



The Watershed

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Back in town: The Heritage Tree Act

Most of California's original forest is gone now, turned into houses, firewood, furniture and toothpicks.

But a bill recently re-introduced in the California Senate would save the ancient trees that remain.

The Heritage Tree Preservation Act, now S.B. 1799, is in the suspense file of the Senate Appropriations Committee, awaiting a vote that would bring it to the floor of the Senate.

The Heritage Tree Act was re-introduced on Feb. 24 by Sen. Don Perata (D-Oakland). The bill was sent first to the Natural Resources and Water Committee, where it passed on Apr. 4 by a 5 to 2 vote. If the bill makes it out of Appropriations a floor vote in the Senate could take place between May 30 and June 2.

This is the third time the bill has been introduced. Last legislative session, essentially the same bill passed the Senate but fell just a few votes short in the Assembly as the session ended.

The Heritage Tree Act would protect old-growth trees such as coast redwood, giant sequoia, Port Orford cedar, douglas-fir and other evergreens and hardwoods. Its protections would apply to trees that meet species-specific

minimum diameters and were alive in 1850.

Only about three percent of California's old-growth forests are still standing on nonfederal lands (though estimates vary). There is little to no protection for old growth in state or federal law, and most ancient trees are vulnera-

ble to removal. Old-growth trees provide essential ecological services, helping to produce clean water and sequestering carbon dioxide— a major contributor to global warming. "Some California old-growth forests," the bill reads, "sequester more carbon than any other forest type on Earth."

The Heritage Tree Act protects trees on all nonfederal forestlands in the state. This includes land owned by timber companies. The bill's definition of forestland is very specific: land capable of growing a crop of trees to produce lumber or other forest products. In other words, the measure does not apply to trees in people's backyards.

Finally, the bill would fine violators by taking the profit made by harming the tree, or three times the fair market value of the tree, whichever is higher. Money from such fines will be placed in the Heritage Tree Preservation Fund and used to support the act, including acquiring old-growth forests and paying administrative expenses.

Forests Forever is one of more than 40 environmental, religious, labor, and civic organizations that have endorsed the Heritage Tree Preservation Act.

—M.L.

Photo courtesy Djuma Ivereigh



Coast redwoods in Headwaters Forest

ble to removal.

"We have needed to come up with a way to keep these trees from being destroyed," said Paul Hughes, executive director of Forests Forever. "Beautiful in themselves, they are also a connection to California's history."

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from the Executive Director

Saving species that might save us: Keep all the pieces— they could be useful someday

"There is a grandeur in this view of life ... that ... from so simple a beginning endless forms most beautiful and most wonderful have been, and are being, evolved."

— Charles Darwin on evolution

Perhaps the best endangered-species story to surface yet has to do with a humble calophyllum tree.

This episode was presented to a symposium in Nigeria on the industrial utilization of tropical plants on Feb. 13, 1993.

Here is a distilled version:

Back in 1987 a National Cancer Institute-sponsored expedition working near Lundu, on the island of Borneo, was collecting plants to assay for their potential medicinal value. The test results on the samples from one ordinary-looking swamp tree that stood about 25 feet high were startling.

Calophyllum lanigerum (variety *austrororiaceum*) turned out to be, in their words, "100 percent effective" in preventing the replication of HIV-1, the major form of the AIDS virus.

The stunning find required the collection of more wild stock immediately so that the HIV inhibitor could be isolated, chemically identified, and manufactured. The bioprospectors hustled back to Borneo, to the exact spot where this tree's samples had been gathered.

But in the short time since the wild specimen had been taken the tree had been cut down, probably by local people for fuel or building materials. No more trees of the *austrororiaceum* variety were to be found.

Other calophyllum tree samples

were collected, but none proved to be effective against the virus.

The story of this discovery is only one of many that should convince any skeptic of the importance of hanging on to every last bit of Earth's biological legacy.

"We have entered what appears to be the sixth major extinction epoch in Earth's history."

Other examples include taxol, an extract from the Pacific yew's inner bark, used in treating ovarian cancer; and vinblastine, from the rosy periwinkle, a key component in treating childhood leukemia and Hodgkin's disease. Or how about aspirin? Americans consume well over 16,000 tons a year as a headache remedy, to prevent strokes, and for other uses. It comes from willow bark.

While preserving all wild analogs for potential pharmaceutical research is ample justification for supporting the Endangered Species Act (ESA), for many of us the beauty and magic of our planet's varied life forms is reason enough.

But now we have entered what appears to be the sixth major extinction epoch in Earth's history. The previous one, which occurred 65 million years ago and ended the dinosaurs' reign, is believed to have been caused by a meteorite six miles across, strik-

ing what today is the coast of Mexico's Yucatan Peninsula at 24 times the speed of a rifle bullet.

Our current extinction era may end up being even worse than the one caused by that meteorite. In 25 years we may have lost 20 percent of the Earth's total species... and half by the end of the century.

Nonetheless a debate now rages in Congress over whether or not to pass HR 3824, Rep. Richard Pombo (R-Tracy)'s ESA-gutting measure.

Eminent biologist E.O. Wilson of Harvard University updated the calophyllum story in *The Future of Life* (Vintage Books, 2002): A few more specimens of the special calophyllum tree were found in the Singapore Botanic Garden. "Now supplied with enough raw material, chemists and microbiologists were able to identify the anti-HIV substance as (+)-calanolide A. Soon after, the molecule was synthesized and proved as effective as the raw extract.... Studies are now under way to determine the suitability of calanolide for market distribution...."

At this point, it appears the story of the lost "HIV" tree may eventually have a happy ending. But with some 74 species disappearing every day in rainforests alone, how many more happy endings will never get to be told?

—Paul Hughes



Meet the new plan

New scheme to log Jackson Forest in the works

Industrial-strength logging has been on hold at Jackson State Forest for the past four years.

But as the state Board of Forestry prepares its new environmental impact report (EIR), the bad old days of clearcuts and chainsaws may be about to return.

On Dec. 16, 2005, the California Department of Forestry (CDF) issued a new EIR on which to base a forest management plan for Jackson Forest, a 50,000-acre area in Mendocino County.

Groups including Forests Forever, the Campaign to Restore Jackson State Redwood Forest, and the Sierra Club urged their supporters to read the document and respond to it. The extended period for public comment ended Mar. 1.

Now the board is supposed to incorporate the public response into its plan. "This will likely take at least several months, given the large volume of detailed comments sent in by public experts and government agencies," according to a recent article on the Campaign's website.

If the board approves the EIR as is, the CDF could begin logging right where it left off.

In 2003 Forests Forever Foundation and the Campaign won a lawsuit against the board (to which CDF reports) over its flawed management plan for Jackson. The court found that the board had not met the environmental impact assessment requirements of the California Environmental Quality Act (CEQA). No logging could take place on the forest until the CDF drew up a new EIR and management plan.

Another court case on the management plan in 2001 had already stopped all logging in the forest. The 2003 decision continued this moratorium. Now, four years later, harvesting still has not resumed.

The new EIR weighs in at a hefty 1,500 pages. It may be overweight for a

reason: It is a common tactic for agencies to discourage comment and appeal by swamping the public with massive, unreadable reports, even though this goes against the CEQA requirements for length and readability.

In spite of all the environmental studies it references, the EIR concludes

Taylor's group wants to see Jackson Forest managed for other values than timber. It opposes the plan's clearcutting, large-scale commercial logging, logging of oldest second-growth stands, inadequate stream protections, herbicide use, and lack of a plan to expand recreation.

Photo courtesy Andria Strickley



Trees marked for cutting in Jackson State Forest

that industrial-style logging on 30 percent of the forest, and removal of 31 million board feet a year, including by clearcutting, will have "no significant environmental impact" on the forest.

Activists are working on a unified strategy to address the new EIR.

"It looks grim to me, unless there's some political will from the governor," says Kathy Bailey of the Sierra Club. "We need to try to get this on [his] radar screen."

Vince Taylor of the Campaign is unhappy with the draft EIR as well.

"It's hard to see how you can do all this clearcutting and have no significant environmental impact," he says.

Taylor is considering legal action against the EIR but is uncertain of the best way to proceed. "It's hard to say how the courts will feel about it."

Jackson is the largest of eight state-owned forests in California. It is the only state forest that is home to a significant percentage of mature redwoods—an increasingly rare and valuable forest ecosystem for both wildlife habitat and recreation. — M.L.

For more information see:

<http://www.forestsforever.org/jackson2906.html>

The DEIR is available online at
http://www.fire.ca.gov/php/rsr-cmgt_jackson_deir_2005.php

The roads mistaken

For off-road vehicle enthusiasts, all roads lead to roam

The good news: That roaring sound coming toward you on the trail may not be an angry grizzly or some other large creature in a bad mood.

The bad news: It could easily be an off-road vehicle.

Off-road vehicles (ORVs) have always been controversial with people who value the solitude and stillness of wild places. The noise and environmental destruction they bring have made ORVs unpopular with many. And now, by making use of an old law and some crafty new policy, ORVs could be part of a stealth campaign to keep roadless areas from ever becoming wilderness.

While ORV riders represent a small percentage of those recreating in public forests, they are having a disproportionately damaging impact on the environment.

Recreational ORV use on public lands has long been a contentious issue in Southern California. The desert tortoise-crushing Barstow-to-Vegas motorcycle race was the most notorious, but there have also been bitter struggles over their use in fragile dune systems such as Algodones Dunes (managed by the Bureau of Land Management).

But the controversy is not confined to the southland. ORV use has grown

steadily in Northern California's forests in recent years, causing increasing damage and resulting in a din of protest.

And it's not just environmentalists objecting to the damaged habitat and disturbed peace. Hunters, fishermen,

dust and emissions can harm plants. And then there's the direct damage the vehicles' tires cause to vegetation and habitat.

"You have places where it's just absolutely criss-crossed (by ORV tire tracks) like a web laid over the trails, where it's completely denuded of vegetation and it's severely eroded," says Bond.

"ORVs have never been a big deal here until the last year or two," says Bob Talley, forester at Klamath National Forest. "Now, we're getting comments. People call up and ask me about it."

Talley says that most of the calls he

receives about ORVs are from people who want to know where they can ride legally. But there have also been complaints about noise in national forest land adjacent to private land, and about meadows that have been torn up.

The problem has become so pronounced that the U.S. Forest Service has singled out unmanaged recreation—including impacts from ORVs—as one of the four key threats facing the nation's forests and grasslands.

The agency is in the midst of designating clearly defined ORV routes in all of its forests nationwide. In California, the route designation process is expected to be completed for most forests by 2008.

photo by Barbara Ullian



Sea of mud: Off-road vehicle damage at Day's Gulch Botanical Area in Siskiyou National Forest, Oregon

campers and a wide variety of other forest users have joined in calling for greater restrictions on ORV use on public lands.

"A lot of people are really not happy with what's happening with off-road vehicles," says Monica Bond, San Francisco-based staff biologist with the Center for Biological Diversity. "It's definitely spreading like cancer."

Motorized vehicles in forests cause a multitude of problems to forest plants and animals, as well as soils and water, Bond says.

Some animals are highly sensitive to the noise of ORVs and will stop using areas the vehicles frequent. The

"The process will inevitably lead to a very large number of route closures," says Ryan Henson of the California Wilderness Coalition.

More than 200,000 miles of Forest Service roads are currently open to off-highway vehicle use, along with an additional 36,000-plus miles of trails. In most cases, these routes were never adequately analyzed to determine their impacts on forest ecosystems.

Forest advocates are hoping that the route designations also will help identify and close off the thousands of illegal routes that rogue ORV riders have carved out. Widespread creation of these "ghost routes" has damaged sensitive habitat and scarred areas designated as wilderness.

In the Siskiyou National Forest, says Barbara Ullian of the Siskiyou Wild Rivers Campaign, "We have botanical areas that are set aside—lots of rare plants and special types of habitats—that have been churned to a sea of mud."

Many ORV riders "have no respect for the land," Ullian says. "And they certainly have no respect for other peoples' enjoyment."

Henson says that one way to get ORV riders to stay out of sensitive areas is to give them clearly defined areas where they *can* ride.

"Mendocino National Forest has two large areas that are well-managed," Henson says. "That's a success story."

Because Mendocino forest officials have given riders a couple of fun areas to ride, off-roaders have mostly stayed clear of restricted areas, Henson says. "You just have to be realistic and give them a place to go."

But off-road groups are sure to fight to keep as many routes open as possible. The most vocal of these

groups is the BlueRibbon Coalition, a self-proclaimed ORV user group based in Pocatello, Idaho. The coalition claims to value land stewardship and responsible use.

But according to the U.S. Public Interest Research Group (U.S. PIRG), the group is largely a front for logging, mining and oil companies.

In a report published in 2000 (*BlueRibbon Coalition, Protector of Recreation or Industry?*) U.S. PIRG revealed that extraction-related industries make up the majority of the coalition's corporate sponsors. The group counts more than 50 logging, oil and mining companies among its backers, outnumbering ORV manufacturers by

"People are not happy with what's happening with off-road vehicles. It's spreading like cancer."

more than two to one.

"By funding groups such as the BlueRibbon Coalition, which couch their access arguments in motorized recreation terms," the report concludes, "the logging, mining and oil and gas industries have found a new voice to use in their effort to keep public lands open for logging, mining and oil and gas exploration."

The coalition has pursued other channels to maintain and expand roads on public lands. One of these avenues is an obscure loophole in the Civil War-era 1866 Mining Law called Revised Statute (RS) 2477.

Intended to facilitate western expansion, the law allowed states and counties to build highways across federal land. Congress repealed the outdated law in 1976, but grandfathered in right-of-way claims established prior to that year.

The BlueRibbon Coalition has been pushing for states and counties to stake their rights to these previously established highways. The group has taken advantage of the vague language of the original law, claiming that the word "highways" extends to dirt trails.

In 1999, for example, the group sent a letter to the Six Rivers National Forest in Northern California, claiming that two trails in the forest's Siskiyou Wilderness Area are constructed highways under RS 2477. (The Siskiyou Wilderness lies in three national forests: Six Rivers, Klamath, and Siskiyou.)

So far, this claim has not gone anywhere. However, just days before stepping down at the end of March this year, Interior Secretary Gale Norton instituted a policy giving new validity to such claims.

Under Norton's changes, counties and states could claim cattle paths, streambeds, and long-abandoned jeep tracks as highways under RS 2477. The change could allow these areas to be turned into full-fledged roads, opening them to motorized vehicle traffic.

The industry-friendly Norton previously had maintained that RS 2477

See "ORVs," p. 8

Photo courtesy USDA Forest Service



Practical politics for tree lovers

Carl Ross wants to keep forests whole, wherever they are

Far from forests himself, Carl Ross spends his days in Washington, D.C., trying to prevent this nation's forests from being clearcut and sold off to private industry.

Ross is the founder and head of the environmental group Save America's Forests, which has been working for ten years to pass a similarly named bill into law.

"It's a bumpy ride," he admits.

The Act to Save America's Forests (S. 1897) was re-introduced in the Senate last year by Sens. Jon Corzine (D-NJ) and Christopher Dodd (D-CT), and is soon to be introduced in the House by Rep. Anna Eshoo (D-Atherton), who has sponsored the bill since 1996. Sen. Barbara Boxer (D-CA) is a supporter, as is House Minority leader Rep. Nancy Pelosi (D-CA).

If made law, the measure would end clearcutting on all federal lands and stop logging and roadbuilding in the last wild, roadless and ancient forests. It would also require federal forest agencies to restore forests' native biological diversity.

In its most recently amended form, the measure would transfer control of Giant Sequoia National Monument from the U.S. Forest Service to the National Park Service. The park service has run nearby Sequoia National Park for decades, using prescribed burns rather than logging to manage their sequoia groves, with good results.

Ten years may seem a long time to be working on a single piece of legislation, but Ross points out that America's forests are still not protected against the depredations his bill addresses.

The future in an enormous log

The first Earth Day, back in 1970, was an eye opener for Carl Ross.

"I saw the biggest problems facing the world were environmental, and all other problems were subsets of that," he said. "I felt right then that that was the direction my life would take."

Then in the late 1980s forest activists from Oregon and Washington

up on his interest in forestry activism. So he began his own forestry group.

"I started Save America's Forests about 16 years ago," Ross said. He quickly focused the group's activity on getting legislation passed to protect the national forests.

Save America's Forests— the bill

"The management of the national forests is not going as well as it could," Ross says. "The system over the past hundred years of piecemeal protection for some areas doesn't work."

Bills banning various aspects of forestry mismanagement, such as clearcutting, were being proposed by other activists. But Ross felt that something more comprehensive was called for.

The Act to Save America's Forests, the bill his group eventually came out with, is a truly comprehensive forestry measure— so much so that some activists have said it should be broken up into smaller bills that would be easier to get through the legislative process.

Ross disagrees, but realizes "that question is always in the air. The basic theory of Save America's Forests is to come up with a plan that will protect the whole national forest system, and to make something that is scientifically sufficient and legislatively feasible, practical," he says.

"Scientifically it won't be sufficient if you protect one area but leave other areas open to these destructive policies. And that's really what's happened for the last hundred years.

"We need a comprehensive approach to protect the national forests. If the areas you protect are surrounded by oceans of clearcuts, those little islands of forest won't survive anyway."

Photo by Paul Hughes



Carl Ross, executive director of Save America's Forests

state toured the country with their Ancient Forests Roadshow, "dragging a huge log around the country on the back of a truck," Ross remembers. He was impressed by the show and by what he learned from it about the dangers forests faced; he was inspired to become a forest activist.

Ross began to educate himself about environmental issues, working on farms, and learning about gardening and food production systems.

"I was learning about how human beings support themselves from the ground up," he says.

Ross had always had a particular love of trees, and he wanted to follow

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

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Meeting the big trees

Although Ross has spent several decades working to save the nation's forests, he had never visited the West Coast and seen the forest places that were his original inspiration.

That gap was filled when he visited California in 2005. Ross was able to walk among the coast redwoods, and paid a visit to the giant sequoias of the Sierra in the company of Martin Litton (Forests Forever advisory council member and long-time defender of the big trees).

Ross was, naturally, bowled over by the sequoias. When he tries to describe them, words fail him—something that doesn't seem to happen very often.

"It was truly magnificent," he said. "It was beyond description."

He finds his voice again when the subject turns to the treatment of Giant Sequoia National Monument by the Forest Service.

"There we were in the premier tourist spot in Giant Sequoia National Monument," Ross said. "At the entrance to the Trail of a Hundred Giants. Weeks or months before, the Forest Service had just committed an environmental atrocity. They had logged dozens of gigantic centuries-old sugar pines in these groves of giant sequoias."

Photo Paul Hughes



After an appalled inspection of the damage, Ross and Litton talked to a Forest Service ranger about the logging.

The cut was done to remove "hazardous trees," she told them. When they pointed out that the trees they had seen were healthy and had stood for hundreds of years, she told them that the cut was

done for "thinning," to prevent fires.

But the lowest branches of the big pines were a hundred feet up, they told her, and didn't present a fire hazard of any kind.

Finally, when the two would not accept her previous answers, the ranger shrugged off their complaints: "Well, now that the sugar pines are down, visitors to the Trail of a Hundred Giants will be able to have a better view of the giant sequoias."

"What could you say?" said Ross.

But forest abuse like this is typical of the Forest Service, Ross said, and not just in the monument.

"It's being done to make a profit for some private industries. Our natural assets are being stripped and robbed.

"With all we know about nature and with all we know about the negative aspects of this kind of crazy behavior, logging on our public lands should end. And will end when our Save America's Forests Act becomes law." —M.L.

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claims would not be considered in national parks, wilderness areas, wildlife refuges or wilderness study areas. Her new policy reverses that stance, opening the door to development in these areas.

Environmental groups are not yet sure what the impact of the new RS 2477 policy will be, or how the policy will intersect with other rules regarding motorized vehicle use on public land. But, says Henson, the changes could "have a catastrophic effect" on environmentally sensitive land.

The corporations supporting the BlueRibbon Coalition, and Norton's well-established bias in favor of industry, may indicate a hidden agenda for creating roads in current roadless areas: Once a road is established in an area, it can no longer be considered "roadless." And once an area is no longer considered roadless it loses its potential wilderness status and can be opened up to logging, mining and oil extraction.

Similar logic is likely to motivate industry-backed ORV proponents to

fight hard to keep roads open under the Forest Service route designation process. But conservation groups are joining forces to provide hard scientific data that will justify route closures where appropriate.

"Various groups intend to put a lot of effort into this over the next couple years," says Henson. "We're going to do a real solid job at getting data from the field."

But even if the route designation results in the closure of inappropriate

those areas that are designated as wilderness, back-country area, or research natural area, is closed to ORVs. But budget limitations have prevented the forest from closely protecting even that 20 percent.

Forest administrators haven't even had the funds to publish a map showing the open and closed areas. For the same reason, few signs have been posted.

"The big question mark is monitoring and enforcement," says Bond of the Center for Biological Diversity.

"That's often the part that doesn't get fulfilled. It's entirely dependent on how much funding (land management agencies) get from year to year."

Far greater emphasis should be placed on funding staff to ensure ORV users stick to the designated routes, Bond says.

After all, she points out, there is no law saying that ORVs must be allowed in national forests at all. The Forest Service does, however, have a mandate to protect water quality and habitat.

"That other stuff trumps these recreational issues," says Bond. "The environmental protective laws come first."

—Andria Strickley
Tara Treasurefield
also contributed to this article

photo courtesy Community ORV Watch <http://www.orvwatch.com/>



Sign distributed by Community ORV Watch in San Bernardino, Calif.

ORV trails, public forests will likely suffer from another problem— lack of enforcement.

Talley, the Klamath forester, says only about 20 percent of his forest,

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