Landmark, flawed Headwaters “deal” enacted

The California legislature on Sept. 1 passed an historic bill resulting in approval of $242.5 million to preserve about 9500 acres of prime redwood forest now owned by Pacific Lumber Co. (PL) and its parent, MAXXAM Corp.

The measure provided the state’s share of funding necessary for the flawed 1996 Headwaters “deal” to move forward.

In signing Assembly Bill (AB) 1986 on Sept. 19 Gov. Pete Wilson cut $3 million from the $245.5 million allocated by the legislature. The cut reduced assistance to Humboldt County to cover any lost timber tax revenue that might result from the purchase. Congress already had approved $250 million for the Headwaters acquisition, bringing the combined state and federal appropriation to almost $500 million. Environmental activists now are working to strengthen environmental safeguards in the “deal”-mandated Habitat Conservation Plan (HCP) covering PL’s remaining forest lands. The public comment period for the HCP has begun and will end Nov. 16. Public hearings— including one in Oakland currently set for Nov. 5— will provide an additional opportunity for citizen input. (See sidebar, p. 4)

“We expect the PL HCP will generate more public comments than any previous plan,” said Mark Fletcher, Forests Forever’s board president. “Wildlife biologists and watershed ecologists alike are concerned with proposed protections under PL’s plan.

“Affected agencies should, if they follow protocol, take these comments into consideration when analyzing the plan.”

The final AB 1986, a bitter disappointment to many Headwaters activists, added

Brown’s Giant sequoia bill picks up House supporters

A bill aimed at stopping the destruction of California’s ancient sequoias has picked up 15 co-sponsors in recent months. The total now stands at 24 co-sponsors.

Activists are promoting U.S. Rep. George Brown, Jr.’s (D-San Bernardino) bill— The Sequoia Ecosystem and Recreation Preserve Act of 1997— to protect this threatened ecosystem.

Introduced in June, 1997, H.R. 2077 would set aside over 340,000 acres in Sequoia National Forest for restoration, recreation and preservation. Another 170,000 acres in Sequoia and Inyo National Forests would be designated Wilderness Areas, thus subject to the most protective standards available for federal wildlands. Commercial timber harvesting would be banned in the preserve.

“Most people think the 250,000 acres in the preserve is enough,” said Fletcher. “But most of these ancient trees are threatened by heavy logging.”

Activist killed at protest of illegal logging operation near Grizzly Creek

Activist David Chain, 24, on Sept. 17 was killed after being struck on the head by a falling tree while protesting an illegal Pacific Lumber Co. (PL) logging operation.

PL initially denied that its logging crew was aware the Earth First! protesters including Chain were at the Humboldt County site. But the company later rescinded this claim.
The Watershed Fall, 1998 2

from the Executive Director...

Headwaters campaign and new preserve: Both remain part of broader context

As the campaign for protection of Headwaters Forest marches on through the current public-review process, environmental organizing on it seems somewhat unchanged by recent events in Sacramento.

So it is startling to realize that—as a result of the governor’s signing AB 1986—in perhaps only months you may be able to buy a road map that indicates a Headwaters Forest Preserve newly opened to the public.

Headwaters Preserve will be a place one can visit or take the kids, probably complete with self-guided nature walks, pit toilets, interpretive displays and picnic benches. And trails threading their way through lush cool thickets of salal and sword fern tucked in around the big trees.

The small sanctuary will be one that many visitors will no doubt snap a few photos of in a brief visit on their way to destinations such as Redwood National Park. In doing so these folks may be unaware of the decade-long battle in which some activists risked and others gave their lives.

Yet this seemingly neat closure will disguise the fact that the creation of Headwaters Preserve represents only another milestone on an ongoing journey: It seems likely we can count on decades more controversy at Headwaters. Controversy may arise about roads and visitor use in the new preserve, about continued illegal logging by Pacific Lumber Co. (PL), about saving still-unprotected ancient and residual groves, over safeguards for listed species, over the establishment of stream buffers, and many other issues.

But mostly there will be continued disagreement over implementation of PL’s currently proposed 50-year Habitat Conservation Plan (HCP) by what is perhaps the state’s least-accountable regulatory agency, the California Department of Forestry (CDF). Under this HCP the CDF would retain its power to override federal wildlife agencies in approving all timber harvest plans.

Further, in the next half century we may well see efforts to strengthen the endangered species acts, to better enforce clean water laws, to institute sustainable-forestry standards in California, and even more-visionary proposals. A lot can happen in 50 years; five decades ago virtually none of the major environmental laws existed that we take for granted today.

On the ground, meantime, the HCP in its current form would create a wasteland of scrub and pampas grass punctuated by towering redwood groves and odd-looking narrow strips of trees tracing large streams. The preserved groves effectively would become islands, bereft of their natural buffer lands and connecting corridors.

Such exposure is a serious threat to a redwood ecosystem. Winds whipping across open ground would penetrate deeper into the groves, stealing their fog-drip moisture, heating up naturally cold salmon streams and blowing down ancient redwoods along the grove edge.

Predators such as ravens and coyotes could more easily raid the nests of Marbled murrelets and other animals normally shielded from an abrupt forest edge.

Redwood forest species over eons have maintained strong gene pools thanks to relatively unrestricted migration and access to nearby refugia when temporary local disasters struck. In the island-ized landscape envisioned under the draft HCP, population segments may inbreed and decline in fitness or die out.

Biologists call this process “insularization.” The Sunda Islands (Java, Sumatra, Borneo and Bali) were a connected peninsula 18,000 years ago during the last glacial period. Rising sea level later formed the islands. Modern studies have shown that extinction rates rose dramatically after the islands’ formation—as many as 71 percent of all pre-existing land mammal species died out on Bali. Insularization is thought to have much the same detrimental effect on biodiversity on virtually any newly formed island—including an island of ancient forest surrounded by an ocean of clearcuts.

Without a doubt, a “preserve” thus saved may not stay saved for very long. With apologies to John Donne, “No forest is an island, entire of itself.” This is why it is so important for us to strengthen the HCP for Headwaters now, while we have our easiest chance at doing so.

— Paul Hughes

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www.forestsforever.org
Giant sequoias are protected because they are on federal land,” said Mark Fletcher, president of Forests Forever’s board of directors. “But the (U.S.) Forest Service manages land very differently than the National Park Service. The Forest Service is an agency of the (U.S.) Department of Agriculture, and they manage the land as though the trees are a crop.”

Giant sequoias, cousins of the Coast redwood, can reach 3200 years old and weights of 12 million pounds. They are only found in the southern Sierras. While many sequoia groves are located in the nearby Sequoia National Park, over one half of the world’s sequoia groves are situated in Sequoia National Forest.

While Giant sequoias themselves currently are not slated to be logged, merchantable timber is harvested in and around the sequoia groves. This damages the surrounding soils and subjects the big trees to unnatural levels of soil erosion and wind.

In response to public demands, the Forest Service in 1987 committed to writing a Giant Sequoia Management Plan for Sequoia National Forest prior to undertaking any management projects affecting sequoia groves. In 1988 the agency promised a Forestwide Fuel Management Plan.

The interim increases are far short of federal Forest Ecosystem Management Assessment Team (FEMAT) watercourse standards, which call for 300- to 600-foot no-cut buffer zones along fishbearing streams. Forests Forever has advocated the FEMAT standards.

Three ancient redwood groves conservationists have long sought to preserve—Allen Creek, Shaw Creek and All-Species groves—only would receive temporary protection under the 50-year HCP. When the HCP expires, these groves, along with 8700 acres of ancient Douglas fir, would be exposed to logging. In total, roughly half—about 10,300 acres—of the ancient and residual old-growth redwood on PL property would lose its protection in 50 years.

AB 1986 in effect condemns most of PL’s over 200,000 acres to eventual clearcutting and severe degradation.

“We heard recently about core samples showing redwoods can grow older than 3500 years,” Fletcher said. “The short-rotation clearcuts likely under the HCP guaran-
Rider-happy Congress circles in on ESA

Environmental activists at press time were making a final push to stop Sen. Dirk Kempthorne’s (R-ID) anti-Endangered Species Act (ESA) bill as Congress approached its final day of appropriations hearings in the session.

Introduced in September, 1997, S. 1180 would undermine protections for endangered species and habitat critical to their survival. The bill would delay the already-backlogged listing of candidate species and codify the “no surprises” policy, which prohibits new science concerning listed species from being considered in relation to their existing population recovery / stabilization plans.

“Kempthorne’s bill undermines the needs of imperiled species,” said Kristin Kirk of Forests Forever’s staff. “It would create red tape, delays and expenses throughout the entire process while ignoring a primary reason for the ESA—to recover species.”

Although earlier this year S. 1180 apparently had stalled, lobbyists from resource-extraction industries in recent weeks pushed senators to attach the controversial bill as a rider to the Senate’s Interior Appropriations bill. The appropriations bill is a must-pass measure, as it authorizes funding for Interior Department operations.

Riders—pieces of legislation attached to unrelated bills—came into focus in the 105th Congress when it passed 30 anti-environmental riders. Currently some 70 anti-environmental riders are pending in the 105th Congress. According to the Grassroots Environmental Effectiveness Network (GREEN), 75 percent of Americans oppose the attachment of anti-environmental riders to legislation.

At press time Congress was about to wrap the Senate Interior Appropriations bill, along with five other spending measures, into an Omnibus Appropriations bill. The omnibus bill reportedly would be negotiated behind closed doors, as a time-saving step.

Attaching S. 1180 to an appropriations bill essentially nullifies the bicameral legislative system by circumventing debate on the bill in the House of Representatives.

Activists are calling for a full debate—in both houses of Congress—of any legislation involving endangered species.

“The ESA is one of the most hotly debated legislative items,” Kirk said. “We are dealing with a possible extinction of species. Obviously this issue needs to be carefully scrutinized as a stand-alone piece of legislation.”

Two likely scenarios are taking shape for the Omnibus Appropriations bill. First, the House and Senate would leave all riders intact in their respective appropriations bills, perhaps adding more riders. The appropriations bills, with riders, would then be wrapped into the omnibus legislation.

Vice President Al Gore on Sept. 29 called on Congress to “end its backdoor assaults and send the President clean bills, free of anti-environmental riders.” The White House “will not tolerate stealth tactics that do unacceptable harm to our environment or threaten public health,” Gore added.

In a second scenario the Administration could enter the Omnibus Appropriations bill negotiations immediately in an attempt to forestall a veto.

Both scenarios could play out well for environmentalists—if the Administration follows through on its earlier commitment to veto appropriations measures with riders in tow. The closed-door negotiations, however, may also prevent inclusion in the omnibus bill of some pro-environment amendments currently championed by Democratic senators.

Rep. George Miller (D-Martinez) last year introduced H.R. 2351—the Endangered Species Recovery Act (ESRA). With 105 co-sponsors at press time, ESRA enjoys the support of Forests Forever and other environmental groups as the preferred ESA-reauthorization

Public hearings set for Pacific Lumber HCP

Points to make in your comments:

- The current Habitat Conservation Plan (HCP) means extinction for the Coho salmon. Once abundant in California’s rivers, coho will likely go extinct in the area if stream protections are not strengthened in the HCP.
- Agencies must rely on real science, not junk science. PL’s HCP is designed to maximize profits at the expense of species protection, relying on clearcutting even on steep slopes. Sediment from weakened slopes will lead to landslides and habitat destruction.
- PL is a criminal corporation that can’t be trusted. PL has had over 250 forest practice violations in the last two years, including violations in the area where activist David Chain recently was killed.

More detailed information will be available at the public hearings, and online at www.forestsforever.org.

Culver City / LA • Tue., Oct. 27 • Pacifica Ballroom, Radisson Hotel, 6161 W. Centinela
Sacramento • Thur., Oct. 29 • Rooms 307-308, Convention Center, 1030 15th St.
Oakland • Thur., Nov. 5 • West Hall, Marriott Convention Center, 550 10th St.
Eureka • Tue., Nov. 10 • Redwood Acres Fairground, Franceschi Hall, 3750 Harris St.

All hearings have noon-to-4pm and 5pm-to-9pm sessions. Eureka has an additional 9-to-11am session. There will be a 5pm rally at the Oakland and Sacramento hearings. Call 510/835-6303 for more rally info.
toward them. According to an
obscene threat to aim trees
when the body was
found under a limb," PL

Authorities now have
expanded their investigation
into what they initially called
an accidental death. Humboldt
County Sheriff's Department
investigators reportedly
planned to fly over the site
where Chain was killed. Their
stated intention was to deter-
mine whether the pattern of the
fallen trees indicated loggers
had changed the direction of
their cuts to aim them toward
activists.

An Earth First! statement
says, "Loggers were felling
trees perpendicular to the hill
rather than downhill in an
apparent attempt to target
activists."

Earth First! activists at
press time were blockading
the road into the scene of the inci-
dent until their demand for an
independent investigation is
met.

Several Earth First!
activists currently are appeal-
ing a case against the
Humboldt County Sheriff's
Department for its officers'
application of pepper spray
directly onto the eyes of non-
viole ntestrians last October.
Due to that case and many
other bad experiences with the
Humboldt sheriff's department
for an outside investigation. "I
believe sheriff's investigators
are capable of making a thor-
ough and impartial analysis of
this event," Farmer said.

Earth First! attorney
Richard Jay Moller said the logger
who killed Chain "acted
contrary to a proper regard for
human life." Moller also said
the investigation should extend
to PL's procedures for dealing
with non-violent protesters it
encounters in the woods.

Chain was one of about a
dozenz activists protesting the
illegal logging by PL on unsur-
veyed potential habitat for the
federally listed Marbled murre-
let.

PL reportedly had been
told by a state Department of
Fish and Game (DFG) official to
amend its Timber Harvest Plan
(THP) to include a written
request for permission to open
a road into the parcel near
Grizzly Creek. After the inci-
dent the California Department
of Forestry and Fire Protection
(CDF) visited the site where
Chain was killed and found
PL's logging activities were in
violation of THP 1-97-172.

PL did not follow the DFG
instructions with regard to the
THP and instead began cutting
the road prior to gaining per-
m ission. CDF has not yet ruled
whether it will seek prosecu-
tion for the violation.

Moreover, many activists
believe Chain's death could
have been prevented had the
CDF followed proper proce-
dures in monitoring and
enforcing THPs.

"The CDF is perhaps the
most out-of-control agency in
the state government," said
Paul Hughes, Executive
Director of Forests Forever.
"Time and time again the CDF
fails to enforce the laws it is
responsible for upholding."

PL was cited for over 100
see "Chain," p. 6, col. 4

ESA recently noted species-protec-
tion weaknesses in S. 1180.
Species could wait up to six
and a half years between the
time they are listed and the
time protective measures are
implemented, the report said.
S. 1180 also would eliminate
the currently required designa-
tion of critical habitat cur-
rently with the listing of a
species.

The bill would reduce gov-
ernment agency accountability
when overseeing land-use or
fisheries management plans
and would limit public partici-
pation in the recovery process.

Congressional Research Service
From Jan. 1 through Aug.
31 Forests Forever had collect-
ed and mailed to key decision-
makers 1425 letters in opposi-
tion to S. 1180 and in support of
a strengthened ESA.
— S.W.
“PL is being compensated far too generously under the ‘deal,’” Fletcher said. “It sets a bad precedent for future government acquisitions, especially considering much of the land they are being paid for is already protected under the ESA.”

Forests Forever currently is gathering public comments on the flawed HCP (see Action Rolodex, p. 6). In September Forests Forever gathered 1306 comment letters to wildlife officials reviewing the HCP.

— S.W.

Project study concluded, “logging increases fire severity more than any other recent human activity” in the Sierras.

From Jan. 1 through Aug. 31 Forests Forever distributed 2150 alerts on the Brown bill, asking citizens to write their members of Congress urging them to co-sponsor the measure.

— S.W.

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

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San Francisco, CA 94103

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Please remove me from the newsletter mailing list.