

The Northern Forest Forum

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Vermont Herbicide Victory Signals Ecological Sanity

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Restoring Nature to Sustain Economy in Northern Forest

It would be nice to say that the profession of forestry were at a crossroads. However, the option of intensified, technological forest management was chosen long ago. Economic expediencies, not sound silviculture, have driven forestry practices across the Northern Forest.

The heavy handed approach of paper companies and our own US Forest Service, all staffed by foresters, has loosed itself on the wider landscape. Loggers protesting Vermont's recent regulation of 40 acre plus clearcuts have said, the companies cut theirs that way, why can't we? Indeed.

Our rural economies which ought to be building communities, and sustaining connections to our natural surroundings, have instead become the fiefdom of over-large markets. Such markets, and the people who serve them, do not much care about place, let alone a long term approach to stewardship. Gradually, we have been seduced away from what Wendell Berry terms the "patient economy." Since clearcuts "grow back" as a local editor put it, we can ignore what a clearcut does, and what a landscape of such cuts costs, ecologically, economically.

Once farms and forests were centers of employment. The farm used to aspire to autarky—the production of high value goods from home-grown inputs, alongside a large degree of self-sufficiency in basic needs. The harvesting of wood was winter work, a seasonal source of cash.

Today, "traditional" agriculture, as understood in the language of the Farm Bureau, is all about the purchase of outside fertilizers, pesticides and expensive

machinery. Logging has become a high-debt enterprise that ignores costs of production in the creation of cash flow. The intended prize for producers: they can become consumers, too. The genuine traditionalists, in such a context, seem to be espousing poverty, drudgery or Utopia (depends on the critic).

Environmentalists who join rural skeptics such as Wendell Berry in questioning poisons, mechanization and other toys of intensified management, are pilloried as being against the worker. Yet, we must ask, have the products of agri-business and industrial forestry employed or displaced workers? Have they created local opportunities for profit or subsumed them? Are we better off for abandoning ecology as the basis of how we produce our food and timber?

The alternative of a low impact forestry, based on human labor, appropriate technology, and the insights of ecological science, still exists—but it is questionable whether the forestry profession as a whole will ever embrace it.

In 1970, at the Golden Anniversary meeting of the New England section of the Society of American Foresters, the wide gulf in understanding that exists today between the forestry profession and even its internal critics was not just evident—viewed in retrospect, it was the conference's implicit theme.

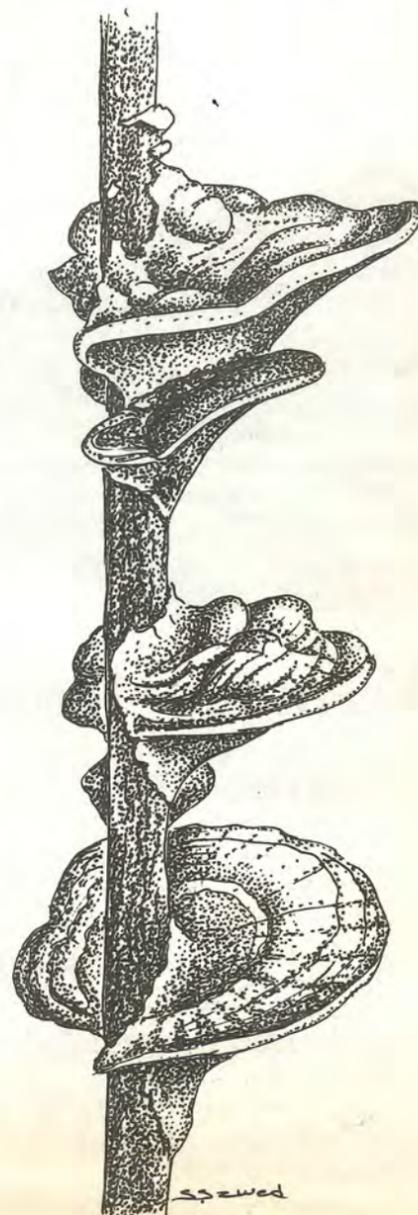
Population and increased pressure on the resource, speakers implied, force forestry to make a decision: opt for pro-

ductivity based on forest ecology, acknowledge ecological limits, educate the public to their impact on our forested environment OR, intensify management, use more technology, and educate the public about *that*. Where FH Bormann argued for an ecosystem concept in evaluating forest practices, the US Forest Service's regional forester stated, "if we, as a profession, are firmly convinced that clearcutting, for example, is a logical, scientifically based and acceptable management practice, we have no alternative but to support it for the good of the people."

Twenty-seven years have done a little to bridge this widening gap. A new generation of foresters is at the gates, and may, if it comes forward more forcefully, resuscitate a vitiated profession. The wider problem, however, as farmers, loggers and foresters well know, is that it is our society's approach to consumption and production that is not sustainable.

It is the death of rural life and livelihood, however, for us to cave to dysfunctional economics. This is why environmentalism and environmentalists must push on in the years ahead. Forestry, farming, the fishery—these can afford the local communities of the Northern Forest with sustainable, good work in the decades ahead—if we begin once more to see the Nature in forest, farm and fish.

—Andrew Whittaker



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Summer and friends
come and go.
We complain about
the tick, the butterfly
horsefly and mosquito.
Still complaining as we
fill the wetlands, dry
the vernal pools, drain
the fen, lose
the scrub oak, the fragile
places where
they begin to disappear.
Here are the names
we might never say again:

ringed boghaunter, katahdin arctic,
clayton's copper, pygmy snaketail,
twilight moth.

Summer is a long season
when you're never coming back.
Monarch rising from milkweed,
headed for Mexico,
goodbye.
Someday we will
all be here alone or
someday we will all be
here, together

—Gary Lawless

To the Editor:

As you probably know the Maine legislature has voted to give themselves control over which species get added to state threatened and endangered lists. This year the suggested list includes insects, and the initial reaction on the part of the legislature was that it was a big joke. But now the list has actually passed through the Inland Fisheries and Wildlife committee on a unanimous vote, and heads for the legislature. As you can understand, they gave themselves this power to please developed, property rights advocates, large corporate land owners—anyone who might be slowed down by the presence of a protected species—so it is unclear what will happen when the full legislature takes this up—so I enclose a poem (printed on right) I have written as my "testimony" on the proposed list.

—Gary Lawless
Gulf of Maine

Earthlaw Suit Seeks Endangered Species Act Protection for Harlequin Duck

In a case that may have broad ramifications for coastal development, forestry practices and the inshore fishing industry, a group of conservation organizations, including RESTORE: the North Woods and the Coastal Waters Project, have joined in a suit to force the US Fish & Wildlife Service to decide whether the Harlequin Duck merits protection under the Federal Endangered Species Act.

Harlequin ducks (*histrionicus histrionicus*) are small colorful sea ducks that winter in coastal areas and migrate inland during the summer to nest along rushing mountain streams. The male's plumage is dark blue with white streaks, while the females are brown with three white stripes on each side of their head, as is that of juvenile harlequins.

The harlequin's preferred diet is the larvae of stoneflies, caddis flies and may flies while inland, and mussels, marine snails and crabs during their marine phase. They are known to feed on herring eggs, which that fish lays in thick patches on the floor of shallow bays and seamounts, and may also consume elvers, the postlarval/pre-juvenile life stage of the American eel, which migrates up New England rivers in late winter early spring.

There are two distinct North American populations, Atlantic, and Pacific. The Pacific coast population is estimated to be around 200,000 at present; the Atlantic population, however, has declined to around 1,000 individuals.

Population declines are generally attributed to hunting, pollution, declines in shellfish and over marine prey, recreational activities, and loss of riparian nesting habitat to damming,



riverside development, road construction and other degradation of riparian areas.

With no sign of such impacts reducing in severity in the near future, and the ducks' long term existence thus problematical, on September 25, 1995 the Biodiversity Legal Foundation petitioned the US Fish & Wildlife Service to list the harlequin Duck on the Federal Endangered Species List. FWS refused to initiate a review, claiming that recent federal legislation forbade it from listing any new endangered species.

In response, BLF, along with New England conservation groups RESTORE: The North Woods and Coastal Waters Project, enlisted the aid of the University of Denver's EARTHLAW legal clinic. EARTHLAW filed suit on April 8th, charging the Interior Department and US Fish & Wildlife Service with failing to make the required 90 day finding on whether the petition to list the Harlequin duck had merit.

Specifically, the suit seeks a court order:

(1) Declaring that Bruce Babbitt,

Secretary of the Interior, and John Rogers, acting director of the US F&WS are violating their statutory duty regarding the petition to list the Harlequin duck;

(2) Compelling the above named defendants to make the statutorily-required finding within 30 days,

(3) Compelling the defendants to undertake a status review of the Harlequin duck.

At press time, the defendants had yet to respond to the suit, nor had a court date been set.

Lobstermen Protest Protections for Gulf of Maine's Rarest Mammal

by Ron Huber

The National Marine Fisheries Service (NMFS) has proposed two sets of regulations to protect Northern Right Whales from fishing gear entanglements and ship strikes along their annual migration between the Bay of Fundy at the north end of the Gulf of Maine, and the waters off Florida, Georgia and South Carolina. The proposals follow a federal court decision ruling that the NMFS has failed to enforce the Endangered Species Act with regard to protecting *Eubalaena glacialis*, the smallest and rarest of the baleen (filter-feeding) whales.

It is believed that there are approximately 300 northern right whales remaining in the Northwest Atlantic Ocean. Little is known about the biology or behavior of these whales beyond what may be gleaned by identifying individuals by their unique markings and by using satellite tags to determine where the whales go when they leave their feeding and calving grounds.

According to NMFS, between 1990-1994 at least 1 right whale, 11 humpback whales, and 6 minke whales were reportedly seriously injured or killed as a result of entanglement with lobster pot gear. By comparison, NMFS says, in 1995 alone, ships colliding with northern right whales have killed at least nine right whales (although one of those killed by a ship strike was also entangled in fishing gear).

While the shipping industry has grudgingly accepted its regulations, following industry comments, regulations to reduce northern right whale injury and death from fishing gear entanglements have created a firestorm of opposition.

By far the most important proposal is that all knots in lobster trap lines be replaced with splices and that all lobster trap buoy ropes be equipped with sec-

tions of breakaway line. Lines without knots will pass more easily through the baleen of a whale and slip more easily past an appendage, and thus be less likely to cause thrashing behavior. Once a whale starts to thrash, line wraps around appendages and begins cutting into the whale's body; the whale is unlikely to be able to free itself. Breakaway buoy lines would snap if a whale entangled in it but would still be strong enough to haul up a heavier, traditional buoy line that would in turn be used to haul up the lobster trap.

Maine's lobstering industry has reacted with outrage, stating at crowded public hearings held throughout the state that few, if any, Right Whales inhabit Maine waters, and that their migrations through Maine waters do not take place during the lobster trapping season. They said that the expense of replacing trap lines and pulling traps monthly, was high enough to drive fishermen from the business. Industry members also said that the breakaway links proposed under the NMFS regulations would result in major trap losses during storms.

The lobster industry's preferred alternative is for NMFS to organize and train teams along the coast to deal with reported whale entanglements.

Comment period on the proposed fishery regulations originally ended May 15, but due to the uproar, and the intervention of Maine Senator Olympia Snowe, who chairs the Senate committee overseeing the National Marine Fisheries Service, the comment period was extended to June 13th.

Note: A picture of a humpback whale snarled in lobster trap lines, and the story of a professional diver/ Maine lobsterman's efforts to free two entangled whales of the Maine coast may be viewed on the World Wide Web by set-

ting your web browser to www.midcoast.com/~waterman/whale.htm

RESTORE: The North Woods Updates

Sugarbush Court Battle

US District Court Judge William Sessions has ruled that a planned swap of land between the Forest Service and Sugarbush Resort Holdings, Inc. is not exempt from environmental review under the National Environmental Policy Act. The land exchange, mandated by federal legislation, is intended to facilitate construction of a hotel and conference center at the Sugarbush resort in Vermont's Green Mountain National Forest.

Kearsage Cutting Appealed

RESTORE announced on May 14 that it had filed an administrative appeal of a White Mountain timber sale (Kearsage North). Grounds for the appeal include under-staffing and below-cost sales on the White Mtn. The proposed cut includes rare old growth and ignores unusually pronounced public opposition. Over 350 people wrote letters against the sale.

Ski Area Water Consumption Questioned

RESTORE has written the Forest Service questioning proposals by the Waterville Valley Ski Resort to expand snow-making. The ski area wants to use 231 million gallons of water on 203 acres of trails, a rate almost triple that of Loon Mtn. RESTORE also notes the relatively flat growth in skier demand and suggests the expansion is an effort to gain market share rather than meet demand.

Vermont Legislators Halt Spraying and Curb Cutting



Party Loopers

by Andrew Whittaker

The Vermont Legislature has enacted into law a moratorium on forest spraying of herbicides.

S28, the herbicide bill, was sent to the House after a floor fight in the Senate over provisions for a moratorium on ground as well as aerial spraying. The same battle was re-played on the 1st and 2nd of May on the floor of the House as the two committees which took testimony on the bills presented rival amendments to S28.

House Natural Resources offered amendments generally in keeping with the Senate's intent, distinguishing between broadcast ground spraying and manual, backpack applications. Fish & Wildlife evinced its hostility to the recommendation of a moratorium by offering to shorten it to three years, restricting it to air only, and allowing 200 acres of test plots.

The fight over the amendments was in many respects the real debate of the merits of the bill. After two hours and more of debate, the House adopted the House Natural Resources amendment in place of Fish and Wildlife's by a 73-69 vote. A more decisive 89-42 vote the next day sent S28 back to the Senate which accepted the House bill and passed it to Governor Dean who originally indicated his intention to sign it.

However, Dean ultimately withheld his imprimatur, saying that while the legislation reflected public desire, it went beyond the FRAC recommendation. Under the Vermont constitution,

bills become law unless the Governor explicitly vetoes them.

Champion International, which spearheaded the spray campaign and lobbying effort, has sought to bring herbicides to Vermont since at least 1992, when then-regional manager Thomas Hartramft broached the idea on a Vermont Timberland Owners' Association tour of Champion strip cutting. Boise Cascade (now Mead) brought the issue to a boil when it secured a permit to spray from Vermont's Department of Agriculture in 1995. Champion spokesperson Joel Swanton indicated to the press after passage of S28 that his company was looking into backpack spraying options.

The inclusion of a ground moratorium followed suggestion that Champion was considering some form of mechanized ground delivery in the event of an aerial ban. Supporters of ground restrictions felt the backpack exemptions were warranted in that they would permit existing uses of forest herbicide which had not been evaluated by FRAC.

Background

One year ago, the Forest Resource Advisory Council, one third through its current mandate, formalized its approach to liquidation cutting and aerial spraying of herbicides. FRAC convened a six member herbicide hearing panel to take testimony at June hearings held in Island Pond, Vermont. The Vermont Citizens' Forest Roundtable organized opposition testimony to Champion and Monsanto defense of a

proposal to spray up to 1000-2500 acres annually in Essex County, where Champion owns 140,000 acres. Monsanto manufactures glyphosate, the active ingredient in the herbicide intended for Champion clearcuts.

At the June hearings, Landvest forester Richard Carbonetti testified that locals do not want the timber stand improvement work which his client, Champion, is currently hiring migrant workers from Mexico to perform. A backpack spray program may likely involve such a workforce.

Subsequent to the June hearings and one public hearing on interactive television, the herbicide panel indicated a split preference, with four members favoring stepped up regulation of spraying and two a moratorium pending the answering of key questions. The full Forest Resource Advisory Council took public comment in four sessions across the state in late fall before voting 13-1 in favor of a moratorium. Public argument against spraying, particularly in northern Vermont, swayed many FRAC members, an admission which spray proponents later used in legislative testimony to suggest the council had been intimidated.

House Debate

To that extent, the floor debate in the House, which followed public and expert testimony before two committees, gave great satisfaction to spray opponents who helped assemble argument for a moratorium which went beyond the FRAC recommendation. The successful line of reasoning was the

ecosystem argument that broadcast, non-selective ground spraying differed from aerial spraying only in drift concerns.

FRAC had earlier accepted the argument that aerial spraying was the only economical way to spray 1000 acres and so had not formally considered whether ground spraying should be included in a moratorium. Governor Dean and other legislators along the way, however, sought to hold legislation to the letter of FRAC's recommendation. The Governor, in explaining why he did not sign the bill, did however commend the work of legislators on the issue and granted the new law reflects public desire.

Leaders in the floor debate successfully advanced ecologic, forest productivity and health concerns as the basis of a moratorium with no specified sunset date. The University of Vermont is directed by the bill to report back to the legislature with findings on forest spraying by 2003. Opposition to the bill arose from Fish and Wildlife committee members, who had courted industry testimony over the course of the winter. They were joined by the Republican members of the Natural Resources committee, who had dissented with their colleagues' support of S28. Their arguments on the floor centered on the relative safety of glyphosate, the inconsistency of a pesticide policy which would restrict forest but not agricultural or residential uses, and the need for a "moratorium" to expire with a date certain.

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"Let Them Eat Glyphosate" Dept.

NH Pesticide Control Board Serves the Public

by Daisy Goodman

Spring comes late to northern New Hampshire, but plans for this year's aerial spraying projects began last fall. Mead-Oxford, which bought Boise Cascade's northeastern holdings in November, submitted its application for special permit to spray 775 acres with glyphosate, imazapyr, sulfometuron methyl and triclopyr in December. In correspondence with the Division of Pesticide Control Director Murray McKay, Mead's Ernest Von Tobel repeatedly cited concerns about the possibility of an appeal interfering with the spray schedule.

Mead's permit has been approved for all sites requested and all herbicides proposed with the exception of triclopyr. Sulfometuron methyl will be applied on only two sites—an improvement over last year, where one tank mixture was used on all 1200 treated acres regardless of the target vegetation.

Coos Residents Against Herbicide Spraying (CRAHS), a local group from the Berlin area, the heartland of northern New Hampshire's forest product's industry, initiated an appeal but was denied standing. CRAHS also requested that the Pesticide Control Board hold public hearings on the Mead permit but has received no response to date.

Champion International submitted an application in April to spray 1226 acres in the headwaters region of the Connecticut and Androscoggin Rivers. Although the permit has not yet been approved, the company broke with past policy by revealing in a newspaper interview which chemicals they plan to spray and how many acres are involved.

However, both Mead and Champion strongly oppose meaningful public participation in the permitting process; specifically public hearings. Hearings would provide an unnecessary opportunity for "grandstanding" and "troublemaking" by opponents of aerial herbicide applications in forestry, and lead to "a loss of the herbicide tool" according to Peter Ludwig of Champion. After making these remarks at a public hearing concerning rule changes for aerial spray permits, Mr. Ludwig was invited by Commissioner of Agriculture Steven Taylor to serve on a study committee making recommendations on the issue to the Pesticide Control Board.¹

Democracy=Troublemaking

The proposed spraying of 697 acres by Mead Corporation in the "non-residential" town of Dummer, NH, has

What qualifies opponents of forestry herbicide applications as radicals is our audacity in bringing unsolicited views about pesticide use in our communities to the attention of "our" State government, and to insist that we have a right to be heard.

raised local, state and regional attention. Despite a storm of criticism from Dummer residents, citizens around the state, and regional media, the Division still refused to involve the public in the permit review process. CRAHS members, including one selectman, were denied standing to appeal by the Pesticide Control Board. Only direct abutters were granted standing, a divisive tactic which proved successful in eliminating an appeal of the permit.

Aerial herbicide applications in forestry have become a regional issue over the past two years. The political climate in each state differs dramatically. Opponents must choose options for action accordingly.

In both Vermont and Maine, the public right to be involved in the debate over aerial spraying is acknowledged in the political arena, either through public hearings or the option to vote on a referendum. In New Hampshire, however, it appears that the public will have to

chose between kicking the door open or staying outside the regulatory process forever—no one is inviting us in, and in fact the door was slammed and locked when we knocked.

New Hampshire pesticide laws require no notification of aerial spraying to area residents other than a registered letter to abutters two weeks before the spraying is scheduled. Without calling the Division of Pesticide Control weekly to ask about applications for aerial spray permits, there is no mechanism for timely public notification. In fact, Dummer residents had no idea that Mead had plans to spray local fishing, hunting and recreational areas until they were alerted by people who had developed a first-name relationship with the Division director through such weekly phone calls.

At a preliminary hearing on the 1997 appeal by area residents of Mead's aerial spray permit, three members of the Pesticide Control Board approached

the appellants, each separately advising them that they would be "more successful" if they stayed away from "radical environmentalists" such as the people who had notified them that the permit had been granted, for how many acres, and where.

The 1996 appeal of Boise Cascade's permit, brought by the Herbicide Project, was the first of its kind. Although unsuccessful, it brought to light problems with the State's permitting process, appeals process, and monitoring of pesticide applications. These remain unresolved.

According to Steven Taylor, New Hampshire's Commissioner of Agriculture and the Chairman of the Pesticide Control Board, opposition to aerial herbicide applications is restricted to a small group of 'radicals' up in Coos County.² According to Thomas Sullivan, of New England Electric System companies, widespread opposition to herbicide use on utility right-of-ways is an unfair extension of criticism aimed at aerial herbicide applications in forestry by another small group.³

No Confidence in Chemicals

However, residents from 54 towns
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Mead Corporation has been given a permit to spray herbicides in the clearcut areas just behind these houses along Route 16 in Dummer, NH. The NH Division of Pesticide Control and the NH Pesticide Control Board maintain that this is a non-residential area and that the "non-residents" who reside in those houses do not have a right to a formal public hearing prior to issuance of the permit. Photo © Alex S. MacLean—Landslides.

VT Spray

Continued from page 4

Natural Resources chair David Deen of Westminster responded by noting that Champion had said only the day before under direct questioning that glyphosate was, in fact, not the only chemical registered for forest applications that they intended for future use. Further, Deen said, a moratorium with an expiration date shifts the burden of proof to the public. He and others also defended the policy of restricting forest use of chemicals by noting that Vermont's pesticide policy discourages

new uses of pesticides and encourages an overall reduction of uses.

Rep. Ben Rose of Williston had perhaps the best riposte to the generic argument that Vermont was limiting management options. "Nature has management tools as well," he said, "things like soil structure and mycorrhizal fungus."

Editorial Conclusion

The victory in herbicides is what people make of it. The Farm Bureau, some foresters, and industry sympathists characterize the victory as one of

the pitchforked mob pulling down the edifice of reason. Observers of legislative testimony and floor debate have their own impression of the role reason played here. Public will on this issue was backed up by citizen research, organizing and speech. Reason and desire were hand-in-hand on this issue. The fact Governor Dean had a hard time with the bill is a compliment to its achievement.

In terms of wider forest policy, the herbicide victory demonstrates the depth of public understanding of and commitment to forest conservation. Water, wildlife, soils and timber are

linked in a complex of interactions. Forest management decisions on private lands ought at best to reflect the most conservative appreciation of forest ecology as the basis of long-term forest productivity.

Public policy ought to establish parameters for private practices that maintain ecologic viability of the forest resource. Many low-impact practices are already part of the vernacular. Herbicides by contrast are an untested, unproven and mercenary response to industry's over-cutting. Vermont has done well to keep them out of broad-scale forest application.

NH Herbicides

Continued from page 5

have signed petitions requesting increased public notification requirements for right of way spraying; and the Herbicide Project and Coos Residents Against Herbicide Spraying, a Milan, NH based organization, have collected over 700 signatures opposing aerial herbicide spraying within two months' time.

Door to door petitioning, while time consuming, is an excellent way to find out where people stand on an issue. Contrary to opinion at the Pesticide Control Board, local people do not feel that State and Federal agencies are adequately protecting the public, nor are they convinced by manufacturers' claims that pesticide products are "safe".

Most people, regardless of socio-economic position or affiliation with industry, recognize that toxins in food, water, and air are a primary cause of increasing cancer rates and birth defects, and recognize that exposure to pesticides is hazardous. In this post-thalidomide, post-DDT, post-Vietnam War era, many people who would *never* describe themselves as "environmentalists" or "radicals" are opposed to increased use of pesticides.

Promises by industry that aerial applications are accurate and that 165 foot buffers adequately protect water from contamination are viewed by the public with extreme skepticism or ridicule. For example, Mead representatives have been unable to convince a woman sprayed by helicopter with a "harmless coloring agent" during helicopter drift-evaluation tests in Milan 1996 that the drift did not occur and that her associated respiratory difficulties were the result of an allergic reaction with a completely unrelated cause.

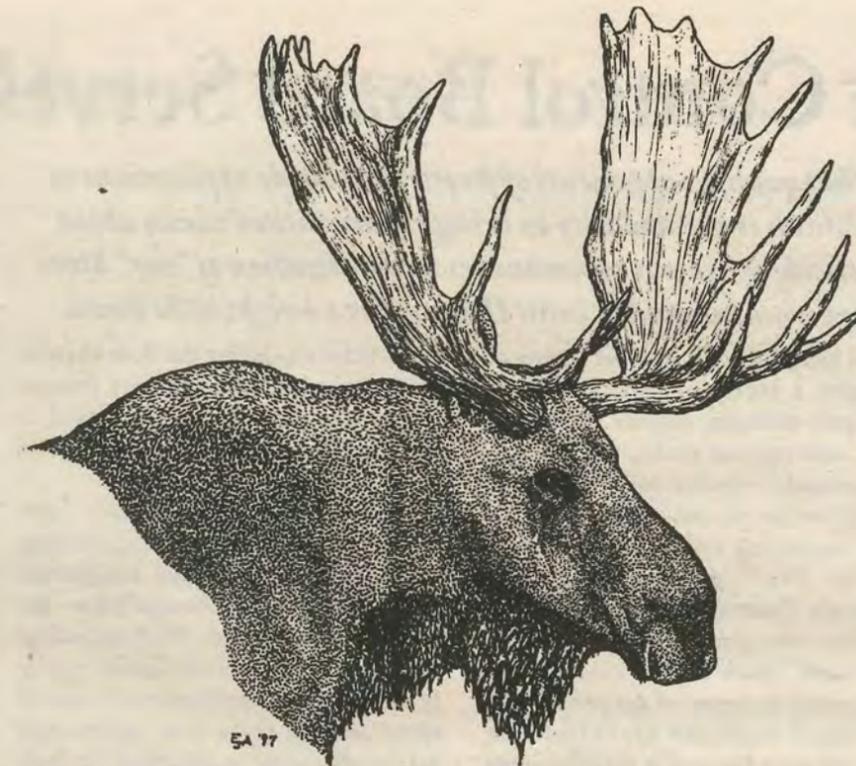
Local people living near spray areas have seen injured birds at their feeders or found clusters of dead birds on the ground and do not hesitate to attribute these to the effects of the herbicide, despite studies of forestry herbicide applications which found only that bird populations in sprayed areas are reduced for several years after spraying.⁴ Former company employees who worked in sprayed areas report dizziness and severe nausea despite industry claims that the herbicides used cause no adverse human or animal effects.

Reassuring statements by representatives from the forest products industry or a chemical manufacturer are unlikely to change many minds up north where common sense is still considered a more desirable attribute than academic credentials.

Flawed Regulatory Process

EPA officials themselves admit that the maze of federal laws mandating the EPA's regulatory activities make full compliance impossible. Regulation remains far behind what science continues to uncover about the insidious, long term hazards of pesticide exposures. Decades of medical research correlating exposures and reproductive problems such as infertility, stillbirth, miscarriage, tubal pregnancy, estrogen sensitive tumors, endometriosis and other symptoms of endocrine disruption have finally prompted new regulations requiring additional testing of pesticide products registered in the 1970s and 80s.

Roundup, a Monsanto product with billions of dollars of sales annually, and well known to critics of forestry



herbicides, is currently in review⁵ and technically has a conditional registration status. In the meantime, it is being used worldwide on lawns, in home gardens, orchards, in vegetable, meat and dairy production, forests, National Parks and many other places where the public is frequently in contact with it. It is widely advertised as "safe" and its active ingredient, glyphosate, is the forestry herbicide most often showcased by industry. However, numerous reports of illness in animals and people exposed to the product imply that the testing of Roundup has indeed been inadequate.⁶

EPA still primarily tests active ingredients rather than the full formulations of pesticide products, excluding so called inert ingredients. Without evaluating the full formulation of a product, its actual effects on environmental quality, wildlife, human health, etc., can't be assessed.

For instance, the surfactant POEA, an inert ingredient of the Roundup for-

mulation, has been shown to combine synergistically with the active ingredient, glyphosate, enhancing acute toxicity to mammals and fish as well as increasing phytotoxicity⁷. Although the "recipe" for Roundup's formulation was the subject of a recent successful law suit by the Northwest Coalition for Alternatives to Pesticides, the public still does not have this information. Freedom of Information Act requests for inert ingredient in the herbicide formulations OUST, ACCORD, ARSENAL and GARLON 4 were denied to the Herbicide Project by EPA only last month.

Furthermore, because full formulations are not tested, the significance of metabolites of ingredients, contaminants of the manufacturing process, and chemical interactions among ingredients are not assessed either.

One possible response to this alarming situation would be to shut down the registration process for new

products until the existing backlog has been reviewed by EPA staff and until testing for chronic effects such as endocrine disruption has been developed. However, pressure from the manufacturers of these highly profitable chemicals keeps the registration process rolling, sometimes against the recommendations of EPA scientists and divisions responsible for actually evaluating the products.

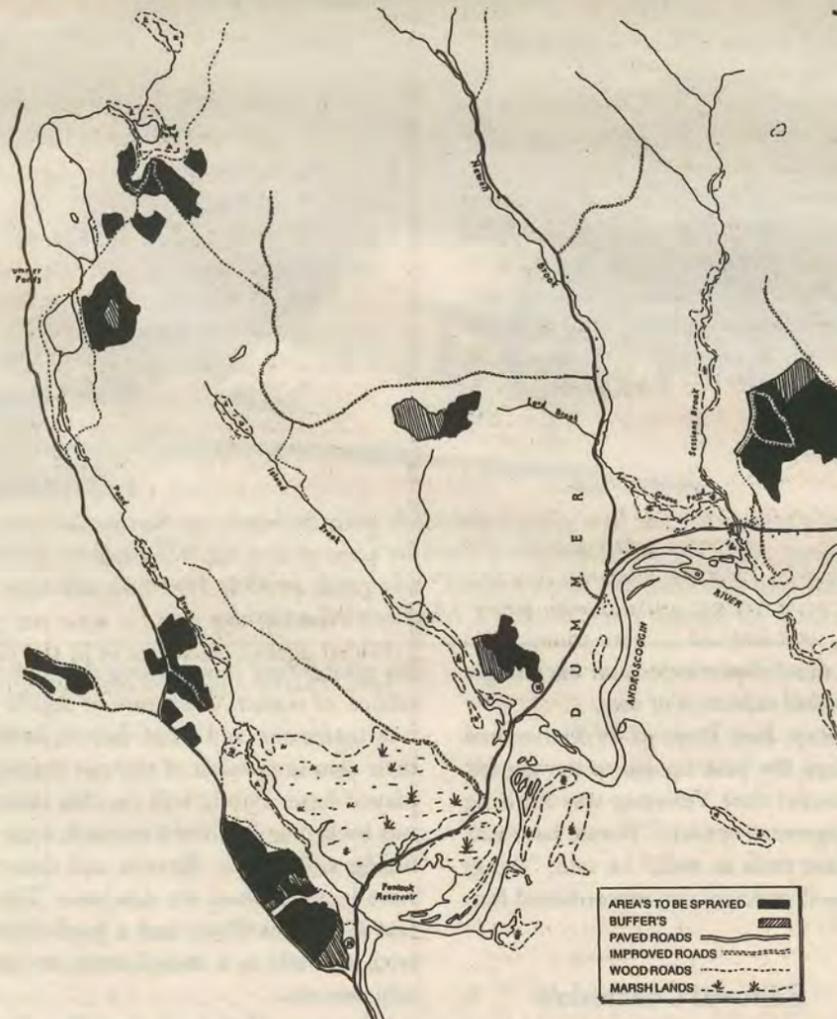
The burden of protecting the public health, the environment and (to paraphrase the legal mandate of the NH Pesticide Control Division) the public assets in the waters, forests and wildlife is passed along to the state regulatory agencies. These agencies are smaller, closer to the proposed application sites, and should insist on being party to the resources collected on the federal level—for example, inert ingredients, findings of EPA research, etc.

The Division of Pesticide Control has failed the public in two fundamental ways. First, it has failed to respond to public concerns and challenges to its administrative processes by refusing to grant public hearings and allow representation by opponents of ubiquitous pesticide use on regulatory committees. Second, the Division has failed to fulfill its mandate to protect the public and the environment from the adverse effects of specific pesticides by refusing to look farther than a product's EPA registration; ignoring the findings of continuing research, the identities of inert ingredients, etc.

Conclusion

Recent events have pointed out the complete disregard for public concerns held by the Division. Opposition to forestry herbicide use is widespread, and does not merit the title "radical". What qualifies opponents of forestry herbicide applications as radicals is our audacity in bringing unsolicited views about pesticide use in our communities to the attention of "our" State government, and to insist that we have a right to be heard.

We are no longer going to allow our children's health and future to be compromised by agencies that serve corporate interests rather than protecting human and environmental health. We may have a severely limited political voice, but you are going to have to listen to us. When the pesticide regulatory process does not protect us, and when there are no options available to be involved in that process in a meaningful way, we will make options by changing the structure of the pesticide regulatory process itself.



Mead Corporation Proposed Aerial Spray Sites in Dummer, NH—1997. Mead plans to spray 698 acres in Dummer this year. As the map shows, targeted spray areas are near wetlands, ponds, streams, and the Androscoggin River. Map by Mike Eastman.

- Peter Ludwig, testimony to Pesticide Control Board, February 6, 1997.
- Steven Taylor, personal communication to Jim Hourdequin, April, 1997.
- Thomas Sullivan, NEES, Letter to Geo. Mussler, House Environment and Agriculture Committee, Feb. 13, 1997.
- Public comment period, CRAHS informational meeting, May 20, 1997.
- For those not familiar with herbicide products, Roundup, active ingredient glyphosate, and containing the inert ingredient POEA, is a rough equivalent (give or take the inert ingredients, whose identities remain unknown) of the combination of the forestry products ACCORD and ENTRY II.
- Incident Data System: Incident List for Probable Certainty Index by Chemical Name for String 'glyphosate'.
- Martinez et al, *Comparison of the Toxicology of the Herbicide Roundup by Oral and Pulmonary Routes of Exposure*. Proc. West. Pharmacol. Soc. 33:193-197 (1990); Folmar, L.CI et al. *Toxicity of the herbicide glyphosate and several of its formulations to fish and aquatic invertebrates*. Arch Environ. Contam. Toxicol. 8:269-279 (1979); Monroe, D. *Ecotoxicity of Surfactants Used in Vegetation Management*. Environmental Consultants Northwest. November 1, 1988.

The Dying of the Trees: The Pandemic in America's Forests

by Charles E. Little, Viking, 1995,
275 pages, \$22.95.

Include this provocative work on your priority reading list. It has been heralded as "the most important environmental book since *Silent Spring*," by T. H. Watkins, editor of *Wilderness* magazine. And for good reason, because it sounds the alarm.

This book makes one both sad and angry. It points out numerous examples of apathy, greed, and irresponsibility by government, industry, and the public about the decline of our trees and forests. It's easy to become angry because it seems the remedies are almost impossible to consider during the rush to downsize both the Federal and state governments.

Charles Little, author of *Hope for the Land* and *Greenways for America*, has investigated various clues and symptoms for the decline of our forests. Like Rachel Carson, he has looked through and beyond the public relations smoke-screen of both government and industry and found that our forests are not bigger and better than ever. He has talked to various experts in the field and in the lab and studied the research. What he has found might shock you.

Little makes a strong case that our forests are failing and that their present condition is not part of the normal growth-decline-regeneration cycle of forests. He states that, "We are certainly witnessing accumulated consequences of about 150 years of economic development and industrial expansion with the most impressive impacts since the 1950s—the age of pollution."

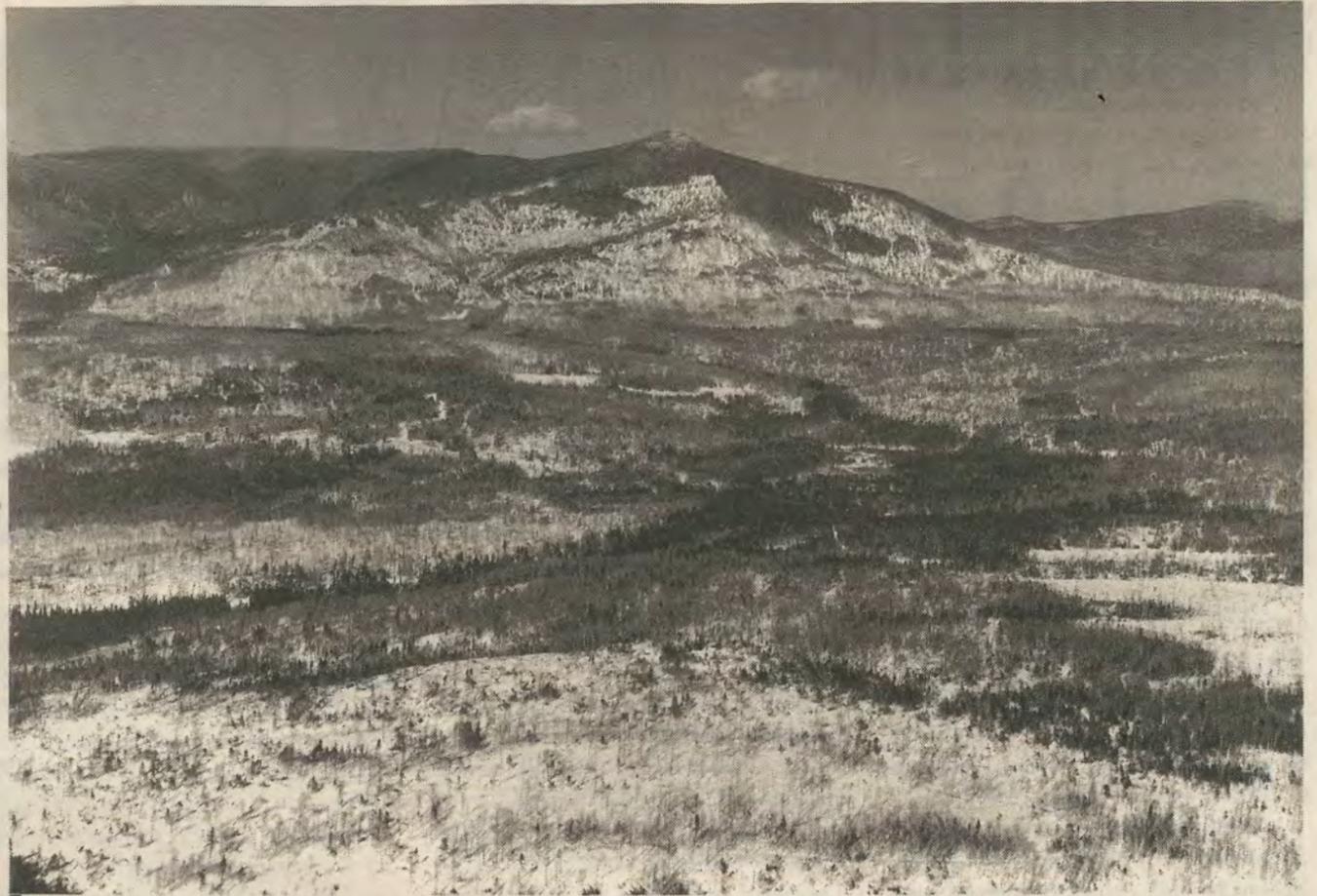
Through on-site research with farmers, foresters, and experts, Little hauntingly describes substantial tree death across the country—including the sugarbush maples in Vermont and Canada; the eastern dogwoods of Maryland; the Appalachian forests; the diverse "Lucy's Woods" of West Virginia; the oaks of Michigan; the California Ponderosa pine; the old-growth timber of Oregon and Washington, and the forests that suffer from logging, fire suppression, and the spread of insects, viruses, and the gypsy moth.

Little believes that, "The compass is boxed. From cedars of Alaska to the palms of Florida, from the maples of Canada and New England to the saguaro cactus of Sonora, the incidents of death and decline are increasing at an increasing rate. . . . In the chronology of a forest, a decline of 25 years is sudden."

Why and how are so many trees dying? In a lucid and detailed account, Little reports on the various threats to our trees: acid rain and snow; clearcutting; ozone levels; ultraviolet rays; air pollution and toxic metals, etc.

Of course, Little has critics like corporate timber interests, government officials, and even some scientists. But he cites many authoritative, published studies to support his analysis and conclusions.

He explains the permanent effects of acid deposition, e.g., that acid rain in the Adirondacks and Vermont is frequently measured ten times more acidic than the normal rain of pH. 5.3. Thus,



While politicians have paid lip service to our national economic debt, they have maintained a stony silence on a far greater crime against future generations—the ecological deficit. Thanks to overcutting, herbicide spraying, air pollution, development, and the like, what sort of forests will this generation bequeath to the future? This photo shows heavy cutting on the side of Sugarloaf Mountain in the Stratford Bog region, where a local land speculator has hammered much of the 5,000 acre Stratford Bog parcel. Photo © Alex S. MacLean

nutrients—potassium, calcium, and magnesium—are leached from trees and soil and the trees begin to die, just as fish have died in hundreds of barren, acidic lakes.

Little investigates the high level of airborne toxic metals—cadmium, zinc, lead, copper, arsenic, barium, aluminum, and vanadium—found in tree growth rings since the 1950s. He concludes that, "Initiation of forest decline in the Northeast U.S., Canada and Central Europe all date to 1950–60."

But, what about "treesavers," those who want to replant, modify ecosystems, or change the genes of trees to resist the stresses of pollution and clearcutting? Little discusses the plight of forests with "treesavers" like Global ReLeaf's Heritage Forests and Famous and Historic Tree programs; the soil scientist "remineralizers" who replicate leached soil minerals with rock dust; and advocates of progressive "ecoforestry" who favor sloppy or selective clearcutting.

But his fear is that "many of the treesavers miss the message of the dying forests." Little believes that they do not understand "that the system is sick and that while we can rush in with palliatives, and first-aid . . . we cannot cure underlying illness by this means."

After reading this page-turner, you will never again look at trees as you used to. You no longer will take trees for granted; you will better appreciate trees, and you also might look more closely for signs of their decline.

Reviewed by Austin G. Paulnack, coordinator of The Accountability Project, 119 Strong Ave., Syracuse, NY 13210, a group of watchdog senior citizens that monitors city and county government on environmental, transit, trash and reform issues.

Toxins in Maine's Woods & Waters

by Nancy Oden

Cherryfield Foods

Canadian company gets permission to bulldoze and poison 1300 acres of Washington County natural woods and waters. Asked what would happen to pesticides overflow, Cherryfield Foods' engineer replied, after thinking a moment, "we'll pipe it into the woods." The "woods"? Saints preserve us!

Their water protection plan was insultingly sparse, even for the industry-friendly DEP and LURC, so Cherryfield will have to monitor their outflow for pesticides. What will they do when they find them?

Dioxin Follies in Maine

Pulp and Paper Dioxin in Rivers; Legislature Deciding Now: Two bills were before the legislature and have been decided by the time you read this. Can you guess which passed?

- 1.) The governor's bill allows the mills to use chlorine dioxide instead of chlorine to bleach the paper. This lessens, BUT DOES NOT STOP, the formation and emission of dioxins into our rivers and coastal waters. This is cheaper, but, since dioxins can last hundreds of years, they will keep bio-accumulating in the fish and those of us who eat them.
- 2.) The Coalition for a Dioxin-free Maine backed legislating an absolute ban on all chlorine-based chemicals in pulp and paper mills by 2002. The Coalition is an unlikely group comprised of NRCM, the League of Women Voters, Friends of the Presumpscot, CLEAN:Maine, Maine Greens, and AARP. Some of us pounded the table pretty hard to get this uncompromising bill (which, you guessed it, did not pass). But now we're educating the populace and building a genuine NO DIOXINS coalition in Maine.

Working together for what we really want—NO toxins—instead of being divided against ourselves as in the clearcutting struggle, means a stronger and more effective environmental movement. Let's hope it lasts.

Maine Anti Spray Referendum

Aerial Spray Referendum Starts Getting Signatures: Yes, we're out there, even if we haven't made a big media splash yet. We're still doing start-up and getting help, but by mid-June we should have our first one-page newsletter out, and we'll do the big media announcement thing (dread, dread).

New England is leading the way once again. Vermont, New Hampshire and Maine are all in this battle to stop aerial pesticide spraying. We also would ban it from any Maine waters, inland or coastal. We need lots of help, so those of you in Maine, please contact us for petition forms and fact sheets. Thanks for whatever you can do. Need money, too. Got any spare change?

Please Contribute to: CLEAN: Maine, POB 186, Jonesboro, ME 04648 tel/fax 207-434-6228 e-mail: cleanmaine@nemaine.com.

Adirondack Park Report

by PETER BAUER



This installment of the Adirondack Park Report focuses on the record of Adirondack Park Agency (APA) Chairman Gregory Campbell. It's been two years since Campbell was appointed by Governor George Pataki; two years marked by milestones of controversy.

Gregory Campbell grew up in the Adirondacks, on the northeast edge in Keeseville. He's a stock broker and runs his own business in Plattsburgh. Campbell served as an elected member of the Clinton County Legislature for several years eventually giving up the post to be the Clinton County Republican Party Chairman. Like many upstate county Republican chairs, Campbell was an early supporter of George Pataki in his successful effort to unseat three-term Governor Mario Cuomo in 1994.

During his years as a party chief Campbell worked very closely with Alexander "Sandy" Treadwell, his counterpart in the neighboring Essex County. Treadwell, a man of independent wealth, donated over \$130,000 to the Pataki campaign and was rewarded with the New York Secretary of State post. Treadwell has remained Campbell's strongest supporter in state government. This duo is joined by a third member, Sandra LaBarron, a close friend of Campbell's and formerly of International Paper Company in Ticonderoga, who was named Special Assistant on the Adirondacks to the Commissioner of the Department of Environmental Conservation (DEC). After this trio was put in place they boasted to industry and local government that if there were problems in the Adirondacks, especially with environmental regulations, they would take care of them. They have each tried very hard to fulfill this pledge.

Campbell Previously Supported the Abolition of the APA

For many years Campbell was on the Board of Directors of the (mis-named) Adirondack Conservation Council, a group claiming to speak for all the sportsmen and women in the Adirondacks. This group consistently takes some of the most extreme positions of all the various property rights and anti-environmental groups working in the Adirondacks and New York. At his confirmation before the New York Senate Finance Committee, Campbell

was questioned about how he could lead the APA when he had supported abolishing it. Campbell stated that he didn't support abolishing it, but rather had supported a batch of resolutions issued by the Conservation Council, which included one calling for the abolition of the APA, because the other resolutions had great merit and he supported them. The other resolutions are listed below. Campbell never has explained which of these resolutions had the great merit.

- Abolish the ban on motor vehicles in the Adirondack Park's 16 Wilderness Areas of the Forest Preserve, including areas with old growth forests.
- Phase out the DEC and turn over its functions to the Department of Economic Development (DED).
- Eliminate all attorneys from the APA and DEC.
- Fire roughly 1,500 DEC employees.
- Abolish the Adirondack Park State Land Master Plan.
- Allow and encourage all local governments to condemn and seize the property of all non-religious, tax-exempt non-profits organizations.
- Eliminate nature preserves run by private organizations unless the organization allows unrestricted motorized access, hunting, fishing and snowmobiling.
- Cut state funding for all non-game wildlife programs.
- Eliminate the Department of Parks, Recreation, and Historic Preservation.
- Re-open 400 illegal roadways in the Adirondack Forest Preserve.
- Restrict the Governor's appointments to the APA Board of Commissioners to only those candidates pre-approved by local governments.
- Collect a user-fee for anyone who uses the Forest Preserve (except for hunters and fishermen, who the group claims to represent).
- Abolish the Adirondack Park Agency.

Chairman Campbell was spawned in a political culture that does not believe in wilderness or the "forever wild" protections of the New York State constitution and believes APA regional zoning and planning authority should be dismantled and devolved to the individual towns and villages in the Adirondacks (of which there are 110). He also believes access to forest land is nonexistent unless it's motorized access,

that second-home development expands the local tax base and economy. He supports expanded use of clearcutting and believes people should be basically free to do with their lands whatever they please. Since taking over the APA Chairman Campbell has zealously attempted to set APA management policy according to his beliefs.

The only thing that has protected the Adirondacks over the past two years is that Governor Pataki has personally intervened again and again to overturn Campbell's decisions and straighten things out.

Campbell's Attempts to Expand Clearcutting

On four occasions, Chairman Campbell has sought to expand clearcutting options for timber companies and landowners in the Adirondacks. So far he has not been successful, but he keeps trying. Campbell is seeking to oblige a familiar industry refrain that "We can't cut hard enough when we need to cut." In other words, when market prices for certain tree species are high, the industry wants to capitalize.

What's holding them back is that the Adirondack Park has rigorous clearcut laws. (And yet we have over 2.5 million acres under forest management and seven major paper mills and three major lumber mills, plus dozens of smaller mills!) Under the statute administered by the APA a maximum of 25 acres can be clearcut. More than that requires an APA permit. This is generally considered a land amount far below industry preference. Clearcutting guidelines are also strict for wetlands.

After the July 1995 blowdown that leveled thousands of acres across the Adirondacks, Chairman Campbell rammed through a general permit for clearcutting storm damaged lands. This permit had a loose definition for storm damaged lands, involved no prior identification on the part of landowners of areas damaged, allowed for permanent roads to be constructed through wetlands, and relaxed APA standards for harvesting on slopes and stream corridors. After issues were presented to the Governor's office detailing the illegality of many of these permit conditions, the Governor had the permit held up and then fixed. It was issued several months later.

Since then, Chairman Campbell has attempted to push through special guidelines to expand the practice of shelterwood clearcutting, despite discrepancies with the APA statute. Shelterwood clearcutting is a dubious silvicultural method where all but 20 or so trees over 12 inches in diameter are removed from an acre of land. The remaining trees provide shelter to the seedlings in the years following the initial clearcut. Two or three years hence, after the seedlings reach several feet in height, the shelter trees are removed. Theoretically, this system would allow both complete liquidation of a forest tract, while nurturing regeneration. Critics point out that this method often undermines productive forests of yellow birch, hemlock, and maple because they are replaced by rapidly growing beech and white birch. This method is a long way from an uneven-aged managed forest system.

Under guidelines advanced by Chairman Campbell shelterwood clearcutting would no longer require an APA review and permit. After heavy criticism, the guidelines relaxing APA standards were withdrawn. Chairman Campbell also had these guidelines made part of the APA rules and regulations revision process. This process has divided the APA rules and regulations, the procedures by which APA law is administered (the rules have not been updated since 1981), into four stages for revision. The first stage includes the new relaxed shelterwood clearcut guidelines as well as guidelines for three-acre strip cuts in wetlands.

When it comes to expanding clearcutting in the Adirondacks Chairman Campbell has adopted the motto: "If at first you don't succeed try and try again."

Hostility to Wilderness

Chairman Campbell led a major effort, in partnership with senior administrators at DEC to open up the Forest Preserve trails to all terrain vehicles (ATVs) for use ostensibly by the disabled. Relying on a fundamental misreading of the Americans with Disabilities Act (ADA), these leaders worked closely with the Adirondack Conservation Council and Solidarity Alliance, the most violent of Adirondack property-rights groups, to craft a new policy to open the Forest Preserve to new motorized uses. This

group generated a new policy to expand opportunities for the disabled to use ATVs, what they called "the wheelchair in the woods," on trails throughout the Forest Preserve.

After considerable outcry, the DEC backtracked and created a broad based working group to help generate a new policy on this issue. Chairman Campbell represented the APA. The effort was broken up into two phases: the first dealing with what could be done under existing law; the second dealing with changing the laws. The main laws are the Adirondack Park State Land Master Plan (APSLMP) and the New York State Constitution. Throughout this effort, Chairman Campbell clearly advocated the position of the Adirondack Conservation Council and he refused to allow APA staff to participate, notably the state's one Forest specialist and the legal staff, even going so far as to disavow staff documents on this issue.

For more than a year DEC managed a process with Campbell's support that negotiated a policy rife with contradictions. The draft policy stated it would comply with all existing state laws, yet called for ATVs to be allowed on trails, which the APSLMP clearly prohibits. Campbell's goal throughout was to open up the trails to the Forest Preserve to motor vehicles. In the end this policy was squashed by the new leadership at DEC and a new policy was published that created new opportunities for ATVs on existing roads only.

In January 1996 Campbell invited Town of Warrensburg Supervisor, and long-standing opponent of Adirondack Wilderness, Maynard Baker, to address the APA. Baker is famous for, among other things punching an Earth First! activist who was protesting the failure of DEC to close the Crane Pond Road in the Pharaoh Mountain Wilderness Area as well as a number of run-ins with DEC conservation officers. In front of the APA, Baker called on the APA to allow float planes to fly into lakes in Wilderness Areas, despite the fact that the Court of Appeals, New York's highest court, had ruled years earlier that float planes are prohibited from wilderness areas. In these court cases, the state was represented by the Attorney General. Here Campbell showed his true colors. Baker's presentation was yet another embarrassment for the Campbell APA.

Trashing the Adirondacks

One of his first acts as Chairman was to do an end-around a 1992 APA resolution against the importation of garbage into the Adirondack Park. Campbell sought to help Essex County sell its publicly owned landfill to a private company that wants to import over 150,000 tons annually into the Adirondack Park. After the resolution passed, and Essex County resolved to sell its landfill to this private company (and had begun leasing the landfill to the company), the APA claimed it did not have jurisdiction over the project. After an embarrassing story in the *New York Times*, Governor Pataki intervened to ensure the APA and DEC would properly review this project. In February of 1996, the APA asserted jurisdiction over this project.



Wilderness or honky tonk? Whither the Adirondacks under APA Chairman Campbell and New York Governor Pataki. Photo of Old Forge development in the Adirondack Park © John McKeith.

Keep Out the Public

Chairman Campbell has consistently been hostile to public participation in APA policy making or review of projects despite a law that clearly provides the public such roles. One of his first actions as Chairman was to accept, after much resistance, a local law passed by the Town of North Elba that automatically refers all local commercial projects over 45,000 square feet to the APA. There had been existing precedent for the APA to accept such referrals, yet Campbell balked until he was ordered to accept the project.

The impetus for the project in North Elba, which includes the Village of Lake Placid, was an application to build a Wal-Mart there. Upon accepting the referral, Chairman Campbell stated that this action should not be mistaken as the APA rejecting a Wal-Mart in Lake Placid.

Chairman Campbell has also fought against sending projects to public hearing, arguing that they are an unfair burden on the applicant. The APA has fairly tight guidelines about what constitutes the need for a public hearing. Despite this Campbell has always argued against them in favor of a less formal process, one that removes power from the public and intervenors.

One area where Mr. Campbell courted the public was in designing a Technical Advisory List (TAL) to provide feedback and comments on the APA rules and regulations revision process. Here Mr. Campbell has heavily stacked the field of 25 groups with those who have had a historic opposition to the mission and statute of the APA. With few exceptions the TAL read like a *Who's Who of APA Bashers*. This gravely imperils the veracity of the rules and regulations revision process and could very well undermine the integrity of the final product.

Abandoning Established Precedent

Along with his support for relaxed

clearcutting standards, hostility to wilderness, and opposition to an APA resolution against the importation of garbage into the Adirondacks, Campbell has assiduously worked to gut APA precedent in other areas.

Most notably, in 1996 the APA refused to enforce a permit condition from a 1991 APA subdivision permit that mandated the Whitney family would have to complete a master plan for their entire 51,288-acre tract before any more subdivision permits would be issued. The APA approved the 1996 subdivision without requiring a master plan.

Additionally, the APA set aside a 1992 APA resolution against the use of raised-fill septic systems. This resolution was designed to protect water quality by eliminating the construction of systems most prone to failure. Raised-fill systems are those systems constructed in areas where the existing soils either fail to support septic systems because the percolate too fast or there's not enough soil before hitting bedrock. In these situations new soil is imported to the site. These highly engineered systems fail. Under Campbell they have been approved in permits and new town plans have also included them.

Over the past number of years after-the-fact permits (ATF) were used sparingly in an effort to bring inadvertent violations into compliance. Now they're being used to approve projects that don't comply with APA law. About 30-percent of all permits issued by the APA now are ATF permits.

Disembowel the APA Through Staff Reductions

In his first budget sent down to Albany, Chairman Campbell sought to cut the APA staff—56 people work at the agency—by 25 percent. Drastic cuts for a small, bare-bones agency. During deliberations over this budget, the Chairman created a new position of Deputy Director and hired Karyn Richards formerly of DEC. Richards

has served largely as Campbell's eyes and ears in the APA. After considerable outcry and lobbying, the staff positions were restored. To the end, Campbell insisted the staff cuts were justified and the APA could function fine with fewer staff.

Governor Pataki Continues to Support Campbell

How long will Governor Pataki continue to support the James Watt of the Adirondacks? While in recent months the Governor's press office has made bland statements about the need to support both the environment and economy of the Adirondacks, there have been no statements of support for Campbell. There are benefits to the Governor for keeping Campbell around. He's a lightning rod who receives the criticism, while the Governor is generally praised for reigning him in. Governor Pataki receives favorable press when he plays the role of environmental hero and overturns a Campbell decision. Keeping Campbell around ensures favorable press.

But things may have reached a new level of embarrassment for the Governor. After intense criticism of Campbell's over shelterwood clearcutting, Campbell sought to change the official minutes of an APA meeting to reflect a position that he never supported them advancing. The New York Inspector General's office is investigating the Chairman's actions.

A coalition of environmental groups has called for Campbell to be replaced, yet the Governor has refused to budge or even meet with environmental groups. This seems to be a situation that works favorably for the Governor, though to the detriment of the Adirondack Park.

Peter Bauer is Executive Director of the Residents' Committee to Protect the Adirondacks. He can be contacted at: RCPA, POB 27, Main St., North Creek, NY 12853. Tel. 518-251-4257.

Vermonters React to Heavy Cutting Bill

by Andrew Whittaker

Vermont is witnessing the fallout from the legislature's passage of H536, a bill to regulate heavy cuts above forty acres. A new organization, POST, energized by the chief heavy cutting lobby, the Vermont Forest Products Association, is urging landowners to retaliate against the new law by closing land to snowmobilers, hunters and other uses by the general public.

VFPA had worked with Northeast Kingdom legislators to change the 40 acre trigger to 75 acres, and taken the effort to Montpelier's streets, staging a truck-in protest during Senate debate (with Canadian as well as Vermont-registered trucks). When this attempt failed, and Governor Dean signed the legislation, VFPA members joined other property rights organizers to form the statewide POST movement, which seeks to close a million acres of forest and thus damage the tourism economy.

Vermont Association of Snow Travelers (VAST) president Bryant Watson indicated his organization's support for the protest's aims after earlier neutrality on the issue of cutting. Watson led an effort to de-rail the Conte Refuge's arrival in the Connecticut Valley two years ago, claiming the US Fish and Wildlife Service's presence would close snowmobile trails and disrupt the local economy.

The Vermont legislature's passage of the heavy cutting bill represents the culmination of many years' public debate on the nature and extent of heavy cutting in Vermont. The Vermont Forest Resource Advisory Council's Assessments work group oversaw an aerial survey last summer that found an accelerating clearcutting trend virtually statewide. This and a proposed 1500 acre timber sale in Orange County catalyzed industry and political support for regulation of cutting. So did fear of

Long term stewardship, replied International Paper's forester, "does not preclude the shifting of assets."

restrictive, environmentally-inspired legislative initiatives such as a ban on clearcuts. FRAC chair Darby Bradley worked between November and February to harmonize proposals from a group of foresters with other interest groups. FRAC's final proposal enjoyed fairly broad support in the legislature despite stiffening resistance from property rightists as the session wore on.

Governor Dean initially defended his signing of the bill by noting that residents of Lowell, Vermont had criticized an 80 acre cut occurring on land he had purchased during an on-going timber harvest. This, he said, confirmed his opinion that forty acres was an acceptable compromise. However, after the eruption of protesting, Dean met with POST organizers, posed for the cameras with a POST t-shirt ("The environmentalists probably won't like it," said Dean) and waffled on the issue of forty acres.

Governor Dean Waffles

A report in the Chronicle, the Orleans County weekly, states that Senator James Greenwood talked to the Governor after he signed the bill, and told him that an offer from Dean to accept 75 acres was too late and that the matter had become one of property rights. Greenwood's fellow senator, Vincent Illuzzi, also appeared at well-attended organizing meetings of POST, to state his opinion that the bill had gone way beyond regulating heavy cuts and hit mom and pop operators instead. Meanwhile, POST organizer Ken Davis of Hardwick stated that changing the trigger was not the issue; repealing the bill was.

Illuzzi led post-passage efforts to change the acreage trigger. Before being ultimately quashed on the Senate floor,

Dean had signaled his support for altering the signed legislation to lift the 40 acre trigger to 75 acres. Dean also stated to Commissioner Motyka in a meeting with cutting bill protesters, "I want these people involved in [drafting] these emergency rules." The Governor has been criticized for these perceived failures of leadership.

Logger Gilbert Goodridge of Craftsbury expressed the opinion in a letter to the Chronicle that H536 will encourage heavy cuts below the 40 acre trigger with greater incentive for subdivision resulting. Agreeing that the bill infringes on property rights, Goodridge also stated that it would encourage high-grading, a concern echoed by other Vermonters who consider this, rather than clear-cuts, the greater threat to forest productivity. Goodridge also argued that if standards are created at all, they ought to apply across the board rather than above a certain acreage, a sentiment shared by environmentalists.

Fault Lines

The past few weeks have delineated many of the fault lines in the Vermont forest community. Associated Industries of Vermont threw its considerable weight behind the FRAC proposal, which was unanimously endorsed by FRAC members, including VFPA member Jason Fayen, Senator Robert Ide and Clarendon sawmill owner Fred Burnett. (Ide reversed his support in the Senate votes.) Gary Carrier of Cersosimo Lumber and Bill Sayre of AIV and Johnson Lumber testified in support. A major irony of Sayre's support was his being grilled by Senator Julius Canns of Caledonia for the bill's assault on landowner's rights; Sayre is a noted property rights advocate who co-authored the property-rights oriented

minority report on FRAC's Benchmarks of Sustainability.

Paper companies have been noticeably quiet on H536, although they did participate in its genesis. Champion, the state's largest landowner, has been bogged down in fighting to spray herbicide on its clearcuts. International Paper neither supported nor attacked the bill, but did provide legislators who took testimony on the bill some amusement. Windham County residents reportedly regard the International Paper holdings there as so high-graded that they are, although unofficially on the market, unattractive to purchasers of hardwood timberland. Representative Wendell Coleman of Londonderry wryly questioned IP forester David Manley on IP's long term stewardship approach. Does this mean IP lands are not for sale? Long term stewardship, replied Manley, "does not preclude the shifting of assets."

Although VFPA members supported Champion in its herbicide campaign, usually on the basis of property rights, there is some feeling by loggers against the larger companies which are exempt from provisions of the bill on the basis of management plans. This follows reports of bickering between companies promoting the Sustainable Forestry Initiative (IP and Champion) and VFPA, some of whose members reportedly feel that SFI is superficial, publicity-oriented, and will be used to reject wood. VFPA would prefer to be in charge of its own training programs.

Defenders of the new legislation note that management plans are what would exempt review of clearcuts above forty acres. Such plans will reflect the standards which the department establishes through current use guides or rulemaking. Many parties, including state foresters, have expressed the hope that the rulemaking process will provide a forum for science on the practice and limits of clearcutting.

Residents of the Northeast Kingdom are also quick to point out that Champion, in particular, over-cut its own lands, which formed the epicenter of the heavy cutting wave. Several of Vermont's heavy-cutting operators had their start as Champion contractors and also have purchased and liquidated cast-off parcels of Champion and also Diamond. Many of these parcels have been subdivided and are on the market as camp and residential lots in Essex County.

Two figures notable for their involvement in the genesis of the cutting bill also have ties to Champion International. Charles Levesque facilitated negotiations among industry and environmental groups (Sierra Club, Audubon, and Vermont Natural Resources Council) last fall and has subsequently been employed by Champion to do publicity work. Richard Carbonetti, forester for Landvest, testified for Champion at last June's herbicide hearings; Landvest has contracted with Champion in the past. (Carbonetti also portrayed Vermont's herbicide bill as a "distortion of democracy" in remarks to New Hampshire legislators this winter.)

Roberta Borland, executive director



Destructive logging practices, such as this gash on the side of Mt. Monadnock in Lemington, Vermont expose the need for logging rules that protect ecosystem integrity. Opponents of the recently enacted heavy cutting bill in Vermont, who are wrapping themselves in the mantle of property rights, are some of the same people responsible for these sorts of unsustainable logging operations. Photo © Alex S. MacLean—Landslides.

Low-Impact Forestry Workshop in Ellsworth Draws 140

by Mary Anne Clancy

Reprinted with permission from *The Ellsworth American*

Ellsworth—Interest in a kinder, gentler way to harvest trees and protect the long-term health of the forest drew more than 140 people to Ellsworth High School Saturday [May 3].

"Exploring Opportunities for Low-Impact Forestry in Hancock County" featured experts from throughout the state as well as representatives of the New Brunswick Forest Products Marketing Board and the Menominee Indian tribe of Wisconsin.

"We're at the forefront of something new in forestry," said Ron Poitras of the Hancock County Planning Commission as he opened the daylong workshop.

Poitras said the impetus for the session was a 1996 planning commission survey of small woodlot owners in Hancock County. Most respondents said they'd be willing to accept less for their wood harvests if they could improve the land's future health and productivity, Poitras said.

Interest in low-impact forestry is also being sparked in the Legislature as a result of several bills introduced by Rep. Paul Volenik (D-Brooklin), Poitras said.

Volenik said he submitted three bills with author Mitch Lansky, the author of *Beyond the Beauty Strip: Saving What's Left of Our Forests*. The bills include a measure that ties tree growth tax breaks to sustainable forestry practices.

All three bills are being held over until the next legislative session. They are on hold until November's referendum on the Compact for Maine's Forests settles that forest use issue.

Lansky said there is no single way to practice low-impact forestry. He used slides to demonstrate the difference between low-impact harvests and those associated with industrial forestry.

Rather than large equipment, low-impact forestry utilizes equipment such as horses and small-track skidders which allow for narrow, dispersed trails through the woodlot. Industrial forestry leads to construction of wide woods roads that can erode soils and discharge sediments into streams. Wide woods roads also create large holes in the forest canopy which let in sunlight that changes the type of trees that dominate regeneration of the stand. Woods roads also fragment wildlife habitat, as some animals will not cross the roads, he said.

In low-impact forestry, trees are cut to length in the woods rather than whole trees being dragged to the large wood-processing areas or yards. The use of skidders to move trees to the yarding areas damages residual stands by exposing tree roots and slamming against standing trees. Soils in the yarding areas become so compacted that it takes years for the forest to recover, Lansky said.

Soils are the key to forest recovery following a harvest, according to a presentation by Janet Cormier, a graduate student at the University of Maine. Cormier and Prof. Allen Kimball conducted a 1995 study of forestry Best Management Practices—BMPs—to determine whether the guidelines prevent sedimentation of streams and waterbodies and whether they were



A stand managed by the principles of low impact forestry. Photo © Mitch Lansky

being used. Kimball said they surveyed 60 sites in organized towns and another 60 sites in the unorganized territories. Only about half the loggers were aware of BMPs although that percentage was slightly higher in the unorganized territories, he said.

Cormier said the effectiveness of BMPs is determined by the types of forest soils, the slopes involved in the harvest, and the dynamics of the watershed where they are used. Culverts, bridges, and roads create big problems with sedimentation because people really tend to "underestimate water" in this region, she said.

Low-impact forestry is rooted in sustainability—the amount and type of trees taken during a harvest and what is left behind. Lloyd C. Irland said 40 to 50 percent of Maine's forests are overstocked, but with the wrong species.

To improve cash returns on a woodlot, Irland advised removing excess growing stock, particularly small trees, using a forester to make sure the wood is sold for the highest use and concentrating on growing quality trees.

Growing quality trees to a good size rather than cutting them now will pay off in the next 20 years, according to Pete Lammert, a utilization forester for the Maine Forest Service.

Lammert told a group attending an afternoon work session that owners of small non-industrial woodlots will be setting the prices because they will have the only remaining large-diameter wood products.

The large industrial forests will be growing "little pieces of wood" for composites, Lammert said.

Industrial landowners are also looking at low-impact forestry, according to William Ostrofsky of the University of Maine Cooperative Forestry Research Unit. The industry-funded program is examining the ways that trees are damaged during logging operations.

Ostrofsky said trees don't care whether they are damaged by a mechanical grapple or a horse's hoof. The key to protecting trees lies in training and operator skill and judgment, he said.

Low-impact forestry is also the focus of the New Brunswick Forest Products Marketing Board, according to Ken Vasiliauskas, manager. In New Brunswick, large industrial forest landowners operate under the annual allowable cut effect, or ACE, which ties the size of a harvest to pre-commercial thinning and planting.

"The more pre-commercial thinning and re-seeding you do, the more you are allowed to cut," said Vasiliauskas. "This is called intensive management in New Brunswick."

Small woodlot owners cannot afford the \$350 an acre cost for thinning and re-seeding and don't have enough land to reap the benefits of such a system, he said. The marketing board encourages low-impact forestry for small woodlot owners by paying small management incentives which are funded by a .5 percent on wood sales, he said.

As a result, low-impact forestry on hardwood stands is growing. That isn't the case with softwoods, Vasiliauskas said, because there are too many markets for softwoods.

"There's a 220 percent over-harvest of softwood in New Brunswick," he said.

William Butler of the Downeast Resource Conservation & Development Council noted that Canada is selling softwood to Maine mills. In his presentation on the community perspective of low-impact forestry, Butler said there isn't enough wood left in Maine for high-impact forestry.

"The forests of Maine are not over-stocked," said Butler "unless you're counting trees that are four or five inches in diameter."

The May 3 conference was sponsored by the Hancock Planning Commission, the Maine Low Impact Forestry Project, Hancock County Soil & Water Conservation District, the University of Maine Cooperative Extension, the Small Woodlot Owners of Maine, the Downeast RC & D, and Ellsworth Adult Education.

Vermont Cutting

of the VFPA, is quoted in a *Barre Times Argus* editorial as stating to a North Clarendon property-rights gathering, "It's hard to see good people compromising with the environmentalists. I know what the environmentalists are up to. There is no ethics there. There is no morality there. They are paid very well to do what they do . . ." North Clarendon is, by coincidence or not, the home of FRAC member Fred Burnett whose support for the heavy cutting proposal was likely a key to its success.

Future Prospects

The new legislation establishes a permitting process for cuts above forty acres that drop below the US Forest Service's "C-line" of minimum stocking levels. Such cuts, expected to number about 50 or 60 annually, will be allowed to proceed contingent on their consistency with rules to be promulgated by the Department of Forests and Parks (presumably in consultation with other departments of the Agency of Natural Resources).

Emergency rules, based on current use standards and prescriptions, will be

in effect at the close of the legislative session and remain in place pending a two year rulemaking process. Enforcement division's Brian Stone states that the rules, in keeping with the statute, will address silvicultural methods. The AMPs, says, Stone adequately address water issues. The legislature did fail to consider the FRAC recommendation of a compulsory riparian protection strip of 25' (AMP 14).

With the Forest Resource Advisory Council set to terminate this summer, there is widespread feeling that a new body ought to take its place.

Commissioner Conrad Motyka, formerly of the Northern Forest Lands Council, has stated that he anticipates convening a forest roundtable to provide for public input on forest issues. It is unclear how such a body will be able to proceed, given the opposition of property rightists to any policy initiatives. Nor is it clear at this point if Vermont's environmental community has clear objectives with respect to forest practices or an effective public process of its own. Many in Vermont's forest community are saying "Wait and see."

Will NH Forest Liquidation Study Come to Grips with Ecologically Destructive Logging?

by Jamie Sayen

Will the recently appointed New Hampshire Forest Liquidation Study Committee (FLSC) come to grips with logging operations that degrade forest ecosystems? Or, will it merely attempt to scapegoat the independent contractors whose high profile liquidation cuts are causing serious public relations headaches for our region's clearcutters?

The answer lies in the makeup of the FLSC, its mandate from state forester Phil Bryce, and the way it interprets its mandate. As of early June, those hoping that the FLSC will carefully and thoroughly scrutinize ecologically degrading practices in an open public manner have little cause for optimism. Those who choose to remain in denial by maintaining that the only problem with liquidation logging is the public relations problem of "aesthetics" are well represented on this committee.

FLSC Members

The FLSC is a subcommittee of the NH Forest Advisory Board (FAB) whose activities were reported upon in the Mud Season issue of the Forum (vol. 5 #4). The FAB rejected my proposal in January and February to study the issue of ecologically degrading logging. In April, Phil Bryce succeeded in persuading the FAB it had to at least study liquidation logging. The FAB members who were most opposed to public participation in NH forest policy making and who led the opposition in the winter to the study I proposed are now on the FLSC. Brendan Prusik of Champion International is co-chair, along with Dave Publicover, an ecologist from the Appalachian Mountain Club.

Another member of FLSC, Steve Mongan of Land Vest, a large timberland real estate company based in Boston wrote a scathing letter in February attacking my proposal to study destructive logging. Mongan alleged that liquidation logging was an "insignificant" problem, that "this issue is not about forest productivity, nor is it about the environment. It is about an urban based sense of aesthetics, and sustaining the growing business of environmentalism." He claimed that liquidation logging will be impossible to define; "it is appropriate forestry in stands that have suffered through a history of high-grading;" "any regulation will punish all landowners;" and "enforcement of any regulation will require a huge bureaucracy and an army of tree police."

Why, the general public might ask, are so many members of FLSC people who attempted to prevent the study? Why are they volunteering their time to this "unnecessary" process?

Charge & Mission

Phil Bryce charged the FLSC with a three step process. Step 1: "Define timber liquidation; gather information; and determine the nature and extent of the problem." Step 2: "Present results to Director [Bryce] and Forest Advisory Board and recommend if further action should be taken." Step 3: "Identify options based upon direction from the Director and Forest Advisory Board [in October so that legislation, if recommended, could be ready for the 1998 session of the NH Legislature]."

The FLSC on June 5 agreed to a working definition of liquidation: "Liquidation harvests are harvests that remove most or all growing stock con-

ducted without consideration of future forest values*. The impact of these cuts depends on their scale relative to both the individual ownership and the surrounding landscape. Liquidation harvesting is often, but not always, a precursor to the conversion of forest land to other uses." "Future forest values" are defined to "include both timber values (silvicultural need, regeneration, etc.) and non-timber values (wildlife habitat, aesthetics, etc.)"

This working definition means different things to different people. To me it means that all ecologically destructive logging operations can and must be considered. To representatives of the timber industry, it means that only the most embarrassing and conspicuous liquidation cuts should be considered. Large clearcuts by companies that have representation on the FLSC are not likely to be considered.

But, as Don Quigley asked at the June 5 meeting, "Why aren't we practicing better science in New Hampshire forestry?" This includes clearcutting and overcutting by Champion, Mead, and hundreds of other operations that may not technically qualify as liquidation cuts, but which leave behind degraded forest ecosystems. If the FLSC fails to address all ecologically abusive logging operations, it will have failed to address the ecological and economic crisis in NH forestry, and the issue will continue to rear its ugly head. Eventually, public backlash will cause even the hardliners to regret their refusal to honestly address critical ecological issues in a timely fashion.

Worries About Liquidation

At the June 5 meeting, the FLSC

brainstormed on its worries about liquidation. Three general categories emerged: ecological, economic and aesthetic/public relations.

Ecological concerns included: loss of big trees and mature forest ecosystems; wildlife habitat, especially habitat needs provided by mature trees and forests; and water quality. Malcolm Washburn observed that landowners can't afford to grow big old trees.

Economic concerns included: the role that property and estate taxes play in causing liquidation; increasing demand for wood products; premature harvest causing a loss of economic options; liquidation increasing the incentive for land conversion and development (because the landowner has few other options for the next 30-40 years); short-term economic thinking and need for cash flow driving liquidation.

Steve Mongan asserted that long-term management gets better returns than liquidation, an observation that is probably true for landowners who have a commitment to long-term ownership and management. But, Mongan also stated, most investors in timber lands want to cash out their investment after 10-15 years, hardly a long-term commitment. Overlooked in this assessment is the fact that specialists in liquidation achieve the greatest return on investment by liquidating the land and taking their quick profits and investing in another parcel or in some other resource to be exploited to the hilt.

Aesthetics, Education, & Denial

The bulk of the "worries" centered around the timber industry's unshakable conviction that the public is ignorant of good forestry, that foresters and landowners are misunderstood by the public, and if we could just educate the public to understand that our ugly logging jobs are "sound silviculture" that the public relations headache would vanish. Industry and many foresters just will not admit that there are serious ecological problems associated with heavy cutting. They cling to the old cliché that the problem is only aesthetic.

But, as Publicover noted, a liquidation cut that is hidden is still an ecological problem. He cited water quality, damaged wildlife habitat and foregone economic opportunities.

Malcolm Washburn stated that liquidation "isn't a significant problem." He added that he "does not believe the general public gives a damn about the forest as long as the view is protected." This may be reassuring to a group of foresters and clearcutters, but it is hopelessly out of touch with reality. The public does give a damn about forest health. Dave Publicover noted that rural people don't object to partial cutting in their community; but "whacking" a tract "gets them upset."

To most foresters on FLSC, education, not regulation is the solution to the aesthetic problem. Ralph Arnold: "We have an education problem with the public that doesn't want changes in the view." Malcolm Washburn: "The thing that is really surfacing is that it's becoming an education/aesthetics issue. . . . In my view it's the public's percep-



Whether or not this huge operation in Northumberland, NH qualifies under a definition of "liquidation", it is severely degrading the integrity of this forest. The goal of the Forest Liquidation Study Committee must be to develop strategies to prevent such degradation. Photo © Alex S. MacLean—Landslides.

Conference Showcases Low Impact Forestry Equipment

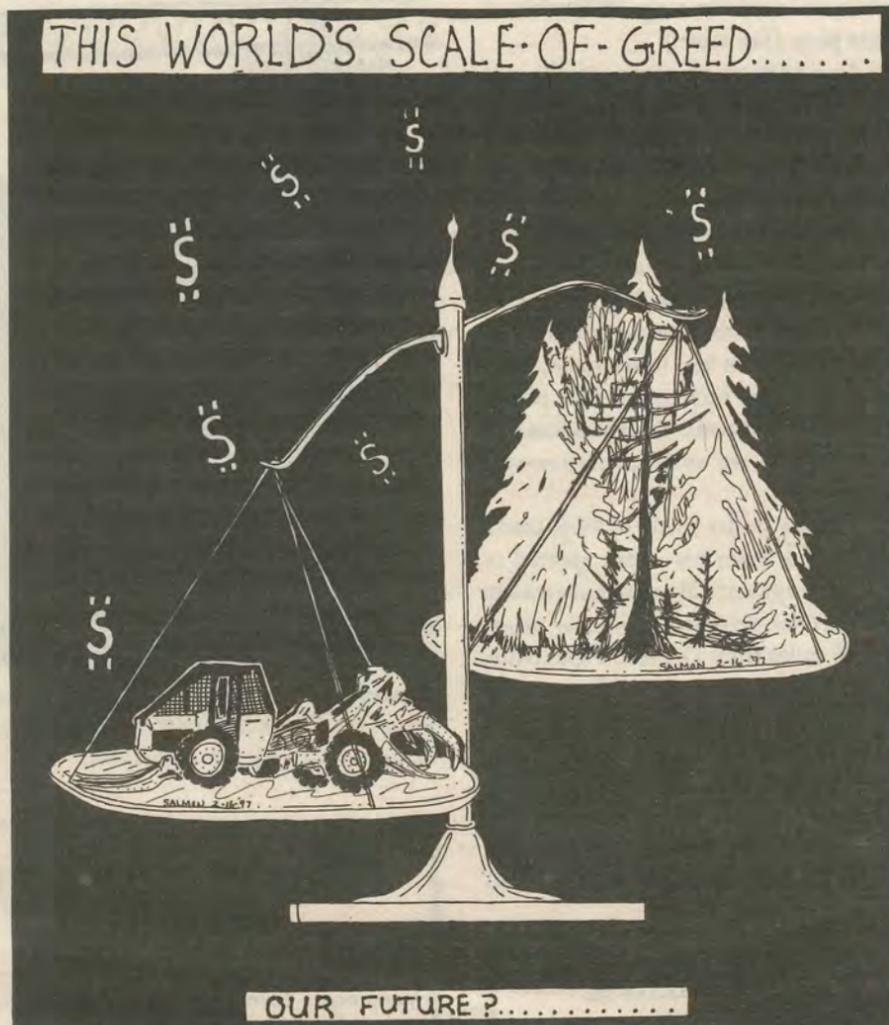
by Mitch Lansky

The Maine Low Impact Forestry Project does not have a copyright over the term "low-impact." When the North East Region of the Council on Forest Engineering (COFE) uses the term, what does it mean? I had a chance to find out at a conference on March 3 at the University of Maine at Orono. No one who presented equipment defined the term, but some presenters did drop clues. These clues indicate that some in the forest products industry are starting to take lower impacts as a serious challenge.

As I feared, there were videos of grapple skidders dragging out bunches of whole trees in clearcut landscapes. The skidders had big tires that had lower impact on forest soils than earlier models. There were also numerous videos of single-grip harvesters, costing hundreds of thousands of dollars, rapidly delimiting softwoods and cutting them to length. Complementing these machines were equally expensive forwarders that could load and haul this shortwood, doing far less damage than grapple skidders dragging whole trees.

To minimize large forwarding trails, several presenters suggested taking the narrower harvesters down "ghost trails," in between the forwarding trails, to further reduce impacts. Forest engineers, even on the larger, more expensive scale, are now considering leaving more wood, doing less damage, and minimizing soil impacts of trails and yards.

The more expensive machines are advertised not only for their impacts, but their "productivity." Since they are so expensive, the owners have to cut lots of wood to pay off the purchase loans. Much of this money leaves the region,



ending up with banks and equipment manufacturers. Higher productivity means fewer workers per unit of wood. This means fewer jobs, which can be a problem in regions with high unemployment.

Some presenters offered smaller, less expensive machines. One company, for example, had a "mini skidder" on which one could attach a processor that could delimit and cut logs to length for much less money than the single-grip harvester. The smaller size of the machine, the presenter argued, meant

smaller trails, and less land taken out of production. The logger would still fell trees with a chainsaw, but the processor would eliminate the time-consuming, and dangerous job of limbing trees. As with single-grip harvesters, the limbs end up near the trails, not evenly-distributed in the woods.

Several companies from Quebec offered even smaller, less expensive equipment. One, Concept Mechanic Portneuf Inc. had what they called a "mechanical horse," a narrow (less than four feet wide), tracked vehicle that

could fit on the back of a pickup truck. This machine could be fitted with a winch or a trailer with a mechanic loader. Its total cost (including the trailer) is a fraction of a typical skidder, and with it one can winch wood to very narrow trails and forward it out.

Nova Sylva Inc. has developed equipment affordable by even small woodlot owners who happen to own a four-wheeled ATV. They have winches and woods trailers with which one can handle wood typical in most commercial thinning operations. Their catalog has a number of low-cost, low-tech solutions to reduce logging impacts, such as skidding cones, skidding sleds, logging arches, manual loading winches for the trailers, and kevlar cable and snatch blocks for winching.

These Quebec firms took cost and minimal impacts seriously. I asked Pierre Roy, of Nova Sylva, why small machines, that some in Maine perceive to be impractical "toys," were being developed in Quebec, but not here. He said that they have many small woodlots, and still have a tradition of horse logging. The smaller machines, such as Guy Gignac's "mechanical horse" are a logical transition.

Equipment manufacturers will design equipment that people will buy. They also want to make a profit and will stimulate demand for their products through advertisements and other promotions. If the public starts demanding lower impacts, designers will have to respond. It was clear that this process has already begun. The salesmen made it clear that trends are headed towards more "environmentally acceptable" logging, and those purchasing such equipment now are getting in on the cutting edge.

NH Liquidation

tion that's the problem [because] an irate public does all sorts of irrational things."

Ken Desmarais of the NH Division of Forests and Lands observed: "The problem with education is that we educate ourselves." Don Quigley went further: "Unbalanced education is propaganda. The only way we can educate the public is with a balanced program [based on] good science. . . . The best education is a good working example of a functioning system."

Dave Publicover wryly observed that educating the public about good forestry will make them angrier about liquidation.

Property Rights—For Whom?

Brendan Prusik articulated industry's fears: "the threat to industry" he stated, is "public backlash." "What will the public allow us to do with our land?" This echoed several others who worried that limiting the most destructive practices was a violation of property rights.

Phil Bryce, when still a forester for Crown Vantage and a member of the NH Forest Resource Plan Steering Committee, stated that he supported the concept of regulations because they "level the economic playing field". He

felt that if his company made an extra effort to conduct a responsible forestry operation it was at a competitive disadvantage with irresponsible logging operators. Effective regulations would remove that unfair competitive advantage. In short, defending the property rights of the minority of irresponsible landowners to plunder their land violates the property rights of the majority of responsible landowners.

Charlie Levesque, a lobbyist for Champion International's herbicide spray campaign and a paid promoter of the industry's "Sustainable Forestry Initiative" (a public relations gimmick designed to preclude regulation of industrial forestry), told a group in Montpelier in March that he is having trouble selling the SFI to Vermont millowners because they tell him, if they sign up for SFI but the competition does not, they will be put out of business. Inadvertently, Levesque has provided the rationale for regulating unacceptable forestry practices: as long as irresponsible landowners have the option to behave irresponsibly, they will, and this puts responsible landowners at a serious competitive disadvantage. Regulations that target the worst operations level the playing field and protect the responsible landowners.

There was some interesting talk

about regulations on June 5. Malcolm Washburn asked: "Have you ever been on a woods job where there hasn't been a violation of NH forestry statutes. Every job I've ever seen in 40 years has had violations." Eric Kingsley of the Timberland Owners Association complained that enforcement of existing timber laws is "not a priority" in the Attorney General's office.

Information Needs

The June 5 meeting concluded with a brainstorming session about information the FLSC needs to discharge its mandate. Five categories emerged:

- (1) How much land has been liquidated and where? What are the trends?
- (2) What are landowner motives in liquidation operations?
- (3) What has been done in other places?
- (4) What does the public feel about liquidation?
- (5) What are expert opinions on the ecology and economics of liquidation?

Information available on these questions will be presented at the next meeting of the FLSC on June 24 in Lancaster.

Some of the questions that must be asked and answered for the FLSC to have credibility with the public include:

- When do logging operations degrade ecosystem integrity?
- How do liquidators finance land

acquisition? Are any paper companies or other mills helping them purchase land in return for delivering huge amounts of fiber to the mill immediately? Who buys from liquidators? Are low stumpage prices causing overcutting?

- What are long-term information needs for monitoring and tracking unsustainable logging operations?

If FLSC honestly answers these questions, and stops hiding behind the old clichés—that the public is ignorant, doesn't care about ecological impacts, and the problem is one of aesthetics and a few bad apples—the FLSC could perform an important service to forest protection efforts in New Hampshire. If it wastes any more time on the old clichés and whitewashing industrial forestry by refusing to examine the large clearcuts and herbicide spraying operations of Mead and Champion, it will fail.

Failure to honestly study the ecological issues involved in ecologically degrading forestry will not make the crisis go away. We will have to revisit the issue again and again. Eventually, draconian regulations will be demanded by the public, and the industry and its apologists will have only themselves to blame.

Highland Lumber Sawmill in Dixfield, ME, Will Consume Millions of Pine Logs

by Pamela Prodan

A new band sawmill in Dixfield, Maine will produce approximately 125 million board feet of eastern white pine boards annually, according to an article in the April issue of the *Northern Logger*. The publication describes the mill as "one of the biggest bandmills in North America, and by far the largest pine mill in New England." Highland Lumber Co. is a division of United Timber Corporation, which also owns Woodtek, Inc., (a hardwood sawmill), and Timberlands, Inc.

The new sawmill facility's most visible feature is a huge portal crane that straddles a six-million board foot mountain of white pine logs in downtown Dixfield. The crane moves on rails from one end of the thousand-foot pile to the other to load and sort logs in four cord bites. The pile is over 40' high with logs up to 50" diameter. Pine logs will travel to the mill from all over New England, and as far away as New York and Pennsylvania. Assuming 60 year-old fully-stocked, natural stands of eastern white pine typical of New England, with a stocking rate of 32,000 board

feet per acre, 125 million board feet represents approximately 3900 acres of white pine. (See table.)

In addition to state-of-the-art equipment that uses only twelve production workers, Highland Lumber Co. minimizes its cost by back-hauling, hauling logs back to the mill after delivering boards to market elsewhere in the Northeast. Highland also trucks in hardwood residue from logging operations to fuel its boilers for the lumber drying kilns. On the other hand, bark and clean waste such as sawdust, planer shavings and sawmill chips produced at the sawmill, are sold to higher-end markets.

Tractor trailer loads of Highland's clean wood waste have been spotted at the 35 megawatt Beaver Livermore Falls electric generating biomass plant, over 25 miles from Dixfield. Paper Mills owned by International Paper and Mead in the adjoining towns of Jay and Rumford, do not always accept clean sawmill waste for paper-making. Before the construction of the Livermore biomass plant in 1992, many area sawmills simply had to burn much of their wood waste to dispose of it.



A massive 33 ton crane moves along rails and straddles a forty foot high pile of eastern white pine logs at the Highland Lumber Co. Log yard. A portable toilet sits on the stairs leading up the right side of the crane.

Yields from Fully Stocked, Natural Stands of Eastern White Pine in New England

Stand age (yr)	Site index at base age 50 years		
	15 m or 50 ft	21 m or 70 ft	27 m or 90 ft
	<i>m²/ha</i>		
Sawtimber ¹			
40	108	209	405
60	236	456	—
80	349	674	—
100	440	852	—
Pulpwood ²			
20	100	137	187
40	247	339	464
60	334	458	628
80	388	533	731
100	425	583	800
	<i>fbm/acre</i>		
Sawtimber			
40	7,729	14,948	28,909
60	16,858	32,604	—
80	24,898	48,152	—
100	31,460	60,845	—
	<i>ft³/acre</i>		
Pulpwood			
20	1,423	1,952	2,677
40	3,526	4,836	6,632
60	4,771	6,543	8,974
80	5,550	7,611	10,439
100	6,077	8,334	11,431

¹Volume to a 15 cm (6.0 in) diameter top outside bark—fbm measured using the International 0.25-in log rule.

²Volume to an 8 cm (3.0 in) diameter top inside bark.

Source: USDA Forest Service Agriculture Handbook 654, Silvics of North America, Vol. 1, 1990.

Forestry Notes from VT & NH

Plans! Plans! Mice! Men!

Vermont's forest policy process is replete with planning. As the Forest Resource Advisory Council winds down, the policy battles go on. Here is where the action is:

Lands Conservation Plan—Addresses policy on Vermont's 290,000 acres of public land. Final plan complete by March, 1998. Seeks to determine public priorities for conservation. Conducted by Agency of Natural Resources, has a steering committee that also includes environmental group reps and one sawmill owner. For more info., contact Mike Fraysier (802-241-3682) or James Bressor (802-241-3512).

Vermont Forest Resource Plan—Updates forest plan for the state through a stakeholder group process; for information contact, Steve Sinclair at 802-241-3673. Final product in 1998 will chart state private and public forest land policies with strategies to implement recommendations of the Northern Forest Lands and Forest Resource Advisory Councils.

Green Mountain National Forest Plan—The periodic update of the US Forest Service's plan for the Green Mountain; proceeds in concert with

the White Mtn. update. Now in its early stages, proceeds through 1998, environmental groups are meeting regularly in parallel. Information: USFS, Forest Plan Revision Team, 231 N. Main, Rutland, VT, 05701; or call 802-747-6700.

Good Forestry in the Granite State:

Sustainability Workshops

The second of four workshops on New Hampshire's recently developed Recommended Voluntary Management Practices will take place on July 25, at the NH Farm Museum in Milton, NH, from 8:30-4pm. The theme will be the protection of wildlife habitat. This series of workshops is sponsored by the collaborative Forest Sustainability Standards Work Team and is intended to provide foresters, loggers and landowners with practical recommendations on conservation practices. For more information on this and subsequent workshops, or to register, please call: 603-224-9945.

Call the above number to get information about how to secure a copy of the widely praised sustainable forestry notebook: "Good Forestry in the Granite State".

Longhorn Beetle Munches Maples—Brooklyn Enters Forest Policy Arena

Free Trade Department— Maple Sugar Industry vs. Cheap Packing Crates

With the arrival to our shores of the Chinese pestilential longhorn beetle, *Anoplophora glabripennis*, a Brooklyn, NY politician has entered the forest policy fray. Assemblyman Joseph R. Lentol (D-Greenpoint/Williamsburg) has, according to the *Greenpoint Gazette*, written forestry and timber industry representatives to urge their cooperation and leadership in eradicating the beetle. *Anoplophora* apparently entered the United States on wooden packing crates from China and has infested trees in Greenpoint and Amityville, LI.

Thus far Assemblyman Lentol has had no luck in enlisting industry's aid. Although a local lumber dealer has donated funds to an eradication effort, larger companies have not. Mr. Lentol's argues it is in industry's own interests to assist the state of New York in controlling the beetle: "The situation is very much like the Mr. Goodwrench commercial; you can pay a little bit now to control this pest in much the same way you do preventive maintenance or pay a whole lot later in the loss of your raw materials." (The Assemblyman obviously has not been following the clearcutting debate...)

Fears about widespread infestation seem warranted. Hundreds of trees will be destroyed in Greenpoint to control the beetle, whose grubs hatch within tree

bark and eat their way out. In China, the beetles are exploding on the reported millions of acres there newly planted to poplar (hmmm... sounds like home).

Maples are also a preferred food. However, industry observers who might decide the beetle would be a biological alternative to herbicide in clearcuts to release softwood, take note: the beetle also munches those, too. New England's best defense? Education, surely; a quarantine of vehicles from New York, possibly; a policy bias against early successional stands? Nah... Assemblyman Lentol can tell you the problem there!

From the *Brooklyn Local*, March 1997—thanks to Armando Bona.

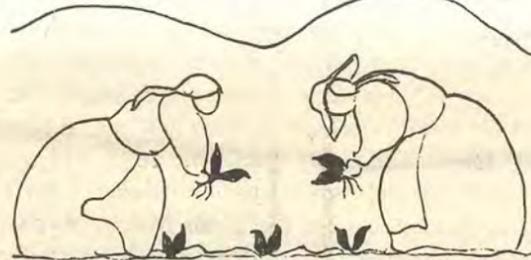
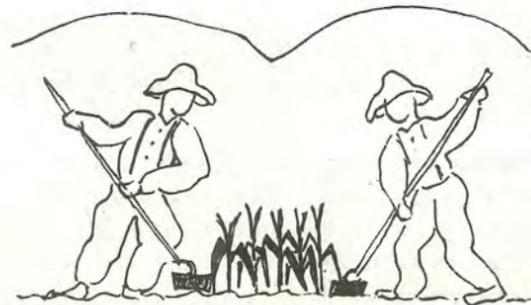
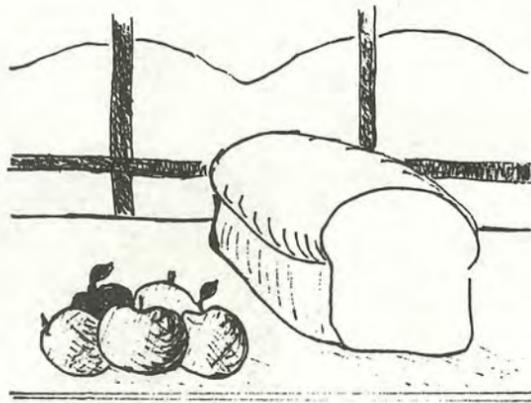
EVERY PERSON'S NEED

by Michael Phillips

How does "love of place" become instilled in our being? Can we balance an enlightened self-interest with the rightful needs of other species? Can humans possibly find a consensus lifestyle that works for the planet as a whole? Do we understand what it means to be stewards of this incredible creation?

Such questions need good answers. Otherwise our visions and hopes are little more than a constant striving to kindle public consciousness and endless legal battles amidst bureaucratic mire. Advocating for our one and only global home should not be a minority cause. Yet "economic blinders" are the order of the day for the horse that pulls the wagon of our lives in this consuming society. Getting people to turn from the *big and naughty* to the *small and beautiful* is an incremental journey of many small steps. Awareness of place, of where our lifestyle fits into the balance, is a vital beginning point. Love flows from awareness, and only then can we begin to care.

Absentee ownership and industrial forests are economic concepts far removed from earthly reality. Treating our home as a commodity is, in a word, stupid. What awareness exists of morning sunshine filtering down through the treetops of a mature forest to an investor? What awareness exists of birdsong and the wild call of the wolf to a stock analyst? Does the timber liquidator realize the trees are our very lungs? Is the industrial forester planning an aerial herbicide spray willing to be



drenched in his chemical insanity? No decisions about the land should be made without a sense of place and a commitment to an ongoing future. We have a long way to go to move today's environ-

"There is enough for every man's need, but not enough for every man's greed."

—Gandhi

mental debates from a defensive posture to a seventh generation view of stewardship.

Amazingly, despite the depths of our troubles and misguided priorities, there are reasons to hope humans can indeed prove themselves an intelligent species. Love and good exists in many hearts. People are willing to listen, and though ever so slowly, to change. Our job as environmental advocates is threefold. All *our* connected to loving the land, to awareness of the spiritual undercurrents of our existence.

We must live the lifestyle that works for the earth and accommodates the poorest of the poor. Delighting in the simple gifts offered each day makes us rich. Share this "full cup" with others. People willing to embrace change need to see examples of balance and stewardship. Visions only work when enacted. We also need to make special efforts to reach out to young people. Sparks of idealism and thoughtfulness can undo past generations of mistakes provided those sparks are kindled.

So much flows from love of place, from a oneness with the land. Hardened hearts cannot be reached—and thus the legislative battles—but others can. Time spent recreating the Garden of Eden is essential.

Northern Forest Forum Classifieds

Dear Looking For A Life! Dormant, sustainable, organic, cooperative, environmental asylum needs renewed activism. Forest, fields, dreams and long-established community infrastructure. One full-time caretaker at site. No flakes nor morally righteous need apply. Possibilities for amenable, sincere, flexible, and pragmatic enviro-futurists. Write: Newland Trust Community, 33 Chazy Lake Road, Saranac, NY 12981.

Koaksizak - "Little Pines" Recently released tape by Abenaki musician/environmentalist Tomas Obomsawin features traditional and contemporary Native American music. \$10 plus \$2 postage: T. Obomsawin, POB 184, N. Stratford, NH 03590.

Small local businesses are integral to an interactive economy that can steward its resources for all concerned. If you share our vision for the Northern Forests, go out of your way to support neighbors like these. Suggestions for this feature should be sent to Every Person's Need, RFD 1 Box 275, Groveton, NH 03582.

The Medicinal Forest

Stewarding diversity in the forest understory insures our healthy future. Herbs like ginseng and golden seal require a mature tree canopy to thrive. Extensive gathering of native roots —along with loss of habitat—has put these valuable plants in jeopardy. United Plant Savers is devoted to protecting and replanting threatened indigenous species and to raising public awareness of the plight of wild medicinal herbs. Write UPS, PO Box 420, East Barre, VT 05649 to learn the ways you can help the forest beneath the trees.

Spotlight on Local Economy

Belgian Woodworks

from a profile by David McClean

Len Schmidt of Starksboro, Vermont, knows good wood. From selecting the trees to be cut for specific purpose and skidding the logs out with his draft horse Jake to drying the lumber in a solar/wood-fired kiln and crafting tables, banisters and mantelpieces. Belgian Woodworks vertically integrates all stages of production to full ecological advantage. Small woodlot owners—with sustainable management plans—can contract with Len to harvest mature trees in winter when soil erosion and compaction are practically non-existent. Wood dried at low temperatures produces stable lumber with less waste to twisting and split grain. Emphasis in the workshop is placed on finding a use for every cutting from the log to create functional and handsome designs custom made to order.

"You must consider yourself part of the woods in order to understand it and thus preserve it. A healthy forest means individuals and communities involved in a working relationship with the land," believes Len. Both the woods and durable furniture get passed onto future generations from value-added craftsmanship like this. Belgian Woodworks can be reached at 1068 Ireland Road, Starksboro, VT 05487 or by calling (802)453-4787.

Courtesy of Businesses for the Northern Forest of the Northern Forest Alliance. For more information please write BNF, 58 State St Mtpl, VT 05602 attn.: Kelly Ault. Or call 802-223-5256

Pulp Nonfiction

© 1997 by Jym St. Pierre

As the twentieth century fades, public interest grows about the history of the Maine Woods, for past, of course, is prologue. Each year, thanks to new research in the soil of the land and in the dust of the archives, our knowledge of the archaeological and historical record of the Maine Woods expands.

While plenty of tales are yet to be told, there are now many important books on use, abuse and conservation in the Maine Woods. Picking only a small number from the thousands of sources, many rather abstruse, is tough. However, anyone who wants to view the panorama of history across the centuries would do well to start with the following benchmark works. Many are no longer in print, so check interlibrary loan or antiquarian bookstores.

1. Maine Indian Program, *The Wabanakis of Maine and the Maritimes*

Bath, ME: American Friends Service Committee, 1989, \$17.00

The Europeans who came to North America regarded it as a vacant continent available for exploration, exploitation and settlement by people from the Old World. In truth, there were large numbers, probably millions, of people living here in communities with complex political and social organization. Though plenty of questions remain, with expanding depth and breath archaeologists and ethnohistorians have been bringing forth research on where and how these peoples lived in the forests of the place we now call Maine, both in the distant and recent past. *The Wabanakis* compiles much of this information. Like its companion, *Maine Dirigo: "I Lead"* (Dean Bennett et al, Maine Studies Curriculum Project, Camden, ME: Down East Books, 1980), the book was written as a teaching resource. However, both are excellent windows to the too often forgotten world of the First Americans.

Among the scores of other fascinating works on the topic, Colin Calloway's *Dawnland Encounters: Indians and Europeans in Northern New England* (Hanover, NH: University Press of New England, 1991) as well as his earlier book, *The Abenaki: People of the Dawnland* (NY: Chelsea House, 1989) provide a good introduction for older students and serious readers. One local classic is Frank Speck's *Penobscot Man: The Life History of a Forest Tribe in Maine* (Philadelphia, PA: University of Pennsylvania Press, 1940; republished Orono, ME: University of Maine Press, 1997).

2. Cronon, William. *Changes in the Land: Indians, Colonists, and the Ecology of New England*

NY: Hill and Wang, 1983, \$9.95

Nearly fifteen years after its publication this is still the book most commonly referenced on the ecological history of colonial New England. Cronon combines cultural and ecological analyses in a highly readable study of the impacts of Native-European contact on the landscape of New England. In other words, he describes the effects of the transformation from Indian to White dominance on the plants and critters and their habitats. Most of the activity during that period was on the frontier in southern New England, so most of Cronon's book is not strictly about Maine, particularly northern Maine. Still, the story he tells is important, especially as it applies to the forests of southern Maine, the part of the North Woods that was first changed so extensively.

A sort of companion work is Carolyn Merchant's *Ecological Revolutions: Nature, Gender, and Science in New England* (Chapel Hill, NC: University of North Carolina Press, 1989) which describes the historic colonial and capitalist ecological revolutions and argues for a new relationship between humans and non human nature in a global ecological revolution.

We have been causing changes in the land for so



Mount Katahdin, from *The White Mountains of New Hampshire & Coast and Woods of Maine*, issued by the Maine Central Railroad, 1890.

long, including now in the Maine Woods, the last wilderness in New England, that it seems there must not be a square yard of natural land left. Dean Bennett wrote about this question in *Maine's Natural Heritage* (Camden, ME: Down East Books, 1983). His latest book, *The Forgotten Nature of New England* (Camden, ME: Down East Books, 1996) is an even more poignant report on years of searching the landscape of New England for the remnants of wildness.

3. Springer, John S., *Forest Life & Forest Trees*

New York: Harper & Brothers, 1851; second edition, 1856; revised edition Somersworth, NH: New Hampshire Publishing Company, 1971; all editions out-of-print.

Years before Thoreau's earliest saunterings in the north country Springer was lumbering on the St. Croix and Penobscot Rivers. His subtitle promises stories of wild-wood adventures and Springer delivers, detailing the cruising of timber, the felling of great pines, and the driving of long lumber downriver in the mid-nineteenth century. Springer was more sympathetic than Thoreau to the lumbermen and less able to foresee the long range ramifications of hunting out the "forest whales" (giant white pine trees) and the "prowling marauders" (eastern timber wolves). Springer's book, the best period account of life in the Maine Woods, influenced Thoreau's own writing on the subject. Copies of the original edition are rare indeed, selling for \$150 or more when they do turn up. After more than fifteen years of looking I have yet to find one. Even the modern edition is out-of-print, but is fairly common in good used book stores for about \$20.

4. Thoreau, Henry David. *The Maine Woods*

Boston: Ticknor & Fields, 1864.

Thoreau went into the Maine Woods three times from 1846-57, while the remnants of the pre-colonial wilderness were being driven out of the newly appropriated Yankee wildlands. His are among the most insightful, observations we have now a century and a half later about the original big woods and the changes that were being wrought at breakneck pace. Today wilderness is thought to live only in places far from Maine. However, it was the Maine Woods that inspired Thoreau's profound realization that "In wildness is the preservation of the world." His style was part poetry, part term paper. *The Maine Woods* was the most ethnographic of his works. Especially on his later trips Thoreau sought to study the ways of his native guides. *The Maine Woods* has been published in numerous editions and is still available from various publishers. Which you read is less important than that you read this classic.

Incidentally, an excellent companion work is J. Parker Huber's *The Wildest Country: A Guide to Thoreau's Maine* (Boston, MA: Appalachian Mountain Club, 1981). The book is out-of-print, but a limited number of copies are available from RESTORE, PO Box 1099, Concord, ME 01742. Also, an interesting modern interpretation and update is Cheryl Seal and Robert Bukaty's *Thoreau's Maine Woods Yesterday and Today* (Emmaus, PA: Yankee Books, 1992). Finally, after reading Bernd Heinrich's *A Year in the Maine Woods* (Reading, MA: Addison-Wesley, 1994) you may

think Thoreau has been reincarnated and is hiding out in a cabin in the western Maine mountains when not moonlighting as a Professor of Zoology at the University of Vermont.

5. Wood, Richard G. *A History of Lumbering in Maine, 1820-1861*

Orono: University of Maine Press, 1935; reprinted in paperback in 1961; reissued in cloth in 1971 with an introduction by David C. Smith, \$19.95.

Springer and Thoreau gave us first-hand accounts of life in the Maine Woods. Historian Wood retells the story of their era, filling in many details, from the beginning of statehood to the Civil War, a period when "pine was the prince of the forest" and the wildlands of Maine still represented a frontier as exotic as the uncharted American West. Especially interesting are the sections on public land policy and the Great Speculation of 1835. The book presents lots of numbers but in an easy-to-read style.

6. Smith, David C. *A History of Lumbering in Maine, 1861-1960*

Orono: University of Maine Press, 1972; out-of-print; good copies on the old book market sell for about \$50.

A generation out-of-date now, this is still the best work on a transition century during which the focus of lumbering in Maine and environs shifted from hunting big pines to rough farming of runty spruce, fir and hardwoods for pulp and paper fiber. Smith includes seminal information about the waning of the timber barons and the rise of the large-scale corporate forest industry as well as about disposal of the public lands and early struggles for forest conservation. Like Wood's history, Smith's is chock full of data, but not a brain strain to read. Smith's hefty *History of Papermaking in the United States, 1691-1969* (New York: Lockwood, 1970), though it covers the whole country, also includes some interesting information on early industrial forest activities in the Maine Woods.

7. Judd, Richard W., *Common Lands, Common People: The Origins of Conservation in Northern New England*

Cambridge, MA: Harvard University Press, 1997, \$35.

There is as yet no full account available of conservation efforts in the Maine Woods over the past four centuries. Judd's first book, *Aroostook: A Century of Logging in Northern Maine* (Orono, ME: University of Maine Press, 1989) at least included a brief epilog which sketched an update of the story to the 1980s. But *Aroostook* was chiefly a scholarly, in-depth look at the development of northern Maine and surrounding areas, one of the cutting edges of the Industrial Revolution, during the century 1831-1931. He addresses political shifts, land use struggles, and the personal frontier ethic that then, as now, tied the people of northern Maine closely to the land and instilled a powerful suspicion of outside control. Judd's latest book fills in some details with chapters on forestry, tourism and conservation in Maine around the turn of the twentieth century.

By the way, *Maine: The Pine Tree State from Prehistory to the Present* (R.W. Judd, E.A. Churchill

and J.W. Eastman (eds), University of Maine Press, 1995) also includes brief retrospectives on the formative years of the lumber, pulp and paper, and tourism industries in Maine.

8. Coolidge, Philip T. *History of the Maine Woods*

Bangor: Furbush-Roberts, 1963; reprinted in 1966; out-of-print; good copies on the old book market go for about \$50.

This book is rather idiosyncratic and uneven as history, but it is loaded with some jewels of personal knowledge and useful compilations of facts about the Maine Woods from a consulting forester who worked here through much of the first half of the twentieth century. A highlight is the genealogy of pulp and paper mills from the late 1800s to the early 1960s. Read this history to gain a better understanding of the successes and struggles of the paper industry in Maine today. Straight forward narrative style.

9. Wilkins, Austin H. *Ten Million Acres of Timber: The Remarkable Story of Forest Protection in the Maine Forestry District (1909-1972)*

Woolwich, ME: TBW Books, 1978; out-of-print; available on the used book market for around \$25 in cloth and \$10 in paperback.

Caution: forest protection here means suppression of "fire, budworm, and other natural enemies," not the more modern concept of preservation of biological diversity. This is essentially the tale of Smoky Bear in the half of Maine that has remained wild forestlands, however abused, into this century. Read this book to understand the zeitgeist of industry-government intentions over three-quarters of a century to protect an economically valuable commodity (wood fiber) against random forces of nature (wildfire, insect blooms). Wilkins was Forest Commissioner during the last fourteen years of the Maine Forestry District so he knows his subject. However, it is rather dry reading, so have a cup of Old Joe nearby. Sadly, without an index, using this as a reference to access some of its valuable historic information is difficult.

10. Osborne, William C. *The Paper Plantation*

New York: Grossman Publishers (Viking Press), 1974; out-of-print; available on the used book market for approximately \$20.

A Ralph Nader-sponsored expose documenting domination during the mid-twentieth century of a

weak state by powerful multinational forestry interests. From the jacket blurb: "...the few natural and human resources that Maine does have are being sacrificed to a one-crop economy and one-crop politics. The paper industry perpetuates the standard inequities of a rapacious corporate oligopoly in its single-minded attempts to maximize short-term profits at the expense of the air, water, soil—and people—of the state of Maine." Although flawed and incomplete, the book adequately makes the point that, with its dangerous over-dependency on forest products, in many respects Maine is a third world economy. Indeed, during a talk in Maine in late 1996, Ralph Nader emphasized that the situation in Maine is even worse now than when *The Paper Plantation* was published. A fun read for those who inherently distrust corporate capitalism. Classified as pulp fiction by The Establishment.

11. Lansky, Mitch. *Beyond the Beauty Strip: Saving What's Left of Our Forests*

Gardiner, ME: Tilbury House, 1992; available in cloth for \$35.00 and paperback for \$19.95.

As the author says in the second sentence of this work, "This book is, unapologetically, a polemic." In more than four hundred pages of extensively documented polemic Lansky disassembles one myth after another about the benefits of late-twentieth century industrial forestry as practiced on extensive second-growth, private timberlands in Maine's so-called working forest. This is *The Paper Plantation* updated and expanded. Read it and weep. Then do something to help save our forests. *Beyond the Beauty Strip* is accessible to non-specialists, but also is heavily documented for those who want to dazzle by citing original works. One of the book's shortcomings is its lack of longer term historical context. To understand the present it helps to know what came before. Lansky could have reached back even further into the extraordinarily rich lode of North Woods literature that has accreted over the past four centuries. However, the book was intended not for scholars but for forest conservation activists dealing with the immediate crisis in the woods. Some publisher should reissue this in comic book format so the kids of Generation X get the message.

12. Hakola, John W. *Legacy of a Lifetime: The Story of Baxter State Park*

Woolwich, ME: TBW Books, 1981; out-of-print; available on the used book market for about \$15.

By 1878 the goal of selling, granting, auctioning and raffling off virtually the entire public domain in Maine had been achieved. Ever since we have been

trying to correct the sad legacy of a policy of privatizing all of our public lands. We have spent millions of dollars and years of effort to buy back a fraction of what was sold for pennies an acre. Today barely six percent of Maine is in public conservation ownership and a mere one percent can be considered protected as wilderness. With public support more lands will be restored to the public estate. In the meantime, we need inspiring accounts of real Maine Woods conservation success stories. Hakola's book, while not rip-roaring reading, is a model of well documented storytelling for readers seriously interested in the details of the greatest Maine Woods conservation success story of our century. Also, a sequel being prepared for publication this year or next will update the Baxter Park story since the 1960s.

For those who want to know more about Percy Baxter, the man, can pick up Liz Soares' slim *All for Maine* (Mount Desert, ME: Windswept House Publishers, 1995). A more comprehensive history of the Baxters, father James Phinney and son Percival Proctor, is in the works by Neil Rolde.

Those who want less human and more natural history can try Robert Villani's *Forever Wild: Maine's Magnificent Baxter State Park* (Camden, ME: Down East Books, 1991). A few other Maine Woods conservation stories are available, such as the tale of the Allagash Wilderness Waterway. (See Lew Dietz's *The Allagash* (New York: Holt, Rinehart & Winston, 1968), Gil Gilpatrick's *Allagash* (Freeport, ME: DeLorme Publishing Company) and Dean Bennett's *Allagash: Maine's Wild & Scenic River* (Camden, ME: Down East Books, 1994)). But the full histories remain to be told of the Bigelow Preserve, the Caribou-Speckled Wilderness in the White Mountain National Forest, the Maine Public Reserved Land System, the Maine segment of the Appalachian National Scenic Trail, the Land for Maine's Future program, and a number of other conservation successes and failures.

13. Irland, Lloyd C. *Wildlands and Woodlots: The Story of New England's Forests*

Hanover, NH: University Press of New England, 1982; available on the use book market for about \$20; reprinted by Books on Demand in a paperback facsimile edition for \$62.70.

This is a book about the forests of New England by a forest economist who is able to write for non-foresters. No somnolent history lesson, it is a breezy 1970s snapshot of our various forests—suburban, recreational, rural, industrial and wild. Particularly interesting, though too brief, are the discussions of forest policy, past and future. Irland has updated and expanded the book (and is looking for a new publisher) to encompass more of the Northeast. While that will provide less focus on Maine, it will likely highlight trends toward intensification in Maine's industrial forest and, as a result, the growing value of conserving and restoring the big wild woods here. Meanwhile, it is worth borrowing a copy of a recent, but already out-of-print paperback by Irland titled *Land, Timber, and Recreation in Maine's Northwoods* (Orono, ME: Maine Agricultural and Forest Experiment Station, 1996) which contains essays on the Maine Woods as a cultural, recreational, biological, timber, and economic resources and addresses the policy issues each raises.

14. Harper, Stephen et al. *Northern Forest Lands Study of New England and New York*

Rutland, VT: USDA Forest Service, 1990; out-of-print.

This presents the summation of a federal-state study of changes in ownership and use, along with possible protection strategies, for the Northern Forest, including fifteen million acres of woods in Maine. Though this was only a quick-and-dirty review, it is far better than the reports produced by the successor Northern Forest Lands Council which spent three-fold as much time and millions of dollars more in taxpayer funds to evaluate the same issues. (See, for instance, Northern Forest Lands Council, *Finding Common Ground: Conserving the Northern Forest*, 1994.) The most enduring legacy of the Northern Forest Lands Study will be the finding that the Northern Forest is of



Funding Small New England Grassroots Environmental Groups

New England Grassroots
Environment Fund's First Year
Grants Made to 67 Groups
Across the Region

by Cheryl Fischer

Eric Weltman of the Massachusetts Toxics Action Center recently said: "A lot of citizen activists recognize there are problems in their communities. A relative few have the wherewithal, energy and commitment to do something about them."

So true. The New England Grassroots Environment Fund, a one year old small grants program supporting community based environmental initiatives in Massachusetts, Vermont, New Hampshire and Maine agrees. The potential to effect social change is gargantuan, **BUT** there are already many, many amazing grassroots campaigns happening now across the region. The Grassroots Fund wants to help them move forward.

Since April 1996, the Fund has completed three rounds of grantsmaking. Out of a hundred and seventy-five applications from a very broad spectrum of groups, NEGEF funded sixty-seven. Thirty-eight percent of the applicants were successful. The one hundred seventy-five groups requested \$379,234 in grants. With approximately \$33,000 available per round, NEGEF distributed \$110,175, or 29% of the dollars requested.

Clearly the need is great! Only four applications were returned because they did not meet our criteria. The rest were tackling important environmental issues. Had we had more funds, many more requests would have been funded.

Proposals addressed toxic waste sites, land trust work, water quality monitoring, wildlife tracking, energy deregulation, herbicides and pesticides, forest, agriculture and resource sustainability, trails and environmental justice. 81% of the successful grants went to groups run largely on volunteer energy. The cuts were based more on the definition of a grassroots organization—an all volunteer or minimally staffed (not more than one paid staff person) group

addressing problems or issues where the voice of the public is needed to make change. The Fund is looking for community activists, groups conducting advocacy campaigns, and efforts to mobilize voters. We asked if the applicants' projects "were fueled by energy, creativity and commitment?" How long had the group been active, and how much time and money had they drawn from their personal resources and pockets. Last, we asked if the proposal would "genuinely make a difference rather than simply do good. Paying phone bills, postage, the cost of flyers and fact sheets; covering the registration fee for an organizational member to attend an important training program or a fax machine or printer so the groups can better send and receive technical information to support their work are some of the activities NEGEF has funded.

According to Mark Dowie, in *Losing Ground*, we have entered the Fourth Wave of environmentalism, which he describes in the following way:

"Democratic in origin, populist in style, untrammelled by bureaucracy, and inspired by a host of new ideologies...the fourth wave has no single defining quality beyond its enormous diversity of organizations, ideologies, and issues. It is part wilderness preservation, part toxic abatement, part ecological economics, part civil rights, part human rights, part secular, part religious, and parts of many ecologies...By all indications, the fourth wave will be very American...multiracial, multiethnic, multiclass and multicultural. It also contains many of the traits that characterized the American Revolution—dogged determination, radical inquiry, a rebellion against economic hegemony, and a quest for civil authority at the grassroots."

The Grassroots Fund believes it

can nurture the development of this fourth wave, which it believes by necessity will be very grassroots in origin. While grantmaking is on one side of the NEGEF coin, bringing the diverse voices and faces of the New England grassroots groups together to meet and learn from one another is clearly on the other. An annual Grantees' Retreat is in the works, as is a Website. In future years, we will sponsor other networking activities and programs with hopes of increasing the strength in numbers.

Our application form is simple. The review time is as short as we can make it. There is a process for "time sensitive" requests in between application rounds. Post grant reporting requirements are minimal. Unlike many private funders, we can make grants to unincorporated groups. You don't need to be a "501(c)(3)", but you do need to have an organizational checkbook or a fiscal sponsor. We provide help in project development and grant writing, and are available by your communication tool of choice for advice and connections to other groups working on problems similar to yours.

Many New England grassroots environmental groups are so local, they do not appear in the directories or mailing lists mainstream groups maintain. NEGEF is looking for and wants to help these very groups. Are you one of them? Get in touch. We really want to hear from you.

How to Apply for a Grassroots Grant

The New England Grassroots Environment Fund makes grants three times a year. Application deadlines are April 1, August 1 and November 15. Grants range in size from \$500 to \$2,500. To receive a copy of the guidelines, application form and/or a list of current grant recipients, please contact NEGEF at:

27 Bailey Avenue
Montpelier, Vermont 05602
Phone: 802-223-4622
Fax: 802-229-1734

Email:
cfischer@plainfield.bypass.com

regional and national significance. Lots of people had said that before, but this was the first congressionally and gubernatorially sanctioned study to admit it. And for a government document it is surprisingly interesting reading. Unfortunately, few, if any, copies are still available from the Forest Service and people tend to toss rather than save government reports so finding one to buy is tough. Try the library.

Two other similar works worth perusing are *The*

Don't Miss these Special Signed Editions of Maine Wilderness Books!

Forgotten
Nature of
New
England

*The Wildest Country,
Guide to Thoreau's Maine*
by J. Parker Huber

Wildest
Country:
Guide to
Thoreau's
Maine

*The Forgotten Nature
of New England*
by Dean B. Bennett

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Augusta, ME 04330, 207-626-5635**

Future of the Northern Forest, edited by Chris Klyza and Steve Trombulak (Hanover, NH: University Press of New England, 1994) and *The Northern Forest* by David Dobbs and Richard Ober (White River Jct, VT: Chelsea Green Publishing Co., 1995, 1996). If nothing else read Carl Reidel's insider view in Klyza and Trombulak of the Northern Forest Lands Study and you will see that the modern predators of the woods wear business suits though they still mark their territory with urine. Dobbs and Ober present lots of salt of the earth characters and offer some good background on the big picture, but they scramble some facts and leave out some of the most important voices in the raging public debate over the fate of the forest.

15. McCann, Paul K. *Timber! The Fall of Maine's Paper Giant...*

Self-published, 1994; printed by *The Ellsworth American*; a few copies may still be available from Mary's Processing Center, P.O. Box 745, Ellsworth, ME for \$4.00.

Considering the significance of the forest products industry to Maine in the twentieth century detailed insider histories of Maine's major forest land and millowners have been curiously few. One exception is Great Northern Paper. John E. McLeod, who held an extraordinary variety of positions within Great

Northern over forty-eight years, wrote an extensive seven volume work ("The Great Northern Paper Company") on the history of the legendary company in its powerful prime through the 1960s. Reference copies of this unpublished manuscript are available at the State Library in Augusta and the Folger Library in Orono at the University of Maine. A condensed version, prepared by journalist W.C. Langzettel, was published by the company as *The Northern—The Way I Remember* (no date; circa 1981). Paul McCann was manager of public affairs for Great Northern during the 1970-80s. His little paperback updates the chronicle of the Great Northern Paper Company through those decades. Because his account, like McLeod's, is heavily filtered through the lens of a sympathetic insider, readers get a good sense of the frustration within the state's largest landowner in its declining years. The name Great Northern Paper lives on today, revived by current corporate parent Bowater, Inc., but the institution that McLeod and McCann revered is history. As we shift to a new era for the Maine Woods we need to learn more of the lessons of the good and the not-so-good old days of industrial pulp and paper domination.

Jym St. Pierre has been collecting books on the Maine Woods for almost 20 years.

An Interview with Jimmy Potter, Retired Maine Logger

Jimmy Potter, who retired as a logger this year, is a resident and town assessor of Drew Plantation, a town 35 miles north of Lincoln, Maine. He lives with his wife Marlene on a hill overlooking Mount Katahdin to the west. He has cut for companies that no longer exist in Maine, such as the Penobscot Development Company, Diamond International, Saint Regis, and Great Northern Nekoosa. His last job was on Georgia-Pacific, a company that hasn't yet left the state.

In 1975, Jimmy was a vice president of the Maine Woodsmen Association, (MWA) a group of loggers and truck drivers who went on strike against the paper industry. The MWA actually succeeded at shutting down several mills. Industry claimed that these strikers, many of whom were "independent" contractors, were violating anti-trust laws. After a Maine court issued an injunction against the strikers to end "economic warfare," the strike lost momentum, and life in the woods returned to "normal."

—Mitch Lansky

Mitch Lansky (ML): How long ago did you start in the woods?

Jimmy Potter (JP): Well I've been in it roughly 50 years. I started working for money when I was 12 years old.

ML: What were you doing then?

JP: I was limbing with an ax and we was peeling in the summer time.

ML: You were peeling...

JP: Spruce and fir and hemlock primarily. Back then pulpwood had to be peeled before it got to the mill. This changed sometime in the nineteen fifties.

ML: And you were cutting it to 4-foot lengths?

JP: We peeled and cut all summer and let it lay. When the bark stuck on it in the fall and we couldn't peel it no more we started yarding it with a horse and sawed it up to 4-foot logs, piling it all in a line by hand.

ML: Did you cut the trees down too.

JP: Oh yeah, I was helping to cut with a bucksaw, a crosscut or whatever.

ML: Did the woods look different then?

You had an overstory about everywhere you cut. . . . We could get over a cord of wood from one tree. . . . A good man could go out and probably cut three hundred cords of wood a year and survive on it.

JP: A lot different. You had an overstory about everywhere you cut. You never had an opening where you'd look right through and see ground under it. You'd selective cut and you left stuff eight or ten inches...you took the biggest trees out. There was a lot of big wood around in those days. We built roads into areas that had little or no previous cutting. I cut spruce that had sixteen, twenty, or even thirty feet before the first limb. We could get over a cord of wood from one tree.

ML: You were cutting these trees for lumber?

JP: No, we cut most of it four foot for pulpwood. That's what the markets were for. Lumber didn't come in big 'till they started up the stud mills.

ML: When you first started working in the woods, was woods working a seasonal job?

JP: Yeah, primarily, as far as cutting it. But it was a year-round job, because you'd go out...A good man could go out and probably cut three hundred cords of



Jimmy Potter today (above) and with his "two horse power forwarder" in 1952 (below).

wood a year and survive on it. You'd peel all summer and would yard the wood in the fall and take your team of horses and haul it to a brook or river and then in the springtime you'd go on a drive and drive it to the mill. So you were working year round on a limited amount of wood.

ML: How was the community different then?

JP: Everybody was working then. They had a job. The farmers had a farm to work on. They'd go cut pulp in the afternoon or cut pulp in the morning. Everybody was working and had money.

ML: Money bought more then.

JP: A lot more. Sixty dollars a week was a big pay week in those days.

ML: Were you concerned with wood supply then?

JP: When we were cutting with a horse, a bucksaw, and an ax, you wouldn't figure you would ever cut all the wood that was growing out there. It looked like there was an endless wood supply. You'd go to work and you'd be in an area for 15 years and you'd almost be able to start all over again where you went the first year—you could cut right through again.

ML: What changes started happening as you were getting older?

JP: First thing that came in was the crawler-tractor, and then the chainsaw came along.



ML: What did you think of that when you first saw it?

JP: It seemed like a good thing, you know. It was going to save a lot of back-breaking work. You wasn't going to be pulling a saw and crosscut by hand. You could do a little more. But the thing of it was, the price didn't change that much.

ML: The price of the wood?

JP: The price of the wood. Everything stayed the same. Back then I paid five hundred, almost six hundred dollars for a chainsaw in 1953. Five horsepower, thirty pounds. You cut down with that, but you couldn't limb with it. It was a big chain that turned too slow. You still limbed with an ax and you'd saw it up four foot with the chainsaw. That made a big difference on sawing wood. A good man with a bucksaw, if he could saw five cords a day with a bucksaw he had a pretty good day.

ML: Five cords!

JP: That was for a two-man crew just yarding and bucking the trees. You take a chainsaw, and a three-man crew could cut ten cords. That includes felling and limbing with no peeling. It increased production.

ML: When did skidders come in?

JP: Nineteen sixty seven or sixty eight.

ML: What did you think of the skidders then?

The skidder didn't get tired. . . . A horse had to have his wind like a man did. That's when things started to go backwards. A man had to compete with a machine. That's where your injuries came in.

JP: That was going to be another thing. The skidder didn't get tired. You could do a little more work, work a little longer. Work in the heat. A horse had to have his wind like you did. That's when things started going backwards. A man had to compete with a machine. That's where your injuries came in.

ML: There weren't a lot of injuries before?

JP: No, we never had that many injuries. Most of the while you might get nicked with an ax or something like that. You never had that many bad backs even though it was rough work. I never had nobody have any problems. Everybody took their time and they lifted the way they were supposed to and two men would lift on a stick of wood.

ML: How did mechanization change the economics of cutting wood?

JP: With mechanization, your cost of operation went up. But the price of your product didn't increase. So you had to do more to keep even.

ML: Couldn't you cut a lot more?

JP: Yes, you probably doubled or tripled your output, but you didn't have much more money when you were done than when you were cutting with the ax.

ML: What led workers to organize to form the MWA?

JP: Everybody had different reasons. For myself, I could see that the forest was declining. They would take an area, put in a road and pretty well wipe it out. For some it was on account of the pay scale, for others it was Canadian labor. There were several different reasons.

ML: But a lot of people decided at the same time something had to be done. Were people upset earlier than that?

JP: There was dissension in the woods when they started going with the foreign labor coming in from Canada and taking jobs away that we could do here. And when you got the machinery, you had to work year round and we weren't getting year round work. We'd buy a skidder and you had a payment for twelve months but you was working eight months. And then there'd be a shutdown, or there would be a quota system put in. If the supply in the summer time got too much in the mill they'd shut back, cut your contract back. Your skidder still costs so much per month.

When the mill price for the wood went up, the guy cutting the wood, back in the hand-cutting days, he got the least raise of anybody. It seemed like he was the last to get the increase. The minute the wood dropped down a dollar or a half a dollar or whatever, he got the first cut.

One thing always amazed me all through the years I worked in the woods—that when the mill price for the wood went up, the guy cutting the wood, back in the handcutting days, he got the least raise of anybody. It seemed like he was the last to get the increase. The minute the wood dropped down a dollar or a half a dollar or whatever, he got the first cut.

ML: I have been told by contractors that they're not making any more money now per cord than they were in the mid eighties. They say that as the mill-delivered price goes up, their price per cord does not go up, the companies just raise their stumpage.

JP: The stumpage raises automatically. That's been my kick on Tree Growth. If the right numbers were put in the equation, it would be quite a different land value. All the state uses is what I as a contractor cut on my ground or cut on someone else's ground. I gotta report it, but wood cut on the paper companies' land isn't part of the equation that the state uses to fix values. But they are being taxed as though their stumpage was as low as everyone else's, even though their average may be a multiple of the state average.

ML: The complaints workers had when they started the strike in 1975...how many of those have been addressed since then?

JP: We're still addressing, I think, the same problems we had back then. Everything that has taken place in so called forest management has been addressed for a period of probably twenty five years and hasn't changed.

ML: When you say "addressed," you mean people have been talking about it?

JP: Talking about it. And they say we'll do this or we'll work that. When we

started out with the MWA, we had an Independent governor, Governor Longley. Since then we've had a Democratic governor, a Republican, and now we're back to an Independent again, and I don't see that there's been a damn bit of change in over all these administrations.

They came in with different things to lead you to believe that there were going to be some changes made. They came in with Tree Growth. We'll give them a break on their taxes, therefore they'll cut less wood off the ground and a sustainable forest will still be here...and it hasn't ever happened.

We had the wool pulled over our eyes with Tree Growth. We didn't kick about having to pay more taxes in our small towns because we were giving the company a break because we'd have work. We'd have work forever. So we gave them a break and we helped them out thinking it would help us all out. We'd all be happy. We'd all be working. We wouldn't be traveling one hundred miles one way to get a job, and we'd work right here at home. It sounded like a reasonable approach. I didn't actually like the idea, but the state was going to reimburse us for some loss...which they didn't do.

So that was the first thing that came in. Propaganda I guess.

Now they've come up with a bill they call the Compact. It's open ended so many places, and it's going to be another thing. It's just a stall tactic. Every bill they put through...they'll negotiate around until they get a certain amount of wood cut off a piece of ground—the way they want to cut it. They basically run the state as far as the laws being made.

ML: Since the MWA strike, there's been a big reduction in labor due to mechanization. What has the mechanization done to the woods? Has it improved woods work, have things gotten worse or are they the same?

JP: It's probably improved work for some people, but like you said, it's cut the labor force back. They don't need so many people to get the same amount of wood. When we first had the small skidders, they weren't that bad. They'd take a cord or so at a twitch, and it

would be limbed wood. Now they're coming in, getting two cords or two cords and a half, limbs and all, and taking a thirty foot swath out of the forest.

ML: Thirty foot swath?

JP: Just about when you get all done with it. What you cut is fifteen or eighteen feet wide. And when you grab these hardwoods by the butt and bring them down through the woods, they just fan out. You've got this bare trail where you've already cut with the shear, and then you've got the stuff on the side you're knocking over.

ML: They mean to have a fifteen foot trail, but they kill so many trees along it, they effectively have wiped out thirty feet?

JP: Most trees will still grow with the bark knocked off of it, but they're going to be diseased trees—they're not going to be a good piece of timber.

ML: Have you seen some landowners who are doing a better job?

JP: I haven't been over a lot of it, but some of it I've seen where they've made an attempt, I guess I would put it, to put a main trail in and wishbone offen it and cut. But to me it still doesn't make a good forest practice to take out such a wide strip of ground for the skidder trail like they do. You've got an open canopy. You don't have a canopy up over these trails.

When we yarded out with a horse, you'd have a six foot, five foot trail. The canopy could close above it. It didn't create a clearcut area because it would grow right back. But these wide trails for the machines to me are a clearcut because there's nothing left in them. They cut everything down that can be yarded and they run over everything that's not merchantable.

ML: What are some of the things you see happening because of these open canopies?

JP: You get blowdowns, it's one of the big things.

ML: Have you seen a lot of blow-

downs?

JP: A lot of blowdowns. They don't differentiate what type of forest they're cutting. If they're going in with a shear and cut a piece of ground they have the same cutting practice if it's ledgy with six inches of soil or if it's two feet deep with loam. They don't make any allowance for what type of ground they're cutting on.

ML: You don't sound impressed with the management.

JP: They take a certain amount per acre

There's not much in the way of forester supervision, and some of these shear operators are only eighteen or twenty years old and don't know a spruce from a fir.

off a piece of ground with a diameter cut and leave so much standing. Instead of leaving a good tree that's going to make real good lumber in another ten or fifteen years, they'll leave the stuff that won't make good lumber because they want to make money off the wood they're cutting right now. There's not much in the way of forester supervision, and some of these shear operators are only eighteen or twenty years old and don't know a spruce from a fir.

They often damage the trees in both cutting and limbing so they are lower grade. When they cut to length in the yard, they don't consider each tree for the highest market. They just start at the butt and cut the tree out to sixteen feet, which might go for a few hundred dollars for thousand board feet, where if they cut the best sections to nine-foot six, it might go to veneer and be worth, say, eight hundred dollars a thousand.

You sometimes have brush piles in the yard twenty feet tall. If you take these limbs and tops back to your skidder trails and tread 'em down, they're three, four, even five feet deep. Cut areas starting out like this will take forever to be regenerated.

ML: They might just use those as trails again. But what they've done is reduce the effective size of the forest, perhaps by twenty percent or more. What does this type of cutting do to wildlife?

JP: We've got plenty of summertime feed for deer here, and we've got moose to live here year round, but the deer population can't winter in these sparsely forested areas. They need overstory.

I've also seen impacts on fish. In the old days, if you got a two-day rain, you'd have to wait three or four days for the water to drop to go fishing. Now if you get a couple of days rain, you'd better go out the next day, because two days from then the brook is going to be dry again. There's nothing holding the water in the woods. The skidder trails on the ridges cut off the roots and leave ruts. Water doesn't work its way slowly down like it used to and it's got more silt. The brooks just bounce up and down. It has to be due to the way the forest was cut, because that's the only change you've got out there—that and your road systems.

ML: What would you like to see in the



Pulpwood ready for the spring drive to the mill. From: The Maine Timber Resource, USDA Forest Service, Northeastern Forest Experiment Station, 1960.

woods if you could control state policy?

JP: My first idea to get back the forest here is to do away, basically, with all the mechanical harvesters—the shears, the delimiters, and the grapple skidders—yarding whole trees. They have to go. There's no place in the woods for 'em if they're going to keep the forest. This would put more people to work in the woods.

ML: Would you pay them by the cord?

JP: If they could pay a reasonable price. It would have to work out to a good wage no matter how they paid.

ML: Have you seen any equipment that you think does minimum damage?

JP: I saw what they call a Valmet working on Baskahegan ground. I never watched it work too much, however. They go in and this machine cuts down a tree, limbs it and cuts it into certain sized blocks. They've got another machine called a forwarder that comes along and they take it out. So you're not yarding that tree through the woods limbs and all. This machine is only good for working with softwoods. One of the best jobs I've seen is where some guys yarded to a trail with horses, and then a skidder twitched them to the yard.

ML: Having worked in the woods for 50 years, you're now retired. Would you say that you are making enough through social security to live out the rest of your retirement happily?

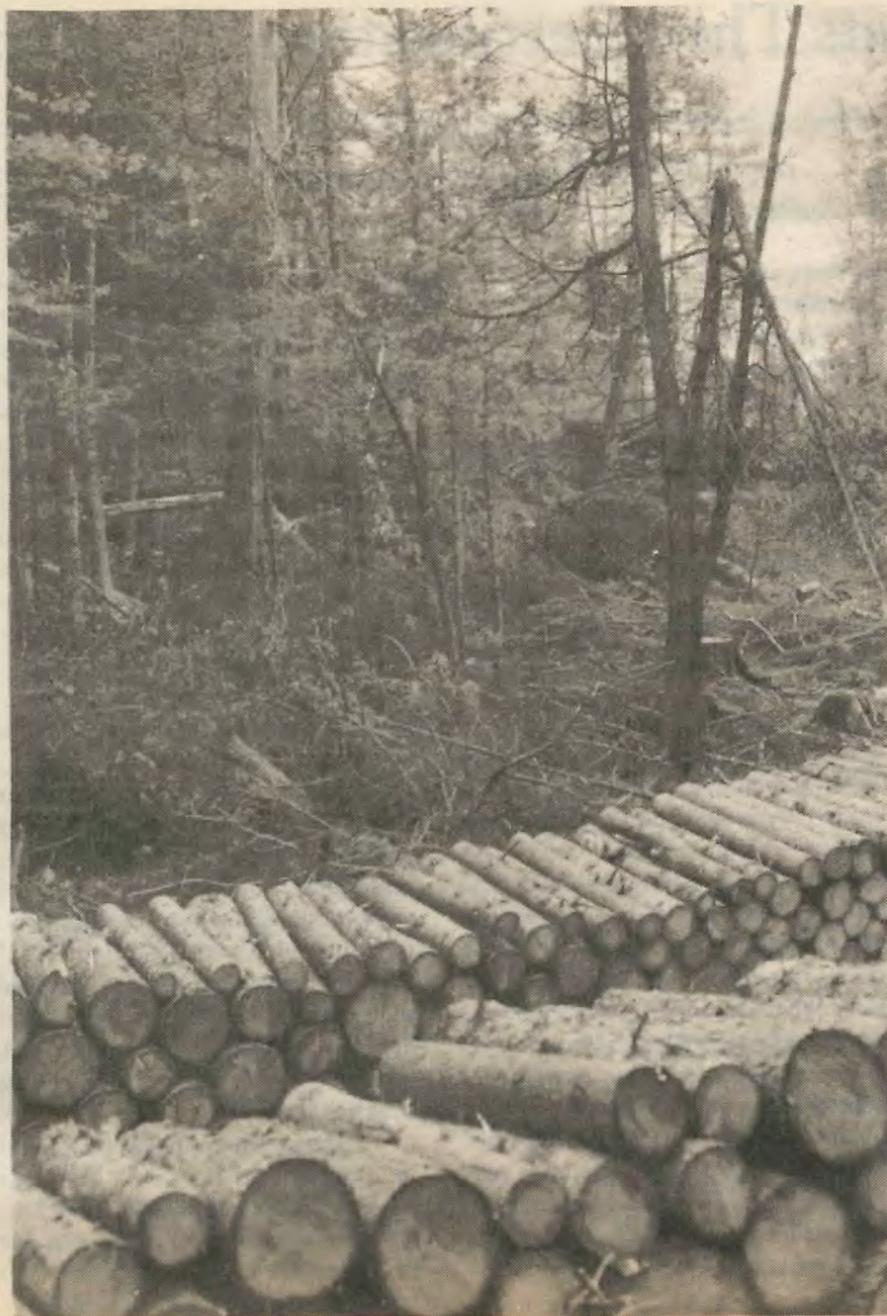
JP: I'll go back to one of your questions before. You talked about forming the MWA. That was another thing that we tried to talk about and negotiate with—getting a wage similar to what the people in the mill were getting. We were cutting the wood, supplying the mill, and getting paid by piece rate, while your mill worker was getting paid by the hour. When I first started cutting wood, I was making as much in the woods as the mill worker was making in the mill. Now I'm not making a third of what some of these guys are making. When they retire from the mill after so many years, they have a company retirement plan, plus they can draw social security.

ML: They are employees and you're not.

JP: They are employees. In the very beginning, with my first contracting, I was a self-employed contractor. I bought the stumpage from the companies and sold it to where I could find the best market on some species. The majority of the wood went to the company. They told me what to cut and where to take it. As long as I was doing some of this on my own—buying wood off of the company and selling it where I wanted—I could say yes, maybe I'm a self employed contractor. The latter part of it, they told me what to cut, where to cut, and what I was going to get for it. I couldn't negotiate a price.

ML: That sounds like you were their employee.

JP: I was basically an employee.



Pulpwood, 1960. From: The Maine Timber Resource, USDA Forest Service, Northeastern Forest Experiment Station, 1960.

ML: But you got no benefits...

JP: I got nothin'.

ML: You got no paid vacations...

JP: No.

ML: You got no good retirement...

JP: No. I didn't make the company parties or cookouts or things like that. I'm just a person I guess, just a number.

When I first started cutting wood, I was making as much in the woods as the mill worker was making in the mill. Now I'm not making a third of what some of these guys are making. When they retire from the mill after so many years, they have a company retirement plan, plus they can draw social security.



This tractor sled-train hauled 131 cords of softwood bolts from the forest to water to be driven to paper mills in 1960. From: The Maine Timber Resource, USDA Forest Service, Northeastern Forest Experiment Station, 1960.

the loggers so much for their work, so much for their skidder, so much for their chainsaw? Do you think some of your employers abused that?

JP: That definitely was abused. When workman's comp came in, it was based on your wages. The more they could get allowed for skidder allowance, or chainsaw allowance or travel allowance...that made the actual wages less money, so they had to pay less comp.

ML: But that also means less unemployment if you're out of a job.

JP: And you got less social security.

ML: How much are you getting per month in social security?

JP: Five hundred and thirty five dollars.

ML: Can you live on that?

JP: I can survive on it, but it doesn't support my vices. I've applied to a couple of jobs cutting wood and I can't even make an application out until I take this course to be a Certified Logging Professional, which takes a week and costs about five hundred dollars.

ML: Who pays that cost?

JP: I do.

ML: And you're going to be certified as a professional logger after you've worked in the woods for fifty years? I've talked to people who have worked in the woods quite a few years and they say they have learned something from the course.

JP: Oh, yeah. There's always room to learn. I'm not against going taking a course to learn something, because things change. The things you're using change, and you always learn something no matter what you do. To have to pay five hundred dollars to learn to do a job that I've been doing for fifty years doesn't seem to make a lot of sense to me.

ML: Do you see any hope for the woods?

JP: I was told one time, I think probably about twenty years ago now, that they were cutting about two and a half percent of the state. Two and a half percent of the state means it would take forty years to go through the whole forest. Now I hear they're cutting at a three percent rate, which means a cutting cycle around thirty years. They're cutting some now that we cut fifteen years ago and done a pretty good job. Now they're coming back with shears and just about clearcutting it.

To increase or sustain the cut they're going to have to cut an even wider area. But the way they're reducing the forest with these machines I just can't see how this can be sustained. It's like the fishing industry. It was a big ocean and a lot of fish, but they aren't there no more. And that's what's happening with the trees. Eventually it will be the same scenario as what's going on with the fishing.

Sustaining Forests Thru Certification, Regulation or Rhetoric?

*The Mainewatch Institute's
Conference on Forest
Sustainability*

by Mitch Lansky

On April 16th, the Mainewatch Institute sponsored a conference on sustainable forest management. Issues covered included the work of the Maine Council on Sustainable Forest Management, regulations, the paper industry's Sustainable Forestry Initiative (SFI), the Compact, and certification. Notably absent were representatives of the Ban Clearcut Referendum. Conference attendees were, however, briefly entertained by 2A supporters at lunch on the second day by a surprise guerrilla theater performance. "Waiters" presented Governor King, the luncheon speaker, with a plate of "eel grass" and a menu of polluted sea food.

Jerry Franklin

The keynote speaker was University of Washington forest researcher, Dr. Jerry Franklin. Dr. Franklin, who as a young man worked in a paper mill in Washington, is a noted expert on old-growth forests and was one of the architects of the Option 9 "solution" to the spotted owl controversy in the Pacific Northwest. He is an advocate of New Forestry—an approach that is designed to leave the biological legacies of big live and dead trees to survive the disturbance of clearcutting.

Franklin is a fan of market approaches, especially certification. He admits that certification is somewhat confusing—given the number of players and range of standards. He insisted that for any claims to be credible, there must be an independent audit. He said that voluntary, self-policing standards, such

Forest researcher Jerry Franklin said that voluntary, self-policing standards, such as those associated with industry's Sustainable Forestry Initiative, "scares the pants off of me."

as those associated with industry's SFI, "scares the pants off of me."

Franklin consults for a large-scale certified forest ownership straddling Argentina and Chile. Twenty to 25% of the area will be in reserves (much of this will be in grasslands and wetlands). There will be no clearcutting. The primary method of cutting will be shelterwood (two or three stage clearcuts) on rotations of 120 years. When I later asked him if shelterwood imitated some local disturbance regime, he replied that it was a method the loggers could do.

He stressed the importance of integrating managed and reserved forests to ensure protection of biodiversity. Too many people, he believes, want simple answers—"to divide up the baby"—having intensively managed forests here and wilderness there. This is the approach in New Zealand, but he thinks it is doomed to failure. He questions whether exotic monocultures on short rotations are sustainable.

He emphasized that sustainable forestry is not a simple concept. It must incorporate society. Landowners must manage for high-value products if sustainable forestry is to work economically. Local communities need to have a say over what goes on over the landscape.

Change, he concluded, is necessary. "But God save me from self righteous people!"

Council and Compact

The rest of the afternoon was dedicated to a discussion of the now defunct

Maine Council on Sustainable Forest Management. Dr. Robert Seymour, a professor of forestry at the University of Maine, led off with a sometimes scathing analysis of what happened. Council members started off doing what they were told—setting up criteria and benchmarks for sustainable forestry. With the Ban Clearcut Referendum looming on the horizon, members were pressured to come up with an alternative. They didn't. It was not their mandate (even though the media made it seem that way), and so with time running out, the governor came up with the Compact.

Seymour is not happy with the Compact. He said that despite the Motherhood principles enunciated as goals, the Compact lacks consistency and "institutionalizes and codifies mediocrity instead of setting high standards." Seymour pointed out that an accredited audit program already exists—certification. We don't need a new one, he said, with low hurdles where "everyone gets an A or a B plus."

Seymour next criticized the forest industry's non-constructive attitude towards the council's work. They lobbied hard to ensure limited progress. He also complained about the dominance of the Society of American Foresters by industrial foresters. He sees a "crisis in public confidence." Like Franklin, Seymour suggested that the SFI, where industry controls the process, is not the way to build credibility.

Landowners, Seymour said, can manage to high standards now. "There's nothing stopping them." There is a tendency, he said, to look for villains. Industry "should look in the mirror." Wolves and parks, he asserted, are not the threat. "The real threat is mediocre forestry."

Seymour felt that mainstream environmental groups did not fulfill their primary role of protecting the forest in their Compact negotiations. The toughest standards created by the council never made it into the Compact. Seymour was clearly not pleased that the council, a public panel, had no oversight over the Compact's standards. He concluded that the best thing currently going is certification.

Forester D. Gordon Mott felt that the referendum was premature by a year—the US Forest Service findings had not yet been analyzed. The council, he said, only accomplished a third of what it should have. Restoration was not dealt with, nor was the most crucial issue for sustainable forestry—an allowable cut. He did feel, however, that the work of the council must be the starting point for the Compact.

While Mott defended the Compact as "internally consistent," he admitted that there are some loose ends. Who will be on the audit board? What will it do? Governor King could, if he wanted to, clarify these issues before the election.

Janet McMahon of the Nature Conservancy and Peter Triandafillou of

James River could not agree on whether consensus was an appropriate decision-making process. McMahon felt the council would never have reached its strongest findings by consensus. Triandafillou, preferring the Compact-stakeholder approach, argued that consensus leads to "core solutions."

Regulation & Certification

Rob Bryan, of Maine Audubon Society, questioned whether current regulations were addressing sustainability. He suggested that sustainable forestry is found at the intersection of environmental responsibility, social benefits and economic viability. He noted the current absence of protections. There isn't even protection for the tiny fragments of old growth remaining on private land.

Eric Palola, economist with National Wildlife Federation, stated that the cost of certification is less than a dollar per acre. Smartwood (NWF's certification system) does not have rigid standards that fit all situations. He said that certification is a recognition of the exemplary by outside consultants. Asked how experts could verify something that had not been clearly defined, he replied that forestry experts would generally agree on interpretation of criteria.

Jamison Ervin, with the Forest Stewardship Council, which certifies the certifiers, confirmed Franklin's suggestion that there are fuzzy areas to certification. FSC, she said, allowed plantations "to offset demand" on natural forests. This dodges the issue of the sustainability of the plantations or how an ever-increasing demand can be offset. Clearcuts and herbicides are allowed, as is whole-tree harvesting. Much is left to the judgment of the certifiers.

Consultant and SFI representative, Gro Flatebo, made the case for SFI after other speakers had attacked its credibility. She feels that SFI is having a

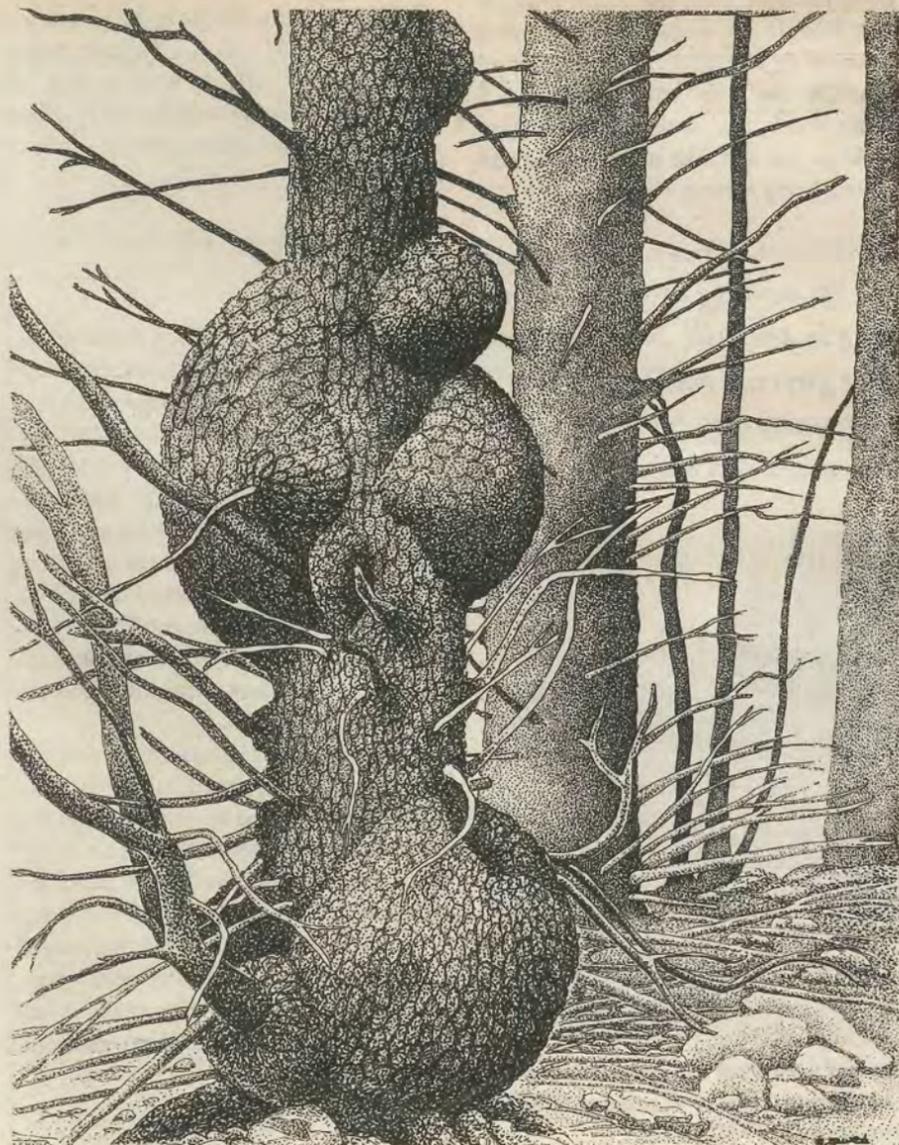
There is a tendency, Seymour said, to look for villains.

Industry "should look in the mirror." Wolves and parks, he asserted, are not the threat.

"The real threat is mediocre forestry."

positive impact on forestry in Maine. Different companies, however, have different interpretations of what SFI is supposed to mean. Ultimately, she contended, SFI will influence not just industry's practices, but also their non-industrial suppliers, the "gatewood." Loggers will have to be certified and follow Best Management Practices. She admitted that some loggers are not that excited by SFI because they are not seeing an increase in income for the increase in responsibilities. She also thought that some third-party audit might be connected with SFI.

John McNulty, Seven Islands vice president, gave his company's perspective on the issue of certification. Seven Islands foresters mark 70% of the wood that gets cut. He did not say how the





30% of the wood that is not marked gets chosen for cut. The company does very little clearcutting (now), but they do use some herbicides. They are pleased that much of their land supports the "magic forest" of shade-tolerant, rel-

King bragged about "significant restrictions on clearcutting" that would occur due to prescriptions in the Compact. Since almost all the 15 landowners who signed the Compact are already living within these limitations, the word "significant" is puzzling...

atively long-lived trees that can be managed with partial cuts or shelterwood.

Over the last few decades, literally hundreds of thousands of acres of the Pingree lands have shifted timber type (with lower taxation resulting). McNulty blamed much of this on the budworm, and said that such a shift happened on land that wasn't even cut. The certifiers from SCS, however, did mention that they thought Seven Islands had cut too much spruce and converted too many stands to low-value hardwoods. They also suggested that there was too much use of diameter-limit cuts. McNulty said that having a third-party audit was leading to beneficial changes in their management as well as a change in their marketing.

King and Compact

After lunch, Governor King gave the group a taste of the rhetoric to expect in the fall. He had lots of sound bites for us to chew on. He told us that when he read the referendum he realized it was "one size fits all." He said we need to "regulate with a rifle, not a shotgun." He began to realize early in 1996 that the council was not going to come up with an alternative to the referendum, so he asked Thomas Urquhart of Maine Audubon and Roger Milliken of Baskahegan to come up with an

alternative that could defeat the referendum and "do something positive."

King did not want the political warfare that the Pacific Northwest experienced over the spotted owl issue. "I'm a conciliator," said King. "You cannot hate someone if you know the name of their kids." Apparently King does not know the name of the kids of 2A's Jonathan Carter or 2C's Mary Adams, because soon afterwards he was deriding the fact that they would probably team up to defeat the Compact. He described them as "couple of the year."

King triumphantly announced the "end of the age of command and control," which, he said, is only 25 years old. The voluntary audit program is the "crown jewel" of the Compact. Forestry, he announced is "too complex to write

prescriptions." He bragged about "significant restrictions on clearcutting" that would occur due to prescriptions in the Compact. Since almost all the 15 landowners who signed the Compact are already living within these limitations, the word "significant" is puzzling...

Conclusion

The Free Market system has not protected the forest in the past, and cannot be expected to protect it in the future. There are too many market distortions. Ecological and social values are not adequately accounted for. Forest liquidation in our current regulatory and economic environment is both legal and profitable. Education and certification are not going to stop the worst abusers.

The standards for certification and SFI are too subject to interpretation to effectively regulate cutting. It is not sufficient to claim the great variability and complexity of forests and forestry. It is possible, for example, to set minimum standards for how much land can be taken out of production for roads, trails, and landings. It is possible to set minimum standards for damage to crop trees and to limit the degree of highgrading. An allowable cut could be based on average growth rates over a given period of time.

If there has been real long-term management, a gradual, but measurable improvement in stocking and value should be discernible. Actual performance should be certified, not past excuses or future promises.

SAM ~ Save ME's Native Trout Stop Bashing Wolf Restoration

Over the last couple of years George Smith of the Sportsman's Alliance of Maine (SAM) has waged a nasty campaign of disinformation against efforts to protect and restore critical elements of Maine's native biological diversity. In particular, his efforts have focused on attacking proposals to restore viable populations of wolves, and a proposal by RESTORE: The North Woods to establish a Maine Woods National Park. In fact, George has been so busy bashing ecologically responsible ideas he hasn't had time to address an issue that ought to be of interest to all "sportsmen"—the degradation of native fish and Maine's lakes, ponds and rivers by traditional "wildlife management" practices.

"Biological Diversity in Maine" tells us: "Native fish have been affected by human activities in recent decades more severely than perhaps any other group of organisms." (page 36) Some of the causes of degradation listed include: pond reclamation, increased access to remote ponds, and the introduction of exotic species such as largemouth and smallmouth bass, rainbow trout, northern pike, and muskellunge.

- "Genetic dilution can occur even within species. Brook trout are stocked by the millions in Maine, but the strain used is suited for hatchery rearing and does not represent the original native genetic characteristics." (page 52)

- "Aquatic ecosystems in Maine have been profoundly and adversely affected by exotic introductions, dam building, pollution, pesticide use, and excessive nutrient input. These effects have occurred throughout the state. Exotic fish species and nutrient input have caused major biotic shifts in

some Maine lakes." (page 71)

- 203 lakes in Maine are "impaired" in their ability to support native aquatic life. (page 61)

One would think that the loss of genetic integrity, the plague of exotic sport fish, and the degradation of hundreds of lakes in Maine would be a more immediate threat to the members of SAM than a proposal to restore Maine's most charismatic, native, large carnivore, the wolf.

If SAM's vocal leader wants to grab some headlines for responsible action, he ought to demand:

- An immediate end to fish stocking, and inauguration of efforts to reduce exotic fish species populations.

- Protection of all wild strains of native brook trout so that this noble species can begin to recover from overfishing, genetic dilution, stocking, pollution, dams, clearcutting and many other human activities.

- An immediate end to pond reclamation—a process that dumps poisons into lakes and ponds to kill off undesired fish species (and all other fish, and many other species of amphibians and aquatic invertebrates) so that fisheries "biologists" can restock the lake or pond with hatchery raised fish that are not native to the pond.

- A moratorium on all shoreline development and a cleanup of shoreline pollution, especially from septic systems and roads.

Such a program would make SAM's headline-grabbing leader both relevant and responsible.

—Jamie Sayen

The Other Tree-Growth Tax Shoe

by William Butler

After examining the Pingree heirs' (Seven Islands') land tax filings with the Maine state assessor, we turned to other industrial owners in Maine's unorganized territory. These holdings include most of the spruce-fir forest type, the essence of the North Woods. For the eight ownerships here listed, larger blocks, in size up to a township, are shown as reported to achieve tax savings. For each owner, the area sampled ranges from Huber's 107,000 acres to 350,000 for International Paper. With the notable exception of Georgia-Pacific, the "softwood" forest type was substantially reduced, if not as drastically as we saw with the Pingrees. (Forum, MidWinter 1997).

The tax savings in downgrading forest land are usually one-third with a shift from softwood to mixedwood and one-half on conversion from softwood to hardwood. Although these lands contribute nothing to the general revenues of Maine and their tax burden is correspondingly small, over holdings of these sizes, it's a good bit of money to be retrieved. Only G-P seems to be abstaining. You may note that some of those most vocal in opposing any restriction on cutting, such as Sydney Balch of Oxford (now Mead), S.D. Warren, which still holds the Scott lands (not SAPPi) and IP have hit on the softwood in deadly fashion. The Huber family, with Sherry Huber now executive director of the Maine Tree Foundation, makes a poor showing, in strong contrast with her increasing activity on the industry's propaganda fronts. The numbers show 1,400,000 acres not as bad off as the Pingrees' but still bleak.

I don't know anyone who believes that Georgia-Pacific has cut their spruce-fir sparingly. It may be that someone was shrewd enough to avoid an incriminating disclosure. Or, perhaps, the bean-counters in higher management will issue demerits for not availing the corporation a bit more tax break. Like most of the Maine mills, they ask the public to sacrifice so the mill can be *competitive*. I am disputing the USDA's and G-P's bringing in migrant workers to "thin" the thickets that have overtaken the clear-cut forest—our rural economy needs full-time, permanent, resident jobs in silviculture.

The bottom line is that even paper people are speculating as to which mill will close first—everyone thought it would be SAPPi, in Westbrook, when their wood-fired generator ran through its contract. Another said the bell-weather would be James River, in Old Town, recently merged with Fort Howard Paper. I'd pick Great Northern as having the least wood, and, therefore, the least life expectancy. Millinocket is a dying town. Lloyd Irland told the sustainability group at Orono, "We are going to have to cap the cut." (A week later, he told the Low-Impact Forestry conference that "...the forest is overstocked.") Even the Governor is conscious that paper could collapse on his watch; this doesn't mean that he would do anything meant to be effective. We won't get any regulation of the cut from him or the dismal legislature until the first mill shuts the doors. We have won the argument about clearcutting, but lost the war for the North Woods.

Industrial Land Owners' Forest Type Changes

(Columns give 1972 and 1996 acreage by forest type and percentage of change)

Champion International

Township	Softwood			Mixedwood			Hardwood			Total 1972*	Total 1996
	1972*	1996	% change	1972*	1996	% change	1972*	1996	% change		
2R4	9300	8503	-9	7142	8184	15	2433	2111	-13	18875	18798
1R5	6056	4985	-18	7963	8709	9	3970	3891	-2	17989	17585
16MD	4575	4235	-7	6293	6975	11	7372	9374	27	18240	20584
22MD	6942	6581	-5	6293	6735	7	7372	7653	4	20607	20969
29MD	11507	8897	-23	5033	7248	44	4417	4883	11	20957	21028
19ED	10604	4930	-54	9102	11167	23	1929	5616	191	21635	21713
30MD	14032	13132	-6	4736	6666	41	2786	2209	-21	21554	22007
31MD	13480	14483	7	7244	7246	0	1654	1577	-5	22378	23306
	76496	65746	-14	53806	62930	17	31933	37314	17	162235	165990

Great Northern Paper, Inc. (owned by Bowater)

7R3	10633	7925	-25	6966	10043	44	4391	3394	-23	21990	21362
CR2	16170	10102	-38	8117	10647	31	199	3407	1612	24486	24156
7R5	12087	12385	2	9999	6555	-34	857	4345	407	22943	23285
8R5	12866	13085	2	7994	6989	-13	229	730	219	21089	20804
4R7	1001	1167	17	3395	2904	-14	1868	2186	17	6264	6257
7R6	12679	12679	0	6876	6876	0	1744	1744	0	21299	21299
13R9	14155	8324	-41	8387	11802	41	413	2513	508	22955	22639
13R11	6699	4555	-32	7507	8693	16	1867	4116	120	16073	17364
14R10	9432	9432	0	9358	9358	0	5166	5166	0	23956	23956
14R12	13162	6963	-47	5189	7753	49	4072	7765	91	22423	22481
ARB, 9	7078	7259	3	9969	9803	-2	2917	2767	-5	19964	19829
	115962	93876	-19	83757	91423	9	23723	38133	61	223442	223432

JM Huber

32MD	2570	2206	-14	451	451	0	2137	1632	-24	5158	4289
2R7	11295	5865	-48	5730	6813	19	2627	7941	202	19652	20619
6R6	1626	340	-79	3455	5004	45	1103	920	-17	6184	6264
9R8	11838	8978	-24	7018	8052	15	2669	3493	31	21525	20523
12R7	10443	4955	-53	11368	9968	-12	368	7595	1964	22179	22518
12R9	15519	14108	-9	7365	8087	10	284	667	135	23168	22862
2R8	2004	2885	44	4546	4497	-1	264	2803	962	6814	10185
	55295	39337	-29	39933	42872	7	9452	25051	165	104680	107260

Irving

17R3	13013	8549	-34	4741	7524	59	2695	4337	61	20449	20410
17R4	7861	4545	-42	4934	6487	31	2813	3950	40	15608	14982
17R13	17839	15619	-12	4410	3196	-28	291	3759	1192	22540	22574
14R14	14207	12387	-13	5235	3508	-33	1735	4960	186	21177	20855
17R14	9080	7846	-14	4416	1641	-63	187	3794	1929	13683	13281
14R15	8214	7770	-5	4258	2359	-45	252	2499	892	12724	12628
13R10	8589	9735	13	10952	7337	-33	3666	5410	48	23207	22482
8R6	13464	11230	-17	6988	7460	7	557	2437	338	21009	21127
	92267	77681	-16	45934	39512	-14	12196	31146	155	150397	148339

International Paper

11R17	16573	13444	-19	1637	3204	96	2823	4319	53	21033	20967
11R14	7696	6986	-9	1462	1335	-9	1094	1735	59	10252	10056
12R13	15439	9953	-36	4437	4549	3	664	4897	638	20540	19399
11R10	11411	9728	-15	11944	8372	-30	490	5311	984	23845	23411
11R11	14995	4420	-71	5389	3938	-27	948	12889	1260	21332	21247
11R12	19833	18407	-7	2959	2446	-17	195	1902	875	22987	22755
11R13	17536	15156	-14	2024	2552	26	952	2417	154	20512	20125
11R14	8434	7454	-12	1892	2806	48	729	1660	128	11055	11920
11R15	7595	4260	-44	1278	3518	175	1622	3186	96	10495	10964
11R16	9461	13174	39	10172	3781	-63	994	4008	303	20627	20963
11R17	3731	3270	-12	2021	1717	-15	919	1089	18	6671	6076
12R10	16828	6365	-62	5177	5452	5	1994	12085	506	23999	23902
13R16	18457	13153	-29	5223	3365	-36	5613	11909	112	29293	28427
2R6	3388	5673	67	18909	7862	-58	4652	12212	163	26949	25767
1R5	1924	3783	97	17797	12068	-32	3290	7051	114	23011	22902
3R6	2975	2980	0	3203	1567	-51	3115	4241	36	9293	8788
7R19	13176	9142	-31	8384	5340	-36	2234	9422	322	23794	23904
8R18	18640	9398	-50	4064	5001	23	297	3786	1175	23001	18185
8R19	6165	4502	-27	2990	2708	-9	1710	2950	73	10865	10160
	214257	161248	-25	110962	81581	-26	34335	107069	212	359554	349898

Oxford Paper (owned by Mead Paper, formerly Boise Cascade)

4R1	2567	693	-73	6553	3970	-39	8058	9554	19	17178	14217
D	5817	4333	-26	1462	1335	-9	1094	1735	59	8373	7403
2R3	4432	1397	-68	8769	11440	30	6767	6794	0	19968	19631
2R7	4137	1212	-71	3439	5895	71	1924	2293	19	9500	9400
3R4	6898	4532	-34	11140	8221	-26	3890	11404	193	21928	24157
2R4	5475	4096	-25	17896	8873	-50	3266	12687	288	26637	25656
6 NofWeld	1209	1119	-7	3876	3703	-4	10100	10102	0	15185	14924
4R2	5768	3267	-43	2409	1901	-21	4633	6344	37	12810	11512
AR2	11959	5428	-55	6495	6587	1	11143	10762	-3	29597	22777
5R3	6041	3528	-42	6792	4794	-29	7564	11902	57	20397	20224
5R4	7053	4960	-30	7761	7017	-10	9356	12245	31	24170	24222
5R5	9220	6938	-25	5337	5388	1	7195	9045	26	21752	21371
2R6	11832	7010	-41	3428	6767	97	5347	7053	32	20607	20830
EMidCanal	8231	2619	-68	5269	11756	123	4283	3892	-9	17783	18267
	90639	51132	-44	90626	87647	-3	84620	115812	37	265885	254591

SD Warren (owned by SAPPi)

1R7	9400	7318	-22	7103	13661	92	7681	3631	-53	24184	24610
AR13	4816	4339	-10	4713	6204	32	8211	9100	11	17740	19643
AR14	10685	6594	-38	5638	8710	54	2906	6174	112	19229	21478
1R14	16113	13590	-16	1770	4652	163	1237	1234	0	19120	19476
4R6	3504	2367	-32	12026	10155	-16	4421	7033	59	19951	19555
2R6	8713	4007	-54	7853	12380	58	6098	5864	-4	22664	22251
1R6	7419	6140	-17	8434	9772	16	5205	6157	18	21058	22069
	60650	44355	-27	47537	65534	38	35759	39193	10	143946	149082

Georgia Pacific

1R2	5678	5706	0	11378	11521	1	2492	2455	-1	19548	19682
1R3	9421	9336	-1	8446	8264	-2	3672	3607	-2	21539	21207
26 ED	4548	4350	-4	8716	8974	3	2144	1974	-8	15408	15298
1R1	7277	6195	-15	7013	8559	22	1714	676			

NARP Group Defends Coast Against Marine Invasions

by Ron Huber

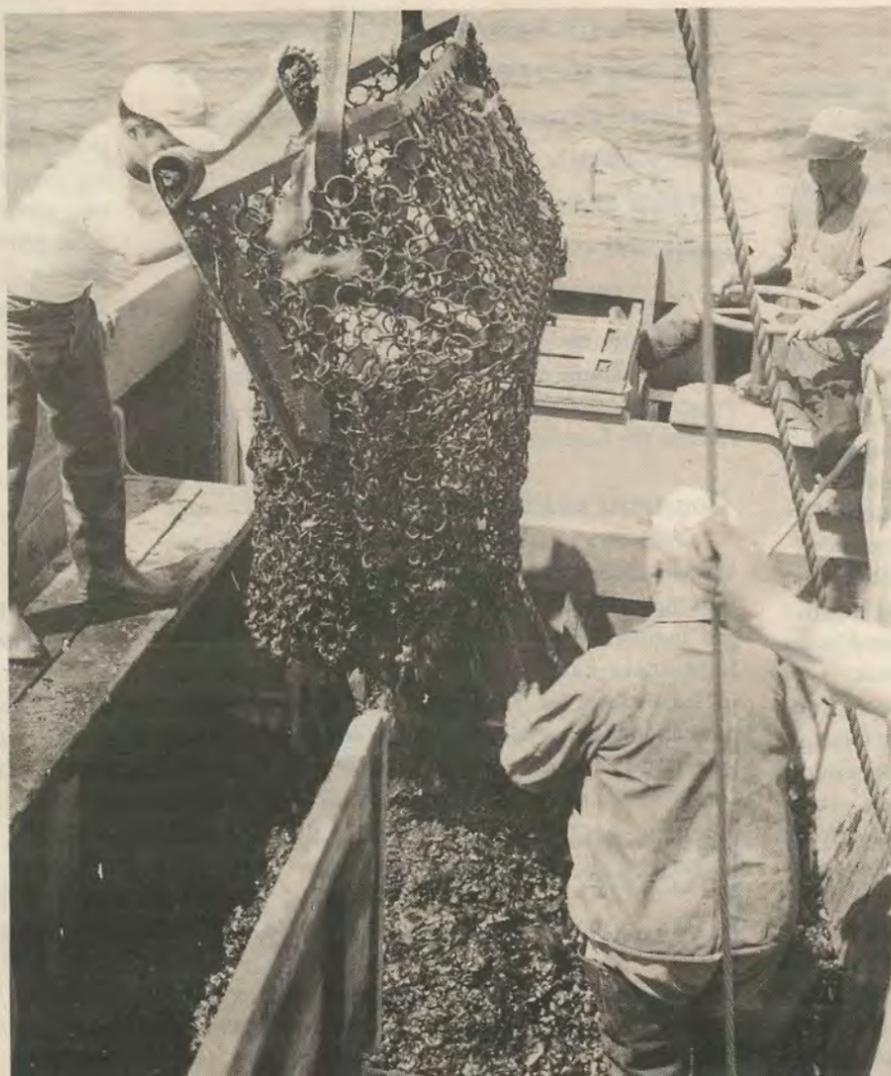
Expanding commercial ports in Portland and Searspport, and the creation of a new cargoport in Eastport, have raised worries that super-large cargo ships will bring exotic marine pests to Maine waters in their ballast tanks. The export-oriented, 100,000 cords/year (minimum) hardwood chip mill proposed for Millinocket by Gardner Chip Mills, Inc., for example, will attract bulk cargo ships to Searspport, ships that will arrive empty save for exotic ballast water immigrants. These may hale from Japan (exotic seaweeds) or China (shrimp-killing viruses) or from as close as North Carolina (fish-killing red tides) or Alabama (human-killing cholera).

In response, environmental, aquaculture and port interests are working with the state and federal governments to come up with ways to keep these pests at bay.

NARP's Coastal Waters Project and the Quoddy Spill Prevention Group have teamed up to pressure the Gulf of Maine Council on the Marine Environment, into formally adopting prevention of unintentional introductions of non-indigenous species into its research and planning agendas. The Council is a Gulf-wide planning and research body with representation from state and provincial governments.

On June 12th, representatives of the two groups will give a presentation and introduce a draft resolution to the Gulf Council at its annual meeting at Roosevelt/Campobello International Park in New Brunswick. The resolution calls on member states and provinces to adopt strategies already in use by other states and provinces around the US and Canada, to control exotic species introductions, particularly into the Great Lakes.

The Problem: For stability, empty cargo ships take on large amounts of seawater ballast (up to 60 million gallons) before going to sea. Researchers have found that this water typically contains millions of eggs, larvae and juvenile stages of hundreds of aquatic and/or marine species depending on where the ship's last port of call was located. Upon arriving at their destination to pick up cargoes, some or all of



Scallop dredging in the Gulf of Maine. Photo © Maine Dept. of Marine Resources

this water, along with its living 'hitchhikers', is pumped out to make way for the cargo being taken aboard. When conditions are right, some of these organisms will successfully colonize their new environment. These unintentional introductions are called "biological invasions" and the undesired organisms are called "aquatic nuisance species". Hundreds of these nuisances have colonized US waters. While only a few invasions are known to have occurred in Maine waters so far, at least one of them, the green crab, has had a devastating effect, permanently reducing Maine's softshell clam population to a shadow of its former abundance.

Scientists warn that Maine can expect more invasions as it increases its shipping. And because of the circular movement of water around the Gulf of Maine, invader species brought to one port may spread throughout the region.

Citizens Take Action: On March 12th, two dozen port officials, regulators and representatives of the aquaculture industry, conservation groups and the Passamaquoddy Tribe, met at the Washington County Technical College Marine Trade Center in Eastport to discuss ways of controlling the spread of aquatic nuisance species. Sponsored by the Quoddy Spill Prevention Group and the Coastal Waters Project, the meeting brought Robert Peoples, director of the National Aquatic Nuisance Species Task Force to explain the federal government's strategies for reducing biological invasions offer suggestions for local action.

He urged meeting participants to organize themselves regionally to reduce marine "biological invasions". Noting the strong Canadian presence at the meeting, he suggested that because the above-mentioned federal act allows for international cooperation, a Gulf of

Maine-wide initiative should be under taken.

Peoples also said that there is federal money available to create a prototype land-based ballast water filtration system, and that Maine could qualify if it so chose.

Meeting participants decided to create an ad hoc committee to educate the general public about the issue, and to press state, provincial and federal governments to protect the region from biological invasions. Aides to Senators Olympia Snowe and Susan Collins and Representative John Baldacci attending the meeting told participants to let them know what they can do on the federal level. The newly created ad hoc committee has requested time at the June 12 meeting of the Gulf of Maine Council on the Marine Environment to call for the Council to make prevention of biological invasions a high priority throughout the Gulf of Maine region.

Note: Representative Paul Chartrand introduced a resolution to the Maine legislature this year, directing the state to join the federal task force and prepare a management plan. The Legislature voted the measure down, following a vague promise by the Department of Marine Resources to legislators that the agency would pursue the issue at a later date.

Meanwhile... seaweed growers Downeast have recently found an Asian pest organism fouling their crop's stems and leaves, weighing them down and causing them to snap off during storms.... the pest could spread to wild kelp....in Narragansett Bay, Rhode Island, scientists have discovered that an exotic kelp species has taken up residence and may take over eelgrass beds, completely changing that bay's ecology... what's next?

• For a list of technical reports on this issue, or if you would like to help prevent further biological invasions of the Gulf of Maine and its rivers and bays, contact Ron Huber at the Coastal Waters Project, POB 94, Lincolnville, ME 04849 (207)789-5310. e-mail: coastwatch@acadia.net Additional information on biological invasions is also available at the following website, created by SeaGrant: www.ansc.purdue.edu/sgnis/

Gulf of Maine Stakeholders Meet on Marine Protected Areas

by Ron Huber

On April 24th and 25th, the Maine State Planning Office hosted an invitation-only marine protected areas conference at Wolf's Neck State Park, in Freeport, Maine.

The meeting brought together selected 'stakeholders' from Gulf of Maine states and provinces, including the Conservation Law Foundation, New Brunswick Conservation Council, World Wildlife Fund(Canada), NARP's Coastal Waters Project, fishing industry representatives, and state and provincial agencies, to seek for "common ground" on the need for, and the steps to take, toward designation of, marine protected areas in the waters of Nova Scotia, New Brunswick, Maine, New Hampshire and Massachusetts.

Over the two days, a general consensus emerged that, just as on land, wildlife habitat below the tide line is declining in both quantity and quality, and that existing laws and programs are insufficient to the task

of protecting and restoring it.

It was noted that while our coastal and oceanic waters are held in the public trust, few members of the public outside of the fishing community participate in the marine resource decision making process, with the result that ecological decisions concerning the Gulf of Maine tend to be skewed toward maximizing resource extraction, i.e. commercial fishing.

While no consensus was reached on actual sites to be studied for potential designation, meeting participants agreed to create an ad hoc committee that would further the process by expanding public awareness of the marine protected area concept, and by consolidating information about the Gulf of Maine's marine habitat, with the intent determining appropriate locations for initial protected areas. They also agreed on a number of basic principles.

Marine Protected Areas should be:

- Developed incrementally

- Developed with the participation of all stakeholders
- Considered as proactive opportunistic tools
- Managed under existing programs
- Based on sound science
- Monitored and adaptively managed.

Until the general public becomes aware of the value of marine protected areas, progress on designating marine reserves in the Gulf of Maine may be slow. Coastal Waters Project and Conservation Law Foundation were tapped at the conference to develop a public awareness campaign. If successful, public demand for genuine marine protected areas will prove an irresistible force, and the work of restoring the gulf's marine ecosystems will begin, square mile by square mile.

For a list of technical reports and other information on Marine Reserves, contact the Coastal Waters Project @ POB 94, Lincolnville ME 04849 e-mail coastwatch@acadia.net

Electric Restructuring in Maine Reflects Industry Wishes - Good for Business, Bad for Environment

by Pamela Prodan

Note: this article does not cover all aspects of Maine's restructuring act, L.D. 1804, only its environmental and consumer protection provisions. Copies of the law may be obtained from the Engrossing Department, 7 State House Station, Augusta, Maine 04333-0007, phone 207-287-1649.

Successful Lobbying by Industry

The Maine Legislature saw one highly successful consumer group in action this session—it is a trade group called the Industrial Energy Consumer Group (IECG) and it is made up of large manufacturers that consume electricity, including most of Maine's paper companies. During the past year, the IECG successfully orchestrated a campaign to bring electric competition to Maine, despite a poll last fall indicating that 54.5 percent of Maine people believed that electric utilities should continue to be closely regulated in an effort to protect consumers and the environment.

Working closely with the IECG to pass restructuring legislation was the Independent Energy Producers of Maine (IEPM), another trade association of alternative power producers. IEPM members generate electricity in Maine in federally defined qualifying facilities (QFs) mostly using indigenous fuels of wood, hydro and municipal solid waste.

Both groups represent energy producers, since many of the IECG members that purchase utility power for consumption operate QFs, some of which use fossil fuels, and sell power to utilities. The two groups dominated the broadly-constituted Maine Electric Consumer Coalition, a coalition originally organized by the Maine Public Advocate's office, to the point that the two groups became the self-appointed working group representing the consumer coalition's positions on renewable energy issues during work sessions of the Joint Standing Utilities and Energy Committee.

Environmental groups and consumer advocacy groups represented in the consumer coalition faded into the background as restructuring legislation evolved in committee work sessions, both because of lack of resources and because of federal limitations on lobbying imposed on non-profit groups. Low-income consumer representatives were often absent, preoccupied with the simultaneous evolution of welfare reform legislation. The IECG and the IEPM, on the other hand, were active participants at each committee work session, as were Maine utilities and regulators, proposing language as legislators worked their way through the bill. In addition to its own lobbyists, the IECG also hired staff to organize the various representatives of low-income, elderly, business and environmental interests to appear at media events and to lobby legislators

Some in the coalition initially suggested limiting the renewable portfolio to very small power production, under one megawatt. Those advocates were not invited to subsequent meetings where the consumer coalition's final renewables language was worked out...

on restructuring legislation at critical junctures. It was a classic example of the use of grassroots organizing by powerful corporate interests to create an impressive force at the Legislature.

Consumer and Environmental Goals Unmet

Will restructuring adequately protect consumers and the environment? In an effort to reach a compromise that pleases regulators, power producers, utilities and industrial consumers, Maine legislators managed to "split the baby" more than once. The Legislature passed to the PUC the job of deciding key consumer protection measures while creating environmental provisions that are watered down versions of the already compromised proposals of the consumer coalition.

Kenetech Corp's Maine Assets Bought by Enron Subsidiary

On April 14, after the dust settled from a bidding battle at an auction in a bankruptcy court hearing in California, Zond Corporation had acquired Kenetech Windpower Corporation's Maine assets for \$825,000. The assets are known to include proprietary wind data and various environmental studies performed by Kenetech, as well as easements for access and wind development rights from paper company landowners Mead and S.D. Warren Corporations. California-based Zond was approved over Endless Energy, a wind developer based in Maine. A few years ago, Endless Energy and Zond had been partners in an unsuccessful attempt to build two other wind power projects in Maine.

Zond, the largest wind company in the United States, was taken over this past January by Enron Corporation, the largest single non-regulated power marketer in America. The acquisition of Zond has made it possible for Enron to position itself as increasingly "green" in the new world of electric utility deregulation. In February, two state agencies in Maine denied Kenetech's request for permit extensions for its 639 turbine wind plant in the Boundary Mountains, which means that the new developer must start from scratch.

Many consumer coalition participants entered into the debate on restructuring with skepticism. Only by suspending disbelief that the free market could or would provide solutions in the public interest were they able to develop provisions that might make restructuring palatable by preserving existing customer rights and environmental benefits. Unfortunately, most of those provisions were not adopted by the Legislature, leaving consumer and environmental goals largely unmet. Skepticism remains the watchword of the day.

The Renewables Portfolio & How It Was Transformed

Most environmental groups in the consumer coalition, as well as the IECG and the IEPM, favored the requirement that any power marketer include a certain percentage of renewable energy sources in its generation portfolio sold in Maine. Many other states are adopting this approach. Maine's renewable portfolio requirement that 30 percent of generation sold be from renewable sources far exceeds that required in other states to date. However, this is hardly surprising, since Maine is already a leader in the percentage of renewables in its generation mix—over 50 percent in 1995. (See chart and graph below.)

Since minimums tend to become maximums in a regulatory climate, many believe it is likely that Maine will actually see a decline in its renewables percentage after restructuring. Renewable resources in the portfolio do not have to be located in Maine or even New England. The power simply must be accessible to the New England transmission control region. Renewables generated in Maine can likewise be marketed elsewhere.

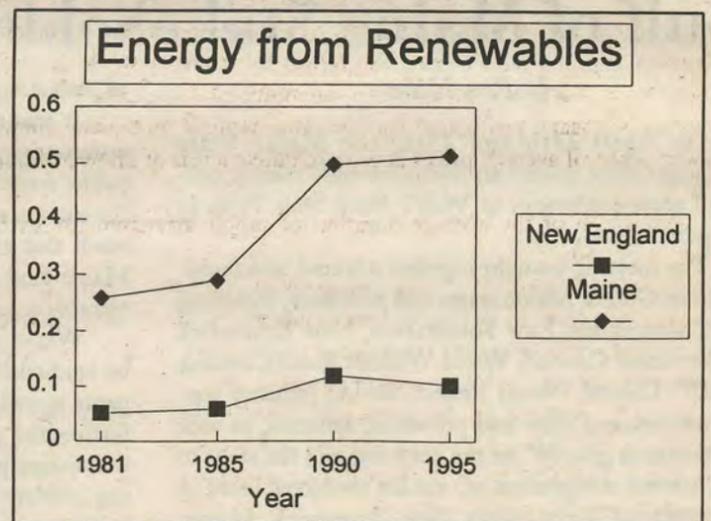
Last year, initial discussion of renewable energy by the consumer coalition's renewables subcommittee focused first on minimizing the environmental impact of new generation and second, on keeping Maine's existing renewables. In order to minimize the impact and scale of new generation, some in the coalition initially suggested limiting the renewable portfolio to very small power production, under one megawatt. Those advocates were not invited to subsequent meetings where the consumer coalition's final renewables language was worked out and the size limit set at 80 megawatts, the maximum defined size of qualifying small power production facilities and cogeneration facilities (QFs).

The question raised early by the consumer coalition subcommittee was which existing renewables need the advantage of a renewables portfolio to keep operating? Maine's renewable energy base is primarily hydropower and wood-fueled biomass. Regardless of what happens with restructuring, there appears little doubt that most existing hydro resources in Maine will continue to run because they are very cheap sources of

Maine's Renewable Energy Generation Compared to New England's

New England (GWh)				
	1981	1985	1990	1995
Total Energy	85,413	98,318	114,282	132,749
Renewables*	4,434	5,872	13,615	13,572
Pct	5.2%	6.0%	11.9%	10.2%

Maine (GWh)				
	1981	1985	1990	1995
Total Energy	6,152	9,054	11,975	12,557
Renewables*	1,591	2,626	5,964	6,454
Pct	25.9%	29.0%	49.8%	51.4%



*Renewables are defined here as Biomass, Wind, and Solar Generation

Data Obtained from "Assessing New England's Energy Future" NEGC 1997

power. The only costs for the "fuel" are the concessions extracted from dam owners by the public. These may include fisheries management, recreational facilities and conservation easements around lakes used for water storage. Thus, the resource that "fuels" hydroelectric plants is virtually "free."

The same can not be said for biomass. Biomass plants are fueled by wood waste and tree chips, which are continually purchased and transported to the power plant at a cost. Biomass generation is more expensive and more at risk under restructuring. The consumer coalition's definition of "renewable resources" ultimately included hydro, all other types of renewable resources, and fuel cells that burn natural gas.

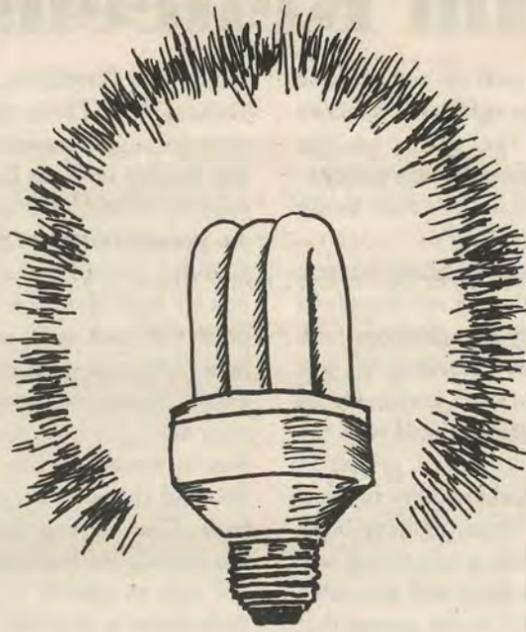
After the final version left the pen of the consumer coalition, the definition of renewables was mysteriously adjusted to further accommodate industrial interests. "Renewable resource" in the restructuring legislation now includes QFs. This means all existing QFs are defined as renewables, even if they rely on fossil fuels. Under federal regulations, QFs burning solid biomass are allowed to use fossil fuels for as much as 25 percent of the energy input. Cogeneration QFs may use fossil fuels for the entire energy input. The Utilities and Energy Committee increased the size limit for renewable resources to 100 megawatts to include one of Central Maine Power Company's dams. All existing QFs operated by IECG and IEPM members will be eligible for the renewables portfolio. Hydro-Quebec power from sources over 100 megawatts will not.

Environmentalists clearly lost the battle for a credible definition of "renewable resource" and some recognition in the renewables portfolio of the fact that not every use of renewable resources is sustainable. The Utilities and Energy Committee threw out language that would have limited hydroelectric generators to those not requiring construction of new dams. This was aimed at new hydro development by Hydro-Quebec. Also tossed was language that would have limited biomass generators to those operating in conjunction with sustainable harvesting. This was aimed at clearcutting. The Committee left in language that generators fueled by municipal solid waste be run in conjunction with recycling.

Other Environmental Opportunities Squandered

Sustainability Fund: A small wires charge originally intended by the consumer coalition to ensure the actual building of new renewable technology generation resources is now transformed to a voluntary research and development fund that must be spent at one of Maine's cash-strapped, state-run institutions of higher learning. There is no guarantee that any new renewable sources will be built with the money.

Conservation Programs: In another loss for the



Environmentalists clearly lost the battle for a credible definition of "renewable resource" and some recognition in the renewables portfolio of the fact that not every use of renewable resources is sustainable.

environment, legislators refused to follow the consumer coalition's recommendation to restore historic funding of energy efficiency and demand-side management programs. Instead, spending for these conservation programs will be at 1999 levels, despite the fact that utilities have already slashed spending for these programs to less than fifteen percent of 1990 levels.

Emissions Reduction: A separate resolution presented by the consumer coalition calling on Congress and the Governor to address air pollution issues and on utilities to engage in voluntary negotiations to reduce emissions from in state utility plants never even made it to the table for discussion. The IECG had made it clear in testimony before the Utilities and Energy Committee that mixing air pollution control with restructuring would "geometrically increase the complexity of the task of restructuring which already appears quite difficult," and Maine already "has an exceptionally rigorous system of environmental regulation, especially for air, a system quite capable of handling the environmental impacts of energy production and consumption."

Most Consumer Protections Still Unresolved

Consumers should be wary. Despite media claims by one industrial consumer spokesman that the Maine

restructuring legislation is the most pro-consumer in the nation, in reality consumer protection work has only begun. Many important consumer issues have been put on the back burner for the PUC to decide through rulemaking in the next two or three years:

- whether or not to require standard billing requirements;
- what information competitive providers will be required to file with the PUC regarding prices, supply and pricing arrangements, sources of generation, and emissions from supply sources (see sidebar);
- what information a competitive provider has to disclose to its customers;
- standards to protect consumers against fraud and unfair and deceptive business practices;
- procedures for revoking and renewing licenses of competitive generation providers; and the amount of utilities' stranded costs and their recovery.

The New Hampshire pilot program has already seen private energy giants like Enron Corporation based in Dallas (that's Texas, not Franklin County, Maine) positioning themselves to offer power that is cheap, green, or whatever the customer wants. Free marketers can be expected to make all sorts of claims about their products and services, but won't want to have to prove them. Enron and other marketers recently tried (unsuccessfully) to scuttle regional efforts to come up with a uniform "label" with price, terms, source of generation and emissions in a standard format. They can also be expected to be involved in PUC rulemakings that will decide consumer protection issues.

Perhaps the best news for ordinary consumers is that if they don't want to deal with competitive generation providers, they don't have to. Consumers will at least have these basic protections:

- consumers who do not seek or take power in the competitive marketplace will receive a standard-offer service;
- consumers may write to the Maine Public Utilities Commission (PUC) to be put on a no-telemarketing list;
- low-income programs will continue;
- customers will not lose their electric power if they have a dispute with a competitive generation provider.

Competitive generation providers must:

- be licensed by the PUC;
- give customers 30 days prior notice of termination;
- allow customers to rescind selections within 5 days;
- disclose certain information to customers within 30

Continued on page 28

What Information Should Consumers Have?

Much of the commotion surrounding restructuring concerns the ability of customers to choose their energy suppliers. A poll conducted for the Maine PUC last fall found that 85.9 percent of residential consumers in Maine believe electricity companies should have to tell customers how their electricity is generated. Over 75 percent stated they would not purchase electricity from less clean sources if the rates were 10 percent lower. Reliability and low rates topped the factors most important to customers, followed by development of energy efficiency programs and minimizing environmental impacts. With this in mind, Maine's environmental and consumer advocates pushed for specific informational disclosure requirements including the following:

- A statement of average prices at representative levels of kilowatt hour usage in the most recent 6-month period;
- A description of the average duration of supply arrangements with retail customers in the most recent 6-month period;
- An explanation whether pricing arrangements are fixed or will vary over a specified time period;
- A statement indicating percentages of electricity supply over the recent 6-month period under categories of generation, including, but not limited to, oil-fired, nuclear, hydro-electric, coal, biomass or other renewable resources and regional spot market purchase; and
- A listing of expected air emissions and a comparison of those emissions to a regional average, as determined by the commission, for nitrous oxide, sulfur dioxide, mercury, fine particulates, radionuclides and carbon dioxide, calculated for a competitive generation provider's supply sources in the aggregate over the most recent 6-month period.

The restructuring bill drafted by the Maine Electric Consumer Coalition would have required generation providers to file the above information with the PUC every six months, and provide it to each new customer within 30 days of contracting for retail service. More aggressive consumer advocates within the coalition wanted to see the information printed periodically on customer bills. In its final form, the legislation requires none of these disclosures and leaves it up to the PUC to adopt filing and disclosure requirements by March 1, 1999.

Energy Avoidance - A Message Not Being Heard

In the debate about electric utility restructuring, we sometimes lose sight of where the real problem lies. Take for example, the great potential offered by compact fluorescent light bulbs, which use about one fourth the energy of regular incandescent bulbs. For over ten years, these have been promoted as a way to help save energy and therefore the environment. How many people know that the U.S. Department of Energy recently found that all of the energy savings made by compact fluorescent have been erased by the huge growth in use of halogen torchiere lamps, those fashionable decorator lamps which use 300 to 500-watt bulbs to throw light upward toward ceilings? Just like all the efficiency gains made by cars in recent years being lost to more vehicles on the road and more miles driven per person!

Another thing most people don't realize is that every time they add an appliance with a phantom load (VCR, TV, satellite TV system, stereo, computer, dryer, battery charger, or any appliance that is perpetually "on" or has its own clock or timer), their electric usage goes up. Sometimes, the phantom load uses more energy than the appliance itself. Depending on the number of such appliances and their hours of use, phantom loads may nearly double the total electricity consumed by a household.

The FERC Dam Relicensing Process

by Jim Hourdequin

Hydroelectric dams throughout the country are subject to a Federal Energy and Regulatory Commission (FERC) re-licensing every 40 to 50 years. The process often involves intense legal negotiations between utilities, state officials, and environmental organizations. Over the past few years, dams throughout New England have been scheduled for relicensing. The Simpson Paper Company Dam in Gilman, Vermont was relicensed recently and many dams on the Androscoggin, Connecticut, and Deerfield Rivers are presently engaged in the process.

The purpose of relicensing is to evaluate the impacts of dams on water flow, flood control, and local economies. A Supreme Court ruling in the early 1980s established that relicensing must also include environmental mitigation measures to bring dams into compliance with federal water quality and environmental standards. New England Power's dams on the Connecticut and Deerfield Rivers have come up for relicensing in the past few years.

The process generally takes up to five years, but because utility restructuring requires that the dams and associated lands be sold in the next year, negoti-

ations have been sped up and are well underway. A license agreement has been negotiated for the dams on the Deerfield River although many associated land transactions are still being worked out.

On the Connecticut River, a group of stakeholders including environmental groups, community organizations, and state agencies, are working to put together an "accelerated" settlement for the dams and lands associated with the 15 Mile Falls Hydroelectric project in Littleton, NH. Stakeholders in New Hampshire and Vermont have been working to negotiate a relicensing settlement before the dams and associated lands are sold. This would ensure that the licensing agreement includes environmental and economic provisions that might not be addressed by future owners.

NEPCO's Land and Dam Ownership in NH and VT

New England Power Company (NEPCO), a subsidiary of New England Electrical Systems (NEES), owns land and dams associated with the 15 Mile Falls Hydroelectric Project on the Connecticut River. 15 Mile Falls consists of three dams—Moore, Comerford, and McIndoes Falls—

located in Littleton, Monroe, and Dalton, NH. These three dams comprise the largest conventional hydroelectric facility in New England—with a capacity of over 350 megawatts. They are presently used as "peak generating" facilities, providing power during periods of high demand for a premium price—as much as 20 cents per kilowatt hour. Although they provide a relatively small amount of power for the grid, they are right now the most efficient way of meeting minor fluctuations in demand that can occur on an hourly basis. Coal burning and nuclear facilities provide the baseline energy, but are not able to quickly respond to minor fluctuations in demand.

In addition to the dams, NEPCO owns approximately 8,000 acres of land on either side of the Connecticut River in the Littleton, NH area. Of this land, approximately 4,000 acres is considered "project land" directly associated with the dams; the remaining 4,000 acres of "non-project land" abuts the project land, but is not subject to FERC regulations. The project land is not in danger of development or damage because of FERC regulations that protect lands surrounding dams. Both project and non-project lands are primarily forest. NEPCO also owns two non-generating

dams and 2900 to 3400 acres of forest in the Connecticut Lakes Region in Pittsburg, NH. They are mostly riparian lands along the banks of the Connecticut River and the First and Second Connecticut Lakes. Champion International and the state of New Hampshire are the abutting landowners in the area, owning virtually all of the forest land above the lakes.

Ecological Impacts of Dams

Although many consider the already established dams at 15 mile falls to be a "green" source of power, they, like all major dams, have significant environmental impacts. Dams that span the width of a river impede the movement of migrating fish and alter river temperatures and flow patterns. The slow moving water behind dams alters habitat for fish, often making downstream migrations difficult.

The impacts of peak generating dams like those at 15 Mile Falls are far greater than the impacts of regular flow dams. Peak generating dams cause frequent fluctuations in water levels resulting from changing release patterns. According to Ken Kimball, Director of Research for the Appalachian Mountain Club, fluctuating water levels have significant impacts on the plant communities along the river banks and on the habitat quality for fish and wildlife. The quality of wetland habitat is diminished as plant roots are exposed to freezing during draw down periods. Loon nesting is inhibited because nests must be located near a constant source of water. And, for fish that spawn along the river banks, there is the risk that eggs will be left high and dry during draw down periods. Frequent fluctuations in water levels also disturb amphibian habitat.

According to Tom Miner of the Vermont Natural Resources Council, there are many rare and endangered species in the area around the 15 Mile Falls project. Of particular concern is the dwarf wedge mussel which has been found in the sediment upstream and downstream from the project. New England Power is presently doing an survey to determine whether other rare and endangered species—including eagle and loon—depend on project lands for habitat.

The FERC Process and Utility Restructuring

A large group of stakeholders from New Hampshire and Vermont began meeting in the spring of 1996 to discuss



Clearcuts overlook the meandering Connecticut River in Maidstone, VT. Photo © Alex S. MacLean

Restructuring

Continued from page 27

days of contracting for service (to be determined by the PUC, but at a minimum including rates, terms and conditions).

The PUC will develop a consumer education program and organize an advisory board to guide the development of the education program.

Marketing by Utilities Will Be Allowed

The PUC and the consumer's coalition recommended emphatically

against allowing existing Maine utilities to engage in marketing of competitive generation services, based on recent experiences with deregulation in the telecommunications industry. However, under the restructuring law, an existing Maine utility will be able to market up to one third of the generation services needed by customers in the utility's service territory, in addition to providing delivery of power to all customers. Restructuring is supposed to break up the vertical monopoly power of the existing utilities. Allowing marketing by existing utilities will make it extremely

difficult for regulators to protect consumers from market abuses and subsidization of the competitive operations by the regulated side of the utility.

Other Major Issues Not Settled

Stranded costs: Will utilities be reimbursed by ratepayers for all stranded costs or will they write off some losses?

Maine Yankee: Will ratepayers be liable for sunk nuclear costs in addition to the cost of decommissioning?

Securitization: Will the Legislature allow utilities to recover

from consumers all of the stranded costs through securitization, a type of creative refinancing of utility debt? This issue has been postponed until next year.

Pamela Prodan is an attorney living in Wilton, Maine, with an interest in energy and Northern Forest issues. She has participated in energy-related cases before the Maine Public Utilities Commission, the Maine Department of Environmental Protection and the Maine Land Use Regulation Commission and currently directs NARP's Renewable Energy Assistance Project.

re-licensing with NEPCO. These groups included: Conservation Law Foundation, Appalachian Mountain Club, Vermont Natural Resources Council, National Wildlife Federation, Trout Unlimited, VT Department of Natural Resources, Connecticut River Watershed Commission, Connecticut River Joint Commission, Northeast Vermont Development Association, NH Fish and Game, and NH Department of Environmental Services. All of these groups are potential FERC intervenors, meaning that they could be a party to legal challenges and negotiations in a formal FERC negotiating process.

However, legal challenges have proven to be very costly to utilities and can delay the licensing process for years. As a result, NEPCO offered all potential intervenors the chance to engage in a "collaborative effort" to craft a pre-settlement re-licensing plan.

In October 1996, the stakeholder group learned that NEPCO would have to sell off all of its non-power transmission assets—including the Fifteen Mile Falls hydroelectric dams and all associated lands. This was the result of a Massachusetts decision to de-regulate utilities. De-regulation purports to lower prices by creating a more competitive market place for consumers.

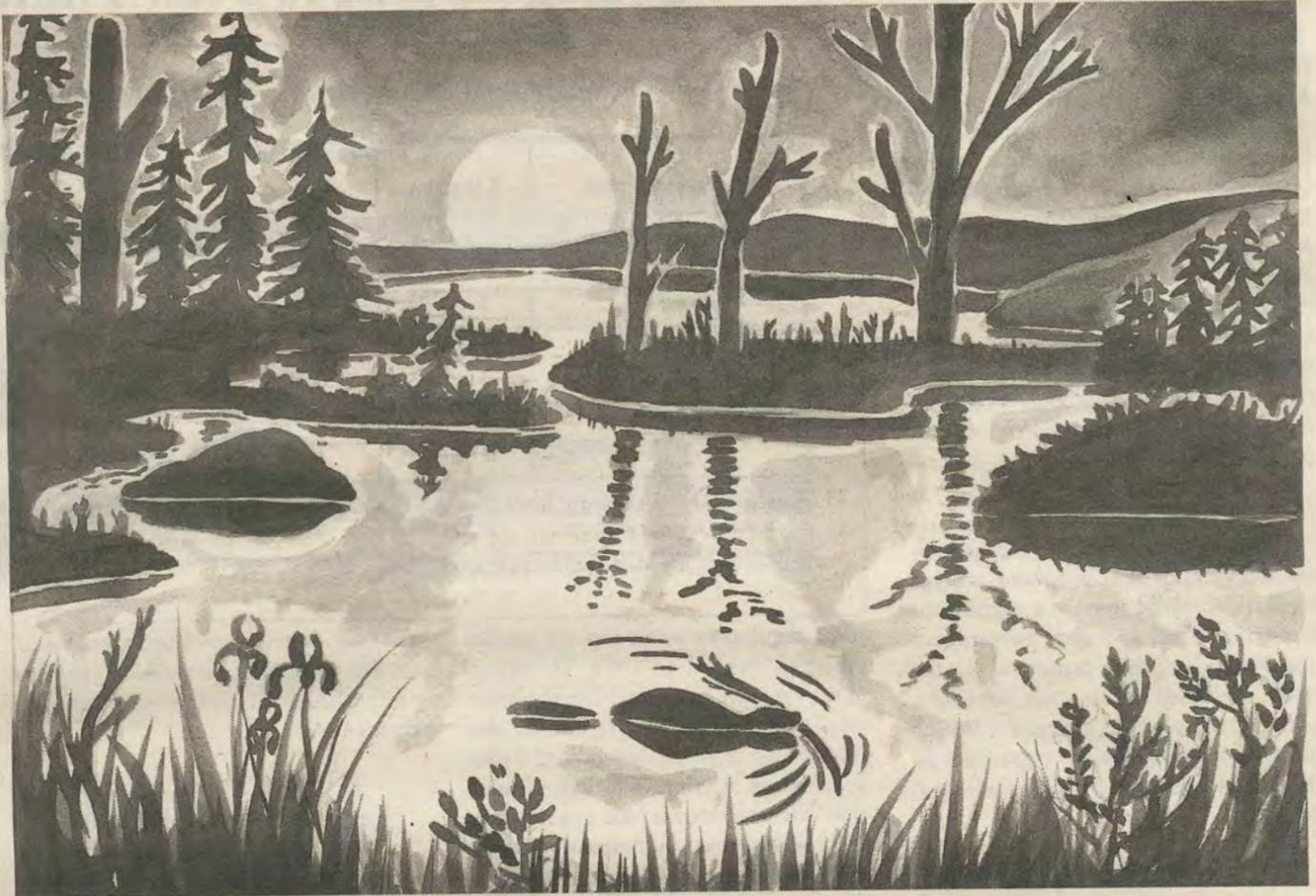
The prospect of NEPCO selling off all of its dams and non-power transmission assets changed things for the stakeholders participating in the collaborative relicensing efforts. According to Dorothy Weinstein, a North Country Council representative in the negotiations, the talks "went from a leisurely three year process to a very expedited process".

Both the stakeholders and NEPCO have been working to reach an expedited settlement on re-licensing before the dams and lands are sold in July of this year. This settlement agreement would be agreed to in principle by all of the stakeholders and would be a part of any sale to future buyers. An agreement would make the sale more attractive, potentially yielding a higher sale price for NEPCO.

The stakeholders also have an interest in negotiating a pre-settlement agreement: they are familiar with NEPCO and have established a good working relationship in negotiations in the past. A sale of the dams and associated lands without a settlement agreement could force stakeholders to engage in expensive legal challenges through the formal FERC process. The future buyers may not have an interest in environmental or local economic concerns.

While dam reservoirs provide recreational benefits to the public, it is generally recognized that further mitigation is necessary if the dams are to continue operating as peak facilities. Peak generation creates significant ecological impacts resulting from frequent water level fluctuations. The stakeholder groups have agreed not to discuss the negotiating process in public, so little information is available regarding the various settlement options.

However, it appears that some combination of three mitigation approaches will be used: 1) on site regulation of discharge rates; 2) off-site mitigation through land transactions; and 3) mitigation through tax agreements



with municipalities. In recent weeks, the stakeholder negotiations have intensified. If an agreement is reached, it will most likely be announced by mid-June.

On-site Regulation of Discharge Rates

The range of possibilities for on-site dam regulation extends from converting dams to regular flow facilities (with minimal water level fluctuations) to doing nothing and allowing the dams to operate as year-round peaking facilities. Because the Fifteen Mile Falls Dams have such a great value as peaking facilities, there is widespread agreement that neither NEPCO nor any future buyer would agree to converting them to regular flow facilities. However, there are opportunities to limit the extent and frequency of water level fluctuations—especially at times of the year when fish and wildlife are most sensitive to fluctuations.

One possibility is to restrict water level fluctuations in the spring when spawning fish are most sensitive to water level changes. Any limitation on the dams peaking power would take away some of the project's flexibility to meet demand, and could lower the overall value and profitability of the dams. However, restrictions on peaking during certain times of the year, combined with some flow restrictions throughout the year, would improve reservoir habitat and reduce the impacts that the dams have on fish and wildlife downstream.

Off-site Mitigation Through Land Transactions

While FERC regulations will protect the 4,000 acres of "project land" at 15 Mile Falls, FERC has no jurisdiction over the 4,000 acres of non-project land at 15 Mile Falls and the approximately 3,000 acres of land in the Connecticut Lakes Region. This land could be sold or developed by future buyers.

Conservation easements or state purchase agreements on these lands

would be one way to mitigate the ecological impacts of the hydroelectric dams at 15 Mile Falls. To address these issues, the Society for the Protection of New Hampshire Forests, Trust for Public Lands, Nature Conservancy, and other conservation groups and state agencies have been developing a strategy to ensure that the lands are protected if they come up for sale. However, bidders on NEPCO assets have the first opportunity to purchase these lands during the ongoing bidding process. If these lands remain available, conservation groups will work to protect them. According to Paul Doshier of the Forest Society, "It will be a scramble when the lands come up for sale." He thinks that it will be especially difficult for conservation groups to move quickly because much of the land has not yet been surveyed. In the worst case scenario, a buyer could purchase the land on speculation and then clear or develop it without regard for environmental concerns.

Mitigation Through Tax Agreements:

On-site and off-site mitigation efforts will be played out against a local interest in ensuring that the dams remain profitable and continue to provide a tax base for North Country communities. According to Dorothy Weinstein, NEPCO has been paying approximately four million dollars in taxes on the 15 Mile Fall Dams and associated lands. This has comprised 25% of the Littleton tax base, 40% of the Barnet tax base, and 80% of the tax base in Monroe. NEPCO also pays a significant amount of taxes to Waterford and Concord, Vermont. NEPCO forest lands have been taxed at their full value, instead of current use value. Taxes on the dams have been based on NEPCO's total profitability—not just the value of the dams themselves.

Under restructuring, many towns will lose some of this tax base unless mitigation efforts are put in place. The

dams by themselves will probably not be as profitable as the vertically integrated NEPCO which could simply pass costs along to rate payers. Many of the stakeholders, including Governor Shaheen's office, have been fighting to ensure that the dams remain profitable and continue to provide a tax base for North Country communities.

Conservation Law Foundation's Role

Negotiations among the stakeholders have been conducted independently of the bidding process on NEPCO's assets. However, in mid-May, stakeholders learned that the Conservation Law Foundation (CLF), one of the stakeholders, had teamed up with a power producer to bid on the purchase of the 15 Mile Fall Project. This came as a surprise to many of the other stakeholders who were not aware of CLF's role in the bidding process. While Tom Miner of Vermont Natural Resources Council concedes that CLF "had been a valuable contributor, he expressed concern over CLF's potential conflict of interest and their failure to disclose their role in bidding to the other stakeholders. In response to requests from the stakeholders, CLF has agreed to withdraw from the settlement negotiations.

A settlement agreement will no doubt be a compromise between the competing interests among the stakeholders and NEPCO. Look for an announcement of this agreement by the middle of June. If an agreement is not reached, and the dams and lands are sold, stakeholder groups will have to use other strategies within the FERC process to address environmental and local economic concerns.

Jim Hourdequin is a senior at Dartmouth College. This spring he was an intern extraordinaire with the Northern Appalachian Restoration Project, focusing particularly on herbicide issues.

The High Cost of Takings Legislation to New Hampshire Taxpayers

In February 1995, the NH and National Wildlife Federations released this fiscal analysis of regulatory takings bills, which have been proposed in the NH Legislature, other state legislatures, and the US Congress. This analysis is the first-of-its-kind in the country. The study, paraphrased here in an executive summary, was prepared by RKG Associates, a land use consulting firm from Durham, NH. Complete copies of the report and further information on takings bills are available from the NH Wildlife Federation, 54 Portsmouth Street, Concord, NH 03301; (603) 224-5953.

Executive Summary

Based on conservative assumptions, research reveals that proposed takings legislation would impose a significant burden on local and state government and New Hampshire taxpayers. In the towns examined in this study, for example, the calculations showed that the price tag for takings bills ranges from \$2 million in Dunbarton to \$8 million in Laconia.

I. Background

RKG Associates, on behalf of New Hampshire Wildlife Federation and National Wildlife Federation, has conducted a study that attempts to calculate the financial impacts of legislative "takings" proposals. During the past several years legislation has been introduced in many states addressing compensation of property owners whose land value is limited by land use and other regulations. Though many state legislatures have considered these proposals, there have been no studies to evaluate how state and local governments would be affected by a broadened legislative definition of a takings. RKG's study examines the takings bills introduced in the New Hampshire legislature and illustrates their financial consequences to New Hampshire taxpayers if passed.

Legislative takings proposals have been introduced in 43 states since 1990. Many of these bills, including some introduced in New Hampshire, require compensation in the form of taxpayer-funded payments to owners of private property regulated by state or local governments. Other state legislative initiatives would require exhaustive analyses of the financial impacts associated with

state regulatory programs on private property owners. In 1994, 86 takings bills were introduced in 33 state legislatures. Six states passed legislation that was limited in scope or modified before approval. In Arizona, a takings measure that the legislature had approved in 1992 was rejected by Arizona voters on the November 1994 ballot, reportedly due to its fiscal implications.

It is surprising then, with this increasing state legislative interest in paying property owners affected by governmental regulations, that there have been no studies designed to measure the financial impacts of takings legislation on state and local governments. While many states prepare fiscal notes for proposed legislation, the evaluation of takings bills are woefully inadequate. Often these fiscal notes simply recognize that the possible financial impact could be large, but that it is too complex or difficult to prepare an assessment of these costs. In New Hampshire, for instance, a fiscal note accompanying HB 608 in 1993 stated that the bill would have an "indeterminable impact on state, county and local revenues and expenditures."

This study is based on an evaluation of two bills introduced in the New Hampshire House in 1993 and 1994. The first bill was designed to provide taxpayer-funded payments for property owners affected by state or local land use regulations such as zoning. The second bill would have authorized the New Hampshire Attorney General to evaluate the impacts of state regulations on

private property owners and then, based on this evaluation, prepare an estimate of the financial cost to the state for compensation to owners.

II. The Cost of Takings Legislation to Communities

In order to assess the cost of takings legislation to New Hampshire taxpayers, RKG selected three representative New Hampshire municipalities for case study analyses (the City of Laconia and the towns of Bedford and Dunbarton). RKG then designed a "Takings Legislation Impact Model" (TLIM). The research showed that local regulations, which are developed with a great amount of guidance and input from New Hampshire citizens, are the same regulations that are most likely to trigger taxpayer-funded payments under takings legislation. Such local land use ordinances typically have the greatest effect on land values.

RKG's model, which incorporated a very conservative methodology, showed that takings payments would have a significant fiscal impact on New Hampshire municipal budgets and tax rates. The calculations revealed that the price tag for takings bills ranges from \$2 million in Dunbarton to \$8 million in Laconia. These figures are based on the assumption that takings claims will be made for only 2% of the vacant developable land in each community. The costs to communities revealed in these case studies do not account for 98% of each municipality's vacant developable land.

In order to evaluate the effect of these takings payments on Laconia, Bedford and Dunbarton, Table A compares them to the communities' budgets. As Table A and the accompanying bar graph demonstrate, takings payments would consume from 21% to 118% of each community's total annual budget. These calculations assume that the communities would make the takings payments over a period of one year. Based on these figures, it is clear that takings payments would exceed the expenses for any of the other major items in each community's budget, excluding education.

Even if compensation payments were phased over a five year period, the case study communities would incur average budgetary impacts of 4% to 25% annually. At a time when most communities are passing tax freezes or level funded budgets, this would appear to be an unmanageable cost.

Figures 2-4 identify the additional burden of takings claims on annual budgets, assuming that such claims are paid over a five year period.

Another way to evaluate the impact of takings legislation on communities is to calculate the annual change in local tax rates that may need to occur in order for communities to cover the costs of takings payments. It is difficult to make broad assumptions regarding how communities will ultimately finance takings payments. However, RKG has assumed that takings claims will be financed through a combination of service cuts and increased taxes.

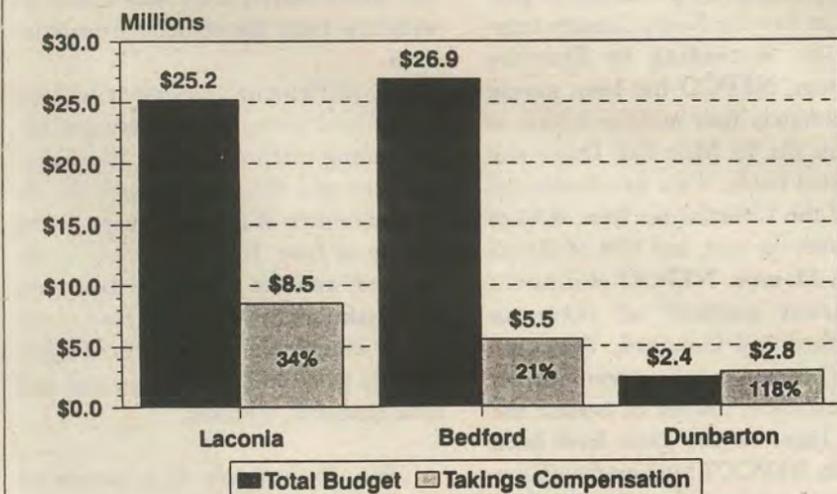
Table A - Comparison of Total Takings Payments to Local Budget Items (1993-94), Case Study Communities

Major Budget Item	LACONIA	% of Total Budget	BEDFORD	% of Total Budget	DUNBARTON	% of Total Budget
Education	\$13,085,000	52%	\$17,390,696	65%	\$1,831,679	76%
Public Works	\$1,335,376	5%	\$1,907,989	7%	\$234,275	10%
Police	\$1,823,837	7%	\$1,465,979	5%	\$22,725	1%
Fire	\$1,566,462	6%	\$831,897	3%	\$54,842	3%
Other Funds	\$7,392,270	29%	\$4,088,463	15%	\$263,637	11%
TOTAL BUDGET	\$25,202,935	100%	\$26,872,040	100%	\$2,407,258	100%
Estimated Takings Payments	(\$8,533,002)	34%	(\$5,533,064)	21%	(\$2,830,792)	118%

Source: Town Budgets, 1993-94 and RKG Associates, Inc.

Estimated Impacts of Takings Legislation

Takings Claims as a Percent of Total Budget

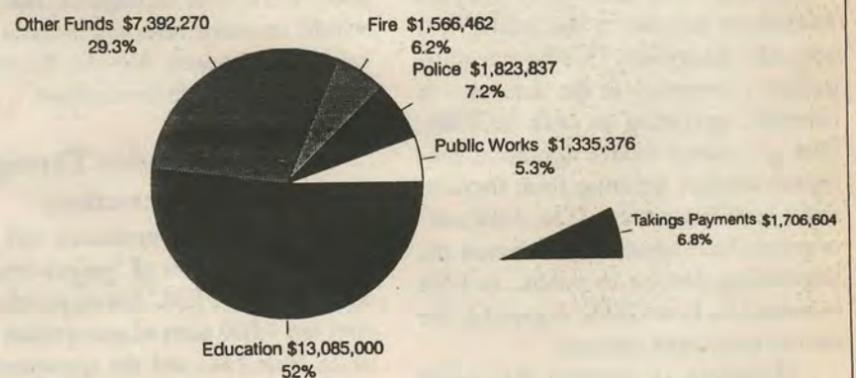


Source: Annual Financial Statements and Budgets and RKG Associates, Inc., 1994.

Figure 1: The estimated impacts on annual budgets range from 21 to 118 percent. The town of Dunbarton would be least able to absorb the impact of takings claims, as the total would exceed the town's annual budget appropriations.

Average Annual Takings Claims as Compared to Local Budget Items

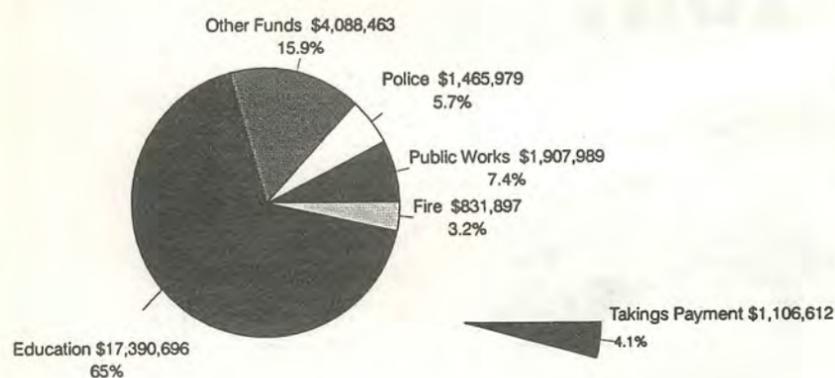
City of Laconia (1993-94)



Source: Local Budget Reports (1993-1994) and RKG Associates, Inc. and

Figure 2: In Laconia, takings payments would be greater than the costs of the fire department and the public works. They would increase public expenditures by \$1.7 million a year for five years.

Average Annual Takings Claims as Compared to Local Budget Items Town of Bedford (1993-94)



Source: Local Budget Reports (1993-1994) and RKG Associates, Inc.

Figure 3: In Bedford, takings payment would be greater than the costs of the police department. They would increase spending by \$1.1 million a year for five years.

RKG's findings, illustrated in the Figures 5-7, show the increased tax rate that would have to be paid for \$1000 of assessed value of property to finance takings payments. The calculations assume a combination of service cuts and increased taxes. Over a six year period, taxes on a typical \$100,000 home would increase by \$491 in Laconia, \$277 in Bedford, and \$1,439 in Dunbarton.

The budgetary consequences and the effects on New Hampshire tax rates and service levels explored in RKG's case studies were based on the "Takings Legislation Impact Model." The model is designed to measure differences in the economic value of land that occur under different sets of land use regulations. This difference in land value provides a basis from which to estimate possible takings payment claims.

The TLIM incorporated a very conservative methodology. RKG's calculations are based on only 2% of the vacant developable land in each community. Also, the model only addresses the impact of density controls under community zoning ordinances and setback regulations from waterways under state and local conservation ordinances. It did not look at other local ordinances that are likely to trigger takings payments such as site plan reviews and subdivision regulations.

III. Budgetary Impact to State Government

In addition to studying the impacts of takings legislation on New

Hampshire communities, RKG examined the statewide administrative impacts and associated costs of takings proposals. In order to determine the annual budgetary impact to state government, RKG approximated how many state actions per year would trigger the requirements of takings bills. These estimates were based on representative numbers of rules changes and new laws that are implemented in New Hampshire in a given year. RKG then evaluated the staff time and resources that would be necessary to complete the required takings assessments.

RKG's calculations estimated that the total cost to state agencies could range from \$269,800 to \$2,772,600 per year, depending on whether services are provided by in-house staff or outside consultants. It should be noted that these figures do not include the cost of litigation that could result from challenges to state agency takings determinations.

IV. Conclusion

This study attempts to provide a better understanding of the fiscal impacts of legislative "takings" proposals. While many states have considered takings bills, evaluations of the financial effects of these proposals on state and local governments have been inadequate. Based on conservative assumptions, RKG's research reveals that proposed takings legislation would impose a significant burden on local and state government and New Hampshire taxpayers.

Opportunity in Small Scale Wind Power

(A longer version of this article originally appeared in *Tranet*, a Rangely, ME newsletter of alternative and transformative movements.)

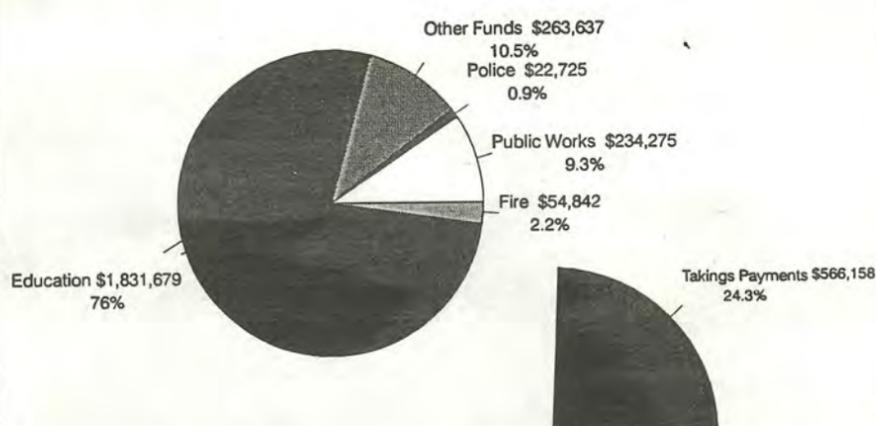
Alternative energy, as envisioned by the corporate giants, alienated those most anxious to see it succeed. As scenic passes in California sprouted thousands of windmills, deserts spawned huge solar cell arrays, and industrial-scale biomass plants promoted whole-tree chipping in forests already over-stressed, environmentalists found traditional battle cries sticking in their throats.

Sow small windfarms across the landscape and you will reap more efficient use of existing power lines. Concentrate them in one spot and your lines to that area will be over- or under-used, depending on the weather.

If the bottom line is your top priority, you will crowd a lot of windmills onto your windiest sites. Power output varies with the wind speed cubed, so your best commercial bet is to jam as many turbines as possible onto those few sites with consistent strong winds. But this bottom line mentality is not taking us closer to wide use of an under-utilized resource. Peppering wild mountain passes with windmills invites sneezes of opposition.

(Alan Morse is a freelance writer, editor, teacher, woodworker, snow shoveler, and land-locked oceanographer in western Maine.)

Average Annual Takings Claims as Compared to Local Budget Items Town of Dunbarton (1993-94)



Source: Local Budget Reports (1993-1994) and RKG Associates, Inc. and

Figure 4: In Dunbarton, takings payment would be greater than the costs of the police department. They would increase spending by \$566,158 a year for five years.

Other states may elect to conduct similar studies of takings bills in their own state legislatures. While the methodology established in this study could be replicated in other states, RKG cautions that the findings of this analysis are relevant to the case study communities in New Hampshire. Hopefully, this effort in New Hampshire will generate additional research and discussion of the merits of takings legislative proposals around the country.

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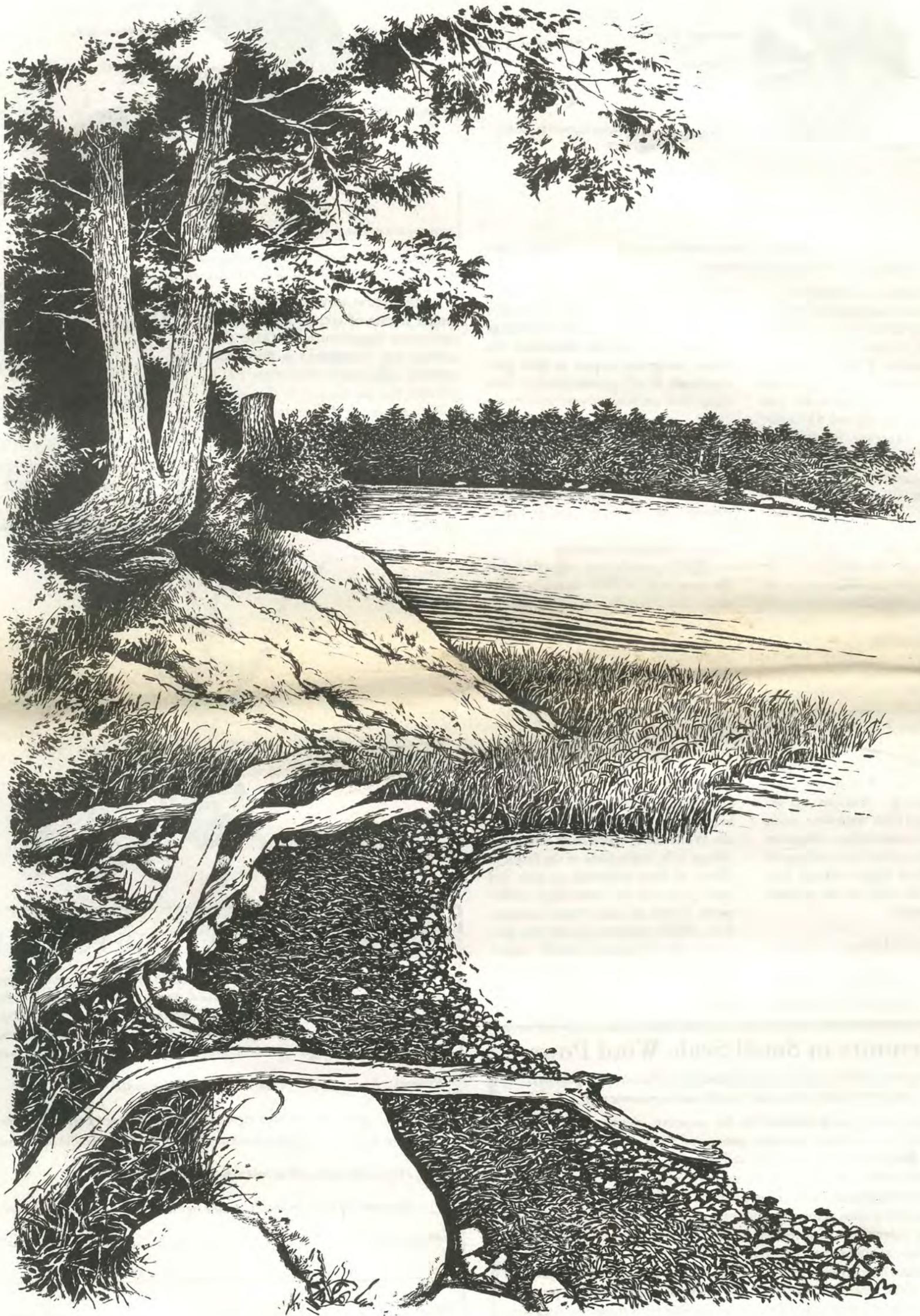
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