Forestry bill advances in state Senate following Assembly floor victory

Landmark legislation to strengthen California’s timber harvesting regulations moved from the state Assembly to the Senate in recent months, then passed the Senate Committee on Natural Resources and Wildlife.

Now the bill goes to the Senate Appropriations Committee where it faces what may become a long hot summer of committee hearings and floor votes.

Assembly Bill (A.B.) 717, the “Closing the Logging Loopholes” bill, posted the committee victory after overcoming its biggest hurdle to date: clearing the Assembly floor in January.

“The bill’s surviving its Assembly floor vote was a major achievement for forestry reform,” said Mark Fletcher, president of Forests Forever’s board of directors. “Public pressure defeated timber lobbying and persuaded legislators that the time has come for this modest but much-needed change.”

On Jan. 26 A.B. 717 passed out of the Assembly on a slim margin of victory: 44 ayes to 29 noes (41 votes were needed for passage). The bill had been heavily amended, pared down to a bare-bones “vehicle” to survive the floor vote.

Then on Apr. 11 a reconstituted version passed Natural Resources by 5 ayes to 2 noes, with 2 absent or not voting. This was a very close victory as five votes were needed for passage out of the nine-member committee.

Prior to the Natural Resources vote the bill’s author, Assembly Speaker Pro Tem Fred Keeley (D-Santa Cruz) made another round of amendments. This time he strengthened the measure, adding back language to provide a strong science-based watershed assessment program that would help protect and restore California’s forest lands.

During these latest battles, support from Forests Forever contributors once again proved crucial in conquering heavy timber industry lobbying.

In preparation for the votes Forests Forever mounted an intense campaign. This was the culmination of more than a year of Forests Forever organizing on the Keeley legislation.

In 1999 Forests Forever canvassers picked up 16,052 constituent letters and obtained 60,733 commitments for more letters, phone calls, FAXes and e-mails on the Keeley legislation. In addition we garnered 141 commitments to visit district offices of legislators in support of the legislation.

Forests Forever also directly contacted environmental groups throughout the state to enlist their support. Letters and phone calls to these groups had generated 13 organizational endorsement letters at press time and 41 verbal group endorsements and unofficial promises of support.

This additional organizing helped convince Assembly members that the measure enjoys broad-based support beyond the core environmental resources vote the bill’s author, Assembly Speaker Pro Tem Fred Keeley (D-Santa Cruz) made another round of amendments. This time he strengthened the measure, adding back language to provide a strong science-based watershed assessment program that

Seattle protests halt global logging free-for-all

Tens of thousands of activists shocked the world and corporate global trade negotiators by shutting down World Trade Organization (WTO) discussions in Seattle late last year.

And though it was less well-publicized, protesters at the same time ended key WTO talks designed to eliminate tariffs on timber products.

This timber proposal, referred to by opponents as the Global Free Logging Agreement (FLA), could have increased logging worldwide by over one million acres per year.

In a joint statement released in June, 1999, Sierra Club, Rainforest Action Network and 15 other environmental and social justice groups said, “The WTO is bad for forests. Measures to expedite trade in forest products will increase consumption without concurrently implementing conservation measures.

“In the WTO, trade provisions are supreme...
Let’s replace half-baked political rhetoric with the ‘whole loaf’ of watershed analysis

“A key principle at the core of our campaign for A.B. 717 has been watershed analysis (a.k.a. watershed assessment). Properly done, watershed analysis would move us beyond the current one-size-fits-all approach to forestry regulation. The existing scheme applies a single set of standards (inadequate at that) to logging activities everywhere, regardless of local conditions.

Replacing this outmoded approach, watershed analysis would take a site-specific look at the on-the-ground impacts of timber removal. To do so watershed analysis would use actual measurements of changes in stream temperatures, the prospect of massive erosion on certain slopes and soils, and the like.

The National Marine Fisheries Service (NMFS) has said, in effect, that site-specific analysis is needed to allow the agency to clarify and implement important parts of the Endangered Species Act.

Thus the ultimate survival of forest-dependent wild Coho salmon, of which NMFS is the chief trustee, depends on our doing quality watershed analysis. So do the fates of Marbled murrelets, spotted owls and many other critters.

A.B. 717’s success since it was first introduced last February — and the posting of a flurry of rule packages since then — apparently have jolted the Davis administration into trying to beat us to the regulatory punch.

What the board approved is a sort of will-o’-the-wisp rule package. It looks just enough like earnest regulatory reform to bait the unwary into believing it solves the forestry problem (recall the second condition for opposing half measures).

The governor’s timing was strategically important: By addressing forest degradation “through the existing channels” he may be seeking to undercut momentum toward real reform. “A.B. 717 isn’t needed,” could be the justification we will hear later this year if and when he takes veto pen in hand.

By masquerading as a real solution Davis’ half steps risk deluding the press and public long enough for costly reform campaigns to fizzle. It’s no doubt exactly what many politicians are hoping for, and Davis’ weak environmental track record as governor thus far indicates he may be among that set.

“Compromise is often necessary,” archdruid David Brower wrote, “but it ought not to originate with environmental leaders... If we cannot find enough vigor in us or our friends to win, then let someone else [an elected official, usually] propose the compromise, which we must then work hard to coax our way.

“We thus become a nucleus around which activists can build and function.”

The best nucleus now for forestry reform is A.B. 717, which with concerted effort we can enact by this fall.

And when we do we suspect we will come to see that the whole loaf A.B. 717 represents is barely sufficient to meet the need at hand.

— Paul Hughes
Forests Forever special event raises funds, spirits

It was the first-ever gala for Forests Forever, and its success seems to ensure there will be many more to come.

Held at the San Francisco home of Forests Forever supporter Gretchen Dianda, the Sept. 9, 1999, reception in Pacific Heights was attended by about 50 persons. Along with Dianda, San Francisco Supervisor Gavin Newsom co-hosted the evening’s festivities.

Newsom’s PlumpJack Management Co. donated wine and hors d’oeuvres. Black-and-white photos from award-winning nature photographer Robert Buelteman were on display, with a portion of sales proceeds benefiting Forests Forever (see Buelteman photo, page 1).

We raised over $13,000 through the generosity of the night’s attendees (see sidebar below).

“The main benefit of the event, though, wasn’t short-term income,” said Forests Forever Executive Director Paul Hughes. “Instead we looked to (the event) to cultivate our political and financial contacts for the future. Many of those in attendance will help in the coming months and years to provide support for our grassroots organizing campaigns.”

During the evening Newsom spoke in support of Forests Forever’s work and criticized U.S. Sen. Dianne Feinstein’s backing of the recent Quincy Library Group federal legislation, which sets a bad precedent for logging practices in national forests.

Board president Mark Fletcher talked about our increasing emergence as a force in forestry politics and Hughes discussed our approach — generating thousands of constituent messages on any given campaign — and our efforts for the Giant sequoias and the Keeley bills (see articles, pages 4 and 1, respectively).

One of the highlights was a 15-minute slide show presented by Santa Cruz forestry activist Betsy Herbert, a member of Forests Forever’s Advisory Council. Herbert shared photos of watershed damage caused by destructive logging practices in the Santa Cruz area, as well as inspiring shots of healthy forests and wildlife.

The gala showcased a new string quartet calling itself Cantilena. The musicians — former Forests Forever staff member Sarah Mullen and Karen Shinozaki, Rick Shinozaki and Jeff Watson — donated their time and considerable musical talent.

The evening was fun, informal and memorable. “It was a great first-year effort,” Hughes said. “We look forward to doing something similar every year.

“Forests Forever especially would like to thank Gretchen Dianda for her gracious generosity and hospitality.”

— B.Y.
In environmental politics today it is perhaps the closest thing to a magic bullet solution that exists: preservation of undeveloped land as a national monument.

On Apr. 15 President Bill Clinton made his official announcement designating 328,000 acres of Sequoia National Forest as the new Giant Sequoia National Monument (GSNM).

Joining forces with other environmental groups, Forests Forever recently had urged President Bill Clinton to issue an executive order establishing the monument. Such designation will safeguard most of the last remaining Giant sequoia groves from future logging and other destructive activities.

"Conventional multiple-use management actions of logging and roadbuilding have caused, not prevented, ecosystem losses and damage," said Ara Marderosian of the Sequoia Forest Alliance. Marderosian was among environmental advocates, including Forests Forever staff and supporters, who attended public hearings for the proposed monument Mar. 17 and 18 in Visalia and Fresno respectively.

"New methods must be used to protect, preserve and restore the ecosystem for future generations," Marderosian said.

On Feb. 14 Clinton sent U.S. Department of Agriculture Secretary Dan Glickman a letter directing him to review the establishment of the new GSNM and come up with a recommendation. Clinton gave Glickman 60 days to complete the task.

Clinton used his authority under the 1906 Antiquities Act to create GSNM, which purportedly covers 35 groves of previously unprotected sequoias, plus surrounding buffer lands. The act enables the president to permanently protect lands of historical or scientific value.

There are only 75 Giant sequoia groves left on Earth. Fewer than half of these are protected — in the Yosemite, Sequoia and Kings Canyon national parks and a handful of other preserves.

The monument encompasses some of the most-intact unprotected ancient forests in the Sierra Nevada, along with damaged lands whose restoration will boost the health of the sequoia groves and their ecosystem.

"Logging throughout the Sierra Nevada has caused loss of Giant sequoia habitat, losses of water quality, erosion, stream and river sediment accumulations, losses of recreation quality and recreation economics and the scientifically confirmed annual 7 to 10 percent declines in California spotted owl populations in the entire Sierra Nevada."

Two new ways to contribute to Forests Forever

Donors to the Forests Forever Foundation are now helping many ways. Those who wish to leave a lasting legacy toward our work now can establish a tax-deductible bequest to the foundation.

We also now can receive deductible gifts of appreciated stock.

For information on bequests please call our accountant, Russell Stanaland, CPA (650/548-1700) and mention your interest in a "charitable remainder trust" to the Forests Forever Foundation.

For stock gifts phone the Foundation office and ask for Paul Hughes, Executive Director (415/974-5927).

As ever, the Foundation greatly appreciates the generosity of its donors.
coalition that has labored to pass the bill. Other coalition groups are EPIC, Sierra Club California and Santa Cruz-based Citizens for Responsible Forest Management.

The measure is co-authored by Assembly members Ted Lempert (D-Palo Alto), Dion Aroner (D-Berkeley), Sheila Kuehl (D-Santa Monica), Carole Migden (D-San Francisco), Kevin Shelley (D-San Francisco) and Mike Honda (D-San Jose).

In the Senate Byron Sher (D-Palo Alto) has signed on as the principal co-author, and Jackie Speier (D-San Francisco/San Mateo) also has co-authored.

Forests Forever sent “away teams” of organizers to the districts of Kuehl and Hannah-Beth Jackson (D-Santa Barbara) in September and October, 1999, respectively.

In negotiations for the bill’s passage out of the Assembly, Keeley in January amended A.B. 717, dropping previous provisions regarding penalties.

This language would have established strict civil and criminal fines for committing logging violations. Opposition by a conservative pro-business faction of Democrats forced Keeley to abandon these provisions, according to a key observer.

A.B. 748, the “Timber Harvesting Plan Fee” bill, also fell victim to intense timber industry opposition. That measure, Keeley’s companion to A.B. 717, also had cleared Assembly committees last spring.

A.B. 748 would have required the California Department of Forestry (CDF) to adopt a fee schedule for the submittal of Timber Harvesting Plans (THPs), with a cap of $1000 per THP filed.

“Keeley decided to withdraw A.B. 748 in order to help ensure 717’s passage out of the Assembly,” Fletcher said. “He hopes to revisit the issue of THP fees at a later date. This was a setback but not an irreversible one.

‘A.B. 717 still faces some formidable challenges in the months ahead. There is much industry resistance to enacting enforceable legislation that would ensure the protection and restoration of our forests and watersheds.’

“The fact that Keeley chose to shelve A.B. 748 when it became apparent that both measures could not pass the Assembly floor reflects his determination to enact the reforms in A.B. 717.”

Watershed protection prescriptions also had been removed from A.B. 717 to help facilitate floor passage. These prescriptions recently were rewritten and reinstated just prior to the Senate Natural Resources Committee hearing.

In its current strengthened form A.B. 717 would require that watershed analyses be designed and implemented by independent experts and subject to public comment and independent scientific review.

It also would improve coordination between the CDF and other “responsible agencies,” involved with water quality and fisheries, in the THP review process.

For the state Legislative Counsel’s digest of A.B. 717 and information on how to locate the complete text of the bill see sidebar below.

Now the bill faces the Senate Appropriations Committee. Passage from Appropriations by Aug. 18 would move the measure to the Senate floor for a vote before Aug. 31.

see “A.B. 717,” p. 6, col. 1

BILL NUMBER: AB 717 AMENDED BILL TEXT

AMENDED IN SENATE APRIL 24, 2000
AMENDED IN SENATE APRIL 4, 2000
AMENDED IN ASSEMBLY JANUARY 20, 2000
AMENDED IN ASSEMBLY JANUARY 18, 2000
AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY APRIL 27, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999

INTRODUCED BY Assembly Member Keeley (Principal coauthor: Senator Sher)
(Coauthors: Assembly Members Aroner, Honda, Kuehl, Lempert, Migden, and Shelley)
(Coauthor: Senator Speier)

FEBRUARY 24, 1999

An act to add Section 4582.65 to, and Article 7.6 (commencing with Section 4595) to Chapter 8 of Part 2 of Division 4 of, the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL’S DIGEST

AB 717, as amended, Keeley. Timber harvesting plans: watershed areas.

Existing law, the Z'berg-Nejedly Forest Practice Act of 1973 (the Forest Practice Act), prohibits a person from conducting timber operations, as defined, until the person files a timber harvesting plan with the Department of Forestry and Fire Protection, in accordance with specified requirements.

The act requires that a timber harvesting plan include specified information relating to the conduct of timber operations, and requires the department, with respect to a timber harvesting plan filed with the department, to consider all comments and recommendations received from responsible agencies and from the public during the public comment period on the plan.

This bill would provide that, notwithstanding prescribed provisions of law, the department shall require compliance with all responsible agency, as defined, recommendations that are based on substantial evidence, unless the director makes a written finding that the department’s own mitigation measures would result in equal or greater conservation and protection and restoration of fisheries, wildlife, beneficial uses of water, recreation and other public trust values.

The bill would also provide for a watershed analysis program and would require any watershed analysis process or assessment designed to comply with the Forest Practice Act to conform to provisions of this bill relating to appropriate scientific review, public comment, and public agency participation.


For the complete text of A.B. 717 call the Legislative Bill Room at the State Capitol: 916/445-2232 or visit: http://www.leginfo.ca.gov/bilinfo.html
over the laws of nations, taking power away from local communities and governments and giving it to corporations,” the statement continued. “This makes (WTO) a direct threat not only to the world’s remaining forests, but also to basic individual and states’ rights.”

The WTO is an international regulatory and judicial organization involving 134 member nations and 33 observer countries. Wealthy industrialized countries such as the United States and Japan effectively control WTO, however.

Through the WTO these nations seek to eliminate tariffs and environmental laws to make it easier for transnational corporations to pursue profit-making, according to the Working Group on the WTO/MAI (Multilateral Agreement on Investments).

The Working Group and many other activist organizations regard the WTO Dispute Settlement Process as the epitome of an anti-democratic system. “The WTO allows countries to challenge each others’ laws and regulations as violations of WTO rules,” the Working Group said. “A panel of three trade bureaucrats decides cases. There are no conflict-of-interest rules and the panelists often have little appreciation of domestic law or of government responsibility to protect workers, the environment or human rights.”

The countries involved in the WTO began meeting in 1995, forging trade agreements and establishing a global trade court meant to resolve trade disputes between nations. Advocates of the WTO say the process is meant to promote free trade while protecting environmental and labor standards, at the same time strengthening the economies of developing nations.

Critics, however, charge that the actual results of WTO decisions contradict this claim. According to the Working Group, WTO tribunal courts meet in secret and are not required in any way to reveal their deliberations to the public.

“Thus it is not surprising that every single environmental or public health law challenged at WTO has been ruled illegal,” said the group. For example, in 1996 Venezuela, at the urging of its resident oil companies, sued the U.S. in the WTO court. The plaintiffs alleged that the U.S. Clean Air Act was preventing them from selling a lower-grade, more air-polluting oil in American markets.

The WTO court ruled against the U.S. environmental regulation, saying it was an unfair barrier to trade. The court then gave the government a choice—between paying a $150 million-per-year compensation to Venezuela, or weakening the clean air statute.

“As a result, the Environmental Protection Agency, which administers the Clean Air Act, has been forced to rewrite its standards to allow dirtier gasoline,” said the International Forum on Globalization. “One of the end results will be an increase in health problems in the U.S.”

Both the original WTO dispute resolution panel and the appellate body also ruled that the U.S. had failed to prove that it had used the ‘least trade restrictive’ measures to enforce its standard.”

According to an analysis published by Ralph Nader’s non-profit group Public Citizen, “This case is a classic example of the WTO’s democracy threat because the losing rule had withstood all challenges available through the U.S. democratic process.”

Because of this and many other similar horror stories, concerned citizens around the world have become increasingly alarmed about, and active in stopping, the further erosion of environmental standards by the WTO.

In December, 1999, the WTO attempted to hold its first meeting on American soil, in Seattle. Up to 75,000 labor, environmental and social justice activists — including several Forests Forever staff members and supporters — converged on the city. They sought to make it impossible for the WTO talks to proceed.

By sitting down in the streets and bearing the attacks of police who fired rubber bullets at them and wielded tear gas, the Forests Forever protests were a success. The WTO talks were postponed until May 1999.

“WTO” continued from p. 1

“A.B. 717” continued from p. 5

The Senate version of the bill must return to the Assembly for another floor vote based on its new amendments. The differences between the Assembly and Senate versions also can be worked out in a conference committee.

Only upon passage from both houses can a final A.B. 717 be sent to the governor’s desk for his signature or veto. Sept. 30 is the last day he can sign the bill into law.

“A.B. 717 still faces some formidable challenges in the months ahead,” Fletcher said. “There is much industry resistance to enacting enforceable legislation that would ensure the protection and restoration of our forests and watersheds.

“Public support is crucial to the bill’s ultimate success. And that will depend on showing the legislators that the tide is turning on this issue.”

Forests Forever’s push to enact the forestry reforms of A.B. 717 began Nov. 30, 1998, with a petition drive to convince the state Board of Forestry (BoF) to adopt an emergency rule package. At the Feb. 3, 1999 hearing on the package the BoF, as expected, rejected our proposal, which was designed to protect impaired watersheds and downstream residents. Shortly after the hearing Keeley introduced Forests Forever’s rule language verbatim as A.B. 717.

Keeley and the environmental coalition including Forests Forever used the time since then to build increased public support. — B.Y.
“GSNM” continued from p. 4

half years.

“Many of the local people take this magnificent forest for granted and they don’t seem to realize that it is one of the most beautiful forests in the entire world,” said Carla Cloer, who testified at the public hearings. Cloer is a Porterville resident, respected sequoia activist and co-founder of Sequoia Forest Alliance, a local conservation organization.

“The unfounded fears of local people will be replaced by the pride of living in and near the nation’s newest national monument,” she added. “Most activities that currently occur on this forest will continue, but the forest will be more beautiful every year as it heals from decades of assault from logging and road-building.”

The environmental coalition working to create the new GSNM includes Forests Forever, California Wilderness Coalition, NRDC, Sierra Club, Sequoia Forest Alliance and Sierra Nevada Forest Protection Campaign.

For more information on GSNM and Forests Forever’s efforts on behalf of the sequoias, visit our website at http://www.forestsforever.org

Before the current national monument campaign Forests Forever fought to pass the Sequoia Ecosystem and Recreation Preserve Act (SERPA), H.R. 2077. SERPA was authored by the late Rep. George Brown, Jr. (D-San Bernardino). The SERPA campaign has run continuously since August, 1998. If signed into law this bill would preserve virtually the same area as GSNM.

Forestry reform advocates lost a close ally when Brown died July 15, 1999. To date no one has come forth to re-author SERPA. Brown’s widow, Marta Macias, who probably would have authored the bill, ran for the vacant seat but lost in the special election primary last fall. Brown’s seat was filled instead by former state Sen. Joe Baca (D-San Bernardino).

The campaign to create Giant Sequoia National Monument has continued in the spirit of SERPA and the late Rep. Brown.

— Kristin Kirk

President Clinton’s GSNM letter to U.S.D.A. Secretary Glickman

The White House
Washington
February 14, 2000

The Honorable Daniel R. Glickman
Secretary of Agriculture
Washington, D.C. 20250

Dear Dan:

More than half of California’s remaining giant sequoia groves, which contain the largest and many of the oldest trees in the world, lie outside Kings Canyon/Sequoia and Yosemite National Parks and within the Sequoia National Forest. I want to ensure that these majestic cathedral groves, which John Muir called “Nature’s masterpiece,” are protected for future generations to study and enjoy.

I would appreciate your review of this matter and your recommendation regarding whether appropriate stewardship for the sequoia groves warrants exercise of my authority under the Antiquities Act to extend permanent protection to objects of historic or scientific interest on federal land. As you know, legislative proposals have been introduced over the last decade, but not enacted, to provide permanent protection for the sequoias, and a number of others have proposed Antiquities Act protection for unprotected sequoias. Dr. Edgar Wayburn, Honorary President of the Sierra Club, mentioned this to me when I awarded him a Presidential Medal of Freedom last summer, and he also has written me about the subject.

As part of your review, please consult with appropriate members of Congress, as well as tribal, state, and local officials and other interested parties, and carefully consider their views in making your recommendation. I would also like you to draw on the scientific and management expertise of the National Park Service, regarding sequoia groves located on their lands.

Please make your recommendation on this matter within sixty days. I will carefully consider your recommendation in the context of our ongoing efforts to protect our most valuable and unique lands for future generations to enjoy.

I look forward to receiving your guidance.

Sincerely,

Bill Clinton
Contrary to portrayals in the mass media that focused on scuffles with police and acts of vandalism, WTO protest activities were carefully planned for months and were designed to be nonviolent and non-confrontational.

Lynn Stone of The Ruckus Society, an organization that specializes in nonviolence training workshops, described the preparation: "Starting in the summer of 1999 we and other groups like Global Exchange, Art and Revolution, and Rainforest Action Network began organizing for nonviolent direct action in Seattle.

“Our efforts were crystallized in September of '99 at the Ruckus Society’s ‘Globalize This’ action camp in Arlington, Washington, where we and many other organizations, under a coalition called the Direct Action Network, kicked off three months of intensive nonviolent action training in preparation for the Seattle protests.”

Eyewitnesses say few instances of property damage occurred, with the only noteworthy violence being that of the police against peaceful protesters. Lawsuits now are pending against the city and police department of Seattle, which are charged with overreactions and mishandling of the protests.

The end result of all the planning, meetings and peaceful demonstrations is that the WTO can make no further agreements until its next meeting. This is said to be slated for October in the Czech Republic.

Thus the FLA and other anti-environmental and similar pacts within the WTO’s jurisdiction at least temporarily are off the WTO negotiating table.

The coalition of environmental, labor, consumer and human rights groups has gained strength as a result of the Seattle WTO/FLA actions. Together these groups have vowed to continue monitoring similar economic and trade talks as they occur in the future and to organize demonstrations.

Organizers hope decisions such as the one made in the Venezuela case never again will overturn environmental and human rights protections.

— Eric Brooks

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