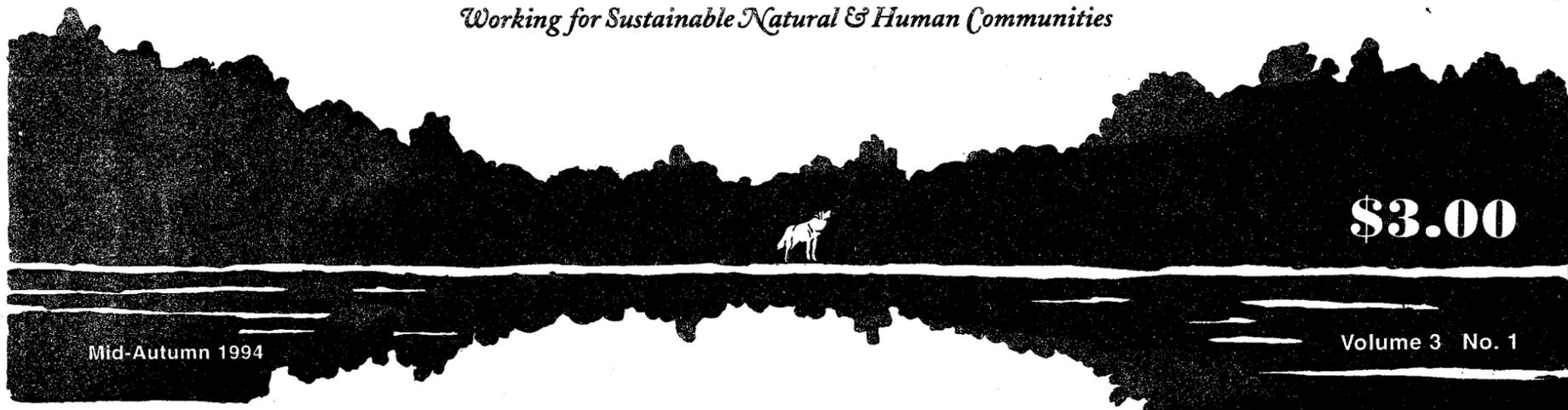


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Working for Sustainable Natural & Human Communities



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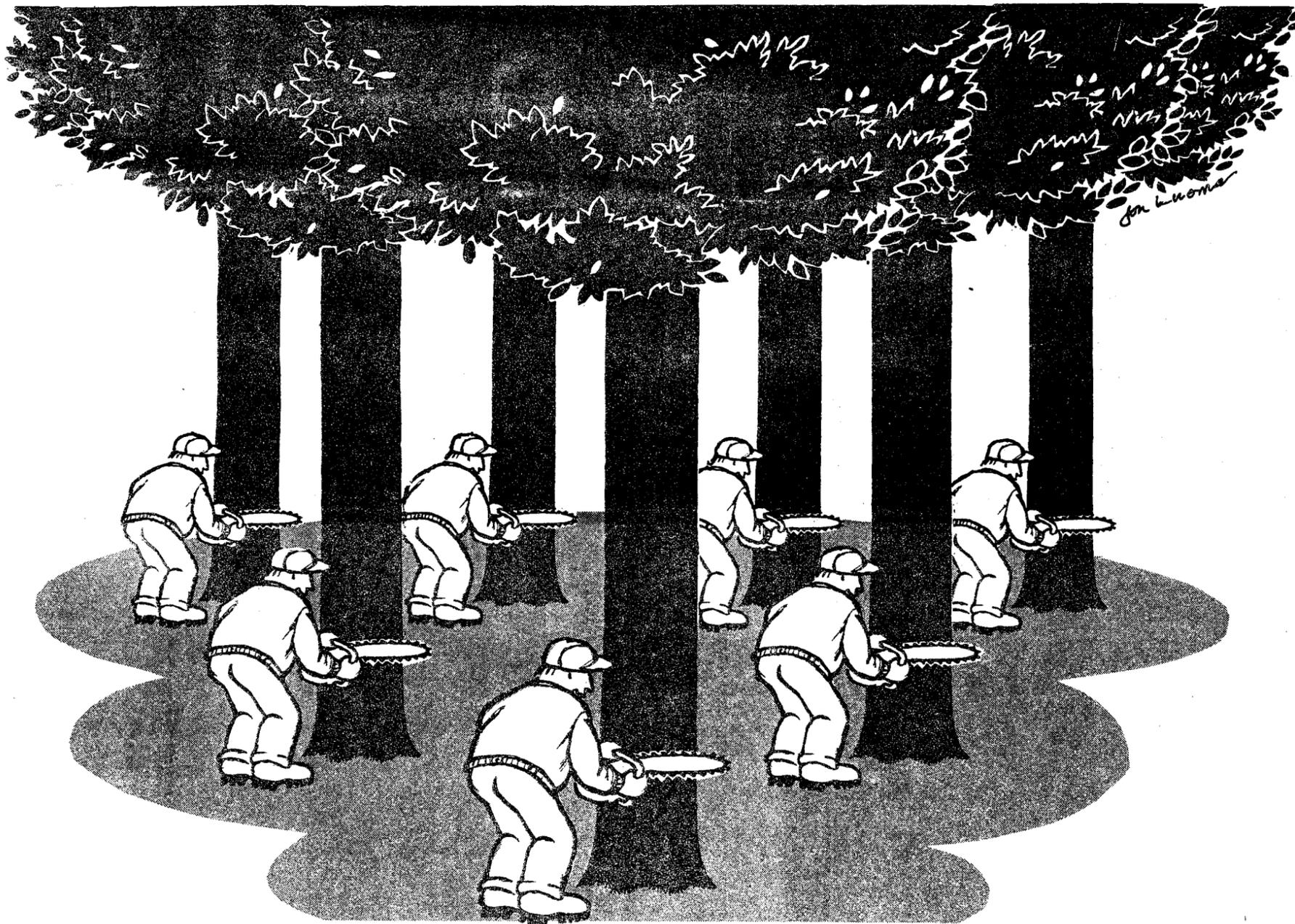
Volume 3 No. 1

South African-Led Group Buys 900,000 Acres of Maine

➤ Council Final Recommendations Fail to Address Regional Crisis

➤ Council Offers No Help for Large Land Sales

➤ Council's Good Work Undercut by Industry Bias



Inside

➤ An Ethic Aborning~A Celebration of New York's Forever Wild Covenant

➤ Bill McKibben on Council's Curious Avoidance of Adirondacks

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New York's 'Forever Wild' Covenant Has Really Served the Region Well

In the Seventeenth Century, the Catholic Church excommunicated Galileo for maintaining Earth revolves around the Sun. This observation of physical reality was at odds with the Church's tenet that Earth lay at the center of the solar system. The Church possessed the *political* power to force Galileo to retract, but not the *physical* power to force Earth and Sun to cooperate with its human conceits.

We have just replayed this tragic drama in the Northern Forest region. The timber industry and its friends possessed sufficient political clout to obstruct honest, thorough inquiry by the Northern Forest Lands Council into the root causes of the region's ecological, economic, social and cultural crises. The timber industry, like the 17th Century Catholic Church, could control the political process to maintain the happy myth that the large, absentee landowners have "served the region well." But, like the 17th Century Church, it lacks the power to change ecological and physical reality.

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And therein lies the tragedy of the NFLC and the Northern Forest region.

Elements of the Council recognized that so long as markets reward short-term, unsustainable behavior, the crisis will persist. However, the Council as a body, refused to tackle this problem because of timber industry—and property rights—veto. So, the Council's final report *Finding Common Ground* lays out a not very coherent amalgam of recommendations designed—it hopes—to buttress a collapsing status quo. In essence, the Council closed its eyes to reality and hoped thereby to sustain the unsustainable.

But, even before the Council issued *Finding Common Ground*, events had rendered it largely irrelevant. The sale of 900,000 acres in Maine to a consortium headed by Sappi, Ltd., a South African pulp and paper company, completes the cycle that began the NFLC process six years ago—the sale of a million acres once owned by Diamond. Alas, the Council offers us scant assistance in dealing with these junk-bond-financed mega-sales of our biological birthright.

The ecological news is equally disheartening. The number of native taxa that are rare, threatened or endangered in northern New England is truly alarming. Clearly biotic integrity cannot be maintained by business as usual.

Unfortunately, the NFLC played politics with science. It refused to conduct honest scientific inquiry into forest practices and the status of biodiversity. It ignored the ecological success story of the Adirondack Park, whose state lands are protected by constitutional amendment. Instead, the Council cited work in Maine that has been seriously encumbered by the same sort of political negativity that doomed the work of the Council.

Its recommendation 21 for the establishment of a small network of ecological reserves is based more on politics than sound science. When we honestly assess the biodiversity crisis in the region, I am confident we'll discover we need a network of large reserves throughout the region that are connected to reserves throughout the continent.

So long as policy on ecological issues—whether forest practices or the establishment of ecological reserves—is corrupted by politics, the real problems will go unaddressed, and the crisis will worsen. And as long as powerful interests are able to subvert the democratic process, political polarization—Pacific Northwest-style—will worsen in this region.

What is needed is honest inquiry into the consequences of our past and proposed actions. Give us the scientific assessment. Then we can begin to wrestle with the thorny political issues. But, if policy makers are going to continue to feed us shallow or dishonest studies, the general public will respond the way a medical patient would react to learning that her doctor was on the payroll of

a large pharmaceutical company and that he was intentionally misdiagnosing her.

I believe the majority of the citizens of this region want fair play, a healthy economy that meets real needs of the locals, and a healthy environment to pass on to future generations. The status quo is failing us on all counts. The failure of the Council process and the spectacle in the past few weeks in Congress has convinced a large number of citizens that the political process in the United States today has no interest in honestly and adequately addressing the ecological and cultural crises facing us.

If true, then we must not only do the work ourselves, but we must assume that state, local and federal governments will not willingly cooperate. In the short-run, defenders of the status quo may prevail, but in the long run, neither government, nor industry can make the unsustainable sustainable.

What happens as the status quo unravels? Public outrage over unsustainable forestry is forcing states to deal with the issue. Citizen-based initiatives for sustainable forestry are growing (see pages 26-27).

Maybe the failure of the public process is a blessing in disguise. We have grown too accustomed to relying on others to solve our problems. It's time for us to reassert ourselves and assume responsibility for our destiny. If we abide by the limits of ecological and physical reality, we'll prevail, just as Galileo eventually prevailed over his oppressors.

Despite the sale of five percent of Maine to Sappi, despite the Council's failure, there is much to celebrate this gorgeous autumn. Cougars are returning to the region. Citizens of the Northern Forest are organizing to do the real work that the Council refused to do.

And, we have an unrivaled model for land protection in the region—Article 14 of the New York State

Constitution. Someday soon, Maine, New Hampshire, and Vermont will act decisively to protect public lands by adopting a "Forever Wild" constitutional amendment. What better way to celebrate the Centennial of Article 14 than to enter the second century of the "Forever Wild" covenant by launching a campaign for similar protection throughout the region? It's up to us.

—Jamie Sayen



2nd International Temperate Forest Conference November 9-13 in Missoula, MT

The Second International Temperate Forest Conference will be held at the University of Montana in Missoula, November 9-13, 1994. Convened by the Native Forest Network, the intent of the conference is to bring together forest activists, indigenous peoples, conservation biologists, and NGOs to develop strategies aimed at ending industrial forestry by multinational corporations and preserving temperate forests worldwide.

For further information, contact: Jake Kreilick, Ecology Center, 101 E. Broadway, Room 602, Missoula, MT 59802; tel. 406 728-0867

In Memoriam Brent Halsey, Jr.

Brent Halsey, Jr., Vice President of the Fine Papers Division of the James River Corporation was shot and killed in his office in Upper Southampton, Pennsylvania on Friday, October 7 by a former James River employee who had been dismissed six years ago. Halsey, aged 39, is survived by his wife and three children. Mrs. Halsey is expecting a fourth child.

Until recently, Brent had been working at the Old Town office trying to sell off the Diamond lands JR had purchased. He was quite willing to sell paper company lands to the public.

I got to know Brent while participating in the work of the Land Conversion Subcommittee of the Northern Forest Lands Council. His March 1992 presentation to the Council of the details of the Diamond land sale of 1988 was fascinating and highly informative. Although he and I disagreed strongly on many issues, I found him to be an open and accessible individual.

The *Forum* conveys its sincere sympathy to his family.

—Jamie Sayen

Illustration Credits

Cover, p. 7—Jon Luoma

Mast, p. 2, 8, 27—Rachel O'Meara

p. 7—Sue Szwed

Fish & Wildlife Confirms Cougar Scat Found in Craftsbury, Vermont

by Fife Hubbard

As conclusive evidence of mountain lions in the Northern Forest mounts, pressure builds that will eventually force regional wildlife officials to acknowledge the presence of viable breeding populations of the animal in the east; and judging from the evidence compiled in just the last few months this may happen sooner rather than later.

The most noteworthy news of cougars surviving in the Northern Forest came on September 15th when the Vermont Fish and Wildlife Department issued a press release stating that scat collected earlier this year in Craftsbury had finally been analyzed and did indeed contain cougar hair. The scat was retrieved following a sighting on April 2 by Mark Walker. Walker observed three cougars walking single file near Lake Eligo. He described the animals as "golden brown, about 2 1/2 to 3 feet high with dark tipped tails about three feet long."

This sighting is important not only because of its empirical verification, but also because the three cougars were seen in what was clearly a family group (adult cougars associate only during the mating season). Walker reported that two of the cougars were roughly the same size and one was noticeably larger. The mother and young of the species often stay together for up to 18 months. This sighting may be related to a report from campers at Elmore State Park, 10 miles from the Craftsbury sighting, of August 1993 when a lion was seen with two younger cats.

Cedric Alexander of Vermont Fish and Game pointed out that while it is impossible to tell where the cats came from, it is likely that the mother was raised in the wild because the chances of a wild cougar raising offspring to this age are far greater than those of a cougar raised in captivity and then released. This a refreshing change from the standard official stance that any cougar seen was most likely released from captivity, or an escapee from a circus.

Other Recent Cougar Sightings: In Lunenburg, Vermont on a Sunday evening late in July, Reba Hartshorn and her friend Catherine McLaughlin were finishing their usual walking route when they came across what they thought was the back end of a bear. As the animal turned it became clear to both women that the creature was not a bear, but a mountain lion that appeared

to be black. "He was in the road, walking back and forth across the road sniffing in the ditches like he was looking for scents or food. He was all black, very long, but his head was not awfully big. He was kind of slinking along." While the word cougar or mountain lion generally conjures up images of tawny cats, the sighting of black cats is not uncommon. In fact, data from many different researchers in the east shows agreement that roughly one-third of the cats reported are black.

The two women then got into their car and drove to Fish and Wildlife officer Bob Smith's house. The party returned to the sight, but no evidence of the encounter was found. Though officially the Vermont Fish and Wildlife Service maintains that the last eastern cougar in Vermont was shot in 1881 in Barnard, Smith told the women that the spot where they had seen the cougar was a habitual crossing were the cats have been seen before.

Another cougar sighting was reported by Mike Pelchat of the Parks Division of New Hampshire's Department of Resources and Economic

Development. On the afternoon of August 24 Mike, his wife and their dog were walking the newly completed Three Brothers Trail that connects Sanguinary Ridge with Table Rock in Dixville Notch. The trail runs parallel to Huntington Cascade at an elevation of 1,800' until it parts with the stream and heads up the ridge on the southern side of the notch into a beech forest. The dog was ahead of the two when it jumped something beside the trail and took off following the animal up the hill into the woods. Mike bore off at an angle that he figured might intersect the path of the two animals. Unbeknownst to Mike, the dog returned to his wife's calls from the trail after ten minutes. A quarter mile off the trail and five minutes after the dog had returned, Mike, looking uphill with the wind in his face, heard an animal running through the understory down the hill. According to Mike the sound was neither the skipping sound of a deer, nor was it the rustling of a squirrel. It was about 200' away when the front of the animal flashed through the hobble bushes. He described the head as blunt-nosed and catlike, held low as it

ran and was excited at the prospect of seeing a bobcat or lynx. It was not until the rear end of the cat appeared at a different opening that he knew it could be neither of these, "This time I saw the back end, a long tail 2 1/2 or three feet long and fawn colored. It was held straight up except for the tip that was black with some white mixed in that was pointed back at 90 degrees."

More recently a black mountain lion was observed in the backyard of a resident of a southern New Hampshire town west of Manchester. The cougar was seen scratching and spraying a stump and then defecated nearby. The scat has been collected and will be analyzed. The collector said that hairs were visible in the spore. Those hairs will be analyzed and if they are determined to be from a cougar it will be regarded as conclusive evidence (cougars swallow hair as a result of grooming themselves).

Incidentally, if a state game official tries the "escapee from a circus" line on you ask them as John Harrigan, editor of the *Coos County Democrat* does, "What happened to all the Giraffes?"



ACTION ALERT: You Can Help Save the Atlantic Salmon

We will be known to historians as a people with the wisdom and foresight to preserve this magnificent fish or we will be known as barbarians who were unmindful of their blessings or too ignorant to preserve them for our children. There is no middle ground.

—Report of the Commission to Study the Atlantic Salmon to the Governor of Maine, 1947

Two centuries ago, the rivers of New England were alive with wild Atlantic salmon. As many as 500,000 salmon swam up the rivers to spawn each year. Today, there are fewer than 2,000 salmon returning to all U.S. waters. After 200 years of blocking the rivers with dams, dumping toxic chemicals, clearcutting, and developing watersheds, we have driven the wild Atlantic salmon to the brink of extinction.

The American Atlantic Salmon is Threatened with Extinction

Thus far in 1994, the number of adult salmon returning to U.S. rivers is the lowest in recent history. Only 27 salmon returned to the Merrimack; 16 to the Androscoggin, 20 to the Sheepscot; and 21 to the Saco River. Even the mighty Penobscot River had just 1,000 Atlantic salmon return so far this year. Eight years ago, over 4,000 returned to the Penobscot alone. The anadromous Atlantic salmon is on the verge of extinction in the United States unless action is taken immediately.

Less than 2,000 Salmon Will Return

to the United States this Year

On October 1, 1993, RESTORE: The North Woods, the Biodiversity Legal Foundation, and Jeffrey Elliott petitioned the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to list the anadromous Atlantic salmon as a threatened or endangered species. If listed, the **Endangered Species Act** will provide a legal mandate to protect the Atlantic salmon and critical habitat vital to the survival of the species. The agencies will be making a decision in the next four weeks whether or not to protect the species. You have an opportunity to prevent the extinction of this magnificent species by contacting the decision makers—Mollie Beattie, Director of the U.S. Fish and *Continued on page 31*

South African Paper Co. Buys 900,000 Acres of Maine NFL Council Recommendations Offer No Help for Large Land Sales

by Jym St. Pierre

* [Ed. Note: Over Columbus Day Weekend, a consortium, headed by the South African Paper Corporation, Sappi purchased Scott Paper's S. D. Warren division, including more than 900,000 acres and two mills in Maine. The following article updates the troubled situation at Scott Paper Company.]

In the late 1980s, the sale of a million acres of the Northern Forest rocked the Northeast. The abrupt piecemeal sale of former Diamond International Corporation lands led to the establishment of the Northern Forest Lands Study and its successor the Northern Forest Lands Council by the U.S. Congress and the governors of New York and the Northern New England states.

Now, after millions of dollars spent studying how to protect the public interest in case another large forest ownership is sold and fractured, the Northern Forest Lands Council has issued its final report. While the report includes some intriguing recommendations, sadly, it does not recommend actions that would position the states or the federal government to respond quickly to the risks represented by the sale of another major ownership.

Such a sale is not abstract or hypothetical. In fact, it is occurring.

The lead story in the last issue (mid-summer 1994) of the *Northern Forest Forum* reported on the pending sale of the S.D. Warren Division of Scott Paper Company, including more than 900,000 acres and two paper mills in Maine as well as mills in other states. Since July the story of dramatic changes at Scott has continued to unfold, climaxing in the announcement on Columbus weekend of the sale of S.D. Warren to an investor group headed by a South African based pulp and paper company. Here is an update.

Al's Excellent Adventure

During the past six months Al Dunlap, new chairman and Chief Executive Officer at Scott Paper Company, has jarringly shaken a lumbering giant. He has a dramatic plan: (1) eliminate employees, mills and lands to cut costs; (2) reorient the multinational from forest products to consumer products with a focus on core brands and an emphasis on selling to institutions; and (3) expand offshore into new market regions with great growth potential. He insists drastic actions are necessary to salvage a company on the brink of collapse. ("It was call me, or call Dr. Kevorkian," he told the *New York Times*.)

Dunlap's critics, on the other hand, insist he is insensitively firing workers, recklessly selling off major assets including hundreds of thousands of acres of forestland and mills new and old, risking market share for important, established products, and exporting jobs—all while padding his own bank account.

Dunlap and his critics agree on one thing. By drastically downsizing Scott Paper Company, refocusing its corporate mission, and leaping into iffy new

markets, he has taken on the biggest challenge of his career. Unfortunately, the people of Maine may lose whether he succeeds or fails in salvaging Scott.

Losing Appeal

In the first quarter of 1994, S.D. Warren's profits fell 59 percent. After several years of on-again, off-again efforts by his predecessor to divest the entire Warren Division, Al Dunlap was ready for action. He immediately retained two Wall Street investment banking firms, Salomon Brothers and Goldman Sachs, to sell S.D. Warren, the largest producer of coated free sheet paper in the United States. But selling even a profitable paper company these days is not easy. Marketing a paper company that is hemorrhaging is more than a tough sell.

In late July, Scott issued a statement that the company's earnings had been boosted 71 percent in the second quarter. The news release did not isolate quarterly figures for the Warren Division. Only when pressed did Scott reveal that earnings for S.D. Warren had tumbled 95.6% in the second quarter over the previous year. Efforts to unload the Warren Division were accelerated.

Three companies had been rumored earlier as possible buyers for S.D. Warren: International Paper Company (IP), Weyerhaeuser Company, and Mead Corporation. By early August, IP had backed away from discussions. Evadna Lynn, an analyst for Dean Witter Reynolds, said, besides Weyerhaeuser and Mead, Georgia-Pacific, Union Camp and the Swedish company Stora were possible buyers.

Al Dunlap wanted desperately to find a summertime suitor who would sweep the Warren Division away, for a generous dowry, of course. However, as August wore on no marriage had been arranged. By September, all but Union Camp and Stora had pulled out according to Lynn.

Dunlap began to apply cosmetics in an effort to woo new attention. Workers were ordered to dress up the Westbrook plant, for instance. A "flowery scent" was sprayed over the pulp clarifier to sweeten the mill's infamous rotten egg odor.

But it is the smell of money that is attractive to potential new owners, and that perfume has been fading. In 1982, under the mandate of state policies intended to reduce dependency on foreign oil and to diversify Maine's energy mix, Central Maine Power Company (CMP) signed an expensive 15-year contract to buy power from S.D. Warren. Warren's Westbrook mill generates a surplus of about 100 megawatts. Though Scott would not confirm it, according to the Westbrook city planner, last year the mill made more money selling power to CMP than selling paper. Scott earned approximately \$20 million from \$47 million paid by CMP in 1993 for electricity generated at the Westbrook mill. For comparison, the five mills comprising the entire Warren Division earned only \$11 million in the first six months of 1994 from paper sales.

This windfall energy sales arrangement will not last. In 1997 Warren's high-yield CMP contract expires. Unless something can be done the mill

is likely to lose its major source of income, the taxpayer subsidized sale of electricity. And the City of Westbrook, long dependent on the Warren mill, is likely to lose a major piece of its tax base. So the city is proposing to create a municipal electric district that would buy power from S.D. Warren and resell it. The mill would be more likely to stay in business, the city would save millions for residential and industrial energy customers, and new businesses would be attracted to locate in Westbrook. At least that is the pitch being made to local voters who will decide in November whether to set up the public power company.

Central Maine Power is steamed at the prospect of losing customers. In early September CMP a letter to every customer in Westbrook warning that a new energy district would not preserve S.D. Warren or lower electric rates. Scott Paper, by contrast, was anxious to support any scheme that improved its chances of selling its Warren assets. Nor is the S.D. Warren paper mill in Westbrook the only Scott plant in Maine that has been making big bucks by selling power under a sweetheart deal to the energy utilities. Last year Central Maine Power paid Scott's Skowhegan mill \$47 million, the most paid by CMP to any independent power producer.

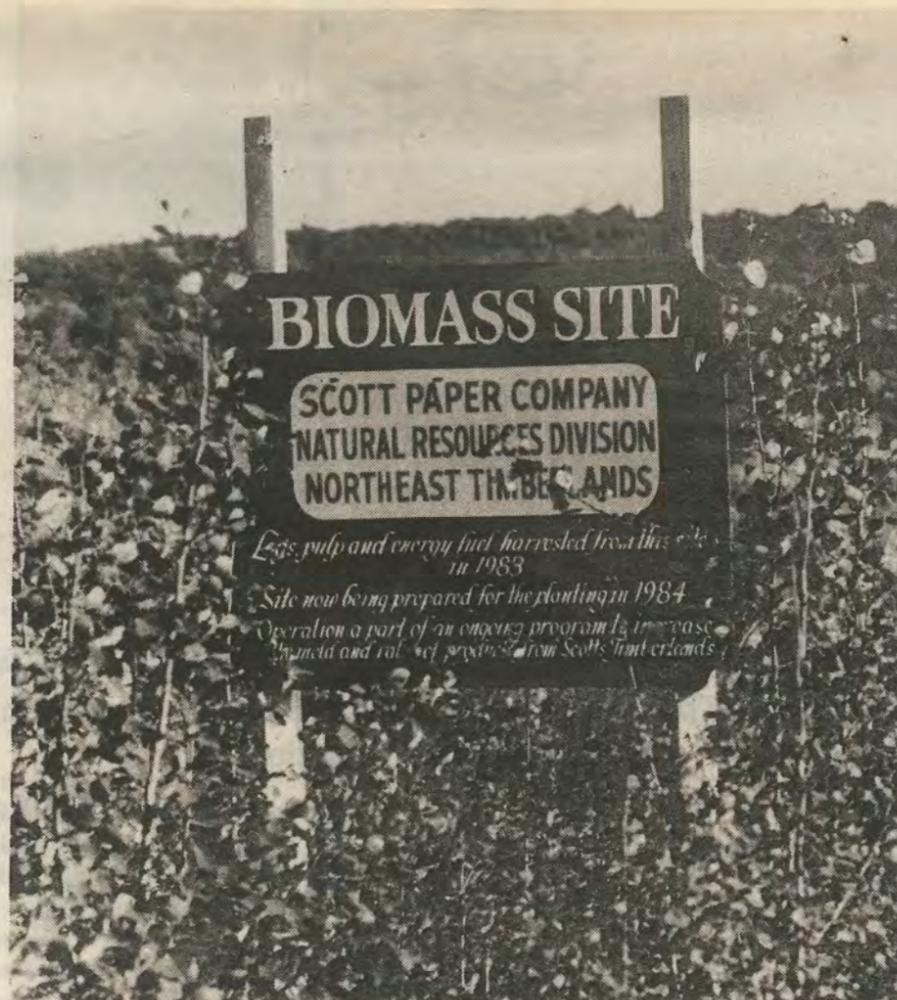
Finally a Marriage

Wall Street was working feverishly by fall to be able to announce the sale of S.D. Warren during the third quarter. They came very close. On September 18 the *London Sunday Telegraph* reported that Arjo Wiggins Appleton, an Anglo-French outfit, would buy S.D. Warren for \$1.5 billion. Arjo denied the report but said it was investigating how it might purchase a piece of Warren's business with a partner. Finally, on Monday morning, October 10, 1994, Columbus Day Holiday, Donaldson, Lufkin & Jenrette faxed a news release to the media trumpeting the signing of a "definitive agreement" for the acquisition of the Warren Division mills and lands. (See "Junk Bonds Finance Purchase of S. D. Warren.")

Sale of the S.D. Warren Division, when it is finalized, could have a huge impact on workers, lands and communities in Maine. For now there are more questions than answers.

What will be the fate of the more than 2000 workers in the S.D. Warren pulp and paper mills in Westbrook and Skowhegan? Will Sappi Ltd, the new majority owner of Warren, continue slashing the number of employees at Warren facilities in Maine?

What will be the forest management practices of the new owners? Scott Paper Company pioneered scorched earth forestry in Maine with extensive clearcutting and herbiciding on its more than 900,000 acres of forests here. We know little about the new majority owner, Sappi Ltd., other than the company uses intensive management on its million acres of tree plantations in South Africa and Swaziland. Will Sappi try to apply even more intensive forest practices than Scott has used in Maine to extract more wood fiber faster?



In the 1970s and 1980s Scott pioneered the clearcut/plantation/herbicide strategy on thousands of acres of Maine woods. This sign reads: "Logs, pulp and energy fuel harvested from this site in 1983. Site now being prepared for the planting in 1984. Operation a part of an ongoing program to increase the yield and rate of production from Scott's Timberlands." Photo ©Betsy Fuchs, courtesy of Appalachian Mountain Club

Junk Bonds Finance Sappi's Purchase of S. D. Warren

Spectacular Lands to be Clearcut or Developed?

In the coming days and weeks information will trickle out about the second largest land/mill sale in recent Maine history. For now, here is a sketch of the new neighbors and what they are getting.

The equity buyers are an investor group that includes Sappi Ltd. (\$250 million), UBS Capital Corporation (\$25 million), and DLJ Merchant Banking Partners L.P. (\$125 million).

Sappi Ltd., based in the Republic of South Africa, is the largest forest and paper products company on the African continent. Sappi is the world's largest producer of wood dissolving pulp and one of the largest exporters of pulp in the world. The company's recently acquired subsidiaries in Scotland, England and Germany make it the third largest manufacturer in Europe of coated free paper. (Coated free paper is made from chemically treated wood pulp and is used for glossy magazines as distinguished from mechanically produced groundwood pulp which is used for newsprint.) Worldwide, Sappi employs approximately 20,000 people.

UBS Capital Corporation is the North American banking subsidiary of Union Bank of Switzerland. DLJ Merchant Banking Partners, a billion dollar pool of investment partnerships specializing in leveraged acquisitions, is managed by an affiliate of Donaldson, Lufkin & Jenrette Securities Corporation (DLJ).

Sappi, the lead partner in the investor group buying S.D. Warren, was started in 1936. Today it is a company on the make. The firm has seven pulp and paper mills in South Africa and is a partner in the Usutu pulp mill in Swaziland. It has been on a buying spree in the 1990s, acquiring five fine paper mills in the United Kingdom in 1990 and Hanover Papier's two German mills in 1992. Sappi exports pulp to more than forty countries and with the Warren acquisition will be the world's top producer of coated paper.

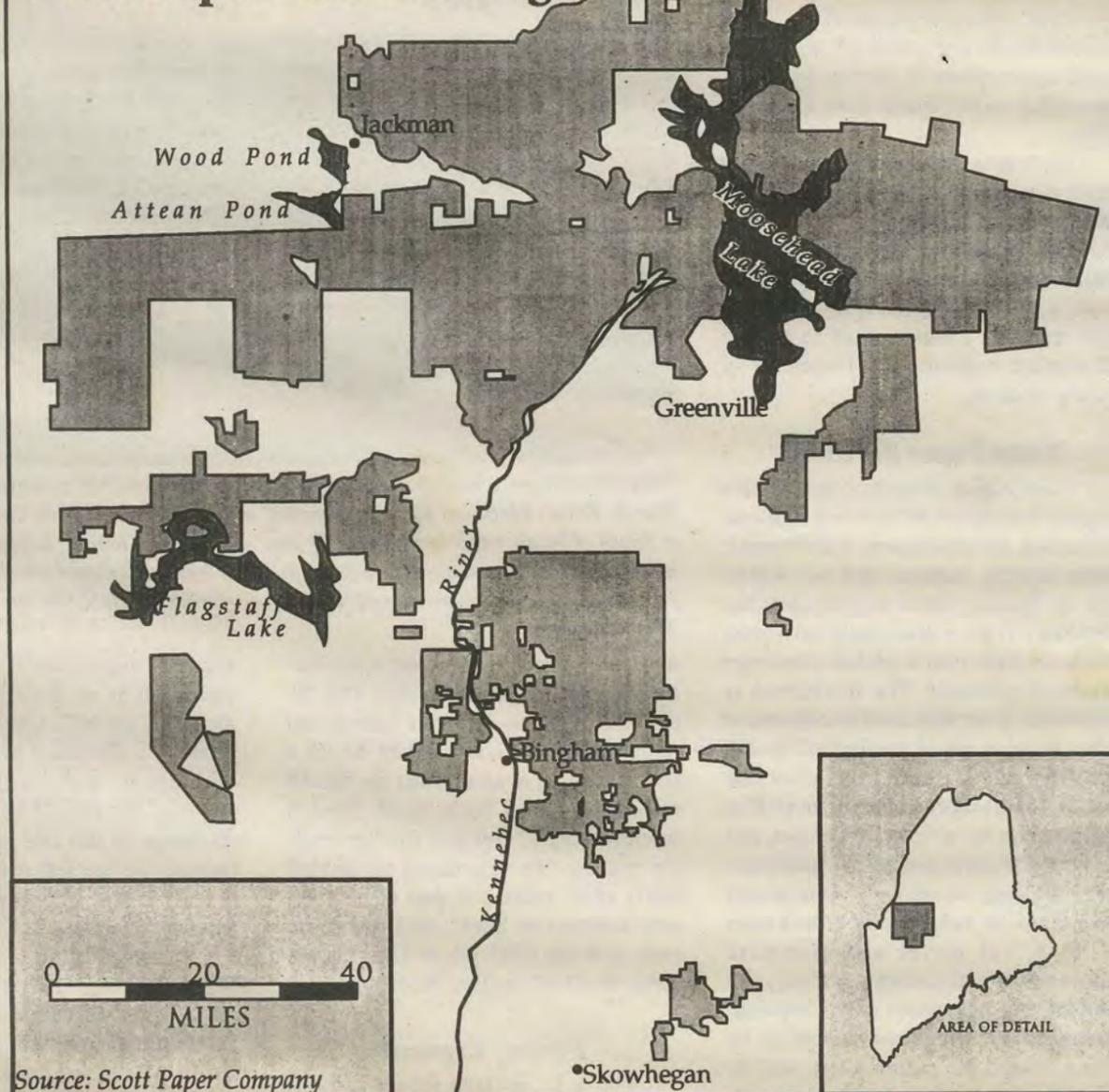
Sappi owns nearly a million acres of timberland in Africa, mostly cultivated pine, eucalyptus and wattle plantations. The Warren lands in Maine will double its timber base.

Who owns Sappi? Sankorp, the second largest mutual insurance company in South Africa, holds 25% of the stock. Major stockholders also include other insurance companies as well as Rembrandt, an international tobacco corporation.

In 1992 Sappi had earnings of \$107 million, but last year the company paid no dividends when earnings experienced a 59% freefall. Despite that setback, Eugene van As, Sappi chairman, has declared that "Sappi shall be a global group by the year 2000." The S.D. Warren acquisition will move Sappi well toward that goal. In addition, the firm has started a \$285 million expansion that will make it the world's biggest supplier of fiber for the manufacture of rayon.

There has been speculation about new investments that might be made by Sappi in the Warren mills, particularly the aging Westbrook facility. But Philippe Tison of Martin & Co, a Johannesburg investment firm, says most of the cash flow next year will have to go to pay off the junk bonds and other debt from the acquisition. Chris Law of Fleming Martin, the leading US broker of South African securities, says the acquisition "may be a little too hot on the heels" of Sappi's other purchases. Sappi's own calculations indicate the

Scott Paper Landholdings



Source: Scott Paper Company

*Skowhegan

Map by Bo Wilmer

Warren purchase will more than triple its debt-to-equity ratio. If the paper industry recovers the deal may pay off. If the industry stays in the dumps where it has been for four years, the deal may be a huge bust.

For now Sappi is insisting it does not plan to close any of the Warren mills or sell any of the forestlands. Nevertheless, Sappi CEO van As cautions, "we're not saying we would never sell any bit" of S.D. Warren.

In addition to the equity partners are some other high rollers who are making the \$1.6 billion acquisition of S.D. Warren financially possible. Chemical Bank is providing \$1.1 billion in financing and DLJ's Bridge Fund is making a \$375 million short-term loan that will be refinanced after the deal is closed through an offering of high-yield (junk) bonds.

What the investors are buying are an old paper mill in Westbrook, Maine, and a fairly new mill in Skowhegan, Maine, as well as mills in Muskegon, Michigan, and Mobile, Alabama. S.D. Warren's 150-employee paper research facility in Westbrook is considered a definite bonus.

They are also acquiring some of the most spectacular ecological, recreational and scenic lands in the Northern Forest, including:

*more than 50 miles of undeveloped shore frontage on Moosehead Lake (abutting several state ownerships), the highest rated of thousands of lakes and ponds evaluated in the Maine Wildlands Lake Assessment;

- *24 miles along the upper Kennebec River, one of the most significant whitewater rivers in the East;
- *nearly 7,000 acres in the Pierce Pond watershed (abutting the Appalachian Trail), one of the least disturbed and most important recreation areas in northern Maine;
- *extensive lands in the Moose River watershed (abutting the state's Holeb Public Land Unit), including the "bow trip" canoe route, Number Five Bog, a national natural landmark, and one of the highest concentrations of designated remote ponds in Maine;
- *20 miles of undeveloped shoreline on Flagstaff Lake (abutting the state's Bigelow Preserve);
- *most of Crocker and portions of Abram, Spaulding and Sugarloaf Mountains surrounding the Appalachian Trail;
- *three-quarters of the shoreline of Bald Mountain Pond (the rest is state owned), which provides habitat for the rare blueback trout;
- *three-fifths of the shoreline of Spencer Lake, which has been rated "outstanding" in five categories, including an old-growth pine stand;
- *most of the land in the Roach River watershed, a key link between Moosehead Lake and the Nahmakanta Public Land Unit.

Without question, many of the S.D. Warren lands are of exceptional public importance.

—Jym St. Pierre

Will the leveraged buyout of S.D. Warren result in the liquidation of forest stands and the sale of high public value lands in Maine? Donaldson, Lufkin & Jenrette, the merchant banking firm that pulled the deal together, boasts that it specializes in leveraged acquisitions. The new owners may be driven to make a great deal of money on this sale quickly. For instance, they could accelerate cutting on the S.D. Warren lands, exacerbating a shortfall in key commercial species already predicted. Worse they could begin marketing high value

lands that are part of the S.D. Warren sale. And they could reverse the tradition of free public access by gating and charging for camping, hunting, fishing, hiking and other public recreation use of the Warren lands. A \$375 million short-term loan that will be refinanced through high-yield bonds after the deal closes later this year could drive the buyers to desperate measures in order to raise capital to pay off junk bond obligations.

What does the sale of S.D. Warren mean for pending conservation and

development projects Scott Paper has been pursuing in Maine? For example, Scott is in negotiations with the State for the sale of conservation easements through the Forest Legacy program on nearly 7,000 acres in the critical Pierce Pond watershed near Flagstaff. Scott also is a party to Kenetech's proposed New England Wind Energy Station in the Boundary Mountains region, one of the largest windpower projects in the world. Conservationists support the Forest Legacy project at Pierce Pond, but are split on the Kenetech windpower

project.

In any case, sale of the Warren Division is not the only action that Al Dunlap has in mind for Maine.

During 1990-92 more than 6,000 employees were laid off by Scott, and another 2,000 left the company with the sale of noncore units. Despite this the company lost \$275 million in 1993. Management at Scott announced another 8,300 jobs would be eliminated over the next three years. That was still too little, too slowly for new top dog Al Dunlap. In early August, Dunlap said

Scott would cut 10,500 workers by the end of this year. About a third of the layoffs will be in the U.S.—from foresters to millworkers, from public relations hacks to lobbyists. The rest of the cuts, which are part of Dunlap's "accelerated restructuring," will affect Scott's operations in twenty countries, from Mexico to Canada, from Europe to Asia.

Of course, the cuts that will be felt most powerfully in Maine are the positions that will be lost here. Aside from the S.D. Warren jobs at risk, close to a hundred jobs will be eliminated at Scott's Worldwide Winslow mill. The cuts represent a reduction of 35 percent of salaried positions and 15 percent of hourly workers.

Toilet Paper for China

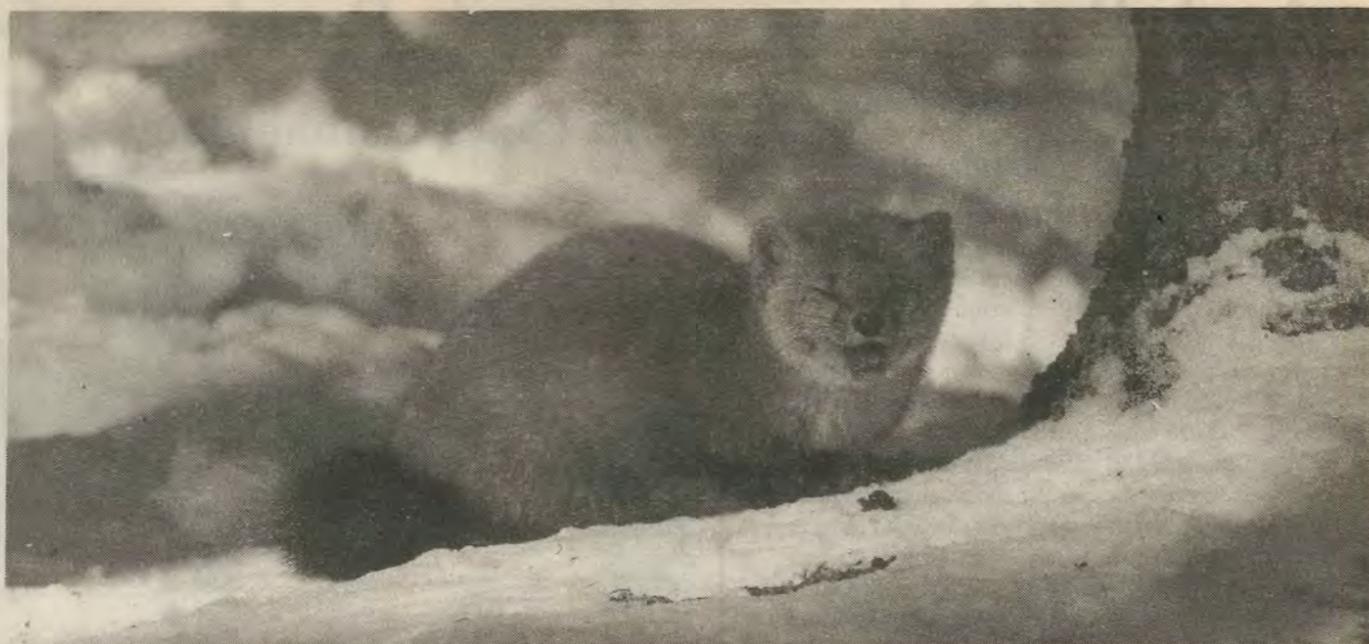
Scott Paper is already the world's largest producer of tissue products, including facial tissues, toilet paper, paper towels, napkins and wet wipes. But Al Dunlap wants to transform the company from a transnational forest products firm into a global consumer products producer. The distinction is important. Scott will shed its coated and other printing paper businesses. It will curtail its product lines from about 400 to 100. It will slash its corporate staff in Philadelphia by at least 70 percent, sell its fancy 55-acre campus of headquarters buildings, scale back warehouses from 60 to 19, reduce sales offices from 17 to 3, cut travel and eliminate employee memberships, and pay its directors in stock shares only. Corporate philanthropy, which was found to be tilting toward the political left, will be "significantly reduced." Dunlap estimates these and other restructuring efforts will save \$420 million next year.

Cutting is what Al Dunlap is good at. It's easy for a guy who earned the nicknames "Rambo in Pinstripes" and "Chainsaw" for his knack for dismembering corporations. (Dunlap says, "On the whole I prefer to be called Rambo in Pinstripes rather than Chainsaw. That makes me sound like a serial killer, don't you think?") But this time Al Dunlap wants to do more than simply strip underperforming assets. He wants to try to grow a company by expanding into new markets.

In mid-August, the same time the latest job eliminations were announced at Scott, Dunlap said that the company would undertake a joint venture with the largest papermaker in China, Shanghai Paper Company. He explained that Scott will be a 56 percent owner in the new Scott Paper (Shanghai) Ltd. enterprise. Dunlap said that "China represents an obvious opportunity for Scott. It is a huge, high-growth market with very low tissue usage....there's really no active multinational competition for us in China at this stage." Organized labor accused Dunlap of simply exporting jobs.

Scott is dumping its S.D. Warren mills and lands in Maine and cutting back at its Scott Worldwide mill in here. But it is not abandoning new investments in other parts of the country. Scott is building a new \$240 million plant in Owensboro, Kentucky, for instance.

Meanwhile, Al Dunlap is doing just fine in the stock market, at least with his Scott Paper Company stock holdings. His salvage operation at Scott has inspired investors to bid up the compa-



Pine Marten are a rare species that would benefit from the establishment of a large Thoreau Regional Wilderness Reserve or a Maine Woods National Park that would encompass most of the vast Scott Paper lands that have just been purchased by Sappi, a South African paper company. To pay off its junk bonds, Sappi may have to sell off assets; this might give us, the public, another chance to protect this wonderful, but badly managed portion of the Northern Forest. When photographer Bill Silliker, Jr. took this photo, the pine marten was vocalizing a raspy, hissing sound. Photo ©Bill Silliker, Jr. from New England Wildlife 1994 Calendar.

ny's stock since he took over to approximately double its earlier value. The day the S.D. Warren sale was announced Scott Paper's stock jumped \$3.25 a share, turning a nice profit on the \$4 million worth of Scott stock Dunlap recently bought. Not that Dunlap needs the money. He negotiated an annual salary of \$1 million as part of his five-year contract at Scott. And before he even took the CEO job at Scott his net worth was \$100 million, he claims.

Feeling Exposed

The S.D. Warren forestlands in Maine being sold by Scott include some of the most spectacular areas in the entire Northern Forest region. (See "Junk Bonds Finance Purchase of S. D. Warren.") Yet, virtually no one is talking about public acquisition of the high value S.D. Warren lands in Maine.

To date the McKernan Administration has been silent. Our congressional and legislative representatives have publicly avoided the issue. Candidates of the major parties have ignored the public interest at risk. Most disappointing, the Northern Forest Lands Council in its final report, issued in September refused to call for creation of a contingency fund for public acqui-

sition of significant lands. After years and millions of dollars spent studying the issue, the NFLC, the Governor's Task Force, in 1990, recommended an appropriation of \$100 million over four years for acquisition of easements and fee title of threatened high priority lands. In 1994, where is the leadership helping us to take advantage of the extraordinary opportunity represented by the transfer of the S.D. Warren lands?

History has shown that when large ownerships in the Northern Forest such as this change hands in a leveraged buy-out, it often results in subdivision and development of prime lands, loss of traditional public access and use, and forest liquidation in areas to help pay off the purchase cost. Will our public representatives rise to the occasion to help protect the public interest by insisting on guarantees on employment, assurances of sustainable land management,

right of first refusal for public acquisition of key lands, etc.? Or will this be one more extraordinary opportunity missed?

Jym St. Pierre, a native Mainer, is a staffer based in Augusta for the Sierra Club's Northern Forest Campaign.

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RESTORE RELEASES NEW MAINE WOODS NATIONAL PARK BROCHURE

RESTORE: The North Woods recently proposed the creation of a 3.2 million-acre Maine Woods National Park in the heart of the Maine Woods. We have published a full-color informational brochure, *Proposed Maine Woods National Park and Preserve: A Vision of What Could Be*, which describes the idea in more detail. The publication of the brochure was made possible by a generous contribution from a RESTORE member in Maine.

Numerous studies, including the one just completed by the Northern Forest Lands Council, have called for more public land, protection of wildlife habitat, healthy local economies, and assured public recreational access in the Maine Woods. A new Maine Woods National Park would provide these benefits for this and future generations. RESTORE believes that the public deserves an open debate on this important, but long-neglected option.

The new Maine Woods National Park brochure was published to help spark such a debate. In the coming months, RESTORE will be distributing the brochure to people in communities near the proposed park, to other Maine citizens, and to people in the Northeast and beyond. At the same time, we will be contacting the news media, speaking at public forums; doing research; and building public support for a National Park Service feasibility study.

People who are interested in receiving the brochure should contact us at:

RESTORE: The North Woods
P.O. Box 440
Concord, MA 01742
tel: (508) 287-0320

Maine Woods Watch

by Michael Kellett & Jym St. Pierre

The Maine Woods is the largest tract of wildlands in the eastern United States. Over the last 10,000 years it has evolved into a land of dense forests, clear rivers and lakes, rugged mountains, and diverse wildlife.

However, today the Maine Woods is under siege. Most of the region is owned by a handful of corporations and private trusts; only six percent is in public ownership. Areas are being devastated by clearcutting, toxic pesticides, new road construction, real-estate development, sales of millions of acres of "non-strategic" land, and other industrial strength activities. But there are also some encouraging proposals and initiatives on the horizon. Maine Woods Watch is devoted to documenting the good, the bad, and the ugly in the Maine Woods today, with an emphasis on opportunities for citizen action to protect and restore the essence of the region, its wildness.

***Maine Woods National Park:** In June, RESTORE proposed a 3.2 million-acre Maine Woods National Park and Preserve in the Katahdin region. A new full-color brochure on the proposal is now available. A petition drive is underway to gather support for a National Park Service study of the possibility of creating the park. Meanwhile, Greenville has gathered \$38,000 for a feasibility study for a Natural Resource Education Center to support ecotourism in the Moosehead region.

***Good Dirt:** The Land for Maine's Future Program has bought 7,200 acres on Tunk and Spring River Lakes in eastern Maine. With adjacent public land and private lands protected with easements, the Tunk Lake Area Preserve now encompasses 59 square miles. Maine is negotiating with two large landowners to acquire interests in their wildlands that would prevent future development through the Forest Legacy program. The Pierce Pond project encompasses 8,500 acres, including a dozen miles of frontage on spectacular Pierce Pond as well as four smaller remote ponds. The Mattawamkeag project encompasses 4,200 acres with 12 miles of unspoiled lake/river shoreland. Acadia National Park is inching closer to finalizing conservation easements on 4,415 acres (96%) of Long Island in Blue Hill Bay.

***Loring NWR?** In conjunction with the closing of Loring Air Force Base in Aroostook County this fall, the US Fish & Wildlife Service is trying to turn several thousand acres of wildlands on the former air base into a national wildlife refuge. Unfortunately, competition among public agencies and private operations for the Loring lands is growing and the wildlife refuge may be rejected. The Loring Development



Authority, which has been given the 9000 acres included in the former military base, will decide who gets what.

***Atlantic Salmon:** Once as many as half a million salmon swam up the rivers of New England to spawn each year. Today, there are fewer than 2,000 fish returning. In addition to past habitat destruction and over-exploitation of fish populations, there are new threats to the survival of the majestic salmon. The Maine Department of Environmental Protection has approved construction of the proposed Basin Mills dam on the Penobscot River; federal approval is pending. Aquaculture fish accidentally released in Canada have appeared in Maine rivers, jeopardizing the genetic integrity of wild populations. Toxics such as dioxin and pesticides continue to find their way into salmon habitat. A decision is due in October 1994 on RESTORE's petition to protect the Atlantic salmon under the Endangered Species Act.

***Wolf Restoration:** The eastern timber wolf is a federally listed endangered species. A 1978 US Fish & Wildlife Service plan found that northern Maine has the largest tract of potential wolf habitat in the East, but no further action has been taken. RESTORE has gathered 8,000 signatures, many from Maine, on a petition in support of a federal wolf restoration study. Maine activists have started a new grassroots group, the Maine Wolf Coalition (RFD # 6, Box 533, Augusta, ME 04330; tel. 207 445-4669), to advocate for a wolf recovery study and to educate the public. An animal shot in the Maine Woods last year has been positively identified as a wolf.

***Windpower:** The Land Use Regulation Commission (LURC) is processing a proposal by Kenetech Windpower to build a behemoth electricity generating facility in the Boundary Mountains. The hearing record is closed, but letters opposing the project as premature sent to newspapers and to LURC would help. A decision may come by mid-November. Sierra Club and National Audubon Society have formally opposed the project; some other conservation groups are supporting it. Meanwhile, a smaller prototype windpower project planned for Sugarloaf Mountain (as a precursor to a larger project on nearby Redington Mountain adjacent to the Appalachian Trail) has been delayed until spring 1995.

***LURC Policies:** The Land Use Regulation Commission has been holding public meetings around Maine to get citizen input on changes to the way the agency tries to protect the 10 million acres within its jurisdiction. Since the early 1970s, over 1,800 new subdivision lots have been approved, 200,000 acres have been parcelized, 5,000 new residences have been built, and more than

11,000 miles of roads have been constructed in this area. To fend off creeping suburbanization, LURC should prohibit development in the heart of the Maine Wildlands, guide new growth to villages on the fringe, better regulate road building, stop excessive clearcutting and highgrading, preserve biodiversity, and work more closely with communities to diversify local economies. Send written comments by mid-November to LURC, SHS #22, Augusta, ME 04333. (See "20-Year Assessment of LURC: Will it Protect Forest or Large Landowners?" on page 7.)

***Paper Plantation in Trouble:** Maine is still heavily dependent on the forest products industry. When the industry suffers, Maine suffers. Many of the industrial, absentee land/mill owners are suffering. For instance, in the first half of 1994 financial losers included Boise Cascade (lost \$57 million), Bowater (lost \$36 million), Champion (lost \$62 million), Georgia Pacific (lost \$93 million, pulp & paper only), and James River (lost \$51.5 million, communications papers only). To raise cash Boise is spinning off about 50% of a Canadian operation, Bowater plans to sell its tree nursery in Maine and 160,000 acres of forest land in Nova Scotia, James River will sell its troubled communications papers business, separate its packaging operation into a stand-alone company, and may also unload its majority stake in Europe's second largest tissue producer. Louisiana-Pacific abandoned plans to expand its waferboard plant in Maine because it did not get free air pollution credits. Communities could lose megataxbucks as a number of paper companies continue to appeal local property valuations. At the same time, thousands of jobs are going: the Paper Industry Information Office says paper-making jobs in Maine have fallen 15% since 1990. Business execs from Champion, Fraser and other forest companies have been making speeches complaining that the business climate in Maine needs improving. Still, there is money for some things: the American Forest & Paper Association is preparing a massive public relations campaign aimed at improving the public image of the industry.

***Good Industry News:** A couple of firms are bucking the job wacking trend. Keyes Fibre is changing its name to Chinet and adding 70 jobs at its Waterville molded food service products plant (after cutting 260 positions since 1992). The Forster mill in Mattawamkeag that closed in 1993 putting 110 out of work will be reopened and employ up to 30 people. Bill Vail, former Commissioner of the Maine Fish & Wildlife Department, has replaced Ted Johnston as Executive Director of the Maine Forest Products

Council. Several long time CEO's are stepping aside, including Philip Lippincott (Scott), John Fery (Boise), Anthony Gammie (Bowater), and Bob Gregory (Great Northern). Leroy Barry, the new COO at Madison Paper, left as general manager of S.D. Warren just before...

***South Africans Buy S.D. Warren:** After months of intense negotiations Scott Paper Company is selling its financially troubled Warren Division to an investor group led by Sappi Ltd., the largest forest products firm in Africa. The sale puts into limbo the future of two large pulp and paper mills and more than 900,000 acres of critical forestland in Maine, including over 50 miles of undeveloped frontage on top-rated Moosehead Lake. The deal will be finalized before 1995.

***Kind & Gentle Forestry?** New figures show clearcutting in Maine was "down" in 1993 to 51,250 acres, while herbiciding was used on 55,400 acres (up 58%). Huge quantities of wood continue to be shipped out of Maine. The Maine Department of Transportation, which wants even more logs and woodchips exported (600,000 tons for starters), is still trying to justify construction of a cargoport on Sears Island. Bowater (Great Northern Paper) is building a massive road system to extract wood from the Debsconeag Lakes region near Baxter State Park. Opportunities for preservation of this 100,000-acre area, which has been top priority of Maine conservationists, are being lost as the trucks roll this fall. Pressure to resume commercial logging on Maine's coastal islands is increasing as forest stands are reaching maturity a generation after the last big pulping operations on the islands.

***Power Plays:** In the 1980s Maine went crazy encouraging the construction of biomass-fueled energy plants. Now Central Maine Power is shutting down many of the woodchip-burning plants and trying to keep local communities from going AWOL. CMP is buying out the expensive contracts of chip energy facilities in Fort Fairfield, Ashland and Charleston. CMP is also fighting at least four towns which want to set up local utilities to buy and resell energy for less than CMP charges. Similarly Champion International is looking at building a co-generation plant to escape CMP's high rates.

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Why Was Council Afraid to Investigate Adirondacks?

by Bill McKibben

People often reveal themselves by the subjects they avoid; so too, perhaps, with councils.

My first reading of *Finding Common Ground* showed it to be, as expected, a useful, if tepid document, one that may help us move forward. Bizarrely, though, I have so far failed to find the word "Adirondack" in the main body of the report or its appendices. "New York" appears, almost always yoked to "Maine, New Hampshire and Vermont," but "New York" is different from the Adirondacks. Indeed, for all the nervous repetitions of the idea that "differences among the four Northern forest states must be recognized," the biggest difference is never even mentioned. In one of these states, almost half of the Northern Forest land is publicly owned, and much of the other half is subject to certain limits. Further, the half of the Adirondacks that is publicly owned is protected by the state constitution—it "shall be forever kept as wild forest lands."

Surely these facts are of importance. They represent an experiment with one possible way of handling the Northern Forest and, indeed, other large tracts of land. (At the moment, for instance, the theories governing the Adirondacks are being put into place, with the assistance of Adirondackers, in the Lake Baikal region of the former Soviet Union, and along a vast stretch of the Russian-Chinese border.) Surely it would be of interest to investigate how well the Adirondack

The Council was afraid to investigate the Adirondacks... because honest investigation might show that it was, in ecological terms, incomparably healthier than the rest of the northern forest, and in economic terms certainly no poorer.

plan has worked, and to see whether it should be adopted, modified, or rejected by other parts of the region. Any journalist or academic studying the region would make it one point of comparison.

But the Council has avoided the Adirondacks—avoided it so completely that it must mean something. Even the official map on page iv of the report, which shows the Adirondacks as part of the Northern Forest, says that the shaded regions are areas where "primarily large private ownership exists," something that is simply not true. (We have as much large public ownership within the Blue Line—we have an authentic mix of land use patterns.)

I suspect that what it means is this: the Council was afraid to investigate the Adirondacks. Afraid in part because it might have angered the property rights advocates who loathe its restrictions. And more afraid because honest investigation might show that it was, in ecological terms, incomparably healthier than the rest of the northern forest, and in economic terms certainly no poorer.

It amused me, for instance, to read that "while

more research is needed to determine the size, scope, and parameters of [an ecological] reserve system, the experience of the state of Maine offers some insight into this question." When it comes to offering insight on the size of ecological reserves, the experience of the Adirondacks (regardless of whether you like wilderness or not) is to that of Maine as Ted Williams is to Bill Buckner.

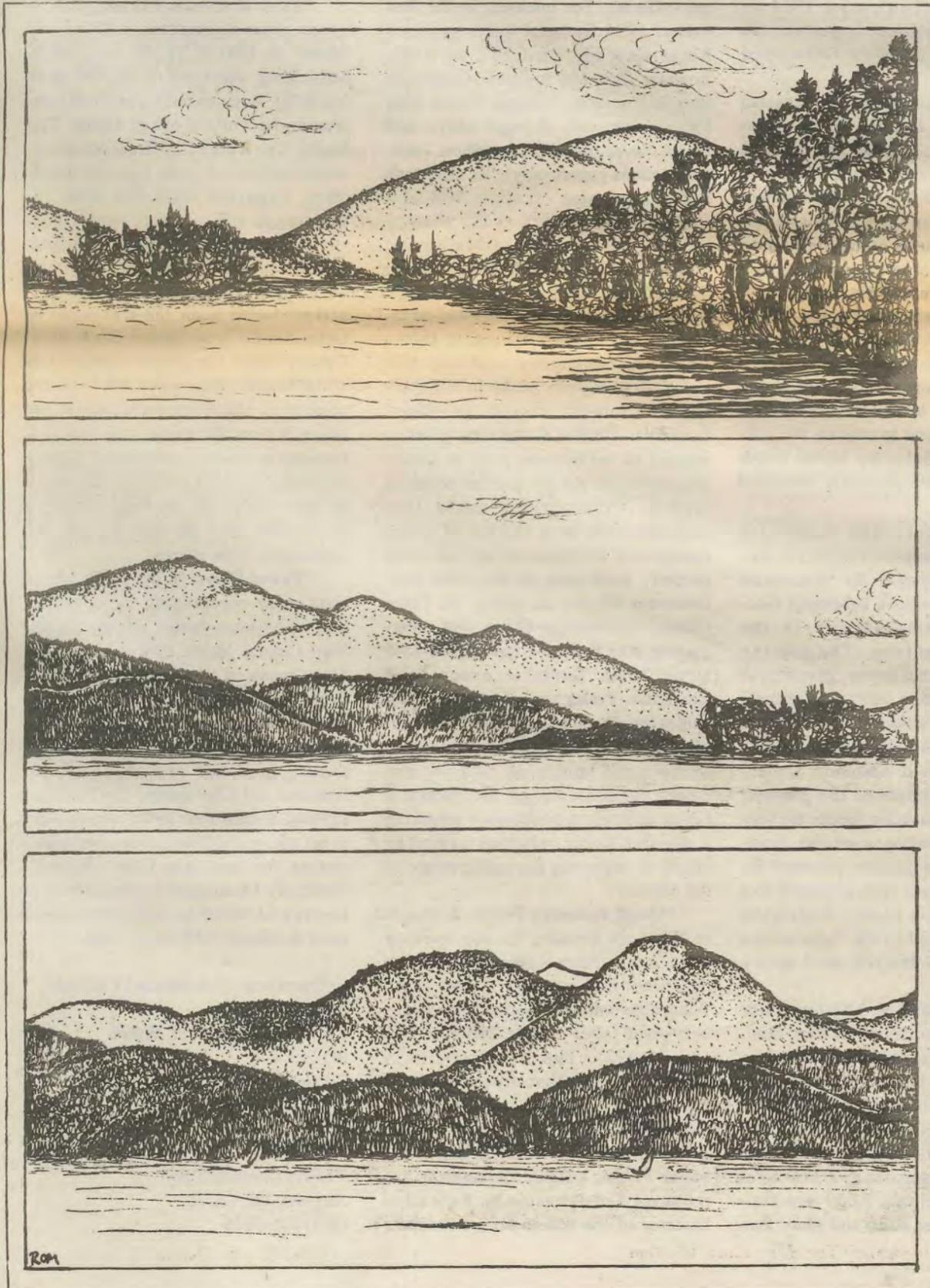
I am a writer, a believer in the power of words, and I wonder too if the Council didn't fear the language that undergirds the Adirondacks—that marvelous and concrete phrase "forever wild." Not the concept—forget, for now, the whole question of wilderness. Just the use of language, the willingness to say something, anything straightforwardly. George Orwell, in his essay on "Politics and the English Language," writes, "orthodoxy, of whatever color, seems to demand a lifeless, imitative style. The political dialects to be found in pamphlets, manifestos, White Papers, and the speeches of Under-Secretaries do, of course, vary from party to party, but they are all alike in that one almost never finds in them a fresh, vivid, home-made turn of speech."

I am not just saying that the Council's report is boringly written—that must have been obvious even to the people writing it. I mean that the report works so hard to offend no one that its words mush almost into meaninglessness, like the stammers of a small boy in a schoolyard working to avoid a beating. There is the merest hint of an actual threat to the Northern Forest. Some "complex social and economic forces" pose "the potential for undesirable change," but the only real hint of what that might involve is an almost inscrutable reference to 203,000 acres of the Northern Forest that were "parcelized" between 1980 and 1991. I think this means that the heart of every proper Bostonian lusts for a stretch of Moosehead Lake, but maybe not.

And whatever the peril is, it certainly can't be very bad, because there's hardly a single suggestion within the report that anyone could disagree with. Has anyone arisen opposed to "educat[ing] forest users and the public about sound forest management" or "support[ing] cooperative efforts among four state universities"? Even in the areas where the Council got reasonably specific—taxation, for instance—any proposal that might have been even mildly controversial was blackballed like a physics major applying to a fraternity. For instance, the temperate notion that "state and federal agencies should examine the conservation and treasury impacts of the second home mortgage deduction" was mysteriously labeled as "needing further research." That is to say, the law that mandates taxpayers pay for other people's houses on Moosehead Lake was deemed too scary even to talk about; the suggestion that it be researched was itself slated for "further research," though by whom is unclear.

A way, perhaps, to judge the clarity of the report is to comb it for nouns—for words that might be used in real conversations. There are a few. "Hiking boots," for instance, which the Council recommends taxing, an idea I heartily endorse. For the most part, though, it remains mired in vague discussions of "community development," or "biodiversity," not "doctors" or "wolves." There's nothing, for instance, about "food," which could have been eloquently discussed. How might we restructure land use and taxation, for instance, so that we grow more of what we eat? To even think about such questions, though would have required judgments. Is small-scale better than large? Is bioregionalism a valid goal or a silly buzzword? These flaws are gravest, I think, in the sections on rural economies, for it is here that we must begin to ask the most basic questions. Do we really want to work for huge corporations that do all in their power to reduce employment and wages? Do we really want the extremes of wealth and power that dominate, say, Maine?

The Council's answers to such questions can be guessed at, I think. The commitment to the status quo is overpowering and almost as strong among some environmentalists as some industrialists. It is not even really the fault of the Council members. They were,
Continued on page 31



AN ETHIC ABORNING:

An Impressionist History of Article XIV, Section 1, New York State Constitution, in Celebration of Its 1994 Centennial

Preface: Almost half of New York State's Adirondack Park is comprised of the only constitutionally protected lands in the world. The delegates who ratified Article VII, Section 1 in the final hours of the 1894 Constitutional Convention regarded it as a temporary measure; that an informed citizenry soon came to regard permanent, inviolate protection of their Forest Preserve as necessary is evident in the history of more than a hundred failed legislative attempts to introduce amendments. How and why the essential prohibitions of the famous "Forever Wild" Covenant have endured for a century should be better comprehended by both the protectors and the exploiters of our last remaining open spaces and ecosystems in this most crowded corner of the nation. This was the purpose of the following dramatic reading, staged on 17 May in Albany at the New York State Museum auditorium for the Association for the Protection of the Adirondacks' reception to honor the Centennial of Article XIV. Any dramatic text challenges active imaginations to envision a physical performance; in this case projected slides, live music, and stage lighting supplied much of the action. Picture the Chairman at a lectern, with the other characters rising among the audience, addressing them as if they were fellow delegates at a constitutional convention. The readers were known to most of the audience as contemporary counterparts of their archetypal roles. A few obvious anachronisms serve dramatic continuity, but, as the notes indicate, most of the rhetoric is true to the chronology and text of the historical record.

—Michael Wilson, Sagamore Institute

DRAMATIC TEXT

(music under anonymous voices; images projected in dark house)

EDITOR'S VOICE: To people in general, Adirondack is still a realm of mystery. Although the waters of the Hudson, which to-day mingle with those of the ocean in our harbor, yesterday rippled over its rocks, and though on all sides of it have grown up villages, and have been created busy thoroughfares, yet so little has this 'wonderful wilderness' been penetrated by enterprise or art, that our community is practically ignorant of its enormous capacities, both for the imparting of pleasure and the increase of wealth.

... With the completion of Dr. Thomas C. Durant's railroad, the Adirondack region will become a suburb of New York. The furnaces of our capitalists will line its valleys and create new fortunes to swell the aggregate of our wealth, while the hunting-lodges of our citizens will adorn its more remote mountain sides and the wooded islands of its delightful lakes. It will become, to our whole community, on an ample scale, what Central Park is on a limited one.¹

PRESERVATIONIST'S VOICE: Had I my way, I would mark out a circle of a hundred miles in diameter and throw about it the protecting aegis of the constitution. I would make it a forest forever. It should be a misdemeanor to chop down a tree, and a felony to clear an acre within its boundaries. The old woods should stand here always as God made them, growing on until the earthworm ate away their roots, and the strong winds hurled them to the ground, and new woods should be permitted to supply the place of the old as long as the earth remained. There is room enough for civilization in regions better fitted for it. . . . It will be of stunted growth at best here.²

CONSERVATION COMMISSIONER'S VOICE: Glancing over the field of my surveying, I find following in the footsteps of my explorations the blazed-line and the trail; then the ubiquitous tourist, determined to see all that has been recorded as worth seeing. The woods are thronged; bark and log huts prove insufficient; hotels

spring up as if by magic; wild trails are cut clear, and ladies clamber to the summits of once untrodden peaks. The genius of change has possession of the land; we cannot control it. When we study the necessities of our people, we would not control it if we could. This change is having too important and beneficial an influence upon society at present, not to demand the sympathy of government.

Indeed, action is called for: the Adirondack wilderness contains the springs which are the sources of our principal rivers, and the feeders of our canals. Each summer the water supply for these rivers and canals is lessened, and commerce has suffered. The immediate cause has been the chopping and burning off of vast tracts of forest in the wilderness. This land, deprived of all that gave it value, reverts to the State for unpaid taxes.

The remedy for this is the creation of an ADIRONDACK PARK or timber preserve.³

COMMISSION CHAIRMAN'S VOICE: Park?!! The whole idea of shutting so many hundred thousand acres of valuable timber lands which constitute one of the chief sources of industry and commerce in the state for the enjoyment of a few wealthy politicians and summer tourists would be a serious mistake. . . . When we consider the amount of employment afforded by the lumber industry, the thousands of saw mills, tanneries, pulp and paper mills and factories of all kinds—that all this is to be stopped to afford a deer park and fishing ground for a few wealthy pleasure-seekers to air their smoke-dried anatomies is an injustice, the boldness of which is astonishing.⁴

FORESTER'S VOICE: This sort of opposition, I believe, would be changed to firm support if the true aim of forestry were rightly understood to be the growth of timber for the supply of man. It is not the object of forestry, at least in this country, to maintain the woodlands as a shelter for game and as a region of pleasure resort to those who can afford the time and means for this sort of enjoyment. Our taxpayers would never tolerate such an object of expense, and it is to be regretted that the word "park" has ever been used in this connection.⁵

JURIST'S VOICE: I rode through the Schroon Country with a man who has probably done as much as anyone to desolate this whole region. As league after league of blighted and hopeless land unrolled around and before us, we became more and more silent.

LEGISLATOR'S VOICE: *(pause)* This whole country's gone to the devil, hasn't it?

JURIST'S VOICE: How could this have happened?

LEGISLATOR'S VOICE: It all comes to this—it was because there was nobody to think about it, or to do anything about it. We were all busy, and all somewhat to blame perhaps. But it was a large matter, and needed the cooperation of many men, and there was no opening, no place to begin a new order of things here. I could do nothing alone, and there was nobody to set us to work together on a plan to have things better; nobody to represent the common object.⁶

(convention music & slide)

CHAIRMAN: *(enter w/ music from stage right to lectern, gavel loudly)* In these final weeks of the New York State Constitutional Convention of 1894, we are here to discuss the amendment supported by the committees of the New York Board of

Trade and Transportation and proposed by our own Committee on Forest Preserves. In question are the specific prohibitions relating to Forest Preserve lands, which now read, 'They shall not be sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold.' The Chair recognizes Mr. David McClure.

(all speakers stand from this point)

PRESERVATIONIST: What shall we do, Mr. Chairman? For every wrong there should be a remedy. First of all we should not permit the sale of one acre of land. We should not exchange our lands. There is no necessity why we should part with any of our land. We should not sell a tree or a branch of one. Some people may think in the wisdom of their scientific investigations that you can make the forests better by thinning out and selling to the lumbermen some of the trees, regardless of the devastation, the burnings and the stealings that follow in the lumberman's track. But I say to you, gentlemen, no man has yet found it possible to improve upon the ways of nature.

JURIST: Mr. Chairman!



Adirondack river drive. Photo courtesy The Adirondack Museum

CHAIRMAN: The Chair recognizes Judge Goodelle.

JURIST: I concur with my distinguished friend, but I would go further. I refer to that system which has been for some years carried on in our State in destroying our forests by reason of building dams and reservoirs. As an example I call the attention of the Convention to the dam across the Beaver River chain, with the result that the water has been set back upon thousands and thousands of acres of the forest. With the claim that certain mills in Watertown desired to have this water stored, the measure was put through by the same forest commissioner who had the contract to build the dam at large expense to the State. No man has received a dollar of benefit from this dam except that same commissioner, who then purchased below that dam the western third of township five, the man who now floats his logs to his sawmill. Therefore, Mr. Chairman, I desire to offer an amendment by adding at the end the words 'or destroyed' so that the sentence shall read, 'nor shall the timber thereon be sold, removed or destroyed.'

EDITOR: (to chide, wryly) It would seem that the time has already come when the Park ought to be preserved from its preservers!

CHAIRMAN: (to correct) The Chair recognizes Mr. Mereness.

COMMISSION CHAIRMAN: Mr. Chairman, the Convention should note that if the time ever comes that timber supply shall be a concern, I am sure it will not be within the next twenty years and it is not worth while at this juncture to consider the question of the great State of New York going into the business of selling logs and trees. We can cross that bridge when we get to it. We are not yet within fifty years of it.⁷

EDITOR: (archly) On the whole, the *New York Tribune* is inclined to think that there is less danger of irretrievable loss in the rigid prohibitions of the proposed amendment than in leaving the forests entirely at the mercy of legislatures and commissions.⁸

CHAIRMAN: (gavel) Order, please! The entire article as amended shall read, 'The lands of the State now owned or hereafter acquired, constituting the Forest Preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.' On this day of 13 September, 1894, the Convention approves this covenant as Article VII, Section 7, by a vote of 122 to none. The people subsequently approve the new Constitution in November, 410,697 for, 327,402 against. In every sense of the word, 1894 shall be remembered as a watershed year for New York's Forest Preserve! (gavel, music and applause; begin exit stage right)

LEGISLATOR: (call him back) Mr. Chairman! If you please, Mr. Chairman. Article VII, Section 7 was passed in haste last year. More mature deliberation recommends an amendment which enables the legislature to authorize the leasing of small parcels in the Forest Preserve for camp and cottage purposes, and to authorize the exchange and sale of lands so as to expand the Forest Preserve.

CHAIRMAN: Very well. The following amendment shall be submitted to a public referendum on November 3rd, 1896: 'Except as authorized by this section, the lands of the State shall not be leased, sold or exchanged—'

JURIST: (amazed)—Rejected! 321,486 for, 710,505 against!

EDITOR: This was a spirit which animated tens of thousands of voters the other day who have never seen the Adirondacks nor expect to see them. The vote was a vote of sentiment which is gaining every year . . . and which is not to be overcome by specious schemes of lumbermen and permanent camp-site grabbers. We have come to a point where we can see something better in the woods than mere raw material; we now recognize the place of wild forest in the great scheme of union and interdependence which holds between man and nature.⁹

CONSERVATION COMMISSIONER: Nature will supply the wants of man much better when assisted or placed under intelligent control. Unfortunately, Nature takes little heed of our ideas or wants in raising her forests. She furnished in profusion the species for which we have little need, and yields only a scanty supply of the kinds we want most. The forester must control and regulate the forces of Nature in order that worthless and undesirable species shall be gradually removed to make room for the kind people want. When our State is ready to withdraw the present constitutional restrictions relating to timber cutting and other forest revenues, our great woodland areas will be managed under the best approved forestry system.¹⁰

FORESTER: The wisdom of Mr. Fox, eminent Superintendent of State Forests, should be heeded by all New York citizens. Indeed, the prohibitions of Article VII are like the case of a farmer who refuses to cultivate his farm on the ground that he distrusted his own fitness and integrity. Should the clause fail to be repealed the first

time or the second time, or any number of times, detailed working plans for lumbering the Preserve will nevertheless be ready to apply when the repeal is finally made.¹¹

CONSERVATION COMMISSIONER: We must act on Mr. Pinchot's advice, for the absolute prohibition of cutting any wood from the State Preserve means actual and reprehensible waste. Every professional forester protests the false economy that prohibits in the State Constitution all forest improvement—even the removal of trees that are diseased or infested.¹²

PRESERVATIONIST: Unfortunately the esteemed Chairman of the Fisheries, Game and Forests Commission finds his occupation justified only by increased management of the forests. In truth, the preservation of a forest in a state of nature is abhorrent to the scientific forester, for nature is the best of all foresters and leaves no room for the services of the artificial kind—¹³

CHAIRMAN:—May I interrupt this dispute to remind you gentlemen that it has been fourteen years since New York's citizens so overwhelmingly rejected the first amendment intended to alter the strict proscriptions of what is becoming known as the "forever wild" covenant. During those years no fewer than fourteen amendments of similar intent have achieved varying degrees of approval in the legislature. It is timely to inquire why even the four amendments which were approved by both Assembly and Senate were not submitted to the people.

COMMISSION CHAIRMAN: Mr. Chairman, by way of explanation allow me to read a passage from the recent findings of the Governor's Moreland Commission investigations into Forest Preserve management. The Commission finds that during most of the first decade of this century "timber stealing had reached enormous proportions and was notoriously permitted with the knowledge and acquiescence of the

Forest, Fish and Game authorities; great areas of forest land had been devastated by fires caused largely by the negligent operation of railroads in the Adirondack region; suits involving title to large tracts of land in the Forest Preserve had been compromised under terms most disadvantageous to the State's interest; and the entire operation of the Forest, Fish and Game Commission was the target of severe criticism." As you all are aware, the legislature is currently engaged in reorganizing that Commission to ensure better protection of the public forests.¹⁴

CONSERVATION COMMISSIONER: Mr. Chairman, I wish to direct your attention to a public need which Article VII was primarily intended to fulfill: to ensure the state's water supply. If efficiency is to be secured, storage reservoirs which will provide a regulation of the stream flow are essential in the

Adirondacks.

CHAIRMAN: (admonish with emphases) 'The lands of the State . . . shall not be . . . taken . . . nor shall the timber thereon be . . . removed or destroyed—'

JURIST:—Except that the legislature may by general laws provide for the use of not exceeding three percentum of such lands for the construction and maintenance of reservoirs for municipal water supply, for the canals of the state and to regulate the flow of streams.

EDITOR: Many share Mr. Louis Marshall's convictions as to what a constitutional provision means. To evade or disregard it 'with a latitudinarian interpretation on the theory that the violation is unimportant or trivial, invariably leads to an effective neutralization—'¹⁵

CHAIRMAN: (interrupt with gavel)—Approved by the People November 4, 1913: 486,264 for, 187,290 against.

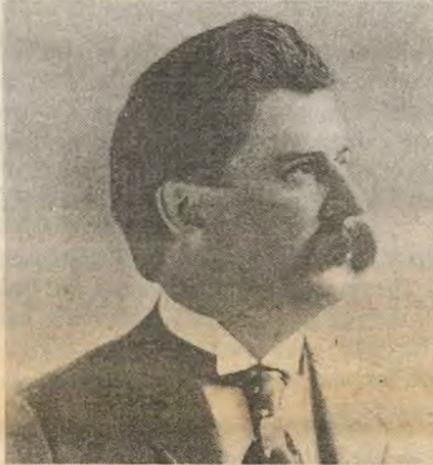
(5 sec. music, subdued by gaveling) The New York State Constitutional Convention of 1915 will please come to order! Today we address a proposed amendment to Article VII, Section 7 which charges the Conservation Commission to divide the Forest Preserve into two categories: the first involves all the State lands on mountaintops and those bordering lakes and waterways, which are to be protected as before; on all the other lands of the State within the Forest Preserve, the Conservation Commission is to provide for the sale and removal of timber that is mature or detrimental to forest growth. The Chair recognizes Mr. Angell.

JURIST: We who propose this amendment believe in protection and conservation, not prohibition. The removal by scientific forestry of a few mature trees upon a tract does not in any way interfere with the uses of that land as a natural storage reservoir for water. If the consumption of timber in this state goes on at the present rate—a billion board feet in the last ten years—all the tracts outside the Forest Preserve will be stripped, when they might be saved if the State would open its lands to a reasonable use.¹⁶

COMMISSION CHAIRMAN: 'Scientific forestry' is a misnomer: it is practical forestry. There is not a lumberman will dare to tell this body that he can go around and pick out only the mature trees and make it commercially profitable. That is why



Verplanck Colvin (left), Superintendent of the New York State Land Survey & David McClure, Chairman, Committee on Forest Preservation, 1894 Constitutional Convention. McClure's Committee recommended the wording of now Article XIV to the full Convention, which unanimously adopted it on September 13, 1894. Photos courtesy of the Association for the Protection of the Adirondacks.



most contracts call for cutting down to eight and even four inches in diameter for the chemical men.¹⁷

FORESTER: The State has expended 4.5 millions—the amount New York City spends annually to carry Central Park—to acquire a Forest Preserve worth 30 millions in its timber. This is the only business the State has invested in that it has ever made a single dollar on, but now—

EDITOR:—With 55 thousand people in the State of New York afflicted with tuberculosis and 60% of perfect cures in the Adirondacks, if you kept the forest as it is, for that purpose alone it would be a thousand times more valuable than it is for lumber—¹⁸

CHAIRMAN: (*gaveling*) Gentlemen! Order, please. The Chair recognizes Mr. Louis Marshall.

PRESERVATIONIST: Mr. Chairman, fellow delegates, it is important for us to observe that the two individuals who introduced and seconded this amendment represent the very private companies with which the State must enter into contracts for the removal of timber authorized by the proposed amendment. Now, we have the suggestion made that we have reached a different time in our history. What was good forestry was not known in 1894. At that time it has been said that we were wild, and in a moment of rage we adopted this proposition. A moment of rage. After several months of thought upon the subject, after there had been most careful thought and consideration of the question, the existing amendment was carried. It was the only amendment that went through the Constitutional Convention of 1894 by a unanimous vote. That was not a matter of haste. It was a matter of deliberation; not only deliberation then, but subsequent deliberation. And yet we are now asked once more to relax the principle set forth in the Constitution.¹⁹

CHAIRMAN: The compromise now reads, 'The lands of the State, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands—'

CONSERVATION COMMISSIONER: '—except as hereinafter provided.' The Conservation Commission may build fire trails, provide for the removal of dead trees, and authorize a highway from—

CHAIRMAN: (*gavel*)—*All academic:* the entire proposed Constitution is rejected by the people, 400,423 for, 910,462 against.

CONSERVATION COMMISSIONER: Mr. Chairman, growing needs for the benefits of river regulation—permitted in the Forest Preserve under the terms of the so-called Burd amendment approved in 1913—recommend the construction of a reservoir at Saranac Lake. This reservoir is highly desirable for summer resort, health and pleasure purposes, but inasmuch as "business and pleasure" can be here so admirably combined, the needs of the water powers should probably receive first consideration. The value of all property within the vicinity of the reservoir will be materially enhanced.²⁰

LEGISLATOR: Moreover, Mr. Chairman, under the terms of the Machold Storage Law of 1915, the Hudson and the Black River Regulating Districts propose reservoirs at Piseco Lake, Ords Falls, Elm Lake, Chain Lakes, Cedar River Flow, Indian Lake, (*continue below, under Jurist until Editor's "Wait!"*); then resume powerfully over her "and therefore."

JURIST: (*on "Indian Lake," jubilantly over list*)—Only a trifling area of State land will be required for either water storage or power development. Of approximately 2 million acres of Forest Preserve lands, less than 31,000 acres, only 1.7 percent—little more than half the law allows—will be required for practically complete development of the water storage possibilities of the Adirondack region.²¹

LEGISLATOR: (*continuing*) Sanford and Harris Lakes, Goodnow Flow, Cheney Ponds, Boreas Ponds, Thirteenth Lake, Schroon Falls, Lake Pleasant, Sacandaga, Trout Brook, Warrensburg, the upper Hudson from the Indian River to Rich Lake above Newcomb, Hawkinsville, Forestport, Otter Lake, Nelson Lake, Minnehaha, Old Forge, Sixth through Eighth Lakes, Indian Rapids, Big Moose Lake, Beaver Lake, Lake Lila, Pine Lake at Otter Creek, Stillwater, Ausable Lakes, Cherry Patch Ponds; Chateaugay Lakes; Clare, Copper, and Rock Falls; Harrisville, Newton Falls; Oxbow Lake, Stark; Raquette Pond; Titusville; Brandon, Everton, Five Mile; Panther and Higley Mountains—²²

EDITOR: (*piercing: stop list*) WAIT !! (*ironically*) Shouldn't it be acknowledged



"STOP THIEF." From the New York Herald, April 20, 1903. Copyright, 1903, The New York Herald Co.

that most of the land to be flooded is privately owned, and therefore—

LEGISLATOR: (*resume listing*)

CONSERVATION COMMISSIONER: (*over list*) The Federal government has advocated reclamation of swamp land and the utilization of 'waste land' as part of the national reconstruction policy, much of this land to be set aside for returned soldiers. With these principles the Conservation Commission is in complete sympathy.²³

PRESERVATIONIST: (*over list, building indignation*) The hypocrisy of those who are planning river regulating districts is apparent, Mr. Chairman. A careful reading of the provisions reveals that a regulating reservoir is (and I quote) "not intended to include a reservoir created by a dam constructed or maintained for power purposes, but it is intended to include a reservoir at or by reason of which there may be, as an incident to its operation, the possibility of the utilization of a portion of the water stored thereby for power purposes." I denounce this as a cheat and a swindle upon the Constitution. It is not stated what portion of the water may be used for power purposes. In fact every ounce of it may be so used. The purpose of these so-called regulating reservoirs has been and is, and never can be, anything other than that of creating hydroelectric power.²⁴

THE EDITOR: (*appalled*) Mr. Chairman, the legislature and all the citizens of New York must take action! John Apperson, Paul Schaefer, and the leaders of over thirty conservation, sportsmen's, and civic groups believe "the argument that three percent is infinitesimal and not worthy of careful further consideration is unwarranted in the same manner as it would be unreasonable to say that because the heart is only of small percentage in relation to one's body it is therefore not too important. The fact is that the river basins in the Forest Preserve are the refuge and cradle of wildlife."²⁵ Governor Al Smith has warned,

COMMISSION CHAIRMAN: (*continuing sentence*) "the pretense of preserving the public interest is no safeguard against the private exploitation of the Adirondack Preserve. We owe it not only to ourselves but to the generations to come that should any part of the Adirondack Preserve be flooded, the floodings should be restricted to the public benefit now set forth in the Constitution, and not for exploitation by private interests."²⁶

LEGISLATOR: Mr. Chairman, you can imagine how difficult the last few years' debates have been that have led the legislature to diminish its own authority. But it has done just that by passing an amendment to the Constitution that will undo the river regulating amendment of 1911, rescinding legislative authority to allocate any Forest Preserve lands for regulating the flow of streams.

CHAIRMAN: The people attended to this debate: they approved the amendment on November 3, 1953, 1,002,462 for, 697,270 against (*gavel*). It is again affirmed that 'the lands of the state . . . shall not be taken by any corporation, public or private, nor shall the timber thereon be—'

CONSERVATION COMMISSIONER:—Pardon me, Mr. Chairman, but you are certainly aware that since 1920 the most important business of the whole Forest Preserve region, larger than the entire lumbering business in both Adirondacks and

Catskills, is that of caring for vacationists. And you must admit that the Constitution has prohibited the State from making the most important public vacation grounds in the United States more accessible, more usable, and better known to those whose property it is.²⁷

CHAIRMAN: Indeed, Mr. Commissioner, but 'the forest preserve shall be forever kept as wild forest lands—'

PRESERVATIONIST: —If I may, Mr. Chairman?

CHAIRMAN: The Chair recognizes Mr. Robert Marshall.

PRESERVATIONIST: To those who share our esteemed Commissioner's view that the provisions of 'forever wild' impose only unwelcome constraints upon public enjoyment of the Forest Preserve, I submit that antagonistic attitudes toward wild nature are changing as humans encroach upon open spaces throughout this country. There is just one hope of repulsing the tyrannical ambition of civilization to conquer every niche on the whole earth. That hope is the organization of spirited people who will fight for the freedom of the wilderness. Wilderness should be defined as a region which contains no permanent inhabitants, possesses no possibility of conveyance by any mechanical means and is sufficiently spacious that a person crossing it must have the experience of sleeping out. The dominant attributes of such an area are: first, that it requires anyone who exists in it to depend exclusively on his own effort for survival; and second, that it preserves as nearly as possible the primitive environment. This means all roads, power, transportation and settlement are barred. But trails and temporary shelters, which were common long before the advent of the white race, are entirely permissible.²⁸

CONSERVATION COMMISSIONER:—But public demands for improved recreational facilities cannot simply be ignored. Mr. Chairman, the Conservation Department is authorized by the legislature and Governor Roosevelt to build a bobsled run on Forest Preserve lands for the 1932 Winter Olympics at Lake Placid.²⁹

CHAIRMAN: I call upon Judge Frederick Crane of the New York Court of Appeals.

JURIST: Mr. Chairman, in the case of *The Association for the Protection of the Adirondacks vs. Alexander MacDonald*, I find that all things necessary for the preservation of the Forest Preserve are permitted—such as measures to prevent forest fires, the repairs to roads, or the erection and maintenance of proper facilities for the use by the public—which do not call for the removal of timber to any material degree. But trees cannot be cut or removed to construct a toboggan slide simply and solely for the reason that Section 7, Article VII of the Constitution says it cannot be done.³⁰

CHAIRMAN: And so 'the lands of the state shall still be forever kept as—'

LEGISLATOR:—Except, Mr. Chairman, that "nothing in this section shall be construed to prevent the enactment by the legislature of separate laws, each applying to a single project, providing . . . for the construction . . . of such recreational facilities as are not inconsistent with the general wild forest character of the forest preserve, and the necessary clearings of timber therefor—"

CHAIRMAN: (*insistently*)—nor shall the timber thereon be sold, removed, or destroyed!

JURIST: You are no doubt aware, Mr. Chairman, that beginning with Mr. Woodbury in 1915, Attorneys General have delivered opinions that "forever kept"

permits such improvements as are necessary to insure preservation of the State's forests.

LEGISLATOR: And so we add, 'nor shall anything contained in this section be construed to prevent any measures necessary to protect the forest preserve against fire, nor to prohibit the making and maintenance of paths, trails, camp-sites and camping facilities designed to render the forest preserve more accessible and useful to the public, including the necessary clearings of timber therefor.

CHAIRMAN: The people do not share this interpretation of Article VII: in November of 1932 they reject the proposed amendment by a decisive margin of 2:1 (*gavel*). **The timber on Forest Preserve lands shall not be sold, removed—**

LEGISLATOR: (*clears throat loudly*)—except that nothing in this section shall prevent the state from constructing and maintaining not more than twenty miles of ski trails thirty to eighty feet wide on Whiteface Mountain—

EDITOR:—and on Belleayre, Gore, South and Pete Gay mountains.

CHAIRMAN: Both recreational amendments are approved by the people in referenda of 1940 and 1946 (*gavel*). Having been re-numbered by the Constitutional Convention of 1938, and with the addition that violations of its provisions may be restrained at the suit of any citizen, Article XIV, Section I, now reads: 'The lands of the forest preserve as now fixed by law, shall be forever kept as wild—'

LEGISLATOR:—except that nothing in this section shall prevent the state from constructing a highway from Saranac Lake to Long Lake to Old Forge—

EDITOR:—and from Wilmington to the top of Whiteface Mountain—

CONSERVATION COMMISSIONER:—and, since it does not require the cutting of trees "to any material degree," the Conservation Department now proposes to construct truck trails in order to protect the more remote areas of the Forest Preserve from fire.³¹

PRESERVATIONIST: Mr. Chairman! Commissioner Osborne must be aware that once a road passable for automobiles is actually built, there will immediately be a strong argument that the Conservation Department is like a dog in a manger in not permitting the general public to use it. It will be much easier to open by constitutional amendment a road which already exists than it would be to authorize the cutting of an entirely new road.³²

JURIST:—and a highway from Indian Lake to the village of Speculator—

FORESTER:—and any highway heretofore specifically authorized by constitutional amendment.

COMMISSION CHAIRMAN: Recreational development is a job not of building roads into lovely country, but of building receptivity into the still unlovely human mind.³³

CHAIRMAN: Be that as it may, along with four hundred acres to be used for relocating existing highways, and another 300 acres for an interstate highway from Glens Falls to Plattsburg, amendments to allocate forest preserve lands for all the above roads are approved by the people in separate referenda.

CONSERVATION COMMISSIONER: Mr. Chairman, may we look back for a moment to an event that should have been decisive in our Forest Preserve management policy? Whereas the Attorney General ruled that cleanup and salvage of the 1950 blowdown was permissible under Article XIV, the time has come to ask four key questions: first, if our objective is the preservation of the forest, are forests best preserved by prohibiting cutting?

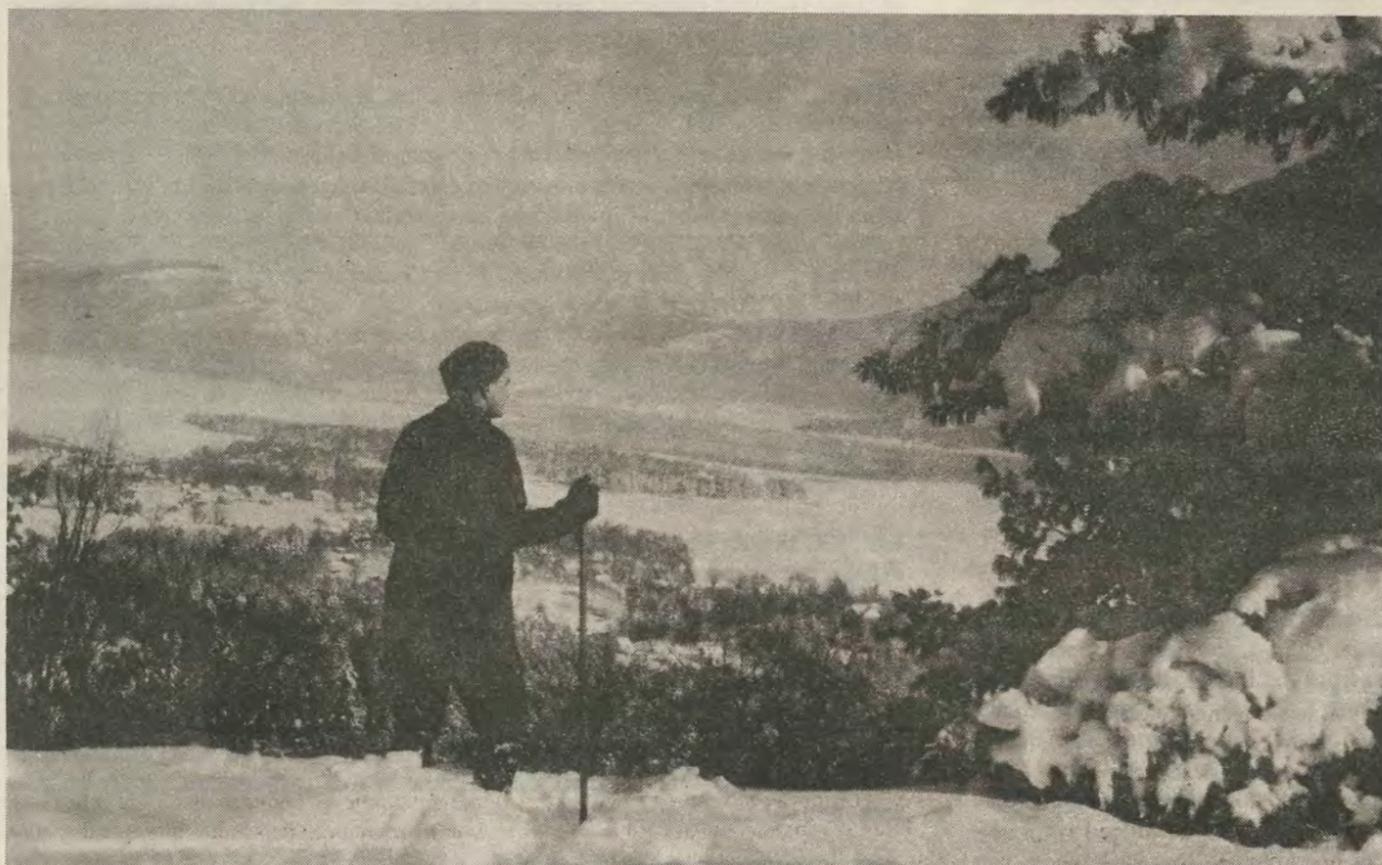
FORESTER/JURIST/LEGISLATOR AS CHORUS: NO !

CONSERVATION COMMISSIONER: Right! Second, what is meant by "forever wild"? Does it suggest an abundance of birds and animals and if so, does our present management policy promote that objective?

FORESTER/JURIST/LEGISLATOR AS CHORUS: NO !

CONSERVATION COMMISSIONER: Right again! Third, how does the present management policy, as prescribed by our constitution, contribute to the economic needs of state and nation?

FORESTER/JURIST/LEGISLATOR AS CHORUS: POORLY !



Skiing and view from the west shore of Lake George 1930s, photo by John S. Apperson. Note Green Island jutting out into the lake without the now heavily developed Sagamore Resort Hotel. Courtesy of the Apperson collection, Adirondack Research Center of the Association for the Protection of the Adirondacks.

A Second Century Agenda for the Adirondack Park

by Robert Glennon

The following comments by Robert Glennon, Executive Director of the Adirondack Park Agency, were delivered at the "Symposium & Conference for the Centennial of the Forever Wild Covenant" September 30, 1994, sponsored by the Association for the Protection of the Adirondacks.

I have the temerity to suggest to you that we ought to sit down tomorrow and plan a second century agenda. Perhaps it is simply not in our nature to be able to look seven generations ahead, or even a hundred years ahead, but let me offer a few suggestions as the second century of the Covenant begins. These are my personal thoughts. They have not been endorsed by the Park Agency:

First, whenever a State official, either elected politician or unelected bureaucrat, or even a fellow citizen, mouths the mantra that the State ought not to own any more land because it can't manage that which it presently owns, from this day forward, let's use the tactic of the ADL (Anti-Defamation League of B'Nai B'rith): challenge that statement whenever and wherever made! Stand up in the meeting and speak out, write the editor, phone the call-in show, write the politician and say this: "That is thinking small if I ever heard it. Those are not State lands. The deeds are to the people of the State of New York. Those are my lands, I have a one -sixteen-millionth undivided interest in them, I want the State to acquire more of them for me and my kids, and I don't want to hear that because you can't manage 'em I shouldn't own 'em."

Second, from now on, when mischievous, demeaning and trivial amendments are proposed, let's call them what they are and point out what they do to the 54 word covenant.

Third, if, as I recently heard said publicly by an Adirondack local official, a small and unrepresentative group of such officials have used the local veto in the Environmental Protection Act to halt State land acquisition in the name of 16 million New Yorkers, let's express our outrage, loudly, publicly and often, that such tyranny by the minority has been allowed to occur.

Fourth, if the Northern Forest Lands Council's final report continues to eschew any zoning or mandatory forestry standards, as did its draft, then let's turn that into grassroots action and congressional lobbying for some meaningful protection for 26 million acres. Carolyn Maloney is proudly sponsoring a 16 million acre Rocky Mountain Wilderness Act for lands thousands of miles from her district on the theory every American has a vital stake in the Greater Yellowstone Ecosystem; she might lend you an ear.

Fifth, if the next draft of the State Land Acquisition Plan reflects as does the present document, a curious kind of embarrassment over acquiring Forest Preserve in a year when we ought to be proud, thankful and humble all at once, then we ought to demand, loudly, publicly and often, to know why. Is it to be a rote recital of politically correct targets of opportunity, when it could be a blueprint for the preservation of every representative Adirondack ecosystem, reflecting the new-old principles of conservation biology, setting the stage for

the return and prospering of historically native fauna? Isn't that what they were telling us in 1894?

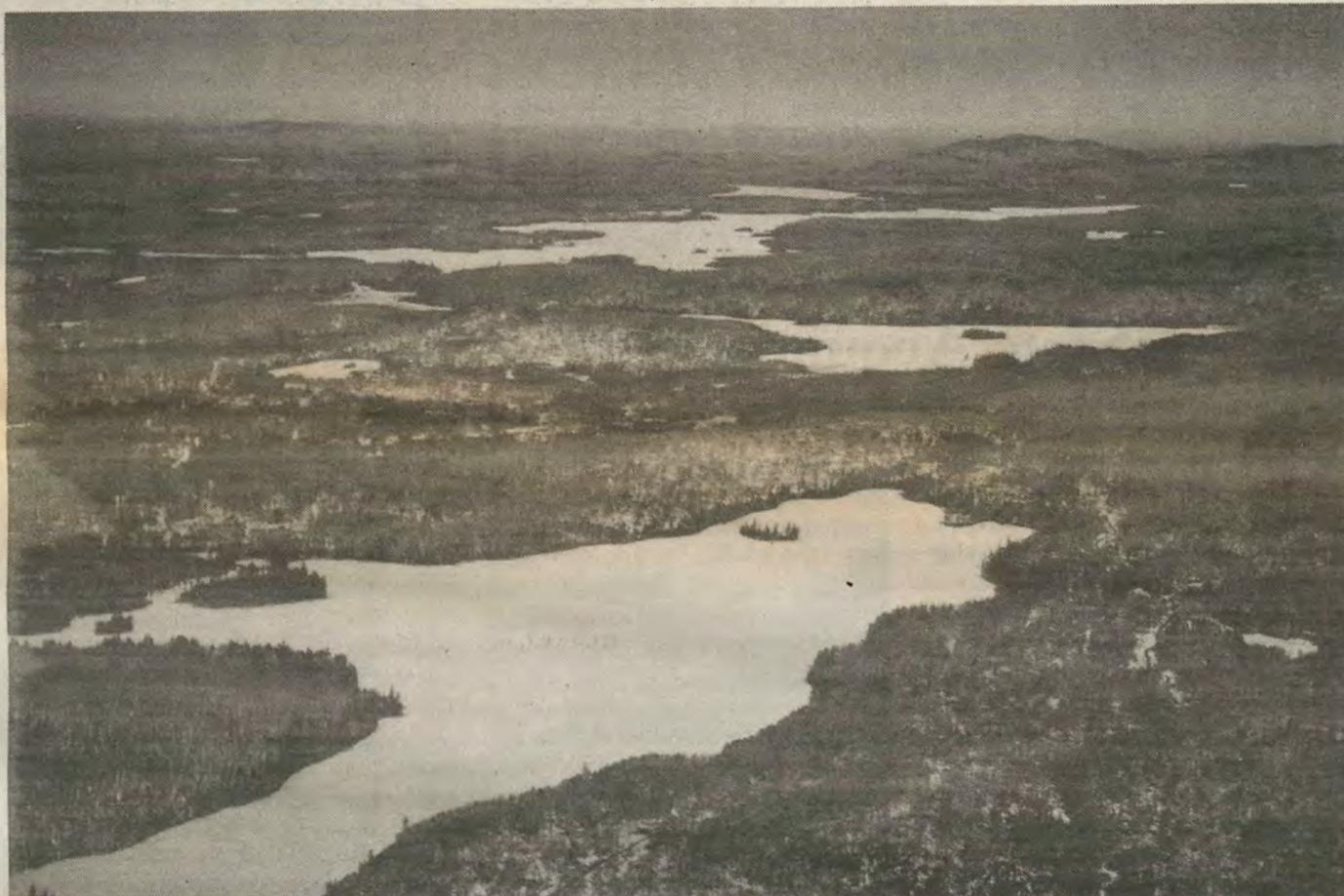
And finally—and this I submit to you should be the Second Century Project, this is a fitting way to honor those who gave us the Covenant—if there is no progress on creation of the Bob Marshall Wilderness, 400,000 acres, containing every Adirondack ecosystem, 441 lakes and ponds, 70 miles of wild rivers, one grand unbroken domain where there is at least a small chance the wolf might howl again in New York's wilderness, then maybe it's time for history to repeat itself, and for some kind of constitutional acquisition mandate to be considered.

So let us celebrate a century of the Forever Wild Covenant. Let us honor the exercise of foresight, selflessness and courage which gave us a constitutional right a century ago to that which the rest of the world is—maybe—only now beginning to dimly realize. A constitutional right to preserve in their natural state not only our common grounds, free and open to all the people,

for they are much more than that today, and they are becoming more valuable daily, with every acre of forest destroyed in Russia, in Brazil, in Myanmar, in Oregon and Alaska; with every bear, elephant, or big cat poached, with every wolf shot from an airplane, with every dam built in China, with every species obliterated, with every habitat eradicated, with every new plague unleashed as a result of our encroachment on places heretofore untouched, and everywhere in the world the fierce green fire is dying.

It is now, a full century after it was conceived in our state, an idea whose time has not only come, but an ecological imperative that must be embraced by others, elsewhere, at immeasurable peril to our species and to all species, if it is not. And we in New York State have known this for a hundred years, and in the coming decades what started here could literally save the world, and for that there is much cause for celebration—and hope.

Thank You.



Hopefully, the Whitney Tract will be added to the State land base someday soon as part of the 400,000 acre Bob Marshall Wilderness. Photo Courtesy Gary Randorf, Adirondack Council.

CONSERVATION COMMISSIONER: Absolutely! Finally, under this policy, are we making the most of the potential recreational values of the Forest Preserve?³⁴

FORESTER/JURIST/LEGISLATOR AS CHORUS: NO!

CHAIRMAN: Nevertheless, for over half a century the people of this state have reaffirmed that the endurance of Article XIV is more important than the management benefits you advocate. So let us move on. The new Constitution proposed by the Convention of 1967 having been firmly rejected, and in any case not having brought any new perspectives to Article XIV, the Chair now recognizes Mr. Harold A. Jerry, Executive Secretary of Governor Rockefeller's Temporary Study Commission on the Future of the Adirondacks.

COMMISSION CHAIRMAN: Mr. Chairman, on this 15th day of December 1970, The Temporary Study Commission recommends that all state lands continue to be protected by Article XIV. Because, however, this covenant has not been effective in preserving a wilderness environment, we also recommend that the lands of the Forest Preserve best suited to recreational management practices be designated Wild Forest; in the remaining 42%, classified as wilderness and primitive, the standard by which 'forever,' 'wild,' and especially 'kept' shall be judged is an area where the earth and its community of life are untrammelled by man—where man himself is a visitor who does not remain. If we are to ensure the perpetuation of natural plant and animal communities in the Forest Preserve, Conservation Department

administrative personnel must develop totally new attitudes about their role and methods of work.³⁵

CHAIRMAN: The Chair recognizes Mr. George Davis, Executive Director of Governor Mario Cuomo's Commission on the Adirondacks in the Twenty-First Century.

JURIST: Mr. Chairman, on this first day of April, 1990, The Commission on the Adirondacks in the Twenty-First Century recommends the retention without change of the first two sentences of Article XIV, Section 1. Natural habitat, ecological processes and wildlife must be given top priority in the planning and management of the Forest Preserve and the larger Adirondack Park. As a vital sanctuary of natural communities, the region is a safe-deposit box containing ninety percent of all the plant and animal species of the Northeast. Yet the Adirondack Park remains an unfulfilled promise that time may pass by. The land subdivision and development trends so evident today will increasingly foreclose the opportunity to preserve many of the diverse elements of the Park's natural systems. This place of intermingled public and private interest requires a common stewardship. This means that when long-range environmental and short-range economic considerations come into conflict, the balance needs to be struck in favor of protecting its special biological qualities.³⁶

PRESERVATIONIST: Mr. Chairman, as we approach the Centennial of Article

XIV, the stakes begin to appear much higher than anyone imagined; a century's disputes over the meaning of 'forever wild' resonate with ironic prophecy. Now eminent scientists are issuing public warnings that human impacts have initiated an era of global mass extinctions unprecedented in the 3.5-billion-year history of earth, threatening the entire process of vertebrate evolution. I pray we will soon act on the mounting evidence of conservation biology that existing wilderness, parks, and refuges are too small, too isolated, and represent too few ecosystem types to perpetuate the biological diversity of North America. The restoration of large, unmanaged reserves will require not just halting, but reversing human incursions into biologically critical open spaces. Those who believe humans can exempt themselves from the laws of nature will also pronounce ecological restoration as 'politically unrealistic.' But the improbable history of Article XIV exists to remind us just how ephemeral such 'realities' are; and through this unique Covenant New York's citizens have bequeathed themselves a restored Forest Preserve, the heart of a critical biosphere reserve.

CHAIRMAN: I relinquish my gavel to tell Clarence Petty's story about his youthful introduction to biological diversity. When he wanted to take revenge on porcupines for chewing the handles off the oars for his father's guideboat, he was reminded that the animal came here before him. His father recalled that around 1914 they had a bounty on porcupines. All you had to do was turn in two front feet and you would get 25 cents for them. Ten years later, a bill was introduced into the legislature making it a crime to kill a porcupine. Why? Because one of the legislators said it was the only animal a man who was lost in the woods could take a club and kill, and therefore it might save his life. See how things change in this whole picture? What we're thinking now may be far different than will happen 50 or 75 years from now. And every year we learn something.³⁷

JURIST: The constitution, in our legal system, builds a perspective of time into social decision making, which by creating a link with the values that dominated our past, acts as a restraining force on the instincts of the moment.³⁸

CHAIRMAN: And so today, a century after its adoption, we gather to celebrate the remarkable endurance of a Covenant unique in this nation: *The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.*

NOTES

¹ "Adirondack," Editorial, *New York Times* 9 Aug. 1864. Subsequently incorporated in an advertising pamphlet for Dr. Durant's never-completed Adirondack Railroad.
² Samuel H. Hammond, *Wild Northern Scenes* (NY: Derby & Jackson, 1857), p. 82.

³ Verplanck Colvin, *Seventh Annual Report on the Progress of the Topographical Survey of the Adirondack Region of New York, to the Year 1879*, NYS Assembly Document No. 87 (Albany, NY: Weed, Parsons, 1880): 523
⁴ Editorial, *The Warrensburg News* 27 Feb. 1890. Qtd. Frank Graham, Jr., *The Adirondack Park: A Political History* (Syracuse UP, 1978): 123. Despite its title, this study focuses on the Forest Preserve and Article XIV. Philip G. Terrie, *Forever Wild: Environmental Aesthetics and the Forest Preserve* (Philadelphia: Temple UP, 1985) is a necessary—and more probing—complement. An indispensable chronology is Norman J. VanValkenburgh, *The Adirondack Forest Preserve: A Narrative of the Evolution of the Adirondack Forest Preserve of New York State* (Blue Mountain: The Adirondack Museum, 1979). Louise A. Halper offers copious research in "'A Rich Man's Paradise': Constitutional Preservation of New York State's Adirondack Forest, A Centenary Consideration," *Ecological Law Quarterly* 19: 193 (1992): 193-267.
⁵ Franklin B. Hough, *Report of the Sargent Commission*, NYS Assembly Document No. 36 (1885): 66.
⁶ J. B. Harrison, *Garden and Forest* 24 July 1889: 358-59.
⁷ *Record of the Constitutional Convention of the State of New York 8 May-29 September 1894*: 2051, 2055-56, 2059.
⁸ Qtd. Graham 128.
⁹ *Forest and Stream* 47 (21 November 1896): 401.
¹⁰ William F. Fox (Superintendent of State Forests), "Short Talks on Forestry and Kindred Subjects" in Fisheries, Game and Forests Commission, *Third Annual Report*: 334, 337. See Terrie 110-112.
¹¹ Qtd. Harold T. Pinkett, *Gifford Pinchot* (Urbana: Univ. of IL P, 1970): 33-34; qtd. in *Forest, Fish and Game Commission Annual Report*, 1900: 18.
¹² *Garden and Forest* 7 (12 Sept., 1894): 361.
¹³ Chairman, Commission on Forests, NYS Board of Trade and Transportation, 1914; qtd. Roger C. Thompson, *The Doctrine of Wilderness* (Ph.D. Thesis, State University College of Forestry, Syracuse, 1962): 209.
¹⁴ Qtd. Thompson 109 (n. 13).
¹⁵ Qtd. Charles Reznikoff, ed., *Louis Marshall: Champion of Liberty* (Philadelphia, 1957), II: 1063. Also qtd. Graham 186.
¹⁶ Edward M. Angell, qtd. in *Revised Record of the NYS Constitutional Convention of 1915*: 1450-54.
¹⁷ J. S. Whipple, *Ibid* 1479.
¹⁸ Whipple, *Ibid* 1473.
¹⁹ Qtd. Reznikoff, ed. (n 16) 1020-27.
²⁰ NYS Conservation Commission, *Fourth Annual Report*, 1920, Vol. II, "Saranac Reservoir."
²¹ The so-called Burd Amendment of 1913, the subsequent Machold Storage Law of 1915, and their near-dire consequences for the Forest Preserve are discussed in Graham, 169-70 and Ch. XXII.
²² For list and sources in *Report of the Hudson and Black River Regulating Board*, 1918, see Paul Schaefer, ed., *The Forest Preserve* (Sept. 1949): 3.
²³ See Conservation Commission, *Fourth Annual Report*, 1920, Vol. II: 76-89. Also see Terrie 123ff.
²⁴ Louis Marshall, qtd. Reznikoff, ed. 1059.
²⁵ Paul Schaefer, *The Forest Preserve* (Jan. 1947): 7-8.
²⁶ Qtd. Schaefer, ed., *The Forest Preserve* (Sept. 1949): 10.
²⁷ NYS Conservation Commission, *Ninth Annual Report*, 1920: 105, 116-17, 120. Also see Terrie 128-33.
²⁸ Excerpted from "The Problem of Wilderness," *Scientific Monthly* 30: 2 (Feb. 1930): 148ff.
²⁹ See Graham, Ch. XXI.
³⁰ "Association for the Protection of the Adirondacks v. Alexander MacDonald," *278 Appellate Division* 73 (19 Mar. 1930): 81-82. Qtd. Graham 186-87. Also see VanValkenburgh 151-52.
³¹ For these and other proposed amendments to Article XIV, see VanValkenburgh, Appendix VI, 317ff.
³² Robert Marshall, "Comments on Commission's Truck Trails Policy," *American Forests* 42: 1 (Jan. 1936): 6-7. Qtd. Graham 194-5.
³³ Aldo Leopold, *A Sand County Almanac* (NY, 1949): 176.
³⁴ Perry B. Duryea, Conservation Commissioner, speaking through Pieter Fosburgh, ed. *NYS Conservationist* (Oct.-Nov. 1951): 1. Qtd. Graham 210 and Terrie 151.
³⁵ Temporary Study Commission, *The Future of the Adirondacks, Vol. II: The Technical Reports: Private and Public Lands*, Vol. B (Blue Mt. Lake, NY: Adirondack Museum, 1971): 23-29.
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³⁷ From Paul Schaefer via David Green, without whose research assistance this piece could not have been assembled.
³⁸ Joseph L. Sax, "America's National Parks," *Natural History* (Oct. 1976 Supplement): 79. Qtd. Graham 224.

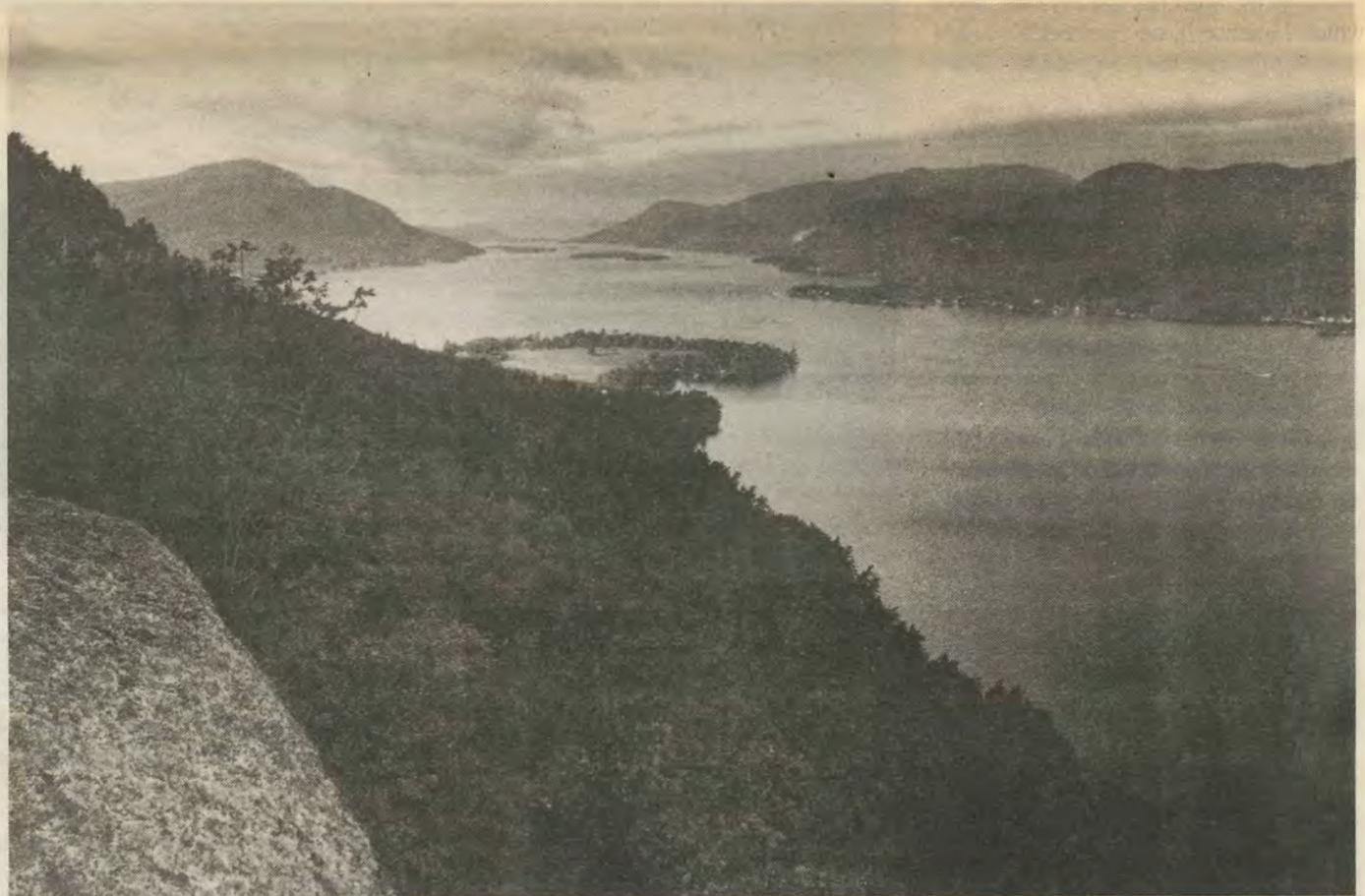
State Acquires Morgan Property on Lake George

Governor Mario Cuomo today announced the acquisition by New York State of nearly a mile of undeveloped shoreline, known as the Morgan Property, on the east side of Lake George in the Adirondacks.

The Governor made the announcement while attending the annual conference of the Association for the protection of the Adirondacks to commemorate the 100th anniversary of the adoption of the "Forever Wild" clause of the New York State Constitution.

"A century ago, the people of New York made a decision that the State lands within the Adirondacks were of such value that they should be protected not by mere statute but by the State constitution itself," Governor Cuomo said. "The purchase of the Morgan Estate will ensure that future generations can continue to appreciate the uncluttered view of this portion of the east shore of Lake George."

The purchase of this property was funded through the State Environmental Protection Fund, signed into law by Governor Cuomo in 1993. The 176 acres of forested hillside in the Washington county town of Putnam is near Gull Bay in the North Basin of Lake George. New York State, through the Department of Environmental Conservation, reimbursed the Adirondack Land Trust \$2.6 million for purchasing the land in 1990 from William Morgan, a local resident. The entire project cost the Conservancy \$3.4 million; over 600 residents of the Lake George Basin contributed to the Adirondack Land Trust which operates in cooperation with the Adirondack



Acquisition of nearly a mile of undeveloped shoreline on the eastern side of Lake George is a fitting way to celebrate the 100th Anniversary of Article XIV. However, there remains much work to be done to adequately preserve every representative Adirondack ecosystem. Photo courtesy of Gary Randorf—Adirondack Council

Conservancy to make up the difference.

"New York is grateful to the Adirondack Land Trust, its private donors, and the Adirondack chapter of the Nature Conservancy for assisting in preserving this scenic parcel in its natural state as it becomes part of the public domain," the Governor said.

The Morgan property and adjoining private lands to the north and south, are

among the 75 parcels statewide identified in the State Open Space Plan as having the highest priority for conservation. The Plan was developed in cooperation with citizen advisory groups across the state.

The State budget appropriated \$31.5 million for the Environmental Protection Fund this year for a variety of environmental projects, including

open space conservation, landfill closure and recycling.

The Adirondack Land Trust is a non-profit organization dedicated to the conservation of open spaces and agricultural and forest lands in northern New York. The Adirondack Nature Conservancy is a chapter of the international Nature Conservancy.

Old Growth at Baxter State Park's Scientific Forest Management Area

by Mitch Lansky

Most of Baxter State Park was heavily cut before former governor Percival Baxter turned it over to the people of Maine. Large portions of the park experienced major forest fires. Indeed, much of the northern part of the park burned in 1903. Severe spruce budworm outbreaks swept through the park several times over the last century. Yet somehow, despite cutting, fires, hurricanes, budworm outbreaks, and other disturbances over the ages, a 300-acre stand of old-growth spruce and northern hardwoods is still persisting in a remote area of the Scientific Forest Management Area (SFMA) of the park.

A Special Place

Park officials and scientists were unaware of the existence of this stand until Ray "Bucky" Owen (then a wildlife resources professor, but now the commissioner of the Department of Inland Fisheries and Wildlife) discovered it in 1990 as he was scouting for deer to the north of Wadleigh Mountain. He was surprised by the size of the trees and recognized that this area was special.

It is special. While there are older spruce stands in Maine (one stand on North Turner Mountain has trees older than 420 years), most are at higher elevations and steeper slopes. Old-growth, low-land spruce on more even terrain are very rare. When loggers found them, they cut them.

Few remnant old-growth stands in Maine have as much volume, or have trees with as much height as this. On a field trip to the area in late August (which I attended), one forester's quick estimate in the predominantly red spruce area was around 80 standing cords of wood per acre. Contrast this with the state average of 14.5 cords or even the average at Big Reed (the largest old-growth stand in the state) which is 25 to 30 cords per acre—not much more than one would expect from an older second-growth forest.

Some of the spruce in the SFMA exceed 28 inches in diameter and approach 90 feet in height. On the field trip, we measured a downed red spruce that was greater than 85 feet from bottom to top. Some scattered white pine soared over 120 feet and had a diameter of around 4 feet. Hardwoods and hemlock on the slopes likewise had large diameters and great heights.

A Typical Stand?

We have little evidence of what was "typical" of the virgin spruce forests confronted by the earliest lumberjacks. Measurements of a remnant spruce forest near Squaw Mountain by forester Ralph Hosmer in 1902 found a maximum diameter of 27 inches and a canopy height of around 70 feet (Irland 1993). The size of spruce at the SFMA is clearly on the upper end of the scale compared to stands surveyed by forest ecologist Charlie Cogbill (Cogbill 1993). As Cogbill notes, "Remnant uncut areas are not only decidedly rare, but are biased by their history as unwanted by settlers or loggers. They were unproductive, inaccessible, or had an unusual composition, history, or setting and thus survive today." (Cogbill



Forester Joachim Maier measures an old growth pine tree in the Baxter State Park Scientific Management Area with a diameter tape. It is estimated that there are approximately 80 cords per acre in this old growth stand. Photo by Mitch Lansky

1993). That this stand, which would be very much appreciated by loggers, could have survived so long in Maine is truly an anomaly.

Old Growth

Some people have an image of old-growth forests as being dark and cathedral-like under dense, closed canopies dominated by huge, shaggy, ancient trees. In this imagined forest, the forest floor is mostly open, with an occasional sapling rising towards the canopy and rare woodland flowers abounding.

At the SFMA, however, the canopy is not fully closed. There are numerous gaps (from such factors as wind, spruce budworm, spruce bark beetle or even old age) where trees have died or fallen. Some of the fallen trees had rotted down to forest duff—testifying to many hundreds of years to not only grow, but to die and decay. The forest floor in the predominantly-spruce area is covered with an abundance of regeneration one would expect from a first stage of a shelterwood cut. Balsam fir, though represented in the regeneration, is clearly not a canopy tree, as it is in much of the second-growth forests of Maine. Enough direct and indirect light filters down from the high canopy to allow white pine (which is usually associated with larger openings) to regenerate amongst the spruce and fir. Mature white pine trees, however, are infrequent, though quite large.

We did not notice the presence of any rare wildflowers (this was in August), but it would be interesting to survey the diversity of mushrooms growing amongst all the rotting and rotted wood after a rain (we were their during a drought).

Surprisingly few trees were of intermediate height. Tree core samples, however, showed that the smaller-diameter trees were younger than the larger-diameter trees. For example a 7-inch-diameter red spruce was around 70-years old. A 22.5 inch spruce next to it was over 250 years old. The stand was clearly uneven-aged, but it did not seem, to have the classic "reverse-J" shape stand structure associated with selection

management. Disturbances and age structures appeared to be more irregular.

The fact that this and other old-growth stands are uneven-aged blows a hole in the argument that spruce-fir is always even-aged due to natural disturbances such as fire and budworms. None of the foresters in our group suggested that this stand would be improved through clearcutting on short rotations to "imitate the budworm"—as is the practice in much of the industrial forest.

Scientific Management

It is significant that this stand is found in a publicly-owned area dedicated to "scientific forest management." In 1955, Percival Baxter donated the 30,000 acre area in the northwest of 200,000 acre Baxter State Park to the state, hoping to create a contrast to the exploitive, destructive forest management practices of his day. Baxter had traveled widely in Europe, and was impressed by the intensively-managed spruce stands found in places such as Germany.

Ironically, the "scientific" basis of these grid-like, planted monocultures is now in disrepute in Germany and was even being debated at the time of Baxter's travels. Forests are ecosystems, not industrial factories. "Scientific management," therefore, is ecologically-based management.

Unfortunately, there are few "controls" to the "management" going on throughout Maine. What constitutes "ecological management," therefore, is based more on educated hunches than on hard data.

This newly discovered old-growth stand may supply important information that the park's forester, Jensen Bissel, can use in his managed sector. Bissel, even before the discovery of this stand, was pursuing a conservative approach to management—trying to do minimal damage with roads and skid trails and removing moderate volumes of low-quality wood.

The old-growth stand may yield a wealth of information about: gross growth of large trees in older stands, the

effect of lighting from high canopies, the role of large woody debris in soil processes, gap dynamics (as trees die or fall), the diversity of smaller flora and fauna (fungi, birds, lichens) in an undisturbed forest, and many other topics that may help Bissel or his successors do an even better job.

One interesting area of study could be the edge between the burned area and the old growth. Does the nearness of the old growth affect the development of the new stand? Will this successional stand be recolonized with the full range of species and structures so that it will, in time, be an addition to or replacement of the existing old growth?

The Future

As impressive as the SFMA old-growth stand is, it is only a fragment. It is missing key species, such as passenger pigeons, caribou, and wolves. It has been subjected to intensified insect and disease attacks, including the spruce budworm and the beach-scale disease. It has also been subjected to air pollution and changes in climate.

Some scientists, such as Orrie Laucks, who has studied the eastern mixed mesophytic hardwood forests, have noted that tree death rates (induced, partly, from ozone and acid rain) have been increasing, and question whether we can continue to grow very old trees even if we wanted to. And if (or when) current old stands fall apart, where are the replacements?

Neither Jensen Bissel nor the SFMA's advisory committee have come up with a policy for the newly-discovered old-growth area. There are no roads to it, and, says Bissel, "At current rates of cutting it will be ten years before we have roads near the area." So there is time to study and to plan. How the area is treated depends, ultimately, on the intents of Percival Baxter who is, rather inconveniently, no longer alive to tell us what he wants.

References

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Irland, Lloyd, 1993, "A virgin red spruce and northern hardwoods stand, Maine 1902: its forest management implications," *Maine Naturalist*, volume 1 no. 4, pgs. 181-192.

One-Quarter of Concord, Vermont's

Anyone who has driven along Route 2 between Lancaster, NH and St. Johnsbury, VT in the past decade realizes something is very wrong with the forest—it's disappearing!

Now, thanks to some excellent sleuthing by the Vermont Natural Resources Council and the Northeastern Vermont Development Association, we can see that things are worse than anyone would have dared to imagine.

VNRC and NVDA used ortho and infrared photos from 1982, 1986, and 1992 to map the clearcuts in four Northeast Kingdom towns. They were able to map cutting activity since 1992 with the generous help of dedicated volunteer pilots with the Environmental Air Force. The cuts were mapped onto mylar overlays on the orthos and then scanned into a GIS system.

Results of this exercise are frightening. Over 27% of the forest of Concord has been clearcut since 1980. Clearcuts removed 18.4% of Lunenburg's forest during that period. The figures for Brighton—16.4%—and Newark—13.4%, while not as large, are alarming nonetheless.

After release of these maps and accompanying photographs, the Vermont Forest Products Association withdrew support of a Forestry Communication Council's subcommittee on clearcutting. Roberta Borland of VFPA blasted VNRC and NVDA for a "highly unprofessional act" that will further erode the public's trust and respect of Vermont's second largest industry. She was angered that the maps and photos imply "that the industry is not doing a good job."

For more information, contact: Jim Shallow, VNRC, 9 Bailey Ave., Montpelier, VT 05602; tel. 802 223-2328, or Chris Hamilton, NVDA, Box 640, 44 Main St., St. Johnsbury, VT 05819; tel. 802 748-5181.

Summary of Clearcut Data

Town of Brighton, 34,816 acres (25,088 acres of forest land)			
Years	Acres	% of Town	% of Forest
1982-1985	1,008	2.9	3.4
1986-1989	1,530	4.4	5.1
1990-1992	1,691	5.0	5.6
1993-1994	456	1.3	1.5
Other	252	.7	.8
Total	4,937	14.3%	16.4%

Town of Concord, 34,208 acres (22,380 acres of forest land)			
Years	Acres	% of Town	% of Forest
Early 80's	503	1.5	1.6
1982-1986	248	.8	.9
1987-1992	5,693	16.6	18.5
1993-1994	1,160	3.4	3.8
Other	764	2.2	2.5
Total	8,405	24.5%	27.3%

Town of Lunenburg, 29,065 acres (21,053 acres of forest land)			
Years	Acres	% of Town	% of Forest
Early 80's	767	2.6	3.0
1982-1986	2,483	8.5	9.6
1987-1992	1,242	4.6	4.8
1993-1994	93	.3	.3
Other	191	.6	.7
Total	4776	16.6%	18.4%

Town of Newark, 23,838 acres (17,823 acres of forest land)			
Years	Acres	% of Town	% of Forest
1982-1985	1,230	5.2	6.0
1986-1989	1,187	5.0	5.8
1990-1992	280	1.2	1.4
1993-1994	49	.2	.2
Other	-	-	-
Total	2,746	11.6%	13.4%

A Bird's Eye View of the Northeast Kingdom of Vermont

Photo by Alex MacLean—

Landslides



Forest Has Been Clearcut Since 1987

Town of CONCORD, Vermont Recent Clear Cuts 1980-1994

	Clearcut Areas 1980-1994
	Remaining Forest Area
	Lakes & Ponds



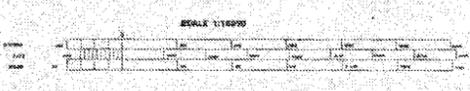
CLEAR CUT SUMMARY:

LAND COVER	ACRES
Clearcut	26,208
Remaining Forest	34,208
TOTAL	60,416
Town of Concord	34,208

Species	Acres	Percent
White Pine	1,000	2.8
Red Pine	1,000	2.8
White Birch	1,000	2.8
Red Birch	1,000	2.8
Yellow Birch	1,000	2.8
White Spruce	1,000	2.8
Black Spruce	1,000	2.8
White Fir	1,000	2.8
Red Fir	1,000	2.8
White Fir	1,000	2.8
Red Fir	1,000	2.8
TOTALS	34,208	100.0



MICRODATA
Map of Vermont, 1994
Scale: 1:100,000



NFL Council's Final Report Fails to Address Regional Crisis

by Jamie Sayen

"The Council's recommendations are [not]... a response to an imminent crisis." —*Finding Common Ground*, page 12

"We are facing an ecological crisis." —Dr. Stephen Trombulak, Biology Department, Middlebury College

The last six years the Northern Appalachians have experienced:

- *a growing ecological crisis measured by alarming declines of species and communities native to the region;
- *the sale of over 25% of the region's private land. On October 10 we learned that a South African paper company has purchased almost 5% of Maine (over 900,000 acres), including over 50 miles of undeveloped shoreline along Moosehead Lake;
- *warnings of dangerous levels of dioxin in fish and lobsters;
- *a 20-year shortfall in spruce and fir in Maine;
- *increasing reliance on the export of raw logs and local jobs;
- *alarming numbers of jobs lost in the woods and in mills;
- *high rates of poverty and unemployment region-wide;
- *increasing pressures for polarization from "property rights/wise use" extremists, and growing public impatience over clearcuts and other abusive forest practices.

If you had hoped that the Northern Forest Lands Council (NFLC) would adequately address these and other fundamental issues in its 37 final recommendations contained in *Finding Common Ground*, (FCG), which was released on September 19, 1994, you will be disappointed. FCG will not bring us closer to achieving sustainable natural and human communities in the Northern Forest region because the NFLC did not examine the most critical issues facing the region. The timber industry wouldn't let it.

If you think these crises will go away because the Council did not address them, and ignored or misrepresented public concerns about these crises, you will probably be surprised when civil war—Pacific Northwest-style—erupts in the Northern Forest region in the next few years. Ignoring problems won't make them go away.

Indeed, *Finding Common Ground* sends a dangerous message: that the status quo can be salvaged. This is a delusion. An undesirable delusion.

The work of the Council was doomed as soon as it decided to ignore the original charge to the Northern Forest Lands Study (NFLS) from Congress (September 1988) to study, among other things, "forest resources" and the "preservation of biological diversity." Instead, the Council fixated on two sentences in a letter written to the Chief of the US Forest Service in October 1988 by Senators Patrick Leahy and Warren Rudman: "The current land ownership and management patterns have served the people and forests of the region well. We are seeking reinforcement rather than replacement of the patterns of ownership and use that have characterized these lands."

This decision—to confine the focus of the work to promote the interests of the largest landowners of the region—locked the Council into a fatal trap; it could not even test the truth of the Leahy-Rudman assertion; it had to reject or downplay all evidence suggesting either that the large landowners (one percent of the landowners in Maine own 80% of that state's Northern Forest lands) had not always served the region well, or that the status quo is crumbling and cannot be "reinforced."

Although the Council gamely stuck to its script of a region well served by absentee multinationals, by dioxins in the rivers, by massive clearcuts, and by region-wide poverty that was well-documented by the Council's predecessor (on pages 34-35 of the NFLS report) but completely ignored by the Council. It gamely stuck to its script despite six years of testimony

that this region is in a crisis, and the status quo has used the region well.

The Council was aware of the conflict between the myth it chose and the reality it tried to ignore. FCG acknowledges:

In our discussions time and again we found a fundamental conflict—between market-driven efficiency that encourages maximum consumption of resources with the least amount of effort in the shortest time, and society's responsibility to provide future generations with the same benefits we enjoy today.

We believe that until the roots of this conflict are addressed and the economic rules changed so that markets reward long-term sustainability and recognize the worth of well-functioning natural systems, existing market forces will continue to encourage shorter-term exploitation instead of long-term conservation of the Northern forest.

This report does not address all aspects of this conflict... (FCG, p. 11, emphasis added)

There you have it. The NFLC did not have the moral backbone to choose between greed and sustainability.

Instead, it found common ground by avoiding sensitive issues and by excluding voices that do not believe the Council's job is to use taxpayer funds to lobby on behalf of a constituency that is responsible for ecological and economic crises, has benefited from these crises, and with pitiful few exceptions, has successfully obstructed all efforts to protect the ecological integrity of the region.

The Council is quite right: until society acknowledges the limits of physical and ecological reality, until society's ethics reject environmentally and socially destructive practices—clearcuts, dioxin-dumping, tax breaks and subsidies to the clearcutters and dioxin-dumpers, for instance—the crises will worsen.

The Council represented our region's best chance to: (1) honestly assess the current situation; (2) forthrightly address the thorny issues in an honest, fair, democratic manner, so that (3) the various interests in the region—timber, environmental, municipal, agricultural, etc.—could work together to develop economies that respect natural limits. Instead, the Council evaded the thorny issues, ignored critical voices, falsified or ignored the concerns of the public, and now has pre-

sented us with a report so biased, so dishonest, and, ultimately, so irrelevant to the crises at hand that, sadly, we can confidently anticipate the sort of Pacific Northwest civil war the Council brags it has saved us from.

What will it take to secure sustainable natural and human communities in—and beyond—the Northern Forests? It will require a conciliation of biology, democracy and ethics. This represents the logical and necessary evolution of our nation's greatest contribution to civilization—the belief and practice of genuine democracy.

Just as the Civil War was necessary to resolve the conflict between the Declaration of Independence's assertion that "all men are created equal" and the reality of slavery, so too, our generation must meet our ethical obligations to future generations and other species by reforming or abolishing economic, social, and political institutions that are based upon ecological abuse.

This most recent stage of American democracy—biological democracy is guided by four principles:

- (1) Equal rights for all species.
- (2) Equal rights for future generations.
- (3) Human demands and activities cannot equal or exceed the limits of physical and ecological reality.
- (4) Citizens must organize along biological, rather than political boundaries—grassroots, watershed-based community decision-making, rather than top-down politics as usual.

By focusing so rigidly on "reinforcing" traditional patterns of land ownership in the Northern Forest region, the Council placed the "rights" of an elite class of only one species ahead of the rights of all others. It ignored the rights of future generations. It refused to challenge the dominant "religion" of our age—belief in infinite economic growth on a finite planet. And it reinforces a system that governs the region from afar, leaving local residents disenfranchised, bewildered, despairing.

We can and must do better. But, since the Council abdicated its responsibilities, we, the citizens of this region must do the work ourselves. The timber industry and the "property rights" radicals have demonstrated that our "democratic" institutions are incapable of fair, honest, intelligent inquiry and problem-solving.

What will it require?

To protect biotic and evolutionary integrity of the region, we must assess the current situation and trends. We must understand the limits of physical and ecologi-

One Council Member's Summary Remarks at Final NFLC Meeting

I want to thank the late Gov. Richard Snelling for first appointing me to the Council, and Gov. Howard Dean for continuing my appointment. Then, greatest thanks are due once more to our senior Sen. Patrick Leahy, present chair of the U.S. Senate Agriculture Committee, for really having the vision to bring the NFLC into being. As he has said on several occasions, Sen. Leahy did this by working with now-retired Sen. Warren Rudman of N.H., a member whose political party and, many times, philosophies differ from Leahy's, yet, as colleagues who both value the Northern Forest, they worked together on this to the greater good.

All through this process there have been those critics who would have made it "people vs. the forest environment", or the "economy vs. environment", seeking, as they did to drive those concepts apart. *They just don't get it*, but the greater part of the public did, and that's the rewarding part.

I've found too that all seventeen of us, all my NFLC colleagues, much as we may have differed at times, love this land, as do so many more. It was through this common bond I believe we got the agreement we finally did. That's seventeen who came to agreement, it's now up to the rest of us.

Two events occurred while we were doing this that brought home to me personally the need to get ahead of the curve with this NFLC process. One was the just-completed Cairo Conference on world population, the other, the collapse of the western North Atlantic fishery. Once again the stark fact which I've repeated so many times now, for I find it tragic, almost unbelievable: **The next major ecosystem just east of ours here in the Northern Forest has collapsed.**

From the beginning, and continuing, there have been critics who said this Council would not work (and they fully intended to see to it that it did not). Often linked to that is the charge that government won't work, that no government activity on behalf of us all can ever benefit people or their environment. But, given our American system, just under this latter charge is the unspoken assertion that society doesn't work; and, if we begin to accept that we may well collapse into a snarling heap of individual "competing interests", so loved by some kinds of cynical manipulators and power-brokers. This work of the Northern Forests Lands Council, with its massive public participation all throughout, says to that horribly frightening scenario, "No Way!"

So: I say "Hurrah for the NFLC!" We did what is so rarely done, we took a look and wrote a vision out on a 50-year horizon for this land. We really did this together not for ourselves so much as for all our grandchildren—and theirs.

Brendan J. Whittaker

Burke Mountain, VT, September 23, 1994

RECOMMENDATION 21 UNDERCUTS PROTECTION & RESTORATION OF BIODIVERSITY

The Council is to be saluted for acknowledging we need to establish a network of ecological reserves. Unfortunately, there were no biologists on the Council, and almost everything the Council writes about biological diversity reflects our society's ecological ignorance and industry and property rights politicization of science. The Council's recommendation #21 will not reverse the alarming decline in biological diversity in the Northern Forest region. Consider the following:

*The Council is interested only in "exceptional" species or communities. Exceptional means: rare, threatened or endangered. (pages 15, 18)

*The Council undercuts regional efforts to protect biodiversity by claiming states should take the lead in protecting biological diversity. The only role for the Federal government is to provide money with no strings attached. (p. 19)

*"The Council's recommendations are designed to conserve the present diversity and to enhance it where possible." (p. 61)

*"The Council also learned that the scientific community has not reached consensus on the size and design of an ecological reserve program. While more research is needed to determine the size, scope and parameters of a reserve system, the experience of the State of Maine offers some insight into this question. . . *That assessment indicates that a reserve system would be limited in size, encompassing only a small portion of the landscape.*" (p. 62) (Emphasis added)

If we follow the advice of the Council, we will end up with a reserve system that protects 1-2% of the Northern Forest region outside the Adirondacks. Currently 42% of the Adirondacks is protected as "forever wild," and still more land must be added to the state lands to adequately protect biodiversity. And, remember, much of the private lands in the Adirondacks are not managed principally for timber fiber and clearcuts are limited in size to 40 acres. In Maine, by contrast, all the private lands in the Northern Forest region are managed for fiber production and clearcuts can be monstrous. Why didn't the Council point to the experience in the Adirondacks instead of Maine? Industry and property rights veto power? Inability to grasp the nature of the crisis?

The Maine study, conducted several years ago by Janet McMahon of Maine's The Nature Conservancy, did not inventory private land (95% of the Northern Forest region); it rejected lands that had been logged in the past 40-50 years, or that had any impoundments or other development. It identified 66 areas with potential for a reserve system of undisturbed lands that would protect native flora. Excluding Baxter State Park and Acadia National Park, this totals about 150,000 acres in a state of 20 million acres—less than one percent of the state.

The Maine ecological reserves study did not study animals, and offers

no insight into whether the potential reserves identified (all on public land or land already owned by private conservation organizations) are adequate in size or location to protect the full array of species native to the region. And, given the small size and remoteness from other reserves, this approach clearly will not protect evolutionary integrity.

Such a reserve system, alone, will not permit the recovery of wolves (one was shot in Maine in August 1993) or cougars. An individual affiliated with the McMahon study acknowledges it is a "maintenance, not a restoration strategy."

Janet McMahon regularly acknowledges that this is only one approach, and that it is not necessarily the best way to protect biodiversity. She acknowledges that reserves should be as large as possible.

The Council misuses Maine's ecological reserve study. It does not acknowledge the limiting assumptions of the study—such as the fact that 95% of Maine's Northern Forest was not studied. The Council latches on to the conclusion that a small reserve system is all that is needed, when the real result of the study is to expose how pitifully little land in Maine has not yet been trashed.

You can be confident that the anti-environmentalists of New Hampshire, Vermont and Maine will continue to mislead the public by misrepresenting McMahon's report.

There is an ecological crisis in the Northern Forest region—even if the Council failed to detect it. Native taxa are declining at alarming rates. There is almost no old growth left. Over 27% of the species found in the New England portion of the Northern Forests are exotics. The Council is correct in calling for sound scientific

studies to guide reserve design. The Council correctly urges us to do this on a landscape scale (and then undercuts this with the false claim that the states can adequately protect biodiversity):

To properly protect biological diversity and evolutionary integrity, we must:

- *assess the current situation and trends (the Council did not);
 - *identify areas of biological richness, as well as unique and rare communities;
 - *design a network of reserves that both protects *and* restores native biological diversity;
 - *integrate the management of public and private lands so that private land management is ecologically sustainable, and not in conflict with purposes of the reserves;
 - *remove political interference and special interest meddling in the process.
- The Council did none of these steps.

An excellent first step is to read *Saving Nature's Legacy: Protecting and Restoring Biodiversity*, by Reed Noss and Allen Cooperrider (Island Press, 1994).

—Jamie Sayen

Percentage of Known State Flora or Fauna That is Rare, Threatened or Endangered According to State Heritage Programs

Taxa	VT	NH	ME
Ferns	31%	25%	33%
Conifers	13%	19%	6%
Flowering Plants	30%	28%	25%
Fish	26%	n/a*	n/a
Reptiles & Amphibians	46%	3%*	23%
Birds	10%	5%*	12%
Mammals	15%	5%*	25%

*New Hampshire only keeps records of threatened and endangered species for animals. It does not have records for rare animals, whereas Vermont and Maine do.

Compiled by Dr. Stephen Trombulak

cal reality. We must identify areas large enough and representative enough to adequately protect the full range of biological diversity native to the region. And we must assure that managed lands—both private and public—are managed sustainably and in a manner that assures that the ecological reserves are able to do their job.

To build a sustainable economy, we first must know the current situation and the regional (and global) trends. We must identify the ecological and physical limits, and we must equitably identify the community values we wish to reinforce: do we want an economy that perpetuates current levels of poverty, or do we want one that adequately meets basic needs? Do we want an economy designed to meet the needs of locals, or do we want to perpetuate an economy that benefits wealthy, absentee interests?

And, to assure that the ecological and economic assessments are done properly, there must be free, open and honest discussion and study of all pertinent issues. No interest group can exert veto power to poison the process as the timber industry and the property rights zealots did to the Northern Forest Lands process.

Council's Good Work Undercut by Industry Bias

Some good has come out of the work of the Council, and its predecessor, the Northern Forest Lands Study. In addition to fostering a regional dialogue on the future of the Northern Forests, the

Council also did—grudgingly, oh so grudgingly—acknowledge that protection of the biotic integrity of the region requires the establishment of ecological reserves on publicly-owned lands, and it eventually conceded that controversy over unsustainable forest practices must be addressed.

But, in all three cases, the good work done by the Council has largely been undercut by its relentless, unquestioning bias for the one percent that owns 80% of the region's non-public lands.

Protection of Biological Diversity: Protection of our life support system is—or should be—our species' highest priority. The Council deserves praise for acknowledging that we need to establish a network of ecological reserves based on sound science. It deserves censure for shackling this recommendation (#21) with qualifiers that assure the reserves will be inadequate to the task at hand. The Council never assessed the status of biodiversity, and now it prejudices the outcome of scientific research to reassure its clients that such a reserve system would be of "limited" size.

The Council's goal is to protect current levels of biodiversity—thus subverting restoration efforts. The Council's work on biodiversity permitted politics to meddle with scientific inquiry. Thus, the Council violated its own call for "sound science." The Council also ignored or misrepresented the public's concerns for protecting biotic integrity. And, although the Council was eager to offer all sorts of expensive tax breaks for land owners whose collective actions are responsible for much of the decline of biotic integrity

in the region, it tells us there isn't much money available for protecting land.

Forest Practices Reform: The Council is to be commended for promoting sustainable forestry and for acknowledging the need for ongoing regional dialogue and collaboration over this contentious issue. However, its work on forest practices is too little, too late. The Council never studied forest practices. For five years the NFLS and NFLC refused to acknowledge forest practices were an issue. The Council squandered its credibility with the public over this issue. The photos of massive clearcuts run in the *Forum* and elsewhere put the lie to the Council's myth of a status quo that has served the region well. The Forest Roundtables proposed by the Council could be a positive development, if they are run honestly, and not controlled by industry, and industry-friendly bureaucrats and politicians.

Regional Dialogue: The Council's greatest legacy is that it did foster a long overdue regional dialogue. Unfortunately, in capitulating to industry and "property rights" vetoes, the Council refused to recommend the creation of a regional replacement that would continue to foster needed dialogue, research and progress on the most pressing issues.

In doing so, the Council pandered to those interest groups' hostility to the federal government. But careful analysis of the Council's 37 recommendations shows that most will require some funding from Congress. The Council and its anti-federal allies are naive in the extreme if they think Congress is going to be favorably

Public Tells Council Strengthen Conservation Measures

A new publication, released by 20 members of the Northern Forest Alliance in September, documents the public testimony at the 20 Listening Sessions sponsored by the Council from March 23-May 5, 1994. An overwhelming percentage of speakers from inside and outside the region testified that the Council's draft recommendations were too weak. Copies of this report, *A Forest at Risk: The Citizens' Agenda for Saving the Northern Forest*, are available from: Northern Forest Alliance, 18 Baldwin St., Montpelier, VT 05602; tel. 802 223-5256.

The following is excerpted from the executive summary.

From Presque Isle, Maine to Long Lake, New York, to Boston, Massachusetts, citizens are calling for protection of the 26 million acre Northern Forest.

... By an overwhelming margin [citizens] called on the NFLC to recommend strong action to conserve and protect the Northern Forest from development and subdivision, poor forest practices, and economic decline. In all, 77% of the speakers said we must take strong action to conserve the Northern Forest. They urged the NFLC to significantly strengthen needed conservation measures in its final recommendations to Congress.

... Foremost among citizen concerns are:

***Development:** subdivision of forest land, degradation of shorelines and ridge tops, scattered vacation homes, loss of timber base, loss of species and habitat;

***Poor Forest Practices:** clear-cutting, herbicide use, highgrading, excessive logging road construction;

***Economic Decline:** job loss, few opportunities for future generations, paper industry dominating local economy, and raw log exports.

Citizens offered their vision for the Northern Forest . . .

*Acquiring public land

*Improving forest practices

*Diversifying and strengthening local economies

*Changing tax policies to support land stewardship

*Guiding development toward existing communities

*Working collaboratively as a region. . .

Overwhelming support for bold action already exists. We cannot wait—now is the time to act.

impressed by states saying: "Give us the money and go to hell." It is improbable that congresspersons from Minnesota and Illinois and points south and west will get very excited about sending great sums of money to such folks.

Also, the Council's final report, *Finding Common Ground*, shows that the Council did not honestly "listen" to the public; that, instead, the Council heard only what it wanted to hear, namely, that the answers provided to it and its predecessor in 1988-89—more tax breaks and easements—are what the public wants.

Consider how the Council falsifies the public testimony in March-May 1994 at 20 NFLC "Listening Sessions." "Most of the comments contained two general themes," *FCG* asserts on page 9, "one, to alleviate the range of pressures that discourage landowners from holding and managing lands for the long-term; the other, to protect and enhance the ecological resources of the region." The official transcripts of the listening sessions put the lie to this claim. In every listening session, the public demanded that the Council strengthen its recommendations to stop unsustainable forestry and to establish a network of ecological reserves to protect biotic integrity. Very few urged the Council to cling to the status quo; very few said the welfare of the wealthy was their greatest concern. The Council heard what it wanted to hear. (See "A Forest at Risk: The Citizens' Agenda for Saving the Northern Forest" for a more accurate account of what the public told the Council in the listening sessions.)

Consider how the Council ignored the findings of its own studies. The Land Conversion Study was expected to show that large timber land sales in the 1980s had been driven by high property taxes, loss of favorable treatment on capital gains in 1986, estate taxes, and a hostile regulatory climate. Interviews with sellers of large tracts conducted by a Council subcontractor revealed that the number one reason for selling was to "raise cash;" advancing age or estate taxes of individual and family sellers was the second most common reason; third was "lack of suitable return on investment." Increased property taxes came in a distant seventh. Loss of favorable treatment of capital gains was barely mentioned, and the alleged "unfavorable regulatory environment" was not cited as a reason for selling.

Did the Council revisit its preconceived notions on taxes and regulations in light of this contradictory evidence? It did not. When the council released its draft recommendations in March 1994, 15 months after the results of the Land Conversion study, the Council told us the greatest threat facing the region was high property taxes (\$0.20 an acre for paper companies in unin-

corporated townships in New Hampshire; \$0.60 an acre in the unorganized townships in Maine). The final recommendations contain recommendations for reducing estate taxes, capital gains, property taxes, and they pander to regulation-bashers.

Consider how the Council treated the public. Lavish claims about the Council's public process are listed on page 6 of *FCG*. But, in addition to ignoring public testimony on biological diversity and forest practices, Council members rarely passed up an opportunity to belittle the public testimony that did not endorse the Council's preconceived solutions.

By the third listening session in late March, the Council realized that the public was steamed up over its biased treatment on forest practices, biological diversity, land acquisition, and taxes. The Council realized that the public was repudiating its publicly-funded work. So, Council members began to hedge on the value of the six-week listening session process. "We'll be putting more weight on the 'written comments,'" I was told on several occasions. When the written comments conveyed the same unmistakable message, the Council ridiculed public concern over unsustainable forestry by claiming (falsely) that although the public had expressed concern about forest practices, the Council had not received a single "substantive" suggestion about what to recommend. Readers of the *Forum* will recall that three special issues in the last year were replete with suggestions (see vol. 2 #1, 4, 5)

Council's History Explains Roots of Failure

To appreciate why the Council was doomed from the start, a little history is in order. The Congressional authorization of the NFLS on September 27, 1988 stated: "The study shall include identification and assessment of: (1) forest resources.... and (4) alternative strategies to protect the long-term integrity and traditional uses of such lands. Specifically, the alternative conservation and management strategies shall consider... preservation of biological diversity and critical natural areas, and new State or Federal designations." (NFLS, p. 89)

On October 4, 1988 Senators Leahy and Rudman wrote their "clarification" letter with the now notorious "served... the region well" comments. Although the letter was intended as guidance, and not as a straight jacket, the Governors' Task Force—facing constant threat from the Maine delegation to quit the study—interpreted this to mean that some of the directives of the Congressional authorization were to be ignored. The NFLC later behaved as if the Leahy-Rudman

statement had proved that the status quo had served the region well.

Former NFLS Governors' Task Force member Carl Reidel, of the Environmental Studies Program at the University of Vermont, described the scandalous manner the timber industry representatives obstructed free and honest inquiry into environmental issues in "Endgame in the Northern Forests" in *American Forests*.

It got worse once the Council was launched in 1991. That summer two traumatic events occurred in close succession. Public hearings on the proposed NFLC Act in Lyndonville, Vermont and Bangor, Maine, attended by the senators of those states, galvanized right-wing opposition to any study or council. "Property Rights" zealots, joined by their ideological twins from the John Birch Society, launched the first post-Cold War crusade against the "international environmentalist conspiracy." Although there were plenty of sane people at these hearings who supported a responsible study, the senators were so terrified of the property right-wingers that they abandoned the ill-conceived, badly written NFLC Act.

That summer, at a Council meeting held at Ray Brook, New York in the heart of the Adirondacks, the property rights/anti-Adirondack Park Agency vigilantes shouted down the Council, and the meeting was postponed until the following day. The Council collectively never recovered from this traumatic encounter with belligerent, misinformed extremists. The groveling language about the rights of property owners in *FCG* is a direct consequence of these two episodes and other ugly incidents, including a tire slashing of a Council vehicle in the Adirondacks.

By the autumn of 1991 it was clear the Council would not voluntarily address the issue of biological diversity. It didn't even want to touch "wildlife" issues. The Northern Forest Alliance of approximately 20 environmental groups forced a showdown with the Council in December 1991, and a few months later, the Council established its "Biological Resources Subcommittee." The reason the timber industry lifted its veto on this issue is that its constituency were even more terrified of allowing the Council's "Resource Inventory" access to their lands. After all, they might find a spotted owl had strayed 3000 miles east. So, industry traded away the biological resources subcommittee to thwart the inventory. Industry heavyweights Ted Johnston of the Maine Forest Products Council and Bob Stegemann of International Paper joined the biological resources subcommittee and effectively muddled the discussion for the next two years.

But, on forest practices, the defenders of the timber industry would not budge. The Northern Forest Lands Council would not be allowed to study the condition of the forests, nor to investigate the raging controversy over clearcutting, herbiciding, plantations, stand conversion, and projections by respected silviculturists, such as Robert Seymour of the University of Maine, that the region would soon experience significant shortfalls in spruce, fir and white pine.

Although the Council's work was publicly funded, industry was given the "right" to subvert the will of a large segment of the public. It was only after the Council got blistered by public comment in the fall 1993 that it reassessed its inaction on forest practices. But by then it was too late to do any kind of study.

In hiding behind the "served the region well" scam, the Council doomed itself to an untenable position. All around it cracks were appearing in the facade of the status quo. First, the Diamond sale of one million acres in 1988; next, Georgia-Pacific's hostile takeover of Great Northern Nekoosa in early 1990 transferred 2.1 million acres of Maine—one-tenth of the entire state—to a debt-ridden corporation that unloaded the Great Northern holdings to Bowater in 1991. All the time, mills were for sale in Maine and New Hampshire; mill jobs were disappearing monthly; outrage over the clearcutting grew; high levels of dioxin were detected in fish in rivers below paper mills.

Despite all this, the Council continued with its Alfred E. Newman "What me worry?" grin to assure us the status quo was continuing to serve the region well. The Council did not have the gumption or intellectual honesty to examine that assumption, and, as a result, it was forced to maintain a fiction and avoid gathering any data that might undermine the credibility

The Northern Forest Forum Index

The following index of interesting facts about the Northern Forests and the work of the Northern Forest Lands Council was compiled by the editorial staff of the Forum.

- *Major spur to Northern Forest Lands Study:
Leveraged buy out of Diamond International and subsequent sale of nearly one million acres in four state region.
- *Recommendations by Northern Forest Lands Council (NFLC) to deal with such large land transaction:
NONE
- *What happened within weeks after the NFLC had its final meeting:
A leveraged buy out of S.D. Warren (which has 930,000 acres in Maine) by a South African Paper Company.
- *Major reason (determined by the Council's contractors) for sale of large blocks of land:
To raise cash (to make money)
- *Number of Council recommendations that directly deal with land sales (and/or timber liquidation) to raise quick cash:
NONE
- *Major issues raised by public in listening sessions:
Abusive forest practices (clearcutting, herbicide spraying and highgrading), economic insecurity (timber shortfalls, job loss through mechanization, export of raw logs, multinationals taking profits out of state, domination of economy by paper industry), insufficient public land (in Maine), and threats to high-value biological and recreational resources from inappropriate development and abusive forest practices.
- *What the Council "heard" from the public:
There is the need "to alleviate the range of pressures that discourage landowners from holding and managing lands for the long term" and a need "to protect and enhance the ecological resources of the region."
- *What the Council sees as its mission:
"To reinforce the traditional patterns of land ownership and uses of large forest areas..."
- *Percentage of Northern Forest Lands in Maine:
60%
- *Percentage of Northern Forest Lands (NFL) in Maine that are part of large land ownerships (500 acres or more):
80%
- *Percentage of landowners in the NFL that own the 80% in large land ownerships:
1%
- *Major emphasis in Council's recommendations for reinforcing traditional patterns of ownership:
Make them more profitable through tax breaks, easements, subsidies, cost reductions or market development.
- *Number of Council recommendations that suggest tax breaks:
9
- *Number of Council research contracts that dealt directly with reducing taxes for forest landowners:
6
- *Percentage of Council money that went into studies on taxes:
42.5%
- *Number of Council contracts that dealt directly with forest practices, forest regulatory policy, forest inventory statistics or strategies for dealing with Maine's timber shortfall:
NONE
- *Council's ranking of property tax as a reason for land sales:
7th
- *Conclusion of Council's land conversion contractor on property taxes:
"Where current use programs are being used by landowners, property taxes are not significant reasons for land sales."
- *Percentage of current use lands in 4 state region that are in Maine:
89%
- *Percentage of timberlands in large landownerships in Maine that are in current use (Tree Growth Tax Law):
Nearly all
- *Average tax per acre per year paid by big landowners under Tree Growth in Maine:
Around \$1
- *What an acre of softwoods are valued at in Washington County, Maine under current use:
\$72.10
- *What Champion International will pay woodlot owners for one cord of spruce fir studwood in the same region:
\$132
- *Percentage of parcelizations in 4-state region, during the Council's study period (1980-1992), that occurred in Maine:
96%
- *Percentage of subdivisions in 4-state region that occurred in Maine:
91%
- *Percentage of "land conversions" in the NFL region that occurred in Maine:
76%
- *What the Council's land-conversion contractor concluded about federal taxes:
"The majority of landowners indicated that federal tax policies are not a significant driver of land sales."
- *Earnings of forest industry in Maine as a percentage of all industries:
8%
- *Percentage of Maine's general fund that comes from income taxes from the paper industry:
Less than one half of 1%
- *Percentage of Maine that is publicly owned:
4%
- *Percentage of Maine that is "Wilderness":
1.5%
- *Major emphasis of Council for land acquisition:
Acquisition of development rights through easements
- *Number of Council recommendations that include easements:
7
- *Area of 4-state region that got "converted" through development during study period:
45 square miles
- *Area in Maine that landowners reported clearcutting during same time period:
2,000 square miles
- *Forest management changes required when development rights are bought by the government:
NONE
- *What Senators Leahy and Rudman (and the Northern Forest Lands Study) thought of the performance of big landowners in the region:
"The current land ownership and management patterns have served the people and forests of the region well."
- *Trend of full time woods jobs in Maine 1984-1992:
40% decrease
- *Trend of paper mill jobs in Maine during the same period:
17% decrease
- *Trend of forest inventory (volume of trees pulpwood quality or better) in Maine 1980-1990:
Spruce-fir—31% decrease; Tolerant hardwoods—15% decrease;
White birch—6% decrease; Red maple (a low value species)—12% increase
- *Ranking of poplar (a low-value species) amongst hardwoods in Maine in 1959:
5th
- *Ranking of poplar in Maine amongst hardwoods in 1990:
2nd, after red maple
- *Number one source of pulpwood in Maine 1959-1980:
Spruce and fir
- *Number one source of pulpwood in Maine 1990:
Hardwoods
- *Status of timber supply in Maine for paper and biomass industries:
Net importer
- *Status of timber supply in Maine for raw logs for lumber:
Net exporter
- *Percent of hemlock sawlogs harvested in Maine that got exported in 1992 (according to Maine Forest Service):
14%
- *Percent of some other species of sawlogs that got exported from Maine in 1992:
Sugar maple—31%; Spruce-fir—38%; Cedar—43%
- *Amount of discussion in Council's *Finding Common Ground* about the negative trends in the forest and society caused by the industrial status quo:
Negligible
- *Percentage of Council members who are either foresters, large forest landowners, representatives of large landownerships, or former representatives of large landownerships:
75%
- *Percentage of Council members who are biologists:
Zero

of its claim that the only problem with the region was that landowners deserved more subsidies from other taxpayers.

Given the Council's fears of the property rights crowd and its growing public relations problems with the public over clearcuts and biodiversity, it hired consultant Hans Bleiker, to teach it how to avoid alienating segments of the public with the power to veto the work of the Council. Council members and some members of the Citizens Advisory Committees participated in the Bleiker training session in April 1993.

Most of Bleiker's precepts were commonplace to people accustomed to telling the truth; the rest were merely sensible recommendations for conducting a focused policy debate. Bleiker's central thesis was: if this is an issue that affects the quality of life of people in this region, then policy must be honest, open and fair; otherwise, you will provoke aggrieved groups to disrupt or veto the process.

For such an issue, Bleiker cautions: the Council must first clearly define the key issues and then analyze how the system works. The Council did not. It misidentified the issue, and it provided scant analysis of how the system works. What analysis it did provide, was slanted to "prove" the need for further tax giveaways, not to provide a lucid, comprehensive analysis of the status of biological diversity, forest practices and the region's economy.

The way to build trust with suspicious constituencies, Bleiker advised the Council, was to confront head-on the big, controversial, sensitive, painful issues, instead of getting defensive about them. Yet the Council continued to stonewall on forest practices, conducted shallow, biased tax and economic studies, and ignored the poverty and job loss in Northern Forest communities while aggressively promoting tax breaks for the wealthy few. And when challenged on this, the Council grew defensive.

Proposed Tax Breaks Will Cost Public BILLION\$

Back issues of the *Forum* have dissected the hypocrisy of the Council's obsession with tax breaks for large absentee owners. (See especially vol. 2 #1, 4, 5) It is critical to note that the Council's tax studies were profoundly flawed, failed to make the case that the tax breaks were needed, would "conserve" forest land, or that they were the most cost-effective way to achieve the goal of preventing undesired development of forest land. Much counter-evidence—ignored by the Council—suggested that in Maine, where taxes are lowest, forest practices have been most destructive.

Other tax issues unaddressed by the Council—despite regular pleas from an informed public—are:

*Paper companies and large landowners already pay pitifully low taxes;

*Why should the public give these additional tax breaks with no strings attached? Why not require strict forest practice standards as the qualification for these

breaks?

*Why should the public further subsidize a class of landowner that has obstructed all efforts to protect biotic integrity, to protect human health from mill pollution, and who continue to replace workers with machines?

*How much will these handouts cost? The federal tax breaks recommended by the Council will apply to all 50 states, not just the four Northern Forest states. Yet the Council refused repeated requests to estimate the cost of proposed tax breaks. Since release of *FCG* the Council has been criticized in editorials for refusal to tell us the price tag of its tax giveaways.

This last point is especially infuriating. The Council assures us over and over again that there is not enough money to purchase much land. But it doesn't flinch to propose a rollback of capital gains on timber. Spencer Phillips, an economist with The Wilderness Society, suggests that the rollback on capital gains might cost the US treasury \$800-\$900 million a year! No wonder the Council opted to evade its responsibility to tell us how much its subsidies would cost. Just think if we could spend half that amount annually on public land purchase in the region!

Council Ignored Economic Crisis

The Achilles heel of the Council was its inept work on the economy. A year ago, future Council member Roger Milliken said to me in an interview (*Forum*, vol. 2 #1) that the Local Forest Based Economy Subcommittee's (LFBE) Findings and Options were "such a lightweight effort." Several Council members conceded as much to me throughout 1993, as I and others tried in vain to get it to focus on substantive economic issues. But, the tone of that committee's work was set by its chairman, Richard Carbonetti. When I urged the subcommittee to assess the impact of raw log exports on jobs and the alarming lack of diversity in the region's floundering economy, he cut me off: "If we ban exports, my company would go out of business."

If the status quo has served the region well, then there must be healthy, vibrant forest ecosystems, a full array of native species and communities, clean rivers, a diverse economy, thriving mills, and happy, prosperous people collaborating to resolve common problems. The Council ought to have been able to offer ample evidence to back its claim. Instead *FCG* occasionally lets the truth slip in: "Many forest products markets, especially pulp and paper, experience continuing weakness." (p. 18) Yet, a page later, it tells us in bold type: "The Northern Forest has been and can continue to be a powerful force for long-term economic well-being for its residents and the Northeast region in general."

Apparently, the Council forgot the findings of its predecessor, the NFLS, which noted widespread poverty, unemployment and poorer health care and education opportunities. (See "Served the Region Well?")

On page 67 of *FCG* we read: "Northern Forest communities are highly dependent upon and subject to changes in the forest products industry. Recently, this dependence has brought instability as

many of the region's forest products firms have struggled to compete with modern mills, new technologies, and low wage labor competition elsewhere in the country and world. Although recent data show that forest products output is increasing, the changes have closed mills and eliminated local jobs in Northern Forest communities, resulting in loss of community stability and increased dependence on public assistance."

In spite of this, the Council tells us over and over and over: its primary mission is to "maintain the 'traditional patterns of land ownership and use.'" Does this mean the mission of the Council is to maintain the inequities, the economic weaknesses, the poverty, and the ecological degradation for the sake of those who have caused the inequities and have benefited from them for over a century?

Ironically, the shoddy work of the LFBE subcommittee will be the undoing of the Council's work. It makes sense—from the perspective of the timber beast—to rig studies on beneficial tax breaks and to obstruct studies on forest practices and biological diversity. But it was unwise to do a booster club study of a reeling economy because the region's timber industry really needs help. The economy is in bad shape and getting worse. A sensible survival strategy would dictate a thorough, honest study of the current economic situation and important economic trends. Without a proper diagnosis, it is difficult indeed to heal an ailing patient. Even the Maine Legislature now realizes the paper industry is in deep trouble; in April it quietly created a study of the paper industry (See "Maine Legislature Studies Paper Industry Decline").

Instead, the Council opted for a pseudo-study of the Northern Forest economy that provided a thoroughly misleading snapshot—no trends—of all sorts of inflated, undocumented claims about how important the timber industry was to the region's economy. This was exactly what the industry-booster did during the past decade in the Pacific Northwest.

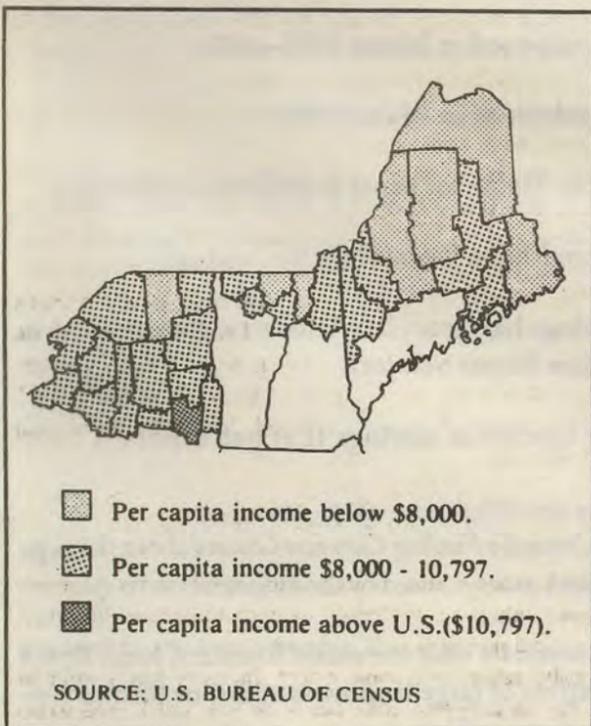
So, instead of a coherent analysis of the economic crisis, followed by a comprehensive strategy to promote a stable, sustainable regional economy, the Council treats us to a mish-mash of uncoordinated programs and suggestions that will probably do little, if anything, to slow the economic decline. (See Eric Palola's "NFLC Economics: A Fundamentally Flawed Report" on page 14.)

In short, in the next three to five years, as a couple of paper mills close down, we'll have to revisit the whole issue again. Only this time, we'll have industry trotting in its demagogues from the Pacific Northwest blaming environmentalists for the fact that the unsustainable is no longer sustainable.

On the economic issue, industry outsmarted itself. By smothering honest inquiry, by eschewing an objective economic analysis, industry botched its one chance for peaceful economic reform. The next study will have a grimmer charge: pick up the pieces.

Inaction on Forest Practices Undermined Council's Credibility

After refusing to assess forest practices for five years, the Council got hammered by an irate public



Per Capita Income—1985

From: *Northern Forest Lands Study*, page 35

Served the Region Well?

Four and a half years ago the Northern Forest Lands Council (NFLC) published a depressing assessment of the economics of timber-dependent Northern Forest communities. In order for the Council to maintain its happy fiction that, "the current land ownership and management patterns have served the people and forests of the region well," the Council had to ignore the economic findings of the NFLS. But those of us living in these exploited communities live that reality every day. We can't forget. Here's a sampling of what the NFLS found nearly five years ago (NFLS, pages 34-36):

"Per capita income in all but one county in the Northern Forest is below the national level of \$10,797. . . . All of the counties have lower per capita incomes than the averages for their states."

"In a number of the counties a significant number of people are living below the established poverty level. . . . About half the study area has more families living in poverty than the national average. In contrast to the Northern Forest, fewer families in New England live in poverty than in either the Northeast or the nation."

"Unemployment in the Northern Forest is high compared to the low rate of unemployment found throughout the rest of New England (3.9 percent)."

"The level of education achieved by people living in the Northern Forest varies considerably, but for the most part fewer people have completed high school and college than people in New England as a whole."

"All but one of the Northern Forest counties has fewer doctors than the national average, even though New England and the Northeast have more. It is likely that the quality of health care in the Northern Forest is inferior to the quality of care in the rest of the Northeast. . . ."

—J.S.

three times in public comment opportunities between September 1993 and May 1994. So, the Council, without any prior study, suddenly discovered forest practices. On page 41 of *FCG* we read:

"The Council recognizes that many private landowners have been excellent stewards of the land, often for generations. These owners have worked diligently to maintain healthy and diverse forests that provide a multitude of economic and ecological benefits, despite public policies and economic forces that have discouraged the long-term stewardship of forest land. However, we are concerned that some landowners and woods operators are employing forest practices that may compromise the continuous production of the wide array of economic and ecological benefits that the region's forests have traditionally provided."

After hundreds of citizens, foresters, loggers, landowners, and ecologists have denounced the forest liquidation that has already produced shortfalls in Maine, the Council celebrates the wonderful forestry of "many" landowners "despite public policies" that discourage long-term stewardship (no proof necessary, if industry makes the claim). But, there is a concern that "some" landowners "may compromise" long-term forest health. That's pretty equivocal stuff in the face of the huge clearcuts that have ravaged most of northern Maine for over two decades, or the 1800-acre clearcut in progress in Whitefield, New Hampshire, or the clearcutting of 27.3% of Concord, Vermont, mostly done during the NFL process.

The next line on page 41 of *FCG* is the real howler: "The Council recognizes that the forests of the region are prolific, renewable resources." Just how renewable are they? An old growth stand in Big Reed Pond Reserve in northern Maine grows an average of about 30 cords per acre. A recently discovered stand of old growth inside Baxter State Park may support as much as 80 cords an acre (see "Old Growth at Baxter State Park's Scientific Forest Management Area" on page 25). And, what is the average stocking of Maine's industrial forest after a century of "scientific management" by landowners who have "served the region well"? Would you believe 14.5 cords an acre? If forest practices were sustainable, then the average stand in Maine ought to have 30 or more cords per acre. Few stands come close.

On page 42 the Council assures us it "shares public concerns" regarding "over-reliance on clearcutting," but then hastens to tell us: "However, 'silvicultural clearcutting' and other intensive forest management methods (such as plantations) are legitimate forest management practices, provided they are consistent with the Principles of Sustainability." Who says clearcuts are OK? Did the Council study forest practices? Is it not a trifle hypocritical to hang so many qualifiers on ecological reserves (requires "sound science," etc.) yet none on forest practices?

On page 43, the Council tells us something rather distressing: "Information on forest management techniques to maintain biological diversity is difficult for landowners and land managers to obtain." What sort of information are they receiving from licensed professional foresters? Do foresters only know how to cut trees down? Aren't they taught anything about ecosystem integrity? Don't the landowners insist on ecologically responsible forestry? Equally disturbing about this statement is the Council's willingness—nay, eagerness—to excuse ignorant, irresponsible and unsustainable behavior by its favored class, and to recommend all sorts of additional publicly-funded subsidies for their benefit with no strings attached.

Easements—The Most Expensive Way to Slow Development

I fully acknowledge the terrific value of conservation easements that are *donated* to the public or a private land conservation organization by a public-spirited land owner. And, while there are legitimate uses for acquired conservation easements, easements as recommended by the Council, are an especially pernicious subsidy for landowners. We are assured that they are the best way to prevent undesired development from occurring in our Northern Forests. Best, that is, for wealthy landowners. But, are expensive easements the smartest societal use of limited acquisition funds? Actually, they are often the worst.

Maine Legislature Studies Paper Industry Decline

Maine's Legislature now acknowledges the decline of the paper industry. In March 1994, as an emergency action with no fanfare, it passed a Resolve creating a *Commission on the Future of Maine's Paper Industry*. The governor affixed his signature in April.

The *Whereas's* leading off the Resolve are revealing; in sum, they say that what is claimed to have been a mainstay of the state's economy is now in decline both nationally and within the state, bringing into question the industry's long-term ability to remain a major part of the state's economy, creating the potential for a devastating ripple effect. The issue is further said to be of vital concern, deserving immediate study to determine what problems the industry is facing and what, if any, actions the state may take to assist the industry.

The Governor appointed four members and each of the Legislative leaders named two. Of the eight, five are from local paper companies, two represent union workers in the mills, and one has no apparent industry connection. He is Edward Fox, Dean of the Tuck School of Business of Dartmouth College. It is notable that the Resolve specifically states that "One member must represent the interest of the environment..." At the Commission's meeting on 29 August, the Chairman, Glen Foss of Madison Paper, reported that "the Natural Resources Council had declined an invitation from the Speaker (of the House)." The stated basis of the refusal was the Commission's policy on reporting consensus; "It was the NRC's desire that non-unanimous items be omitted from the final report." The NRC alluded to is the Natural Resources Council of Maine (NRCM), according to the Senate President's staff.

By September 12th, the Commission's immediate task was raising (from industry) either \$400,000 or \$130,000 for consulting firms, if Maine industry did not provide the data deemed necessary for the problem analysis. Speakers from government, industry, banking, and environmental groups are scheduled for subsequent meetings.

Commission meetings are scheduled every second Monday. A draft report is to be reviewed November 28th, and the final version approved on December 12th, to be presented January 15th.

—William Butler

There are far cheaper, far more effective methods for controlling development: existing use zoning, the Vermont Land Gains tax on real estate speculation, and an end to subsidizing second home mortgage interest payments via tax breaks. The Council refused to recommend these approaches because industry vetoed them. Why? Simple, landowners often get 50-75%, sometimes as much as 90-95% of the price of full fee acquisition of land for selling a "conservation easement." What does the public get? It purchases development rights, but leaves the landowner free to clearcut, high-grade, and spray pesticides.

And, there is a bonus with easements: opponents of public land acquisition realize that redirecting supposedly scarce public acquisition funds to easements subverts public land acquisition initiatives, puts additional subsidies in the pockets of the wealthy landowners and does not interfere with "traditional" logging practices.

Even worse than permanent easements are: term easements and rolling easements (see recommendation #2). These boondoggles cost the taxpayer large sums of money for a temporary commitment (10-20 years probably) not to develop. Meanwhile, the landowner can clearcut the land, and when the term or rolling easement expires, subdivide and build condos. Talk about the best of all possible worlds!

Meanwhile, much of the threat of development could have been averted for little money via current use zoning and a land gains tax. Industry opposed these for the obvious reason that it prefers the easement cash, and for a somewhat less publicized reason: industry and large landowners want to retain their options to subdivide, sell and develop their lands as much as any real estate speculator. They are happy to surrender that right for the proper inducement—an easement, but they will obstruct a policy that benefits the taxpayers and the forests but denies them subsidies from the public coffers. Whether or not the power elite has *served* the region well, it clearly has *used* the region well.

Even when the Council makes a potentially good recommendation, such as #19 "to exclude from income tax a portion of the gain from conservation sales," the Council's industry bias poisons the fine print. "For sale of a conservation easement, the exclusion from tax should be 100% of the gain.... For sale of fee title, the exclusion from income tax should be 35% of the gain, up to a maximum of \$100,000 in taxes payable." (*FCG*, p. 57) In clear English, this means the Council wants to discourage large land sales to the public to establish ecological reserves to protect our life support system.

States & Congress Likely to Embrace Worst of FCG

Politicians in all four states have hidden behind the Council's report, letting it be known they were waiting for the Council's report *before* taking action,

and that they are unlikely to act on anything not addressed by the Council. Unfortunately, none has expressed outrage that the Council did flawed studies, misrepresented what their constituents said to the Council, and evaded the hard issues. We can expect business as usual from our elected leaders.

New Hampshire already has a legislative subcommittee assessing the Council's 37 recommendations. The chairman is a forester who served on a legislative committee that two years ago concluded clearcutting is not a problem in New Hampshire. The two "representatives" from Northern Forest communities are closely aligned with the local property rights/wise use movement, and are avowedly anti-environmentalists.

On October 6 this distinguished body met. It taught me a valuable lesson: the awkwardness of *FCG* is intentional—it's a kind of code to legislators. The clear, declarative sentences of the tax break and easement sections say to politicians: "The Council was serious about these recommendations." The recommendations dealing with issues the Council wanted to avoid—biodiversity, land acquisition and forest practices—are written in equivocal language. The coded message to politicians is: "The Council doesn't take these issues as seriously." Neither will Congress or the legislatures.

Senator Judd Gregg of New Hampshire has already drafted legislation (which was drafted long before the Council released *FCG* on September 19) that gives the large absentee owners of 80% of the Northern Forests huge tax breaks (that will cost the rest of the taxpayers billions of dollars), with no requirement that they engage in sustainable forestry. The name of this bill is "The Family Forestland Preservation Tax Act of 1994." The chief beneficiaries of this tax giveaway are the families of the CEOs of the absentee corporations that own the Northern Forests.

Incidentally, an aide to Senator Gregg once told me that Gregg knows the Berlin, NH mill is likely to close down in the next few years. "What is his long-term plan for Berlin?" I asked. "He doesn't have one. His constituents tell him to save their jobs. So that's what he's trying to do." "Yes," I replied, "but if those jobs are doomed in the long-run, he must have a strategy to help the region recover from the mill closing." "He doesn't," the aide replied. Now, that's political leadership!

A Final Word

The Northern Forest region is a better place for the NFL process. But, as long as the timber industry insists on controlling deliberations over its future, the most critical problems will go unaddressed, and distrust and polarization will grow worse. Industry has a right to play an important role, but so do you and I. And so do other species and future generations.

Let us learn from the Council's failures, and let us work together to restore healthy natural and human communities to the Northern Forest.

NFLC Economics: A Fundamentally Flawed Report

by Eric Palola
NWF Resource Economist

Boxed in by the mission of protecting "traditionalism" and a self-imposed referendum on forest industry viability, the economics portions of *Finding Common Ground* ultimately suffered a tilt towards the economics of forest ownership instead of the economics of forest lands (and the communities therein). The error in this tilt was bluntly summarized by noted Oregon University economics professor Ed Whitelaw at a recent Vermont Law School symposium on the NFLC's final report: "If economics is relevant to the report, it is flawed fundamentally."

While the NFLC has been frequently criticized in this area, it is worth emphasizing that Council members and staff were never provided adequate resources to complete the work envisioned or even analyze the work provided to them. This was further compounded by their sweeping intent to "...stimulate local economies while improving global competitiveness..." Consequently, the economics work commissioned by the Council frequently smacked of boosterism (e.g. NEFA industry reports; Brown tourism reports) or contained key information that was seemingly overlooked, (e.g. CTD, Inc. and State Resource Strategies reports).

To be sure there are silver linings in the final report and the Council deserves plaudits for their attention to process and participation. Listed below is a short review of the major economic recommendations which are spread among report sections on "Fostering Stewardship on Private Lands" and "Strengthening Economies of Rural Communities."

(Note: for more in-depth discussions of the Council's economic work, the following back issues of *The Northern Forest Forum* will be useful: volume 2 #1, 4, 5.)

Green Certification (Rec # 4) One

area of common ground is the recommended use of voluntary, market-driven timber certification program(s). The NFLC improved the language in this section from previous drafts by clarifying: what timber certification is, the arms-length role of government, and, the role of certification in helping define sustainable forestry in a practical, on-the-ground manner.

Property taxes (Recs. #5 & 6) From the get-go preserving Current Use tax stabilization has been an emphasis of industry and landowner groups although the correlation between these tax programs and land conservation is shaky when applied to large corporate and forest industry lands or unorganized townships with low appraisal values and little demand for services. These two patterns of land ownership are the most dominant in the NFLC study area; thus the major conservation benefits of current-use programs are limited to a minority of private, non-industrial lands pressured by rising land values and tax rates. The most useful suggestion by the Council in this area is for state government to move towards a total use-value property tax system (Rec. #6) rather than ginning up current use tax programs which now tend to provide disproportional benefits.

Capital Gains Indexing (Rec. #8) This provision remains a visible example of a "trickle-down conservation" approach. By indexing the original cost of the land to account for inflation—and putting more money into landowner's hands—it is assumed that better stewardship will follow. Despite the lingering policy question of whether we should favor one type of long-term capital asset over another in the tax code, there is little proof this will actually work. According to Professor Janet Milne of the Vermont Law School, this provision may actually cause more land to be converted or cut because a tax-free gain on income can be realized earlier.

Estate taxes (Rec. #7), Passive Loss (Rec. #9), and Conservation Sales (Rec. #19) These recommenda-

tions signal additional common ground although key policy questions remain. Regarding estate taxes, important language on the use of "recapture provisions" for converting undeveloped land was added to the final report although the meaning of "current use" in this context is vague since it is not tied to any particular system of current use valuation. Regarding the passive loss provisions, there will need to be clarification about what kinds of "normal management expenses" should be deductible if the hourly threshold of 100 hours is entirely removed. And regarding income tax relief from conservation sales and/or donations, this recommendation would restore previous tax code provisions that encouraged such transactions. Hanging over all of these federal tax code proposals, however, is the tax cost to the federal government in a political climate that is still very deficit-sensitive.

National excise tax (Rec. # 14) This is an appealing but potentially cumbersome revenue-raiser. The appeal is in leaving the taxing authority (and tax debate) to Congress. The downsides are: a) a new excise tax will likely be under siege for a variety of equally important claims such as public lands maintenance or non-game wildlife management; and, b) a national distribution formula may ultimately provide few resources to Northern Forest regions. (Apparently the last time this was tried in Congress, supporters of the excise tax failed to consult with affected industries which gave rise to fierce lobbying, the formation of several obscure industry groups such as the Institute of Wild Birdseed Manufacturers, and a derailed tax proposal!) Congress should have this debate with the support of the northeast although other revenue options such as targeted user-fees deserved as much attention.

USDA Rural Community Assistance (Rec # 22) The emphasis in this recommendation was appropriately broadened from earlier drafts that recognized only one of three USDA pro-

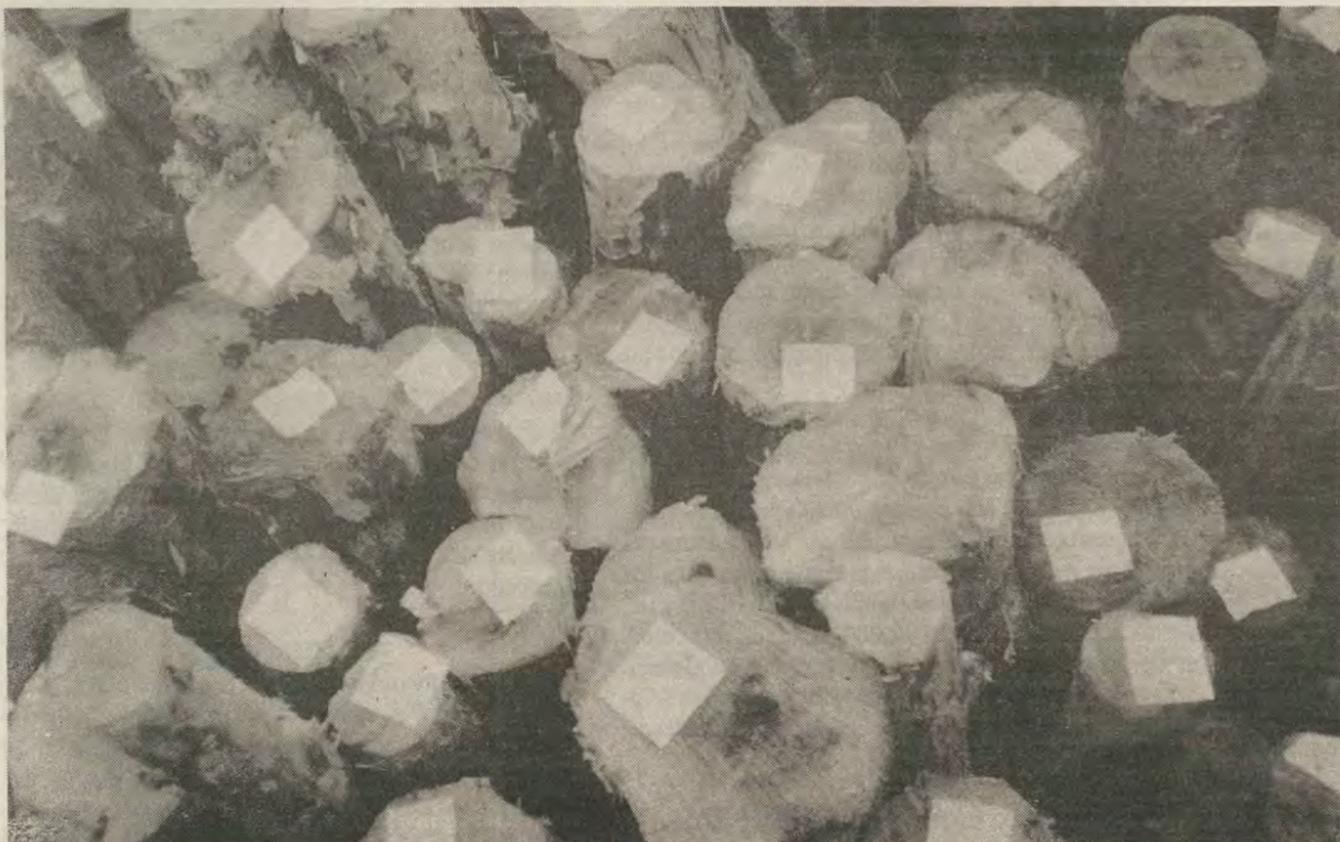
grams in this area. However, without further yeoman ship by Senator Leahy and others in the northeast Congressional delegation, the current eligibility criteria may freeze out Northern Forest states from access to these already limited funds. While these programs have shown significant early successes in promoting value-added forest products and community planning, environmentalists will need to watchdog against unnecessary pork and ensure they continue to be used as creative economic catalysts.

Community Development Finance Institutions (Rec. #25) The environmental community can take complete credit for putting this on the NFLC agenda. It is one of the few recommendations that, by virtue of the goals of CDFI's, promote a view of rural and community life that is broader than forest land management or forest products development. The federal legislation supporting CDFI's was just signed by President Clinton in late September, however, Northern Forest states have much work to do in getting this financing concept applied more systematically across the region.

State Assistance (Recs. #23, 25, 27, 28, 29, and 30) For each of these recommendations, if you asked the right person in state government you would find they believe they are *already doing them*. Marketing cooperatives, workmen's compensation insurance, regulatory relief, and technical assistance are perennial issues from which a plethora of programs, laws, and study groups have emerged at the state and regional level. This series of recommendations suffers from a lack of precision and insight about what has *already been learned* about these issues. For example, a call to standardize truck weights across the region says nothing about the well-known problems from overweight logging trucks. Similarly, the NFLC takes a broad swipe at the "regulatory process" without documenting which laws or agencies are burdensome and why.

Log Exports (no recommendation) A missed opportunity and a serious gap in the final report. This is in spite of broad public concern from many voices at the NFLC hearings and domestic industry groups such as the Northeast Forest Users Coalition, and a draft report by the National Wildlife Federation emphasizing the potential job impacts and the lack of basic region-wide data on the types and amounts of raw log export flows.

In conclusion, much of the economics agenda offered by the Council relies on Congress and the hope that enough support can be garnered from around the country to mobilize small but significant changes in federal tax policy. Given the steady decline in forest products jobs across the region, and the array of economic forces (and opportunities) now affecting rural economies, we are left with a fragmented picture of the northern forest economy. Several of the NFLC recommendations have the potential to incrementally improve local economies but they will be hard pressed to keep up with changes already underway in our towns and forests.



Although the Council acknowledged that the public is deeply concerned about the export of raw logs and local jobs, it offered no recommendations dealing with the export issue. This photo shows raw logs awaiting export at Eastport, Maine. Photo by Rudy Engholm, Environmental Air Force.

New Hampshire Forest Resources Planning Process Is Underway

In April 1994, State Forester John E. Sargent convened the fourth New Hampshire Forest Resources Plan. This 28-member Steering Committee is composed of representatives of many interests, including industrial and non-industrial landowners, consulting foresters, conservation organizations, environmentalists, property rights advocates, ecosystem and soil scientists, public agencies and local government.

Thus far, the Steering Committee has crafted a vision of New Hampshire's forested landscape in 50 to 100 years, and it has also developed a list of 13 challenges to achieving the vision (see accompanying box). Throughout the fall, the Steering Committee is seeking public comments on the Vision and Challenges. Comments are due by January 13, 1995.

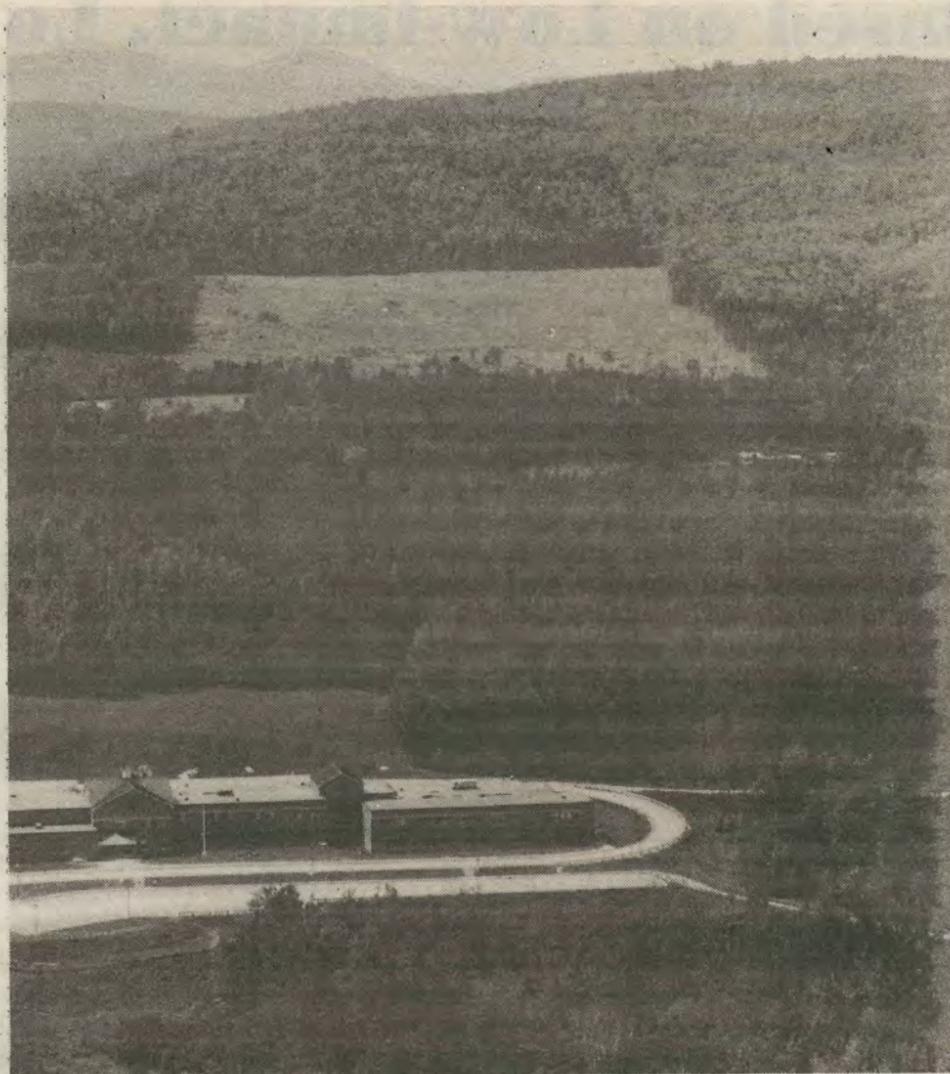
The next phase of the planning process is to assess the current situation and collect information that describes the existing condition. To assure the plan reflects the balance described in the vision, three assessment groups have been formed to assess: economic issues, ecological resources, and human and social values.

Development of policy options will take place after the assessment reports are complete. Building on the model of broad participation in past New Hampshire planning efforts, numerous challenge/issue groups will be formed to develop policy options. Some participants will be invited, but these groups will be open to anyone who wishes to get involved.

The Steering Committee will establish priorities from options developed by the challenge/issue groups. They will create a package of proposed recommendations that will be the heart of a Draft Forest Resources Plan. After a substantial period for public comments, a final Forest Resources Plan will be completed.

What You Can Do:

Concerned citizens are encouraged to attend meetings of the Steering Committee, to participate in its work groups, or comment on the Draft Vision Statement and Challenges to Achieving the Vision. To get on the mailing list, please write (or telephone): John E. Sargent, State Forester, Department of Resources and Economic Development, Division of Forests and Lands, POB 1856, Concord, NH 03302. (Tel. 603 271-2214.) Comments on the Draft Vision and Challenges are due by January 13, 1995.



The Whitefield Elementary School with a 100-acre clearcut in the background. About a mile away an 1800-acre clearcut is in progress. Photo by Peter Riviere with assistance from the Environmental Air Force.

A Vision of New Hampshire's Forest Resource: The Desired Future Landscape Condition (Working Draft—July 21, 1994)

The human history of New Hampshire is dominated by our relationship to the forests. The very character of our state is proudly derived from generations of people who extracted a living and purpose from land which grows trees in abundance. Today, due largely to population growth and technological change, the majority of New Hampshire people are removed from an immediate relationship with forested land. Livelihoods and purpose are no longer perceived to be dependent upon the forest resource. A future in which New Hampshire's forests play a defining role cannot be taken for granted; rather, it must be planned for and vigorously pursued.

The planning and thinking process represented by this, and previous Forest Resource Planning documents, took both the heritage and prospects of New Hampshire's landscape seriously and arrived at the following vision statement to guide new Hampshire's forest policy:

New Hampshire's landscape will be dominated by diverse forest cover in a complex mosaic of forests and farms, rivers, lakes, and mountains, interspersed with thriving urban and rural communities, enhanced and connected by undeveloped open spaces.

The landscape will reflect a balance that is vital to the character of New Hampshire—sustainable, strong economies of forest industry, tourism and outdoor recreation, dependent upon healthy, properly functioning ecosystems.

New Hampshire citizens, now and in the future, will live, work and play in this diverse forested landscape, and will increasingly understand themselves as sustaining the landscape, and being sustained by it.

Challenges to Achieving the Vision

Many recent changes in New Hampshire's forested landscape are related to population growth. Urbanizing towns along the southern border, suburban sprawl in communities state-wide, land posted against public access, wildlife habitat broken up by roads and devel-

opment, and increasing numbers of people visiting our public forests and parks, will ultimately change the quality that characterizes our state.

This Forest Resources Plan cannot directly address the impacts of population growth. But it can guide the use of land and resources to assure the land provides for our needs, and that forest health and productivity are sustained for future generations.

We face many challenges ahead. They are listed here to serve as a guide to our development of a forest policy that will shape the forest landscape we pass on to our children.

We are challenged to create a future where:

**People understand and appreciate the value of New Hampshire's forests. They are aware of products they use and benefits they receive from the forest; understand the compatibility of ecologically-sound forest uses and natural processes; and know that economic and human health depend on respect for ecological limits.*

**Forest communities sustain biologically diverse populations of native plants, animals and other organisms that depend on the processes of the forest environment for survival and continuation of evolutionary processes.*

**Scientific information about natural communities, ecological systems and physical site conditions is the foundation for land management and protection decisions.*

**Natural resources are used by New Hampshire industries to provide a diverse economic base that optimizes value-added products and provides stability for communities and residents.*

**Forest-based businesses, which have contributed to the stability of New Hampshire's economy for 300 years, are recognized and encouraged by public and private organizations, and the public at large.*

**Privately owned forest lands contribute significantly to New Hampshire's forest-based economy, tourism and outdoor recreation, biological diversity, and character of landscape.*

**The role of public lands is continually evaluated so they compliment private forest lands by protecting land and amenities not provided elsewhere. They contribute some of the same benefits as private lands but also contribute, for example, by showcasing ecologically sound forest management, developing knowledge about ecosystems and forestry, and providing unique habitats and natural communities.*

**Landowners responsibly exercise property rights and the public respects owners' rights.*

**Policies are developed cooperatively by government, industry, non-government organizations and individuals. They are developed using science and a science-based definition of sustainability. Policies emphasize education and incentives.*

**The New Hampshire tradition of cooperation and community-spirit continues with well-informed citizens who actively participate in local, regional and state decisions about forest resources.*

**Local land use plans reflect and incorporate the state forest resources plan.*

**Diverse domestic and global markets provide optimum, sustainable return to the state's economy.*

**Key parameters of forest health are identified, changes and trends are monitored, and appropriate actions to maintain a healthy forest ecosystem are implemented.*

A Proposal for Intensive Forest Management Based on Low-impact, Low-cost Technologies

by Dana Marble

Technological Change

Forest management has become increasingly mechanized over the last 40 years. Loggers have gone from horses to skidders to mechanical harvesters. Improvements in technology, in general, have greatly increased worker productivity with little regard to forest productivity. The overall result has been fewer jobs, heavier cuts, and increased damage to the forest and forest soils. The economic impact has been less money staying in the local communities.

When mills and logging were lower-tech, industry needed more labor, less money was spent for machinery, and more money from a cord of wood circulated through the community. Great Northern, for example, built towns, roads, and schools in order to attract the labor force to run their mills. There were more support jobs in the local communities connected to logging, such as raising hay and grain for horses.

Increased mechanization has reduced the labor force and local supportive labor. The machines and fuels are produced in other regions (or countries), and they are often very expensive. Huge sums of money are borrowed from banks. As much as 90 cents of every dollar produced from a cord of wood leaves the local economy.

The large debt from equipment purchase increases pressure to cut more wood per acre. The heavy cutting damages the forest ecologically and aesthetically. Not only is future production of high-quality timber damaged, but recreation, hunting, and fishing are also affected. Even with partial cuts, as much as 25% to 30% of the forest is turned into skid trails, roads, and yarding areas.

Alternatives

Alternatives to mechanical harvesting have to allow long-term productive forestry. They have to address the problems of skidder trails, and the damage to the roots and bark of trees adjacent to the trails. Alternatives also have to be economically viable.

Criteria for alternative woods technologies must include the following:

1. Machinery must be affordable and easily maintained.
2. The harvest system must minimize skidder trails.
3. Light cuts must be more economical.
4. The technologies and methods must be easily copied and adaptable.
5. The harvest system should represent long-term stewardship, not just a cut and run operation.
6. Logging roads must be designed for minimal impact, but allow frequent, light cuts.
7. There must be economic incentives for landowners to enroll into such long-term programs.
8. There must be guidelines for landowners/foresters/loggers with checks and balances to assure compliance.
9. There must be penalties for abuse.
10. Examples should be set on both state and federal lands.



A selection-managed forest stand. Photo by Mitch Lansky

Two systems that meet all these requirements are horse logging and cable logging. I have used horses on Baskahegan land and my own. Skidder trails were spaced 400 hundred feet apart. The horses were used to bring logs to the skid trails where a skidder forwarded the logs to a yarding area. Damage to the forest from skid trails in this system is less than 4% as compared to 25% to 35% with mechanical harvesters. This system can be used on the same ground (using the same skidder trails) for short cutting cycles.

Cable systems [Note: see article about Sam Brown's low impact logging.] can be used to achieve the same results as horses. In some cases, a cable system has advantages over horses, because it can be used in swampy areas, rocky ground, and steep terrain. A cable system also doesn't need to be fed and cared for seven days a week.

Stewardship

To have frequent, light cuts in larger tracts of land, a good road system has to be built and maintained. Since the goal is to have a sustainable cut resulting in stand improvement, the initial cut will remove mostly low-quality wood. The money, however, is in the larger, higher-quality trees. This means that often the first cut will not pay for the cost of the road system.

One way to improve the economics of such a system is through long-term stewardship contracts, rather than just a contract for one cut. Such a contract will benefit both the logger and the landowner. It will show increasing returns in the future as timber quality improves.

Such a contract requires a long-term landowner/forester/logger relationship. A stewardship program should include the following:

1. There should be a long-term forest plan involving frequent, light improvement cuts at 5 to 15 year cycles.
2. The contractor should use low-impact, low-cost logging technology.

3. There should be long-term, transferable contracts between loggers, landowners, and foresters.
4. There needs to be a guidance and oversight committee or agency that can look at both biological and silvicultural impacts of management.
5. Those who qualify may get cost sharing or tax incentives for roads and stand improvements.
6. The contracts should have penalties for withdrawal.
7. Cost sharing and tax breaks should be limited to only the first one or two cuts—eventually high-quality trees will increase income so that subsidies are not needed.
8. Safety training and testing should be required.
9. An apprenticeship program could be used to train people coming into the program.
10. Loggers and foresters who qualify, through training, can be certified by the oversight committee. Landowners too could be certified, opening up higher-paying markets.

Benefits

The benefits of the program would include a stable connection of workers to the land as well as long-term employment. The low overhead would mean less money leaving the local economy. A well-stocked forest would increase wildlife populations, improve timber quality, and assure forest productivity for future generations. Although it would not replace or eliminate mechanical harvesting, this proposed system would provide an alternative which we don't have now.

Dana Marble is a 1973 graduate of the University of Maine. He taught Vocational Forestry at Machias High School in 1974 to 1975. He has been a logging contractor for Georgia-Pacific Corporation from 1977 to the present.

Dana would like to hear from landowners, loggers, and foresters interested in stewardship forestry systems. You can reach Dana at P.O. Box 10, Waite, ME 04492. Phone (207) 796-2831.

Beech Threatened by Outbreak of Variable Oakleaf Caterpillar in Maine

by William Butler

The latest onslaught, affecting over 100,000 acres of the dwindling Maine forest, is an eruption of one-and-a-half inch caterpillars which are devouring the leaves of beech, once the predominate hardwood species. The insect is the Variable Oakleaf Caterpillar, reported by USDA to be a common insect of deciduous forests of eastern North America. Previous Maine outbreaks were in 1956 and then in 1988, the latter subsiding to endemic levels by 1991. The oak referred to in the name is usually the white oak, not abundant in eastern Maine, with mostly beech defoliated. Nearer dwellings, hawthorn and crabapple are conspicuously leafless.

Beginning in August of 1994, hordes of the insect attacked the beech, already stressed by the introduced scale-Nectria complex. Defoliation of the sparse foliage was rapid. For some observers, the startling increase in sunlight on the forest floor was the signal of something gone awry; one had to look up to see that the canopy is missing.

The Maine Forest Service entomology department reports that feeding by early-stage larvae was found in beech stands in central, northern, and eastern Maine. An industrial owner in eastern Maine confirms that they have the problem.

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Sam Brown's Low-Impact Forestry

by Mitch Lansky

Sam Brown is from the fifth generation of a family that cut the great white pines of Wisconsin and Minnesota and moved west to log the Douglas fir. His father worked for Weyerhaeuser. Instead of carrying on the tradition of moving west towards the frontier (there was no frontier left) Brown moved east to Maine. "I'm using some of the wealth generated from those forests to do a little restitution," says Brown. He is managing around 300 acres of his own land, called "Steadfast Farm," in Cambridge.

Sam's emphasis is on what he calls, "low-impact forestry," and he has worked hard to develop the equipment and methods to achieve his goals. Three key elements in his logging system are his articulated-framed, tracked Dion forwarder, his radio-controlled winch, and his road system. Sam can minimize logging roads and skid trails by cutting narrow paths for his forwarder every 150 feet. This compares quite favorably to mechanical harvesters that need trails every 30 to 40 feet. Heavy equipment can damage tree roots through rutting and compaction, so the fewer the trails, the better.

Sam practices a short-wood yarding system. Instead of pulling out trees whole (branches, tops, and all) as do mechanical harvesters and grapple skidders, Sam limbs the trees where they fall, using efficient techniques learned from Scandinavian expert Soren Erickson. He then uses a radio controlled cable winch to drag the logs to his forwarder which is equipped with a loader. The logs are bucked to the most practical lengths for the best markets before loading.

The trailer, onto which the logs are loaded, is also tracked and it is powered by his crawler's transmission. This means that he is not dragging the load, but carrying it. The vehicle's tracks do less damage to the ground than a wheeled tractor.

The machine only needs a path six feet wide, but Sam clears brush and branches a few extra feet on either side to avoid tangling. These trails, which he cuts on the contour, and from which he loads his trailer, are unobtrusive. With his short-wood system, he avoids the wasteful and destructive yarding areas associated with whole-tree logging. These yarding areas are at least one, and sometimes two tree lengths in width, plus the width of the road.

Sam has put around \$30,000 into his machine (which is used), though if he were building it now, it would cost



Sam Brown uses a radio-controlled winch to winch logs to a forwarder. Photo by Mitch Lansky

more. Such a cost means it would be prohibitive for a small operation of only a few hundred acres, even though it is quite appropriate for small woodlots. Sam does cut on other people's lands. Sam's system is intermediate between a small farm tractor or horse and the larger equipment commonly used in the industrial forest.

The expense of his equipment compares favorably with a skidder, and is a fraction of the cost of a whole-tree harvesters and grapple skidders or the Scandinavian mechanical harvester/forwarder systems. Of course he also cuts less wood with his system (4 or 5 cords a day, working alone) than these other systems can, but he would rather see more people working with smaller, less-destructive machines, than just a few people working on the larger, more-expensive machines.

He is amazed at how easily banks will give out loans for the more expensive, more destructive equipment—as long as the borrowers can promise the necessary cash flow. "To pay off those loans you have to work those machines 26 hours a day," he suggests. "The short-term loans don't encourage long-term management."

Sam uses a variety of winching aids to minimize damage. Instead of wrapping a chain around the log to be winched, for example, he uses a grapple. With the grapple he does not have

to lift or roll the log, and, unlike a chain, the pulling force, during winching, is at the center of the log, rather than at the top. He occasionally uses self-releasing snatch blocks, attached to trees, when his trees are at a difficult angle or when he has to winch around objects.

Sam sometimes uses a smaller machine, called a "radio horse," for pre-bunching logs for the forwarder. The radio horse also has a radio-controlled winch which can be used with multiple snatch blocks to concentrate thinnings from a wide area without having to move the machine. To get this winch where he wants it, he pulls out the cable, hooks it to a tree, and then winches the machine along on its runners to the tree.

Sam only cuts trees marked by his forester, Joachim Maier, who is originally from Germany. Joachim's immediate goal is to remove poor-quality, high-risk trees and to give residual trees optimal spacing for growth and health. He notes that in Germany, foresters in the past often made their forests too perfect. "Every tree was a board painted green at the top," he says. The forests there lacked "crummy trees." "A healthy forest needs some sick trees," observes Joachim. Dead trees or rotten trees are important habitat for numerous insects, birds, and fungi that are essential to the maintenance of forest health. Ironically, "sanitized" forests where every tree looks perfect are unstable.

In Maine, Joachim has observed, there is no shortage of poor quality trees suitable for wildlife. There is, however, a shortage of high-quality trees that have the potential to grow big and old. The forest has been high-graded (taking the best and leaving the rest) repeatedly. He and Sam are trying to reverse this process.

Both Joachim and Sam have visited old-growth sites in Maine and want their managed forests to have similar characteristics in terms of height, size, and volume. With their light removals of poor-quality trees and their spacing

of good-quality trees, they expect to enhance growth towards more ecologically-desirable stand structures. Joachim hopes that with such treatment, he can have 100-year-old trees attaining the size one would associate with a 120-year-old tree in an old-growth stand. While he is striving to minimize damaging impacts to the soil and residual trees, he is striving to maximize the impact of stand improvement.

Although aesthetics is not the primary goal of managing for diversity and quality, it is certainly a by-product. In the winter, cross-country skiers use Sam's skid trails and admire the beauty of the forest.

Despite myths propounded by some industrial foresters, doing light selection cutting has not resulted in major blow-downs. It has also not bankrupted Sam, though, admittedly, the initial cuts of small volumes of low-quality wood are not making him rich either. Those initial cuts and his road system were ecological and economic "investments." Wood prices, however, are rising. "I'm now breaking even. I'm paying for my costs and my taxes." After 20 years of cutting, the percentage of high-quality wood per acre has markedly increased over what it was when he started. Subsequent cuts will be of high-quality wood with high-paying markets. "The long-term returns look good," says Sam.

Sam has a 2-year degree in forestry from Unity College and has qualified as a Certified Logging Professional. He is working now to get a BS in Bio-Resource Engineering Technology at the University of Maine at Orono. He would like to make his low-impact systems more efficient and more affordable. He welcomes visitors to his operation

Sam Brown can be contacted at Steadfast Farm, RFD 1, Box 1940, Cambridge, ME 04923. Phone (207) 277-4221

Joachim Maier can be contacted at 254 Elm Street, Apt. 2, Bangor ME 04401.

Oakleaf Caterpillar

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Experience from other hardwood defoliations leads one to expect that leaf loss in late August will not kill the tree. In this case, however, Richard Dearborn, one of the two Maine entomologists, warns that the already-moribund beech may be pushed over the line by this attack. While one Maine Forest Service forester said that beech were of no great value, anyhow, it is more likely that we can ill afford to lose any part of the remnants of the late, great, temperate rain forest. Apart from the value of this dense hardwood in sustaining Maine's declining paper mills, the crops of beech nuts were a mainstay of large and small wildlife, when they (and trees) were abundant. In northwestern Maine, loss of beech is reported to accompany decline of red maple and yellow birch particularly.

A thorough-going information sheet and newsletter are available from Maine Forest Service, Insect and Disease Lab, 50 Hospital St., Augusta ME 04330-2432.

20-Year Assessment of LURC: Will it Protect Forest or Large Landowners?

by Mitch Lansky

One third of the entire Northern Forest Lands is in the unorganized territories of northern Maine, under the regulation of Maine's Land Use Regulation Commission (LURC). The Northern Forest Lands Council (NFLC), in its *Draft Recommendations*, identified LURC as "one example of an effective land use planning program." Ninety percent of this area is in 20 big owner-ships, and almost all of their timberlands are taxed for current use, under the Tree Growth Tax Law. With the recommended land-use planning and taxation programs in place, the 10.5 million acres of unorganized territories, the heart of the Northern Forest, should be the example that other areas strive to emulate.

The Heart

The unorganized territories stand out as a special place, not only in the Northern Forest, but for the entire Eastern United States. It has 3,000 lakes and ponds, 16,000 miles of rivers and streams, 100 peaks over 3,000 feet high (including mile-high Katahdin) impressive wildlife from moose and bear to loon and warbler, and the largest concentration of industrial landownership in the United States. This region has the largest area of high-diversity recreational area and the largest area more than 5 miles from nearest railroad, highway or navigable waterway in Eastern United States. While it contains 50% of Maine's landmass, it contains only 1% of the population and has the largest area of low-population land in Eastern United States.

Good News

LURC officials, in a recent "net-effects" document,¹ state that they have been successful at protecting deer wintering areas, high mountain areas, Class A rivers, wetlands, remote ponds, and some high-value lakes and selected recreational trails. They also feel that they have "accommodated" new development. Indeed, they point out that "proposed development that gets to the point of decision is almost always approved." They feel that those with inappropriate development plans usually drop them before going to hearing.

Bad News—Development

LURC officials are concerned, however, that development is steadily increasing, and that it might not be located appropriately. It is gradually eating away at the wildlands. Much of it is occurring on the fringes, especially near high-value lakes and rivers. Some of it is occurring in the interior. The development is uneven—much of it was centered in the Western Mountain region (Aroostook County actually lost population). The wildlands are being "fragmented" (using the same real-estate-based definition as the Northern Forest Lands Council).

LURC echoes the NFLC in focusing on development threats to the "working forest" rather than biological and social threats from the status quo of landownership and use. Although LURC's mandate is to protect timber, water, wildlife, and recreational values in the unorganized territories the authors of the "net effects" document conspicuously leave out forest practices when discussing threats to these resources.

Indeed, logging roads alone "converted" nine times as much forest as houselots. When one adds in yarding areas and clearcuts, there is simply no

[LURC fails] to conclude that something is seriously wrong when 1% of the population can not be supported on 50% of the land.

contest for fragmentation, conversion, and simplification of the forest. Logging, not development, stands out when one views the region from satellite photos. LURC officials are correct, however, that development can have serious impacts on special high-value recreational areas.

Hardship

Although the document mentions that income levels in the unorganized territories are 72% of those in the rest of the state, and that 83% of employed people in the region must commute to the organized townships for work, the authors fail to see the significance of these statistics. They label this "suburbanization," despite the lower wage levels and higher unemployment in the unorganized territories. They fail to conclude that something is seriously wrong when 1% of the population can not be supported on 50% of the land. They do not mention the import of Canadian workers nor the export of sawlogs.

The document makes a hardship case for the big landowners, not the local residents. Forest management, according to the authors only yields, "a few dollars per acre per year." That is why, the authors opine, landowners are tempted to sell for development. Oddly enough, on the previous page, the authors state that land taken out of timber production loses around \$230 per acre per year in manufacturing. The fact that the "poor" landowners are also, in many cases, mill owners does not seem to have occurred to the authors. Most of

the manufacturing revenues do not go to the people of Maine—they go to companies out of state.

Loopholes

In reality, LURC has regulated only a tiny fragment of activities going on within its jurisdiction. By legislative mandate, LURC has little to say about what goes on in 82% of the forest, which is considered a "management" district (or, as others see it, a "free fire zone"). LURC only regulates forest practices in deer yards and narrow "beauty strips" around water bodies.

Because of exemptions for large lots and for two parcelizations per unit in each 5-year period, 97% of all parcelizations in the region were not reviewed by LURC. As previously stated, almost all development proposals that did go before LURC got approved anyway. LURC's policy of allowing development near other development ("adjacency") assures incremental spread.

The "citizen" commission has a built in conflict of interest. Members have included representatives of large landowners and even of real-estate developers. These people, in effect, have been regulating their own businesses. With LURC's structure, loopholes, and mandate to protect the region from activities incompatible with timber harvesting, one might conclude that the legislature set LURC up to protect the big landowners, rather than the forest.

Landowner Policy

The "net-effects" authors acknowl-

edged that if the landowners had wanted to develop more land in the region, they easily could have under current regulations. The major reason why the unorganized territories remain undeveloped, therefore, is not due to LURC, but to landowner policies. They did not want to sell large areas for development.

One of the reasons for this was explained to Henry Thoreau, on his first trip to the Maine woods, by his guide, George McCauslin:

"When I asked McCauslin why more settlers did not come in, he answered, that one reason was, they could not buy the land, it belonged to individuals or companies who were afraid that their wild lands would be settled, and so incorporated into towns, and they be taxed for them..."

As Bill Butler put it (in my book, *Beyond the Beauty Strip*), "Those cheap bastards just don't like to pay taxes."

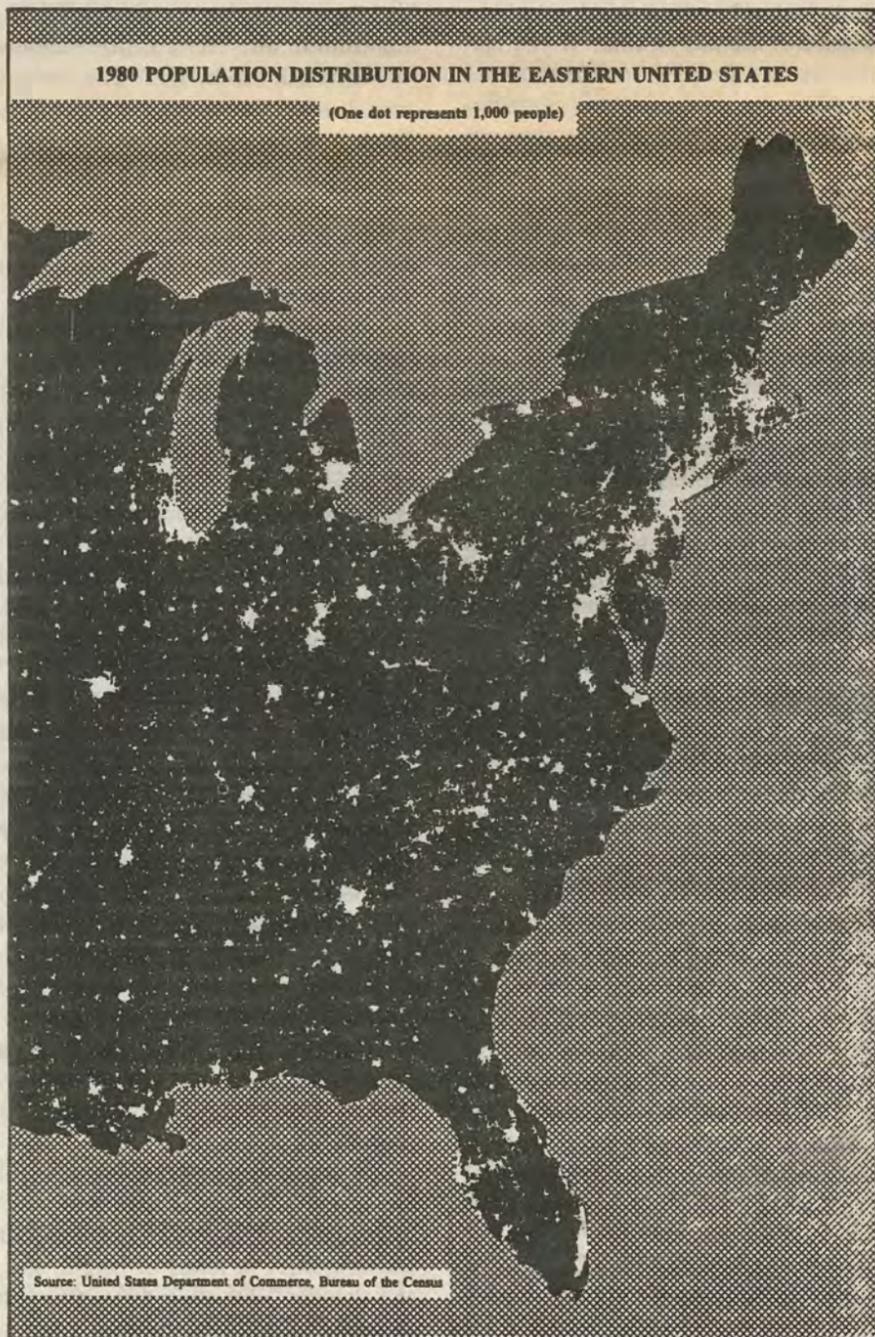
Recommendations

LURC is looking for comments to its document. It particularly wants public guidance on the following issues:

- *refinement of rezoning criteria;
- *proactive (rather than reactive) zoning for development;
- *unregulated, individual house lots;
- *fragmentation (by development) of the forest;
- *infrastructure improvements (i.e., roads and utilities);
- *protection of special qualities;
- *conversions of existing uses;
- *policy on commercial recreation, mining, waste disposal, and windpower;
- *future of forestry;
- *areas with special planning needs; and
- *nonconforming uses and structures.

Some of the same timber industry representatives who were able to reach "common ground" with the NFLC on painting a rosy, generalized vision of the future, are now busy lobbying to make sure that LURC stays as specifically harmless to their operations as it currently is. If LURC is going to seriously try to live up to its mandate to "preserve the ecological and natural values" of the region there are major changes that would have to occur, some of which are legislative:

- *End the conflict of interest on the commission.
- *Close the loopholes for timber management and land sales.
- *Use current use zoning to protect high-value natural areas (such as remote lake, pond, and river frontage).
- *Have development policies that favor working residents over second-home recreationalists (there are some towns that have lost populations, and their school systems are threatened with collapse).
- *Have policies that favor (where appropriate) economic diversification, not just tourism and logging.
- *Cooperate with efforts to set up a network of reserves, both large and small.
- *Ensure that wide-ranging wildlife have adequate, functional corridors (not thin beauty strips) both along riparian areas and across watersheds.
- *Have more local input and access into LURC—including having local branch offices in LURC jurisdictions, rather than in Augusta or Presque Isle.



¹A Summary of the Commission's Current Land Use Policies and their Net Effects After 20 Years of Development in Maine's Unorganized Territories, prepared by Land and Water Associates and Market Decisions for LURC, August, 1994

Fight Against Sears Island Woodchip Cargoport Continues

by Ron Huber

Since last Summer, adversaries of the Sears Island cargoport proposal have pressed ahead with their opposition. (See *Northern Forest Forum* Volume 2 #6 for details of the port issue)

EPA Meets Port Opponents

On August 2, John DeVillars, recently appointed regional director of the Environmental Protection Agency, met with labor and environmental groups concerned about the Sears Island Cargoport project. DeVillars, who professed unfamiliarity with the issue, heard a variety of concerns about the project: Representatives of the Sierra Club and the International Brotherhood of Carpenters and Joiners spoke at length about the damage to forests and forest based economies of large scale woodchip exports of the sort contemplated for the port.

Representatives of the Island Institute, Coastal Waters Project and the Maine Coast Heritage Trust expressed concerns over impacts to Penobscot Bay biota stemming from the construction and operation of the port. Both the Island Institute and the Maine Coast Heritage Trust told DeVillars their organizations had not taken a formal position for or against the port, while the Coastal Waters Project called the long-term impacts of the port and the induced industrial development to Penobscot Bay unacceptable and urged DeVillars to exercise his power under the Clean Water Act and veto the project.

DeVillars said that with the economic and political leaders of the state



Sears Island: The protected west side of the island that is now cleared down to the water near the proposed site of the cargo terminal. Note the crushed rock pier extending into the bay. Photo by John McKeith

firmly in favor of the port, opponents needed to come up with alternative plans that would meet economic as well as environmental needs.

Published reports of the meeting led to a call by proponents of the project for a meeting of their own with DeVillars, which should take place in late Fall or Early Winter.

Sierra Club, CLF file Clean Water Act Suit Notices with EPA

On July 18, the Sierra Club and the Conservation Law Foundation filed a notice of intent to sue under provisions of the Clean Water Act with Carol Browner of the Environmental Protection Agency and Dana Connors

of the Maine Department of Transportation.

The two groups are charging the EPA with failing to enforce the Act, which calls for penalties and corrective action for illegal filling of wetlands. The suit maintains that the filling of 10 to 15 acres of wetlands in preparation for port construction on Sears Island in 1985 was illegal, and that, according to Sierra Club attorney Virginia Holt, the EPA "looked the other way."

Proponents of the port, including the Maine Department of Transportation (MDOT), said that they followed guidelines existing in 1985. But MDOT records reveal agency knowledge of wetlands on the port site extensive enough to require protection even under

the old rules.

In late September, the Sierra Club and CLF agreed to a request by the EPA for more time to answer the groups' charges. The deadline has been extended to October 21, by which time either the EPA and the groups agree to a settlement, or the Clean Water Act suit proceeds into federal court.

Sears Island Draft Supplemental EIS Release Delayed Again.

The Maine Department of Transportation recently announced that the release of the long delayed Supplemental Environmental Impact Study would be delayed once again. (A supplemental Environmental Impact Study was required after the original study was found so full of flaws and errors that the consultant that prepared it, Normandeau Associates, was briefly banned from doing business with the federal government.)

First slated for release in summer 1993, the date was pushed back to fall 1993, summer 1994, fall 1994 to its current projected date of release in December 1994. Federal agency sources say the reason for the latest delay is the requirement pushed by opponents of the port for a full analysis of four alternative sites also under consideration, including revamping the existing terminal at Mack Point across the Bay from Sears Island, and sites in Bucksport, Rockland and Belfast.

For more information about the Sears Island Project, contact the Coastal Waters Project at POB 1811, Rockland, ME (207) 596-7693.

Abenaki Fish-in Challenges VT Over Aboriginal Fishing Rights

by Fife Hubbard

On September 10 more than 100 Abenaki people were issued citations to appear in court in St. Albans on November 14 to answer charges of fishing without Vermont state fishing licenses. Over 200 Abenakis and their supporters took part in the protest that was designed to challenge the state's authority over their aboriginal fishing rights. Two Vermont state game wardens spent four hours on the banks of the Mississquoi in Swanton handing out the citations.

Abenaki Chief and independent candidate for Governor Homer St. Francis led his people to the river joined by supporters from the Mic-Mac and Mohawk Nations and accompanied by a Buddhist peace keeper. Neither the game wardens nor the Abenaki were interested in inciting hostility. "I want you to be peaceable," St. Francis told the gathered anglers, "Kill them with kindness. But if they show force, return force."

The Abenaki, who have been actively challenging the state over the past decade, handed out some citations of their own. Trespassing tickets were issued to the fish and game wardens. In addition, when Ed Verge, an Abenaki from Island Pond refused to take possession of the ticket issued for fishing without a license it fell to the ground prompting St. Francis to threaten to arrest game warden Robert Lutz for littering.

St. Francis was pleased that so many tickets were issued because it will allow the Abenakis to bring the issue of their sovereignty back before the courts. In 1977 Vermont Governor Thomas Salmon officially recognized the Abenaki people, however in 1978 his successor Governor Richard Snelling revoked that recognition. Recently Governor Howard Dean upheld that decision not to recognize the Abenakis for fear that they would use the leverage to make land claims and open a casino.

St. Francis urged his people to continue to challenge state fishing laws until they bankrupt the state of Vermont. "Don't sign anything and don't pay the \$45 fine. Make them give you a jury trial." Before the Abenakis began fishing their Chief had one more piece of advice: "And one more thing don't eat the fish. They're loaded with mercury and we're only supposed to eat one a month. It's too bad the state's spending all this money prosecuting us and not cleaning up the waters they've polluted since they stole this land from us."

Fight Over Breached Clyde River Dam Continues

Since the breaching of Citizens Utilities Dam #11 on the Clyde River in Newport on May Day of this year, the fate of the section of river below the dam has been bandied about in courtrooms throughout Vermont. On one side Citizens Utilities is attempting to obtain the right to produce peaking power from the water diverted from the river, while on the other Trout Unlimited and Vermont Natural Resources Council are concerned with continuing the healing process begun by the high water in May and restoring the fishery.

Originally Citizens Utility simply wanted to repair the dam, but due to the efforts of sportsmen, environmentalists, and members of the Vermont Natural Resources Council, this was not given to the Connecticut based utility as an option. On September 19th Citizens Utilities proposed a compromise. In an application for a permit from the federal Environmental Protection Agency, they offered to remove the dam and stabilize the bank that was torn away when the river surged around the dam. In addition CU wants to extend the existing canal that now runs alongside the river below the dam to the power generating station above the dam. The canal would be used to bring water from the Number 1, 2, and 3 Power Station (the numbers refer to the three generating units in the station above the dam) to the #11 powerhouse which has been idle since the breaching. This would enable CU to produce peak power through generators 1 and 2. The water from these two units would flow through the canal, then under the river in pipes to powerhouse # 11, and eventually back to the river. The remaining water would flow into the natural river bed at 63 cubic feet per second at all times. CU maintains that this is the August median flow at that point on the Clyde. In a startling coincidence, 63 cfs also happens to be the flow rate of generator #3, the oldest of the lot.

Trout Unlimited as well as VNRC have been unenthusiastic regarding CU's application. 63 cfs is just not enough water for that stretch of river (conservative estimates put the August median flow at around 75 cfs and some estimates for Spring flow rates by Fish and Wildlife have been as high as 360 cfs). Trout Unlimited and VNRC are demanding that the Newport #11 facility be removed, and that there should be upstream and downstream fish passage at Number 1, 2, and 3 powerhouse. In addition, they want that station to operate on a run-of-the-river basis, meaning that water is not stored for generating peak power but is allowed to flow naturally.

—Fife Hubbard

Subject Index

(Volume Two of The Northern Forest Forum)

This subject index to the six issues of Volume 2 of the Forum, compiled by Andrew Whittaker, is offered as a service to readers who are interested in a certain subject. The numbers preceding an entry (for example, 3:23 in the first entry under "Adirondacks") mean: "Issue #3, Page 23. Following the numbers are the title of the article and the author. A Subject Index to Volume I can be found on the back cover of volume 2, #1.

Back issues of both volumes I and II are available for \$3 each from:

Forum, POB 6, Lancaster, NH 03584.

Please make checks payable to: Earth Island Institute.

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Gray Jay. Photo courtesy of AMC

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Alaska: The Real Northern Forest

This summer I had the privilege of visiting the wonderful folks of the Alaska Boreal Forest Council of Fairbanks, Alaska. The ABFC is a collection of dedicated and talented citizen forest activists.

Larry Mayo of ABFC has compiled 65 values of the taiga ecosystem (box to right). As you read through this list, you will recognize that a great many of these values apply to the forests of the Northern Appalachians. The Forum welcomes suggestions for a similar list of the values of the Acadian and Adirondack Ecosystems.

I have one value to add to Larry's list. To compliment "entertainment for curious children," I suggest the forest is also "entertainment for curious adults."

—Jamie Sayen

NFLC Feared Adirondacks

Continued from page 8

after all, summoned by the Congress, and most especially by Senators Leahy and Rudman who knew what the outcome of their deliberations should be before they even began: "The current land ownership pattern and management patterns have served the people and the forests of the region well." But that is, of course, debatable. And having been summoned, the Council members had the intellectual responsibility to debate it—to ask how well served the forests and people are. The "listening session" I attended in the Adirondacks was filled with people who said that many communities were dying; a simple plane flight over the North Woods of Maine would show how well they have been served by the last decade. I'm not sure that the Council listened hard enough.

Bill McKibben, author of *The End of Nature & The Age of Missing Information*, is currently finishing a book about places that offer some hope for people and nature. The last third of the book will deal with the forests of the east.

TAIGA ECOSYSTEM VALUES AND BENEFITS

—Views expressed by citizens of Fairbanks, Alaska—

Compiled by L.R. Mayo, Alaska Boreal Forest Council

INTRINSIC

Wildness
Existing for thousands or millions of Years
Unique to Earth
Having unwritten Rights
self-Renewing
self-Regulating
self-Healing
Home of the circum-polar Boreal Forest
Home of Lakes, Bogs, Marshes, Meadows, and Rivers
Solar powered Energy reservoir of the sub-arctic
Storehouse of natural Genetic Materials
Ecosystem and Habitat Biodiversity
Makes its Soil from Rock
Makes and stores its complex chemical Nutrients
Habitat for all sub-arctic animal Life

PRACTICAL

Supply of abundant clean Water
Air shed, the source of clean Air with moisture, fragrance, and oxygen
Recycles our wastes such as Sewage and CO2
Setting for physically-healthy Living
Tent sites and Campfires
Fish and game Meat
Wood for Shelter and Furniture
Wood for Industry
Fuel
Wood for Export
Wood for Art and Toys
Entertainment for curious Children
Water Storage in times of flood and drought
Holds soil against wind and water Erosion
Stabilizes Climate
Scenic resource for Tourism
Shelter from Wind

Moss and snow for Insulation
Sound Barrier
Birds and Flowers
Outdoor Classroom of Wildlife and Nature
Object for Science of Sustainable Systems
Herbs, Berries, Teas, Mushrooms, and Medicines
Dye Materials
Ambiance for pleasant Homes and Business sites
Soils for Agriculture and Gardens
Feed for Livestock
Genetic Source for Agriculture and domestic Animals
Fence Rows
Assets for great Recreation
Environment that promotes psychological Health
Wildlife to watch and hear
Ever-changing tapestry of natural Art
Object of Poetry and Photography
Place for evolution of Sustainable Lifestyles
Source of Alaskan Native Cultural Attributes
Site of the "Sourdough Alaskan Lifestyle"
Birch bark and Syrup

SPIRITUAL

Quietness that one can hear
Clarity and color that one can see
Freshness that one can smell
Strength that one can feel
Tranquillity and Hope
Fellowship with all Life on Earth
Home of Troll, Tomten, Alvor, Skogsra, Nachen, Ullr
Solitude for spiritual Renewal
Inspiration for philosophical Development
Naturalists find Cathedrals
Peace

Salmon Alert

Continued from page 3

Wildlife Service and Rolland Smitten, Director of the National Marine Fisheries Service—and tell them to take strong action to protect the Atlantic salmon.

The Atlantic Salmon Needs Endangered Species Act Protection

Protecting the Atlantic salmon under the Endangered Species Act would:

- protect vital habitat for the salmon and other imperiled species such as the bald eagle, the shortnose sturgeon, and the dwarf wedge mussel;
- require that dams and other barriers in rivers allow fish to travel upstream and downstream;
- mandate a comprehensive restoration plan for the salmon throughout its historic range;

Let Your Voice Be Heard

This is it. A decision will be

made in the next few weeks about the survival of the Atlantic salmon. Now we need your help. **PLEASE WRITE OR CALL MOLLIE BEATTIE AND ROLLAND SCHMITTEN TODAY.** Tell them that you support protecting the Atlantic salmon under the Endangered Species Act as threatened or endangered throughout its historic range.

Please call or write to:

Mollie H. Beattie
Director, USFWS
Interior Building
1849 C Street NW
Washington, DC 20240
(202) 208-4717
or
Rolland Schmitt
Director, NMFS
Office of Fisheries
1335 East-West Highway
Silver Springs, MD 20910
(301) 713-2239

For more information contact RESTORE. If you can, send a copy of your letter. Thank you for your help!

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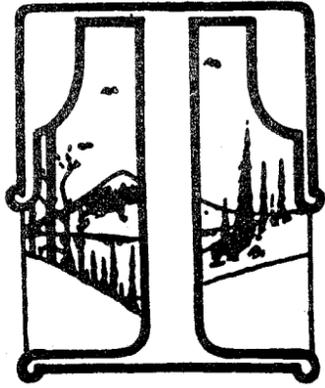
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In Celebration

of the

First Century of the 'Forever Wild' Clause of the New York Constitution



The lands of the state,
now owned or here-
after acquired, consti-
tuting the forest preserve as now
fixed by law, shall be forever
kept as wild forest lands. They
shall not be leased, sold or exch-
anged, or be taken by any cor-
poration, public or private, nor
shall the timber thereon be sold,
removed or destroyed.

*Article XIV Section I
New York Constitution*



This rendering of Article XIV Section I of the New York Constitution was done around 1960 by Louis A. Di Gesare of Scotia NY, an internationally known calligrapher, at the request of Paul Schaefer of the Friends of the Forest Preserve. Courtesy of Friends of the Forest Preserve, Inc. and The Association for the Protection of the Adirondacks, Inc. Moose photo © by Bill Silliker, Jr.