs of:

- fuel break construction projects;
- fuels management/reduction projects;
- timber harvesting projects, including thinning; and
- public infrastructure projects and land management actions to protect them.

More frequent and intense wildfires will result, harming human health and safety, natural resources and the environment:

- people will be injured and/or killed;
- homes and other structures will burn;
- water supplies will be polluted by runoff from burned areas;
- other essential infrastructure, such as electrical transmission facilities and telecommunication lines and towers, will be destroyed;
- habitat for species (including protected species) will burn;
- watercourses will be polluted;
- forest carbon storage projects will go up in smoke; and
- emissions from fires will cancel out hard-won emission reductions from the electricity and other sectors.

The Lawsuit:

On November 8, 2019, the U.S. Fish and Wildlife Service (Service) determined listing of the California Spotted Owl (CSO) was not warranted under the Endangered Species Act (ESA). On August 24, 2020, Sierra Forest Legacy, Defenders of Wildlife, and the Center for Biological Diversity, challenged the Not Warranted listing decision in federal court in the Northern District of California. These groups allege the Service was arbitrary and capricious in not listing the species given (1) threats faced by the species, including wildfire; (2) information contained in the species' status review that support listing; and (3) the

declining status of the species within its range. The case is Sierra Forest Legacy et al v. U.S. Fish and Wildlife Service et al, No. 5:20-cv-05800-BLF, U.S. District Court Northern District of California. It is assigned to Judge Beth Lawson Freeman in San Jose.

Intervenor Status:

The California Forestry Association will seek status as an Intervenor in the case. Intervenor status will allow CFA to defend the decision of the Service and participate in any settlement discussions that may occur during the course of the case. We believe that data collected and provided to the Service affords a solid basis for its decision and we seek to protect the scientific process used to reach the conclusion.

The case was filed on August 24 and an initial Case Management Conference is scheduled for 11am on December 10. We intend to file intervention papers by November 5 so that we can participate in the conference.

The Coalition:

We are inviting others who could be impacted by a reversal of the Service's decision to not list the CSO to join us as part of a coalition that will seek intervenor status. Your name will appear on the court records and you will have access to information regarding the case but will not be expected to actively participate beyond submitting a declaration. You will also not be asked to contribute financially to this effort and there is no risk you would be held responsible for the other side's fees costs. Essentially, you will be affirming your support for the Service's decision. There likely will be a hearing in 2021 in San Jose which you would be welcome to attend, but you will not need to testify.