



The Watershed

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Forests Forever broadens campaign Expands front in Sacramento, toward Los Angeles

With the launch of the most sweeping forestry-reform crusade in Forests Forever's 20-year history—the *California Statewide Sustainable Forests and Watersheds Campaign*—the organization has stepped in to fill a forest-advocacy void in Sacramento while aiming to broaden its geographical base in Southern California.

On Feb. 27 Assembly-member Anthony Portantino (D-Pasadena) introduced AB 1252, a bill sponsored by Forests Forever to guarantee public access to timber harvest plans online (see educational feature, page 3).

Other Forests Forever-sponsored bills are in the works, including SB 539, introduced by Sen. Patricia Wiggins (D-Santa Rosa), which furthers the goal of restoring the state's anadromous fish populations, and AB 1504, introduced by

Assemblywoman Nancy Skinner (D-Berkeley), addressing the role of forests in controlling global warming.

Overall the campaign reflects not just a push to introduce a bevy of

to protecting California's forests.

The campaign is based on the urgent need to reform California forestry practices that adversely affect the state's water quality and quantity, accelerate global warming, destroy wildlife habitat, contribute to an increase in the number and intensity of wildfires, and drain tax dollars to clean up after poor logging practices.

In July 2008 Forests Forever set up shop in Sacramento, establishing direct contact with legislators on forest issues via its legislative advocate Luke Breit (see activist profile, page 4). The presence of this highly regarded veteran of

Sacramento politics has made lawmakers, timber lobbyists, and fellow environmentalists stand up and take notice of our issues.

Photo by Jim Brobeck, Ebbe's Pass Forest Watch



A recent clearcut scars this slope in Calaveras County.

forestry reform bills and sponsor an array of other environmental measures. It represents as well the establishment of Forests Forever as Sacramento's sole environmental advocacy group dedicated year-round

see "Campaign," p. 2

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"We are developing key relationships, and using our influence, knowledge and credibility to protect and restore California's forests for the long-term," said Forests Forever President James Newman.

Throughout last summer and fall, Forests Forever dedicated considerable resources to backing environment-friendly candidates in the November 2008 general election. We researched the candidates' records and positions, endorsed a slate of nine likely forest champions, produced and distributed a special Election Bulletin touting their records, and contributed the maximum of \$3,600 to the four top contenders.

Ultimately eight of our candidates claimed victory, including three top endorsees in tough contests who flipped their Assembly districts from anti- to pro-environment leadership. Manuel Perez prevailed in Assembly District 80 (Riverside and Imperial counties); Joan Buchanan triumphed in Assembly District 15 (Alameda, Contra Costa, Sacramento and San Joaquin counties); and Marty Block seized victory in Assembly District 78 (rural San Diego County).

Of the top endorsees, only Hannah-Beth Jackson fell short in her hard-fought quest to represent the state's Republican-dominated 19th Senate District.

The victors also included Forests Forever endorsees Loni Hancock in Senate District 9 (Oakland, Berkeley, Livermore, Richmond); Lori Saldaña in Assembly District 76 (northern and central San Diego County); Mark DeSaulnier in Senate District 7 (Contra Costa County); Julia Brownley in Assembly District 41 (Malibu, Santa Monica, Woodland Hills); and Wesley Chesbro in Assembly District 1 (Del Norte, Humboldt, Trinity, Mendocino, Lake and Sonoma counties).

The sometimes nail-biting closeness of these contests made clear the urgent need to reach forest supporters living in Southern California. As a

result Forests Forever is now planning to expand organizing and outreach programs in Los Angeles. As soon as this fall our voice and influence will resonate throughout the state.

"We are becoming the 'voice of forestry reform' statewide," Newman said. "As we build capacity,

we will position ourselves as the information hub for forest activists, new legislators, pro-environment litigators, concerned citizens and the media."



On the legislative front

Currently, in addition to Portantino's AB 1252, Forests Forever is sponsoring two important bills before the legislature that further our agenda.

SB 539, introduced by Sen. Wiggins, requires the state Ocean Protection Council to report by April 2010 on the estimated costs of restoring native salmon and steelhead trout pop-

ulations and the fisheries that depend on them.

The costs to be tallied include the removal of various dams on the Klamath, Carmel, and Ventura rivers and Malibu Creek; enforcement actions to stop unlawful water diversions; and the removal and restoration of blockages to fish passage in all of the 100 highest-priority streams. The latter is particularly important in areas subjected to logging.

Assemblywoman Skinner has introduced AB 1504, designed to address the threat of global warming by preserving intact forests.

The legislation states, in part: "This bill would require the [State Board of Forestry] to ensure that its rules and regulations governing the harvesting of commercial forest tree species maximize, to the extent feasible, the capacity of forest resources to sequester carbon dioxide emissions."

Progress in the legislative sphere is often incremental but Forests Forever is seeking reform on a more sweeping scale beyond its three currently sponsored bills. Our agenda includes enacting at least seven additional bills that would:

- 1) Remove the timber-obsessed California Dept. of Forestry's status as the lead agency responsible for okaying Timber Harvest Plans (THPs);
- 2) Establish fees for the filing of THPs and create a THP Review Fund in the state Treasury;
- 3) Strengthen the state's water quality-control laws regarding forestry operations;
- 4) Give environmental protection equal weight with timber extraction on the state's forest lands;
- 5) Restrict logging on steep slopes;
- 6) Streamline the process by which counties could write their own protective logging rules; and
- 7) Prohibit clearcutting.

see "Campaign," p. 6

What about cumulative effects?

Posting timber plans online is good public policy

Californians have a right to know how their state's forests are managed, and to have their voices heard in a timely manner on the potential environmental impacts of logging plans.

Yet the California Department of Forestry and Fire Protection (CDF) has been slow to share timber harvest plans (THPs) with the public in the speediest, most convenient way possible— via the Internet. No law compels CDF to post THPs online and keep them there.

That's why Forests Forever is backing AB 1252, introduced this legislative session by Assembly member Anthony Portantino (D-Pasadena). The measure "would require [CDF], on or before July 1, 2010, to establish a uniform database on the Internet containing timber harvest plans and nonindustrial timber management plans ... for logging projects proposed to be conducted on nonfederal and private land in the state."

Additionally, the bill would require CDF, by Jan. 1, 2011, to post past THPs online. This would allow a more accurate assessment of the plans' effects in concert with nearby recent, current or planned logging projects.

Though CDF several years ago quietly established a pilot program to post THPs online, the program has no clear parameters, no provisions for posting public comments, no publicity, and a possible short life span.

Clearly the agency needs more prodding. The idea should be to open-

ly, effectively, completely and permanently share THPs online.

"Online posting of THPs should be made a permanent part of the public review process," said Forests Forever Executive Director Paul Hughes. "Public comments matter

to review THPs in the most efficient manner possible.

That right has been made abundantly clear by the state's legislature and courts.

The requirement is codified in statutes including the California Environmental Quality Act (CEQA). And CDF recognizes it has an obligation to invite public participation in the review of THPs as well as non-industrial timber management plans (NTMPs). These detailed technical documents serve as the equivalent of environmental impact reports.

California's Fourth District Court of Appeal declared (in *Schoen v. Department of Forestry and Fire Protection*, 1997) that when it comes to THPs, "the people insist on remaining informed so that they may retain control over the instruments they have created.

"Public review is essential to CEQA. The purpose of requiring public review is 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.'"

California's Supreme Court stressed the paramount importance of public participation in the THP review process, reasoning that "few, if any, industries adversely affect the rights of others and the public generally, as do timber and logging operations. "



Photo by Roy Tennant from www.freelargephotos.com

The cumulative effects of numerous clearcuts have yet to be fully tallied.

because they go into the official record. CDF must respond to the comments in writing, and often a logging plan is revised and improved based on the comments."

Portantino's legislation, sponsored by Forests Forever as part of its *California Statewide Sustainable Forests and Watersheds Campaign* (see banner story), would codify the public's right

see "AB 1252," p. 7

A poet's guide to political success: Forests Forever Legislative Advocate Luke Breit

*Just beyond, the river stretches indolently
down from the small coastal range.
Salmon and steelhead spawn there.
I stopped and listened hard for a couple of
years
in a small cabin by the river. I
made a
friend or two,
wrote and fished and swam and
dreamed,
then drifted on.*
– Luke Breit, from
“Looking Back,
What Eyes Fill With”

Saving forests has always been a poetic endeavor. Before politicians act, poets must perform their work, reminding us why forests matter.

In the case of Luke Breit, poetry and politics run hand in hand.

Combining the skills of a diplomat and the soul of a poet, Breit serves as the Sacramento-based legislative advocate for Forests Forever. He plays a crucial role in advancing Forests Forever's agenda, including the organization's ambitious California Statewide Sustainable Forests and Watersheds Campaign.

On the one hand, Breit is a celebrated man of letters, a novelist and poet, the poems filled with bars, jazz, brandy, deep conversations, soulful observations and loving references to his two children.

“Luke is a rainmaker,” wrote Breit's late friend and childhood mentor Norman Mailer, the famed novelist and essayist. “Put him in a desert, get him to recite, and clouds will gather... If I could be a poet, I wouldn't mind at all being as good as Luke Breit.”

Said his old friend San Francisco Poet Laureate Jack Hirschman: “Luke

Breit's poems fuse his native New York City— for him, the heart of friendship and love— with the California feeling of the better world that we are all in the process of creating.”



Forests Forever Legislative Advocate Luke Breit finds passion in politics and solace in poetry.

Breit, who formerly served as President of the Board of Directors of the Sacramento Poetry Center, is a widely published poet and journalist, the author of five books of poetry and a novel, *The Tumultuous Times of Jesus in the 21st Century* (Xlibris, 2005).

His work has appeared in dozens of literary journals and anthologies.

On the other hand, Breit is a seasoned political advisor in Sacramento who navigates the halls of legislative power with aplomb.

Breit is the face of Forests Forever in Sacramento, and it's a face familiar to veterans of the political scene there.

An activist emerges

Breit's passion for politics began taking shape in 1968 when he campaigned enthusiastically on behalf of Mailer's run for Mayor of New York City on a ticket with columnist Jimmy Breslin seeking the City Council President seat.

Then, in 1970, Breit relocated from New York to California where he would make his mark not only among poets but among politicians.

For a short while he lived in San Francisco, then moved north to Mendocino County.

“Up to then the only forest I had seen was in Central Park,” quips Breit. For him, Mendocino was a wilderness.

Breit's political resume reflects more than two decades of experience in the California State Assembly, and currently he serves as chair of the Environmental Caucus of the California Democratic Party.

In the course of his career, he has served as special assistant, speechwriter, and consultant on the environment and energy to former Assembly Speaker Willie Brown, Jr.; Chief of Staff to Assemblyman Dan Hauser; and Press Secretary to Assembly Speaker Robert M. Hertzberg.

What drew him to the legislative

field was in part the thrill of victory, he says. His political activism started in earnest in 1978 after he worked on two political campaigns in Mendocino County.

"We beat some pretty entrenched interests," Breit says.

First he and fellow North Coast political organizer Warner Chabot (recently named CEO of the California League of Conservation Voters) managed the campaign to elect Norman de Vall to the Mendocino County Board of Supervisors.

"We won and elected the first progressive environmental supervisor in Mendocino history," Breit says.

"My favorite fight was stopping the spraying of herbicides in the forest," Breit says of a ballot initiative he steered to victory to protect children and workers from the effects of such spraying.

It was the first time in U.S. history that a county had used the initiative process to protect its citizens from pesticides.

"We won by over 60 percent of the vote," Breit says. "We creamed them."

After that Breit got a call from Assemblyman Doug Bosco, working under the speakership of Willie Brown, and Bosco asked him to come to Sacramento.

"I did and thought I would be there a year or two," Breit says. That was in 1981. He's been there almost ever since.

"The first job they gave me was to help

on a forestry reform bill," working with then-Assemblymember, later Sen. Byron Sher (D-Palo Alto). "It didn't pass. It got killed at the last moment."

The experience only hardened his determination to push for forest protections.

Where does his passion for protecting the environment come from?

"It's not just a love of the woods,"

Breit replies. "Really it's about fighting greed. Everything bad that happens to the environment is because somebody wants to make a lot of money. I want to fight those aspects of human existence."

Handicapping the system

As an advocate for forest issues in Sacramento, where so many other issues confront legislators, does Breit have a difficult time being heard?

"I have no difficulty getting legislators to talk," he says. He rattles off the names of legislators with whom he confers, including Sen. Fran Pavley (D-Agoura Hills) who as an Assemblymember authored AB 32, the landmark Global Warming Solutions Act of 2006; Assemblymember Nancy Skinner (D-Berkeley), Chair of the Committee on Natural Resources; Sen. Pat Wiggins (D-Santa Rosa); Assemblymember Wesley Chesbro (D-Arcata); and Senate President Pro Tem Darryl Steinberg (D-Sacramento).

What is challenging, he adds, is getting legislators to introduce forestry bills: Only a handful of Assembly Districts in the state have both forests and progressive leaders.

"People who live in the districts are nervous about introducing bills," Breit says.

"Sen. Barry Keene [D-Benicia] used to say: 'Everybody in my district loves trees. Half love them vertical, half love them horizontal.'"

How can he facilitate legislation getting introduced and

passed in Sacramento?

"My familiarity with people in Sacramento, and having old friends, is helpful," Breit says, "but it's the message itself that is most effective. I make the case that forestry is a statewide issue because of carbon sequestration and its impact on global warming.

"You can't operate alone up here.

The more you get around and make friends the better.

"Now I do go out and socialize to a certain degree with folks, but keep in mind I had a stroke about eight months ago, so I get home early."

The stroke somewhat impaired his



Breit helps Assemblyman Anthony Portantino shape AB 1252, a plan to post timber harvest plans online.

speaking and writing dexterity, but seems only to have sharpened his wits and determination.

"I'm greatly outnumbered by the people involved with the timber industry and the sums of money they spend to bring members up to the forest," Breit says.

"Fortunately I have lots of support from other environmental groups and labor groups.

"We're one of the very few groups working on forest issues with a regular presence."

What does Breit think of lobbying state agencies such as the California Board of Forestry?

"This is something we're starting to look at," he says. "We are going to go in that direction."

Do Breit's careers as a poet and lobbyist overlap in Sacramento?

"Some of the old timers know about my poetry side and ask me how's the poetry business. Only a small handful of people in the political world know about that part of my life."

— M.M.

"Everything bad that happens to the environment is because somebody wants to make a lot of money. I want to fight those aspects of human existence."

What it's all about

Up to now our campaign focus has been primarily on legislative advocacy—the development, introduction, and enactment of forestry reform bills. We will continue and strengthen this role. Yet we have an additional equally vital role to play in Sacramento—that of administrative advocacy.

Administrative advocacy refers to "lobbying" agencies for improved forest practices, either in the rulemaking process or in the development and implementation of day-to-day practices and procedures that agency personnel are required to follow in administering forest practice laws and regulations.

Our presence must be felt at meetings and hearings before the California Board of Forestry, California Dept. of Forestry, Dept. of Fish and Game, Dept. of Conservation, State Water Resources Control Board, Regional Water Quality Control Boards, and other agencies (including federal). Our challenge is to marshal factual and compelling arguments to rally and focus public comment in defense of sustainable forestry.

"We are using our influence with state agencies, the offices of the governor and attorney general, and before other regulatory bodies because the executive branch is where the rubber meets the road," Newman said. "It's where the laws are actually transformed into a real-world result."

Forests Forever also plans to serve as a hub of information to forest activists outside of Sacramento. We will strive to provide citizens with the latest information, alerts, and help in guiding them through the labyrinthine

halls of government for greatest effect.

Inside the Capitol, we will reach out to orient and educate new legislators and their staffs on these issues.

In future years Forests Forever hopes to sponsor conferences and workshops bringing together forest ecologists, wildlife biologists, geologists, hydrologists, stream restorationists, activists and nonprofit leaders, journalists, lawyers, and other forest-

environmental concerns.

As we've said before, it's time to elevate the priority of the environment.

And why do we think Forests Forever is best positioned to lead the way on forestry reform? Because our mettle has been tested in the timber wars and we have proven our effectiveness.

"When I was Attorney General of California," says former California

Attorney General Bill Lockyer, "I took on my share of fights to protect the forests of California. Among them was our 2005 suit against the Bush Administration over its gutting of the landmark and protective Sierra Nevada Framework, a sweeping forest management and conservation plan for the Sierra Nevada. In that and other controversies, Forests Forever was an invaluable ally, helping to garner the broad-based public awareness and support for forest protection. Many acres of those forests still stand today, thanks in large part to strong and effective statewide groups like Forests Forever."

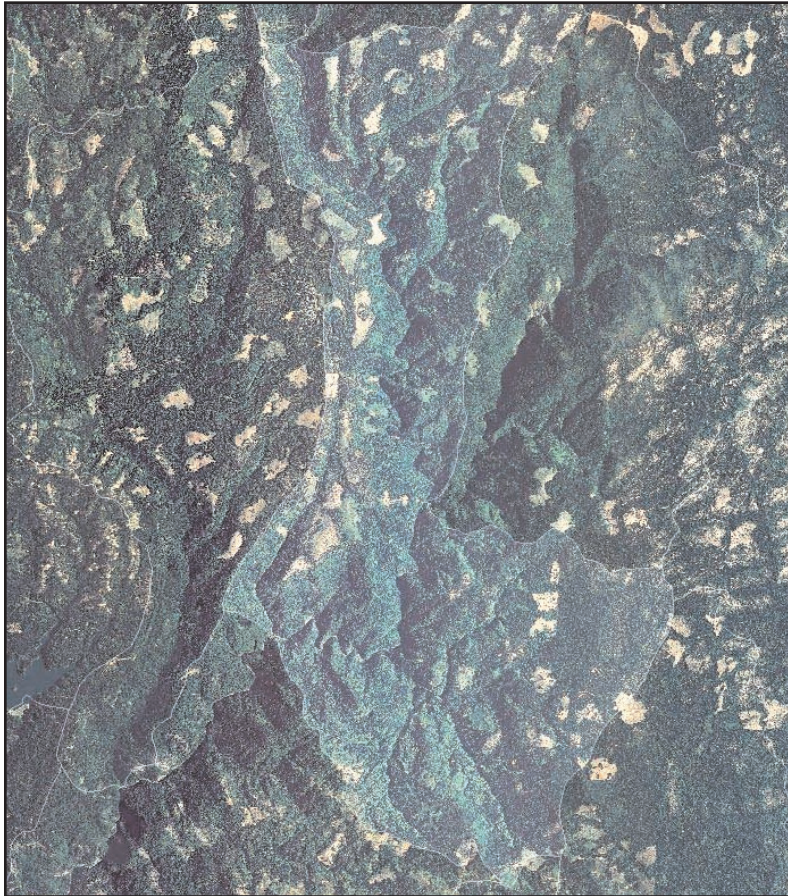
Said former California Assembly Speaker Pro Tem Fred Keeley: "Forests Forever has demonstrated its ability to actively and

effectively educate the public on the importance of our forests. Forests Forever's hard work, dedication, and commitment to service has helped to promote responsible environmental protection."

From Los Angeles to San Francisco, the Coast Range to the Sierra Nevada, Del Norte to San Bernardino counties: Forests Forever is reaching out to further its ambitious vision. The state's vulnerable forests desperately need defenders from industrial onslaught, and Forests Forever is coming to the rescue.

— M.M.

Photo courtesy of the California Watershed Portal



Water quality and forest integrity are threatened by extensive clearcutting in Northern California's Feather River watershed.

interested professionals.

Together we will work to produce reports identifying where policy reforms—legislative or regulatory—are still needed.

Our most important support comes from our 15,000 contributors and supporters, along with a growing coalition of other environmental groups that believe in the importance of our work.

To achieve these goals will require persistence and a constant presence in Sacramento. It is a long-term commitment with an urgent mandate: to shake up the failed bureaucracy that oversees the timber industry, forcing regulators to balance industrial and

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

"AB 1252," continued from page 3

(*Bayside Timber Co. v. Board of Supervisors*, 1971)

CDF's e-posting pilot program has taken a step in this direction. On a trial basis CDF is enabling public perusal of THP/NTMP documents from all of its regions online. Yet nothing guarantees the postings will be made permanent, readily accessible, and complete.

Public comments, for instance, are kept offline. CDF does not provide the criteria it uses to determine which documents are posted and which are not.

The Forest Practice Act (FPA) requires CDF to provide a public comment period for every THP. Speedy access to these documents is essential because CDF has the authority to limit public comment periods from a typical 30 days to just 15 days. That's precious little time to digest and comment on detailed technical documents that can run 600 pages or more in length.

Without access to THPs online, if you want to review one of the documents you must follow one of three cumbersome routes.

First, you can make a written request for the THP and await its arrival by mail. Given the photocopying and delivery times involved, this is an especially inefficient process. You have a comment period as small as 15 days in which CDF must gather up the associated documents, copy it all, package it for shipping, and send it to you via U.S. Postal Service.

A single THP, photocopied double-sided (at 10 cents per page, billed to you), can consume a full ream of paper. That's a hefty load of information to consume in a short amount of time. The second way to obtain a THP is to visit the County Clerk's office in the county

where the proposed logging project would be located. If you're lucky, you live near the county seat and don't have to travel too far.

Third, you can drive to the CDF regional office where the THP was filed. CDF's administrative offices are located in Santa Rosa (North Coast Region), Redding (Cascade Region), and Fresno (Southern and Central Sierra Regions). In some cases you might have to drive hundreds of miles to access the document you want.

If CDF does not receive your public comment within the comment period the agency is not obligated to consider your input and you could end up out of the review loop.



Critics say CDF is too focused on fighting fires and getting out the cut to protect watersheds.

"Forests Forever works with many citizen activists who slog through the obstacles in the current process to make their voices heard," Hughes said. "AB 1252 would make the jobs of these champions of the public good much

see "AB 1252," p. 8

FORESTS FOREVER FOUNDATION

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easier."

As mentioned, the only THP/NTMP documents CDF does not post in its e-posting pilot program are letters from the public and confidential materials such as archaeological reports. CDF does not explain why it does not post letters from the public.

Apparently the e-posting program's "pilot" status— with its experimental and temporary connotation— shields CDF somewhat from having to explain why public comments are not posted.

Second go-round

In this age of the Internet, especially in California, where the Internet revolution really got going, it makes no sense for a public agency to adhere to archaic, analog modes of operation.

Once before, the state legislature tried to get THPs posted online, but encountered an immovable object.

In September 2006 Gov. Arnold Schwarzenegger vetoed SB 744, a bill that would have required registered professional foresters (RPFs) to submit all THPs electronically so that CDF could then make the documents available online. Forests Forever actively supported that bill.

In his veto message Schwarzenegger claimed SB 744 was unnecessary because the CDF's e-posting pilot program had already begun. The Governor bemoaned the technological burden and cost he said would be placed on RPFs to convert THP documents to digital format. RPFs are

submits the plan to the CDF. The agency then coordinates the review process with the Departments of Conservation and Fish and Game, and the Regional Water Quality Control Boards.

A THP contains technical information, maps, charts, and diagrams. It specifies the silvicultural method to be employed (commercial thinning, selection harvesting, clearcutting, etc.), the species of trees in the harvest area, the type of yarding system and equipment to be used (tractor, skidder, forwarder, feller buncher, cable, helicopter, etc.), listed wildlife in the area, how soils and steep slopes will be stabilized, what logging roads and drainage facilities will be constructed and utilized, and how operations will proceed in winter or wet weather.

To keep up with what's happening in the forests being tapped for timber requires paying close attention. It requires a dedicated citizenry actively working to keep in check the potentially destructive actions of the timber industry.

Putting THPs online is basic. It's a relatively simple matter and it affords real advantages for all concerned. It aids forest defenders and is a giant leap for watersheds, endangered species and global warming-weary trees.

— M.M.

Photo courtesy of Lighthawk and Ebbetts Pass Forest Watch



To study the cumulative impacts of Sierra clearcuts requires poring over dozens of timber harvest plans.

hired by timber owners to prepare THPs.

That complaint was echoed by the timber industry, which also opposed the measure.

A voluntary pilot program is not the same as the legislatively mandated program the state needs to meet its long-term goals of maintaining a healthy environment.

Timber harvesting in California ostensibly is overseen by multiple state agencies. The process starts with the preparation of a THP by a RPF who

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