

The Watershed

Volume 14, Number 1

The newsletter of Forests Forever

Summer, 2010

Down to the wire on key forestry bills Assembly bills 2575 and 1504 moving toward finish line

Two Forests Forever-sponsored bills have moved out of the California state Assembly and await action in the Senate's all-powerful Committee on Appropriations.

Time and again the bills' backers – urged on by calls and emails from Forests Forever members and supporters – have succeeded in bringing the measures back from the brink of oblivion.

Assembly member Wesley Chesbro's (D-North Coast) A.B. 2575 – the "Comprehensive Forest Land Recovery and Restoration Act" – would establish forestry pilot projects to address the cumulative impacts of logging across entire watersheds.

And Assembly-member Nancy Skinner's (D-Berkeley) A.B. 1504 – the "Carbon Sink Act" – tackles the complicated issue of carbon sequestration in California forests (see related story on page 3).

For months amid constant belt-tightening by state legislators, suspense has been building among

activists watching the fate of these two key bills. At times our all-out efforts to move the bills through the legislative process have been a slog, with budget-

feature on page 6), and others, major hurdles have fallen on the path toward enacting both A.B. 2575 and A.B. 1504.

So far the outlook on passing the measures appears favorable. However regardless of their merits, all bills deemed by appropriations committees to cost more than a set amount are subject to redlining.

Pilot projects

Introduced in February, A.B. 2575 dovetails with regulations adopted last September by the Board of Forestry (BOF) governing watersheds where

anadromous fish species have been designated as threatened or endangered.

If passed, A.B. 2575 would require the BOF and California Department of

Photo by Loree Johnson from Bigstock.com



On the road to reform? New legislation now in the pipeline could initiate a new era of restoration forestry to replace the old extraction economy.

ary concerns nearly sinking the process.

But with an energized activist base and the strong efforts in Sacramento of Forests Forever Legislative Advocate Luke Breit, Forests Forever Advisory Council Member Richard Gienger (see

see "Forest bills," p. 8

Inside The Watershed	
RESTORATION BUMPS UP THE BOTTOM LINE . . . 2	RICHARD GIENGER: A RESTORATION-ERA HERO . . . 6
FOREST PROTOCOLS ON HOLD OVER CLEARCUTS . . . 3	TRUCKS VS. REDWOODS IN HUMBOLDT COUNTY . . . 9

from the Executive Director

Restoration's gifts keep on giving

The benefits of good forestry go beyond global cooling

With so much buzz these days about deforestation's role in global warming, we would do well to remind ourselves of all the reasons we *used* to cite in explaining why we should be taking care of forests.

Just as Joel Pett's cartoon on page 10 points out that curbing global warming will produce collateral values of enormous benefit to the planet and human society, so too will sustainable forestry produce and sustain so-called "co-benefits" far beyond keeping Earth cooler.

Consider our water supply:

According to the California Dept. of Forestry, 85 percent of California's water originates in forested watersheds. Forests serve as natural water filters forming a first line of defense against the spread of water-borne pathogens and introduced toxins.

Besides water accumulation and purification, the many other co-benefits of treating our forests with care include cleaner air; more robust recreation, tourism and retirement economies; more-productive fisheries; and preservation of irreplaceable genetic diversity; to name a handful.

These co-benefits of saving forests all have great value, much of it quantifiable in dollars.

By increasing the capacity of our forests to provide the entire package of ecosystem services, in a true sense folks like Richard Gienger (profiled on page six) are every bit as much *economic* activists as *ecological*. He and other pioneering forest restorationists are building up the depleted assets side of our ecological/economic balance sheet.

Degrading natural ecosystems can be relatively easy to accomplish. In the

case of clearcutting, for example, one simply draws a line around a forest area and indiscriminately levels everything inside. Clearcutting is cheaper—in the short run—than taking out some trees and leaving others standing, which is why Big Timber likes it so much.

forcing feedback loop of drying out the forest, which in turn altered its species diversity, which in turn altered the forest, which in turn augmented further drying, and so on."

But the good news is that restoration too can be an "autocatalytic" process—one whose effects reinforce and speed up the process itself.

For example, by placing large chunks of woody debris into degraded, scoured-out forest streams, cold shady pools form around the wood, providing habitat for invertebrates at the bottom of the food chain.

These critters are eaten by salmon, which in turn feed bears, which then redistribute nitrogen uplope, which in turn stimulates forest growth and a more natural and balanced stream ecology.

The autocatalytic nature of many of forest restoration's measures makes them a relatively inexpensive—dare we say dirt cheap?—investment in the dollars-and-cents economies of the future.

And the kinds of interest this investment bears will benefit not just some of us, but all.

—Paul Hughes

"Pioneering forest restorationists like Richard Gienger are building up the depleted assets side of our ecological/economic balance sheet."

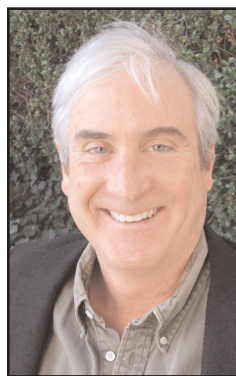
Destructive practices can create side effects that magnify the original injury and can go on to generate further waves of degradation until some equilibrium finally takes hold and halts the process.

In *Trees, Truffles, and Beasts* (Rutgers University Press 2008) noted forest ecologist Chris Maser describes an example of these cascading positive feedback loops:

"...(A)n unentered area of old forest, at least 500 acres... in extent, is large enough to maintain its moist, inner microclimate, provided the area is in a compact shape, which precludes the drying winds of summer. If, however, the area's shape is more elongated than compact, the wind can penetrate along the margins and begin to dry the area out.

"As it progressively dries, the organisms, and the functions they represent, begin to change and die, which ultimately leads to a stand of old trees that is vastly different from the original one.

"The wind set in motion the self-rein-



Forest protocols spark political firestorm

Rules for forest carbon-trading market hit clearcutting snag

In the fight to curb global warming, not even the strongest forest-practice protocols in the nation would seem to be enough to stop Sierra Pacific Industries from clearcutting.

California's push to adopt stringent procedures to account for its forests' carbon reserves – a big step in establishing a global carbon-trading market – has been fraught with complexity, confusion and warnings of failure if major loopholes are left open.

Participants in shaping the protocols, from government agencies to environmental groups and captains of the timber-industry are seldom on the same page and often seem to be working at cross-purposes, as exemplified by a recent flap concerning a special logging project by one large company.

Some environmentalists fret that timberland owners participating in the

Photo by Lynn Bendickson, Bigstock.com



Clearcutting, a major contributor to global warming, ought not to be permitted under forest project protocols now under consideration for California's cap-and-trade program.

Main Points

California's landmark law to limit greenhouse-gas emissions, A.B. 32, is now being fleshed out as state agencies draw up rules and procedures ("protocols") to carry it out.

Forest protocols are a key element in the cap-and-trade program now under development that will allow the buying and trading of carbon "offsets."

Sustainably managed forests are a primary source of these offsets.

Environmentalists cried foul recently when the state's Air Resources Board (ARB) announced it had adopted forestry protocols that would allow timber companies to reap millions of dollars by selling "sustainable forestry" offsets even as they clearcut forests as usual.

The resulting furor prompted the ARB to shelve the protocols pending a resolution of the clearcutting question.

Only sustainable forestry practices above and beyond business as usual should be credited as offsets.

market might reap an undue monetary windfall for engaging in business as usual, even if that business includes clearcutting, an important contributor to global warming.

According to the United Nations' authoritative REDD (Reducing Emissions from Deforestation and Forest Degradation) program, "deforestation and forest degradation ...account for nearly 20 percent of global greenhouse gas emissions, more than the entire global transportation sector and second only to the energy sector."

Critics of the state's apparent course of action in controlling greenhouse gases (GHGs) see the buying and selling of "carbon offsets" – especially from the forestry sector – as essentially licenses for industries to pollute.

Under a carbon-trading system, a CO₂-emitting industry – say, a coal-fired power plant – that exceeds its emission allowance ("cap") in a given period could buy offsets from indus-

tries that have carbon credits to spare – for instance, solar projects and sustainable forestry projects that sequester CO₂, absorbing it into trees and ground cover.

Forestry is one economic sector among many that will be participating in cap-and-trade. Other sectors include agriculture, energy, land use, industry and manufacturing, transportation, waste management and recycling.

Trade rules

Just such a system is being established in California under state law A.B. 32, California's Global Warming Solutions Act, which requires the state to reduce GHG emissions to 1990 levels by 2020.

A.B. 32, with strong backing by Gov. Arnold Schwarzenegger, received an organizing boost from Forests Forever before the governor signed it

see "Protocols," p. 4

into law in 2006

Under the system, industries could trade across economic sectors, though the scarcity and limits on use of proposed "high quality" offsets – those that measurably remove or sequester large quantities of CO₂, including reforestation projects – restricts any company's ability to pollute unabated for long before they have no choice but to alter their technology and/or business practices.

Draft cap-and-trade rules from the California Air Resources Board (ARB) – the lead agency tasked with carrying out the provisions of AB 32 – allow for "limited use of high-quality offsets outside of capped sectors to cover a portion of the overall emissions reductions."

Proponents say that a cap-and-trade program is far preferable to the main alternative proposal of directly taxing carbon.

Chief among the cap-and-trade defenders is the United States Climate Action Partnership, made up of representatives of some of the most polluting industries in the U.S. (for instance Alcoa, Dow Chemical, DuPont, General Electric, PG&E, Shell, Weyerhaeuser and the Big Three U.S. automakers) along with a few major environmental groups and think-tanks (Environmental Defense Fund, Natural Resources Defense Council, Pew Center on Global Climate Change, The Nature Conservancy and World Resources Institute).

Many other environmental groups believe cap-and-trade can be made to work, but pitfalls must be overcome in its design and implementation.

This can-do attitude by some groups is countered by harsher critics who argue that the whole cap-and-trade scheme is irreparably flawed and

might even lead to increases in GHG emissions. They say the proposed accounting methodologies are a sham.

"Offsets are essentially a loophole that industries can use to avoid reducing their own emissions by paying someone else, somewhere else, to supposedly reduce their emissions instead," says the activist coalition Climate SOS. "Offsets do not reduce

Image from Bigstock.com



emissions but at best keep emissions the same, just shifting them from one place to another."

Since forests are one of the chief carbon sinks in America as well as the whole world, their value in carbon trading is of great interest to forestland owners, who stand to reap substantial monetary gains from selling offsets.

Forestry-sector carbon pools are the subject of intense lobbying by polluting industries and some cap-and-trade supporters who insist that, for the sake of the environment, the ARB fast-track the ratification of forestry protocols that allow for clearcutting.

Protocols emerge

In September 2009 the board of California's Climate Action Reserve (CAR) — a nonprofit organization set up by the state to serve as a carbon-trading broker — approved Version 3.0 of the Forest Project Protocol (FPP V3.0), an elaborate set of ground rules for determining who in the forestry sector gets to sell carbon credits on the open market, and for how much.

According to CAR, "The (protocols) provide guidance to calculate, report, and verify GHG emission reductions associated with reforestation, improved forest management, and avoided conversion (of forestland to non-forest) projects."

The nonprofit group American Forests applauded FPP V3.0, saying that it "broadened the participation of forest landowners in carbon offset markets."

No sooner had CAR finalized the new protocol than the ARB embraced FPP V3.0 as its own.

Not so fast, said environmentalists who read the protocol's fine print, including Brian Nowicki, Climate Policy Director for the Center for Biological Diversity (CBD).

Under CAR's previous FPP Version 2.1, no allowance had been made for even-aged management – another term for clearcutting – and in fact the document allowed for only "natural forest management" practices "that promote and maintain native forests comprised of multiple ages and mixed native species in the overstory and understory."

Apparently, between versions 2.1 and 3.0 someone had persuaded CAR to explicitly authorize clearcutting as part of the protocols.

In an Oct. 5, 2009, letter to CAR Chair Linda Adams, the CBD's

Nowicki, Michael Endicott of Sierra Club California and Susan Robinson of Ebbetts Pass Forest Watch took issue with the revised forestry protocols: "We remain particularly concerned about the propriety of including even-age management and 40-acre clearcuts ... and have urged CAR and ARB to remove this provision or delay adoption so the issue could be adequately considered."

But the ARB defends the adequacy of CAR's forest protocols.

"It is my understanding that California's Forest Practice Rules are the most stringent in the nation,

and the protocols were modeled after that," ARB Public Affairs Spokesperson Stanley Young told Forests Forever on July 7.

"We assumed people would take advantage of the Forest Practice Protocols, with 'additionality' factored in."

Young was referring to A.B. 32's directive that offsets-eligible emission reductions by an industry under cap-and-trade must be "in addition" to any GHG emission reduction by that industry that otherwise would have occurred.

On Nov. 10, 2009, the CBD filed a formal letter with the ARB demanding that the board revoke the "illegally adopted" protocol, "which gives carbon credits to forest projects involving clearcutting and other destructive practices."

Forests Forever added its backing to the CBD letter soon afterward, along with allies Sierra Club California and Ebbetts Pass Forest Watch.

The letter referenced FPP V3.0's specific authorization (under section 3.9.2.) of even-aged management:

"Harvesting using even-age management must be conducted in stands no greater than 40 acres. Stands adjacent to recently harvested (even-age) stands must not be harvested using an even-aged regeneration harvest until a recent even-aged regeneration harvested stand is 5-years old, or the average height of the regeneration in the recently harvested stand has achieved a height of 5 feet."

In virtually all respects, this provision of FPP V3.0 mirrors existing rules under California's Forest Practice Act, thereby allowing clearcutting to continue unabated.

Accordingly, the CBD letter charged the ARB with violating the California Environmental Quality Act

(CEQA), the state's premier environmental law, "by failing to consider the foreseeable environmental consequences of adopting the policy."

Public outcry
On Jan. 10, 2010, *San Francisco Chronicle* staff writer Peter Fimrite reported that California's efforts to

institute a cap-and-trade scheme have been "plagued by uncertainty and concerns among critics about the potential for misuse and outright fraud."

Fimrite noted that California's largest landowner and most notorious forest clearcutter, Sierra Pacific Industries (SPI), in partnership with Equator, LLC, a natural resources asset management firm, had "announced plans to dedicate 60,000 acres of forest to California's emerging carbon offsets market."

"The plan, which must still be approved by the state, is in essence to grow more trees than are chopped down over the next 100 years. Credits would be sold for the carbon dioxide stored or sequestered in the extra trees."

"The problem . . . is that forestry officials, scientists and biologists don't precisely agree how much carbon a given tree can store, let alone how much an entire forest can sequester."

As outlined by SPI and the governor, the plan would encompass four project areas stretching from Tuolumne to Siskiyou counties. It would set aside more than 20,000 sequoia trees for at least 100 years, and SPI would work with the California Dept. of Fish and Game to re-introduce the weasel-related Pacific fisher, a candidate for endangered species listing.

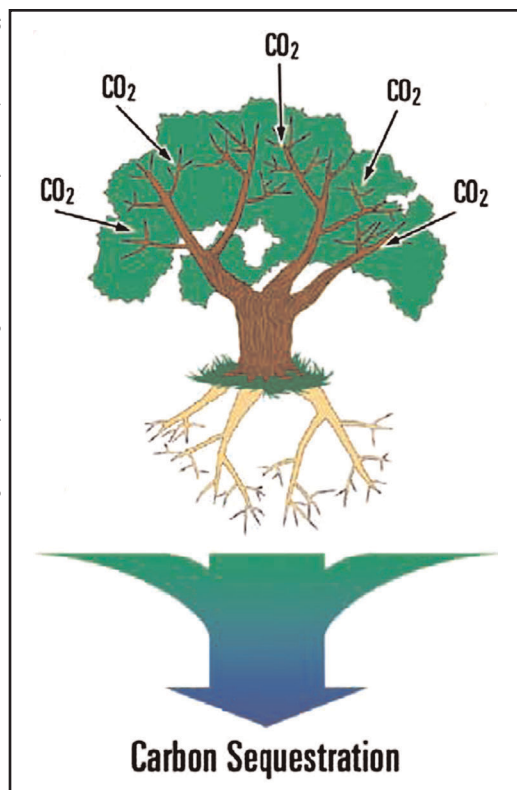
Media reports at the time of the announcement indicated that SPI's offsets for its 60,000 acres would be valued at around \$10 million in the cap-and-trade marketplace.

SPI spokesman Mark Pawlicki said a portion of the 60,000 acres would be clearcut, while the tree planting intended to

offset the resulting emissions would occur both inside and outside of the 60,000-acre area.

Yet many environmentalists take exception to the notion that clearcutting can be part of the state's global-warming solution, or that SPI should

Image courtesy of Oak Ridge National Laboratory, U.S. Dept. of Energy



"SPI is not going to be able to clearcut and have it applied to sequestration," said Forests Forever Legislative Advocate Luke Breit. "A large number of environmental groups have complained."

see "Protocols," p. 10

Richard Gienger's quest to restore the land

A soft-spoken activist's hard-working defense of watersheds

He's an old-timer in this neck of the woods, which happens to encompass several majestic watersheds of the North Coast, from the Mattole Valley and South Fork Eel River to the Headwaters Forest, Gilham Butte, the King Range and the Sinkyone Wilderness Coast.

He's resided in these parts for the last 40 years, home-staying in a cabin in Whale Gulch and raising his family there. In that time he's seen streams silt up, forest canopies dwindle, salmon runs reduced to zero, the commercial harvesting of younger and younger trees of less and less value, a decline in the quality of redwoods taken, a wholesale collapse in the timber market and increasing desperation by locals out of work.

He aims to turn that scenario around by reforming forestry practices and putting people to work healing the land.

Richard Gienger is his name and habitat restoration is his game.

"I've been trying to figure out the jiu-jitsu of change on the ground," Gienger said one recent afternoon on a "restoration tour" of Southern Humboldt Community Park, not far from his tiny office space in the town of Redway.

The focus of the tour is the work he and volunteers have been doing to shore up stream banks and stabilize soils to prevent erosion and the downstream sedimentation of salmon streams.

He shows the many places where he has painstakingly laid in stones and arranged willow branches and other barriers to reinforce stream banks. The

efforts are designed to halt the advance of deep fissures where runoff has carried tons of sediment downstream.

Judging from the quantity and massive size of the stones tamped into the many retaining walls, the efforts have been Herculean.

"The reality of accomplishing successful long-term sustainable commu-

nic, environmental, and social balance."

That left a legacy of problems for subsequent generations to deal with. Forest stands need to be improved, fire fuel hazards reduced, salmon streams repaired. The list of needed repair work goes on and on.

The question is what to do about it.

The answer, for him, is community forestry as well as involvement in the bureaucratic wrangling over what gets done, how it gets done, and who reaps the rewards.

When Gienger uses the phrase "jiu-jitsu of change," he's referring not only to the restoration of logging-damaged landscapes. He's speaking as well of administrative and legislative change, which in many ways is the tougher row to hoe.

"I got involved in the legislative process in 1979/1980 over the Sinkyone Wilderness," he says, recounting his initial foray into the politics of forestry change. "I worked with staff in Sen. (Barry) Keene's office."

Gienger is that rare breed of activist who not only gets down and dirty in field restoration projects, but who dives into lobbying efforts to affect the way rules and regulations govern the uses and abuses of California's natural resources, particularly in the forests of his beloved North Coast.

"Richard has been a prime mover-and-shaker in helping Forests Forever launch our California Statewide Sustainable Forests and Watersheds Campaign," said Forests Forever

Photo by Mark Marston, Forests Forever



In his element: Richard Gienger advocates forest restoration as a path to reviving hard-hit local economies.

nity-based forests is daunting," said Gienger, a Forests Forever Advisory Council member of long-standing and author of "Diggin' In: The Gienger Report," his roughly semi-annual blog on the Trees Foundation website (treesfoundation.org). Nonetheless he throws himself into such efforts with everything he's got, physically and mentally.

"The forests of the North Coast were usually cut fast and sold cheap," he recently wrote of the first wave of logging in the 1850s by white people settling this land of Yurok, Tolowa, Hupa, Wiyot, Chilula, Karuk, Whilkut and other tribal peoples. California's pioneer loggers had "no real responsible vision and restraint that would enable future generations to live in eco-

Legislative Advocate Luke Breit.

Breit first met Gienger in the mid-1980s when Breit, then Chief of Staff for Assemblyman Dan Hauser, worked with Gienger on a bill to save the Sinkyone Wilderness on the Lost Coast of Mendocino County.

"Richard looks like a backwoods hippie," said Breit, "and, from looking at him, you wouldn't think he could get anything done in the bureaucracies of Sacramento, but he did then and he is doing so still. He combines a sense of passion with an incredible knowledge of the forests and the surrounding watersheds. The fact that he is willing to travel down to Sacramento once or twice a month gives all of us who fight for the forests a real sense of hope."

Lately Gienger has been focusing his energy and attention on legislative efforts underway to pass a Forests Forever-sponsored Assembly Bill 2575, authored by Assemblymember Wesley Chesbro (D-North Coast). See related story, page 1.

The measure would establish two forestry pilot projects that would test ways of calculating and ameliorating the cumulative impacts of logging across entire watersheds. The projects would serve as a living laboratory for working out sustainable solutions.

"The environmental community is disjointed," Gienger says of the effort. "There are about 50 voices involved with this pilot project planning and they're not all on the same page at the same time."

Personally, he says, "I've been obsessed with these pilot projects."

Lots of folks including Chesbro

know and respect Gienger for his wide, deep knowledge of the issues. Few people know the landscape and ecological issues at stake as well as he does.

Gienger grasps how the terrain used to be (pristine, with salmon

rivers, mountains and dense forests.

In these parts, most everyone talks about ecological and economic sustainability. Conversations repeatedly return to community participation in creating a "restoration economy." The

focus is on restoring, not destroying, ecosystems – and earning a living wage in so doing.

Thus you hear plenty of talk about selection cutting of trees versus clearcutting, about observing strict rules for logging near streams, reducing costs and improving financial returns from traditional forest products, and many more ideas for changing the dominant forestry paradigm into one of care-taking and

stewardship rather than extraction and short-term profit maximization.

For Gienger, being up-to-speed on such details is vital for the economic and eco-systemic well being of himself, his family and everyone else hereabouts.

Up and down the North Coast, people want to preserve old-growth forests; keep open spaces free of developments; guard against the depletion of fertile soils; promote intensive (rather than extensive), preferably organic, farming; and organize eco-entrepreneurs into collectives for cost-sharing benefits.

Gienger and his friends talk most passionately about protecting upslope forested areas, addressing the legacy of erosion, and especially restoring riparian habitat for endangered anadromous fish.

This is place of endless community planning sessions. Gienger attends countless such confabs, without complaint.

He works closely with the Environmental Protection Information

Photo by Mark Mardon, Forests Forever



Gienger says halting erosion of sediment into salmon streams is a top priority.

In these parts, most everyone talks about creating a "restoration economy." The focus is on restoring, not destroying, ecosystems – and in so doing earning a living wage.

galore), how it is now (damaged from decades of logging, with most salmon streams sediment-filled and useless for spawning), and how it could and should be once again (restored as a functioning ecosystem supporting thriving salmon runs and teeming with wildlife).

Humboldt County, where Gienger has homesteaded since 1971, is part of California's so-called Emerald Triangle, along with Trinity and Mendocino counties, where marijuana cultivation and harvesting has steadily

replaced failing industries like lumber and fishing. Here the trees are big, the towns small, and the roads narrow, and the people like it just fine that way. It's a relatively isolated place of family organic farms, ranches, small businesses, eco-tourism, environmental activism, Native Americans, wild

see "Gienger," p. 11

Forestry (CDF) to work with other agencies, stakeholders, and appropriate scientific participants to implement two pilot projects to address cumulative watershed impacts.

Massive landslides, over-harvesting, habitat depletion, salmon-stream

Photo courtesy of NOAA Restoration Center



Restoration of degraded watersheds, such as placing a culvert in Humboldt County's Warren Creek, is a primary goal of A.B. 2575.

sedimentation from logging-road construction, species extinctions – these and other impacts, spread over many years across entire watersheds, are forcing an urgent re-evaluation of the adequacy of Timber Harvest Plans (THPs) and their enforcement.

A.B. 2575 would compel CDF to quantitatively assess the effects of logging operations on soil, air, water, wildlife and climate throughout the project watershed, and to protect and repair salmon and steelhead habitat.

The measure would specify the goals for each pilot project, including restoration of fisheries and wildlife habitat; reducing the risk of wildfire; reducing sedimentation and soil loss; achieving optimum carbon sequestration; and restoring unique attributes of a given planning watershed.

A.B. 2575 offers hope that California might finally get serious about tallying the cumulative impacts of logging operations, and working to mitigate those impacts.

It codifies the notion that no longer is it enough to analyze a particular logging operation's impacts on its

immediate environment. Only by studying the impacts of *multiple* logging sites up and down a watershed – past, present, and into the foreseeable future – is it possible to piece together the puzzle of why, for instance, the fall Chinook salmon runs on the North Coast are collapsing.

As the Chesbro bill puts it, "A good cumulative effects process can provide the information necessary to restore and recover fish and wildlife populations, to improve the quality and quantity of timber, to take actions to reduce fire hazards, to sequester carbon, to produce energy,

and to create jobs in taking on these vitally important tasks."

Swimming upstream

Passage of A.B. 2575 was swift in April in the Assembly's Natural Resources Committee on a vote of 6-0.

After that the going got tougher and the fate of A.B. 2575 seemed touch-and-go. The Assembly Appropriations Committee sidelined the measure over cost concerns, all but dooming it.

"There was some uncertainty going into the Appropriations Committee whether the bill would survive," said Breit. "But we listened to the members' concerns, sitting with them or their staff, finding out if they had objections."

At the 11th hour Chesbro allayed the committee's cost concerns by agreeing to amend his bill, stripping out a secondary (if important) provision requiring the CDF to post all electronically available THPs online, organized by watersheds and easily accessible to the public as well as agencies and timber operators.

Finally, on May 28, the Appropriations Committee okayed the measure by a vote of 12-5.

When at last the bill reached the full Assembly on June 2, it garnered a surprisingly large 45-29 victory on the floor.

The months of wrangling over language paid off.

From there it was on to the Senate, where on June 29 the Committee on Natural Resources and Water gave A.B. 2575 a thumbs-up of 6-3.

Once again the bill was amended, this time requiring CDF to post documents related to the *pilot projects* online.

The next challenge for A.B. 2575 is to dodge the axe in the Senate's Committee on Appropriations.

see "Forest bills," p. 11

TAKE ACTION!

Contact members of the Senate Appropriations Committee and let them know you support both A.B. 2575 and A.B. 1504.

Ask them to vote YES on the bills when they come before the committee.

Christine Kehoe, Chair
(D-San Diego)
Phone: 916-651-4039

Elaine K. Alquist
(D-San Jose)
Phone: 916-651-4013

Ellen M. Corbett
(D-San Leandro)
Phone: 916-651-4010

Mark Leno
(D-San Francisco)
Phone: 916-651-4003

Curren Price
(D-Inglewood)
Phone: 916-651-4026

Lois Wolk
(D-Davis)
Phone: 916-651-4005

Leland Yee
(D-San Francisco/San Mateo)
Phone: 916-651-4008

Big-rigs versus big trees in Humboldt County

The character of Richardson Grove park hangs in balance

A protracted political and now legal battle has reached fever pitch in recent weeks over the fate of ancient redwood trees in Richardson Grove State Park, a much-loved site along Route 101 on the North Coast.

Many locals regard the stretch of narrow, two-lane, winding roadway that cuts through the park as the gateway to big redwood country and its unique natural and cultural heritage.

These same locals fear that pending actions by Caltrans, the state's transportation agency, to widen and straighten a portion of Route 101 in order to open the region to big-rig trucks serving North Coast businesses could seriously damage the redwoods and associated wildlife habitat within the state park.

They also fear the road work would damage the remote character of their picturesque region, shaped over the years by its relative isolation and independence from the state's heavily populated cities and industrial areas.

Caltrans says the agency is only complying with federal law in deciding to remove more than four-dozen trees of various species – including some redwoods – from the grove to make way for the trucks:

"This project will allow access by industry standard-sized trucks conforming to the Surface Transportation Assistance Act (STAA), which are currently prohibited north of Leggett."

But that argument fails to impress those who revere the redwoods and sustainable local enterprise over federal rules to facilitate the influx of big-box industries that rely on outside, long-distance trucking.

"The project as proposed by Caltrans threatens to destroy old-growth redwood root systems and

mental groups that have filed suit on the matter in superior court, along with the Environmental Protection Information Center (EPIC) and Californians for Alternatives to Toxics. In addition, four North Coast residents who have strong interests in the matter have joined the organizations in the petition.

"We shouldn't sacrifice Richardson Grove, a publicly owned recreational and biological jewel, so that a few companies dependent on antiquated business plans can increase profits," said Kerul Dyer, Richardson Grove campaign coordinator for EPIC. "With 97 percent of the old growth gone, we cannot afford to risk losing the remaining groves for any reason, much less an ill-conceived construction project."

"Since time immemorial, the grove has held, and still holds, great cultural and spiritual significance for local indigenous tribal peoples, some of whom trace their ancestry to this place," said Priscilla Hunter, chair of the InterTribal Sinkyone Wilderness Council, a coalition of 10 federally recognized Native American tribes that oppose the project.

Other area residents, principally business owners and speculators, say

they just want to do business hauling big-box merchandise, livestock and other wide loads through the grove.

These big-rig advocates insist the narrow, winding road through the giant trees prevents large haulers from making the transit.



A stretch of Highway 101 through Richardson Grove would be widened and straightened to accommodate the nation's largest trucks.

harm critical habitat for the endangered marbled murrelet," said Peter Galvin, conservation director of the Center for Biological Diversity (CBD). "We're prepared to fight this and call on elected officials to pressure Caltrans to rescind its approval."

The CBD is one of three environ-

see "Trucks vs. Trees," p. 12

earn offset credits for the practice.

In February, on the news website *AlterNet*, Eddie Scher wrote:

"California's race to be the first state to develop a carbon-trading program comes at an unacceptable cost for Sierra forests.

"This fall the (ARB), with prodding from logging companies and the complicity of some environmental groups, adopted a program that allows timber companies to sell CO2 credits for their worst logging practices. But clearcutting has no place in any climate change solution."

Scher elaborated on what he termed the "Byzantine complex of government and quasi-government agencies" involved in developing the state's carbon trading market:

"CAR has assumed the very governmental role of developing carbon-trading protocols, a critical piece of the state's implementation of A.B. 32, California's greenhouse gas reduction law.

"They've done this with generous input from industry. The most recent version of the forest carbon trading policy, for example, originated on the computer of a timber industry operative. And last fall the (ARB) adopted the CAR policy – creating de facto state regulations."

Scher attributed the move to politics. He wrote that "the Schwarzenegger Administration, CAR, ARB, and some environmental groups – desperate to get carbon trading online – were ready to compromise to secure the participation of the timber industry. SPI, meanwhile, is in the business of harvesting trees. So CAR, ARB, and the governor cut a deal to pay SPI for business as usual practices; the timber industry gets their cake, and clearcutting too."

CAR backs off

In light of all the criticism, on Feb. 25, 2010, the ARB formally withdrew its adoption of CAR's FPP V3.0 and announced that it is actively working to develop and adopt its own GHG offset quantification methodologies to support the proposed cap-and-trade program.

ARB spokesperson Young said his agency pulled back from FPP V3.0 not because of any deficiency in the protocols, but because the agency is moving from the voluntary "early-action program" currently in place to "compliance-grade protocols," which will fac-

the 60,000-acre offsets area.

No change in SPI's overall harvesting procedures would take place other than planting more trees to offset logging in the 60,000-acre project area during the 100-year plan agreed to under the protocols, SPI's Pawlicki said.

But at the moment, the matter is moot.

"The whole thing has been put on hold," said Pawlicki. "During the verification stage by CAR, new issues were raised about the transition from a voluntary market to a compliance-based market."

Pawlicki said few timber companies signed up for the voluntary offsets program under FPP V2.1 because it required the application of conservation easements, lands under covenant as off-limits to harvesting indefinitely, even when forest ownership changes hands from one generation to the next.

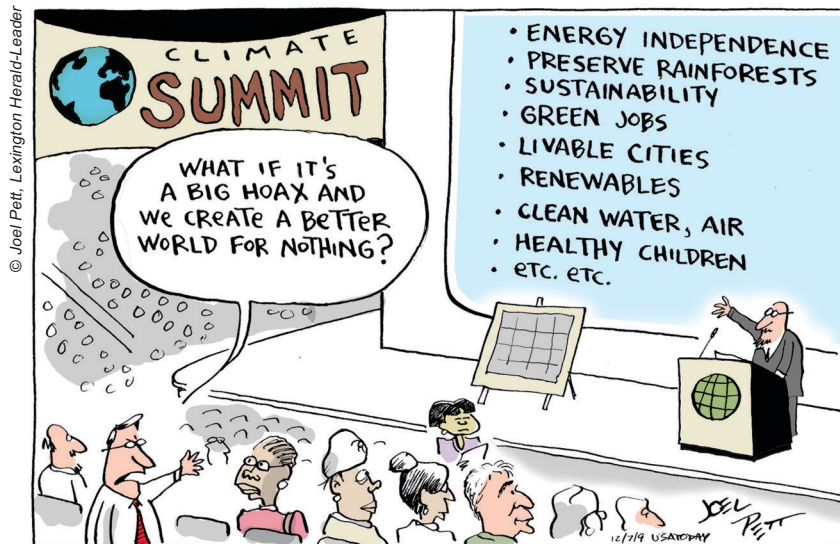
Once the easements restriction was removed in FPP V3.0, Pawlicki said, SPI and other companies agreed to sign on to the program.

"SPI is not going to be able to clearcut and have it applied to sequestration," said Forests Forever Legislative Advocate Luke Breit in response to SPI's assertion to the contrary. "A large number of environmental groups have complained. We're making a strong case that if they were going to create tree plantations anyway, it's not in addition to the carbon sequestration plans. The issue is about conversion of forests into tree plantations."

Ultimately the ARB's final protocols could play a dominant role in shaping forestry policy in California for decades to come.

To implement A.B. 32, the ARB must adopt the statewide cap-and-trade regulations by Jan. 1, 2011, and the program itself must begin in 2012.

— MM



© Joel Pett, Lexington Herald-Leader

tor enforcement provisions into the rules.

"We're still in the process of formulating the final protocols," Young told Forests Forever.

Already, under the voluntary system, California has many private and public forest owners participating using the old protocols specifying natural forest management with no clearcuts.

Established projects include the City of Arcata's Sunnybrae and Barnum forest tracts (Humboldt County), the Conservation Fund's Big River/Salmon Creek and Garcia River forests (Mendocino County), and the Fred M. van Eck Forest (Humboldt), among others.

SPI insists that even-aged management would continue to be part of its operations as allowed under the Forest Practice Act, and that would include in

The Watershed

A publication of Forests Forever, Inc.
and the Forests Forever Foundation

Paul Hughes
Executive Editor

Mark Mardon
Editor

Gary Bentrup
Flag Artwork

The Watershed
© 2010

Printed on 100% post-consumer
recycled paper

FORESTS FOREVER

50 First St., #511
San Francisco, CA 94105
phone (415) 974-3636

1029 K St. #47
Sacramento, CA 95814
phone (916) 444-6920

mail@forestsforever.org
www.forestsforever.org

Board of Directors:

James T. Newman
President

Dan Hamburg
Treasurer

Zack Kaldveer
Secretary

Advisory Council:

Carla Cloer
Janet Santos Cobb
Daniel Edelstein
Karen Erickson
Richard Gienger
Addie Jacobson
Martin Litton
Jill Ratner
Karl Young, Ph.D.

**"Restore,
Reinhabit,
Re-enchant"**

"Forest Bills," continued from p. 8

Tackling carbon sequestration

Also on track for passage is Skinner's A.B. 1504, introduced in February 2009. For most of that year the bill went nowhere, but this January the momentum picked up, with the measure moving swiftly through the Assembly in January and on to the Senate.

Skinner's bill would, for the first time, declare that forest-management goals of California must include the sequestration of carbon dioxide, and would require CDF, in consultation with the state Air Resources Board, to determine to what extent existing forestry regulations and programs are meeting California's greenhouse gas reduction goals.

California's forests serve as a first-line defense against CO2 pollution and

climate change. Skinner and Forests Forever want to recognize and codify that value so that forests are managed in a way that enhances their capacity to keep the air clean.

The amended bill cleared the Senate's Committee on Natural Resources and Water on a vote of 5-3 on June 22. On June 28 the measure passed its next hurdle with a vote of 5-2 in the Senate's Committee on Environmental Quality.

A.B. 1504 now awaits action in the Senate's Appropriations Committee.

"All of our members who made calls and sent emails on behalf of these bills have earned great thanks," said Forests Forever Executive Director Paul Hughes.

"Their efforts made a difference, and right now the outcome looks favorable for passage of these bills."

— MM

"Gienger," continued from page 9

Center (EPIC), the Humboldt Watershed Council, the state Board of Forestry, the Redwood Forest Foundation, the Mattole Salmon Group, Forests Forever and a host of other organizations and agencies to effect change.

He's motivated by a lifetime of loving wild places.

Gienger grew up in the forested Northeast, where he devoted himself to camping and canoeing, with a deep abiding connection with the land. It's where he became aware of human folly in squandering nature's abundance. As he wrote in the December 2008 edition of "Diggin' In":

"I witnessed the incredible impacts of logging and mining in the Northeast – ghost towns and barely-hanging-on towns and countryside communities as

the resources and soils were used up; layers of history both remembered and forgotten from Gettysburg to unknown ancestors of the red dirt of Virginia and slates of the Finger Lakes – historical cultures, using up places and moving on."

After joining the westward movement himself 40 years ago, love and stewardship, not land acquisition and resource extraction, became his driving motivations.

He may have followed in the footsteps of countless pioneers who had little respect for the land, but it's as a steward of the land that he comes this time around, determined to live in harmony with the native peoples, wildlife, and the land's enormous bounty of natural resources.

— MM

FORESTS FOREVER FOUNDATION

Board of Directors:

James T. Newman
President

Dan Hamburg
Secretary/Treasurer

Paul Hughes
Executive Director

If you do not wish to receive *The Watershed* send this along with the mailing panel at right to:

Forests Forever
50 First St. #511
San Francisco, CA
94105

- Please remove me from the newsletter mailing list.
- Please email the newsletter to me in PDF. My address is:



FORESTS FOREVER
50 First St. #511
San Francisco, CA 94105

PRESORTED STANDARD
U.S. POSTAGE
PAID
OAKLAND, CA
Permit No. 3729

Address Service Requested

"Trucks vs. Trees," continued from page 9

And therein lies the rub.

Cumulative impacts

The battle between the two sides began taking shape in 2007 after demands by North Coast cattle haulers and other truckers persuaded Caltrans to approve a plan for widening and straightening Route 101 through Richardson Grove, specifically to accommodate big-rig STAA trucks.

The 1982 passage of the STAA extended to 102 inches the width allowance of commercial trucks operating on the National Network of U.S. highways, which includes the Interstate System and other designated highways.

The act also established minimum length standards: "No State shall impose a length limitation of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination."

In response to public comments on its draft environmental report, Caltrans said it "worked to reduce the number of trees that need to be removed by more than a third, from 89 to 54. The largest redwood tree that needs to be removed within Richardson Grove State Park measures seven inches in diameter. No old

growth trees will be removed for this project."

But the plaintiffs argue the project will damage trees – especially including several giant redwoods – in other ways, principally by impacting their shallow root systems, which could lead to the trees' death.

The petitioners are challenging Caltrans' actions as violations of the

actions proposed by the Richardson Grove Project."

The alleged cumulative impacts include the logging of redwoods and other trees in the area; the effects on wildlife and protected species from removing trees and opening the forest along Highway 101; the traffic and its related noise and air quality impacts in the City of Eureka and other areas of

Humboldt County from STAA trucks; the proposed development projects and Humboldt Bay port development which require STAA truck access; and the increased truck traffic associated with other Caltrans STAA access projects designed to create an STAA loop from Del Norte County in the north to the Richardson Grove State Park in the south.



Photo by Greg King

California Environmental Quality Act (CEQA), the state's premier environmental law. They seek an order by the court enjoining Caltrans from taking any further action on the Richardson Grove Project until it meets the requirements of CEQA.

They contend that Caltrans' Final Environmental Impact Report (FEIR) on the project is woefully deficient and that Caltrans "failed adequately to discuss, analyze or provide mitigation for cumulative impacts resulting from the

"If Caltrans is not ordered to withdraw its approval of the Richardson Grove Project and certification of the FEIR," the plaintiffs argue, "the People of California, as well as the land, watershed, wildlife, economic and environmental values subject to and affected by the Richardson Grove Project, will suffer immediate, irreparable and permanent damage."

— MM