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The Northern Forest Forum

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NEGOTIATIONS FOR WHITNEY ADIRONDACK LANDS INTENSIFY (see page 9)

12,000-ACRE MELLON TRACT IN EASTERN MAINE GIVEN TO STATE (see page 12)



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& Introducing

MAINEOPOLY

A Game for Clearcutters & Tree Huggers

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Start the Revolution Without Me, or, Confessions of a Menshevik

The editor emeritus of this publication, Jamie Sayen, and I frequently exchange analysis of contemporary events through the lens of the pre-Civil War United States, and pre-Revolutionary Russia. The discussion generally involves questions concerning the nature of Liberalism, Conservatism, Moderation, Radicalism, and Progress. What we both find—perhaps “recognize”—in the soup of energies abroad today, is the unfolding of another revolution, or at least a revolutionary dynamic.

Lenin supposedly said that true revolutionaries do not concern themselves with the “day after the revolution.” In that case, *The Northern Forest Forum*, its writers, and the message we have sought to convey, cannot be truly revolutionary. For, collectively, we are indeed less concerned with the over-turn of institutions, the smashing of the ruling paradigm, with destruction, than we are with the basic necessities of a sustainable mode of life here in the forested region of northern New England and New York.

A few years ago, in the glow of a Desert Storm victory, George Bush proclaimed the end of the “Vietnam Syndrome.” Bush was, of course, deposed, largely because he was considered patrician, and out-of-touch with the people. Recent events in the region of the Northern Forest do suggest the potential, in fact, for basic rifts in understanding that, for those with memories of Vietnam, are highly reminiscent of a society out of touch with itself.

In August, here in the North Country of New Hampshire and Vermont, a gunman decided he'd had enough of various figures of authority. He went on a rampage, killed four of them and wounded more. After his own death in a gun battle with police, his home place was discovered to harbor

explosives and bombs sufficient to destroy much more than he did. The man's grievances involved issues of property and the infringement of authority upon property—“infringements” taken as a matter of course, and of self-government, by most citizens of this area.

To some who share this man's hatred of authority, he may become a hero, or perversely justified in his deeds, glorified for how far he got. However, to those of the area who knew the victims of his rage, and knew them for their humanity, as well as respecting them for their office, there is no such possibility. He was no hero, and he died for no principle.

We have grown up as a nation with the Lockean idea that government exists by the consent of the governed;

that this contract may be severed. Lincoln, faced with the multiple social ferments of his day, long wrestled with his commitment to democracy and the Constitution. What he arrived at was the conviction that the people, like any individual, must, in expressing their will, ground it in great moral cause. Of those who would raise a violent revolution on the basis of property rights, separate from any consideration of social well-being, the rest of us must wonder, what would life be like in this republic the day after the revolution?

The Chore of Government

It is a curious thing to be involved in saying what government “ought to do.” It is a frustration to be up against government doing what it ought not. It is a complex matter to be pursuing cul-

tural and social good. It is a subject of great debate whether, with respect to logging practices or wilderness and public land, government ought to be involved at all. Complicating the matter is the modern American feeling, here among unparalleled material abundance (and crap), that government is corrupt, money runs the show, and the individual is subject to increasing loss of liberty. Yet if we are to survive as a democracy we must, as the Buddhists might put it, act as if we had one.

Having been somewhat involved in Vermont's cutting debate, I can add that there is a leavening of anger, rage, and conspiracy-paranoia to modern discourse. For moderates, there is no comfort, especially when they know that most of our problems are not addressed radically, at the root, but symptomatically—how to palliate the people while not endangering the accumulation of wealth.

However, ignored problems multiply. Extremists do not make revolutions. The intransigence of power does.

We are a democracy, committed to a Constitution, and committed to our historical directive of government of, by, and for the people. We are dedicated to somehow plucking out of chaos the blessings of liberty. Surely these must include, for the sake of the individual and society, a sustainable, human-scaled economy, a connection to the land, a celebration of wilderness. At the very least we ought to be able to discuss them so that we can achieve them in a democratically-acceptable manner.

As Americans, we are doomed to optimism. Playwright Arthur Miller once wrote an essay comparing the Revolution of the 1930s with that of the 1960s. Among his many excellent points, he concludes:

By 1949, a thirties man would never know there had existed, but a few years before, a movement for social justice so loud and so pervasive—the word society itself had become suspect by [1949]. But in ten years more justice was the issue again, and the blacks this time were awake. It was simply that the invention of the thirties had been absorbed, and it is the same procedure now, when the country has both rejected and digested the sixties idea. And that may be why, in my case anyway, a return from abroad to this country is always a faintly surprising experience of hope. It does keep changing here, it does go on with the blind, blundering search, which is not the case in most other, completed places. Evidently, we are not fated to be wise, to be still in a contemplation of our cyclical repetitiousness, but must spawn new generations that refuse the past absolutely and set out again for that space where evil and conflict are no more.

It will not come and it is coming.

—Andrew Whittaker

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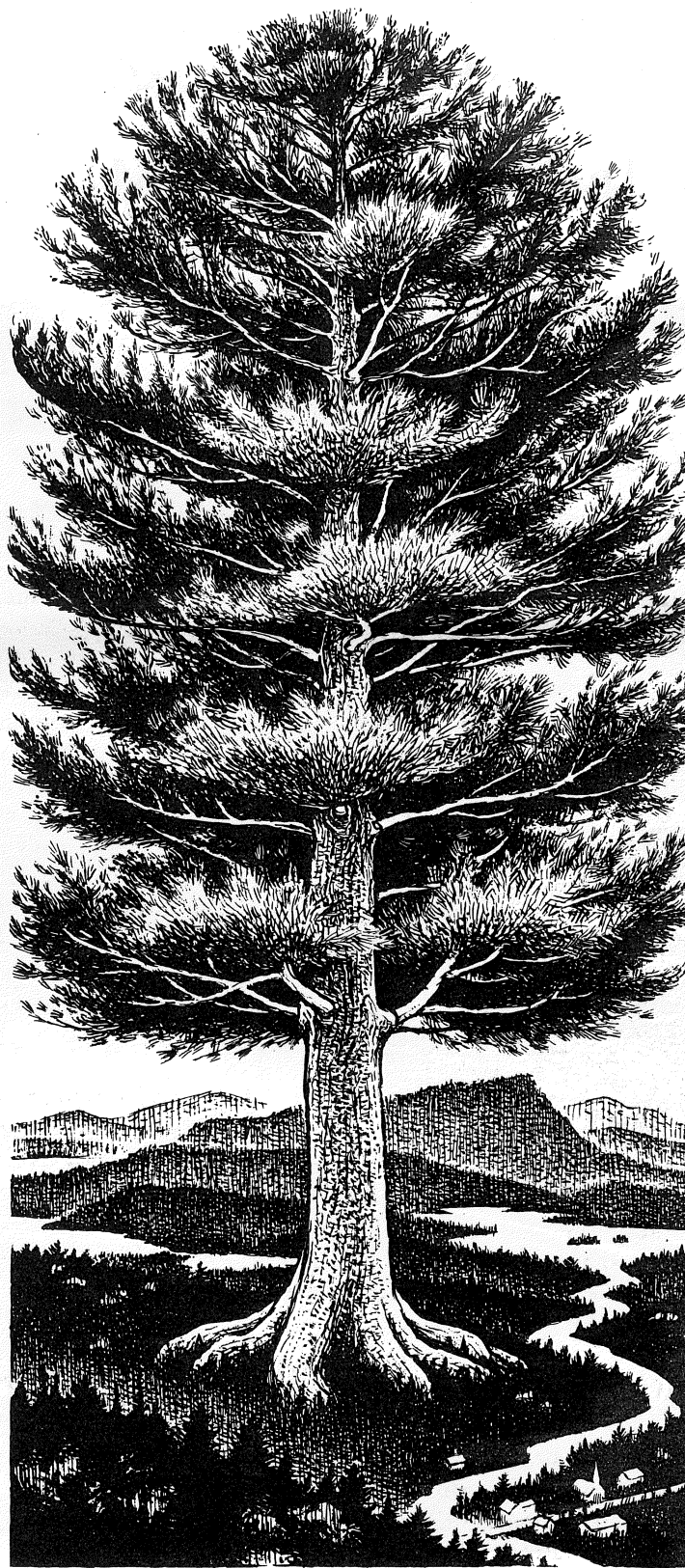
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The misguided gunman whose mad conception of property rights drove him to wantonly waste and destroy the precious lives of others was himself killed at the foot of several large white pine trees near the site of springs sacred to the Abenaki people. Several people who grew up near the springs feel that the gunman's presence did not desecrate the place, but that the power and presence of the place symbolized in the commanding nature of its over-story pine, instead drew his malevolence in, to a place it could be neutralized.

Illustration Credits

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- Pam Prodan—pages 6, 7
- Sue Szwed—pages 5, 12
- Sally Wellborn—Back Cover

In Memory of Janet Engle Cormier

Janet Cormier's cancer ended a wonderful trip she and her husband Dave were taking to Alaska. Instead, she had to come home to face hospitals and invasive therapies. She did not face her cancer passively; she initiated her own changes in diet and lifestyle to fight the disease from the inside. The result was that she was having ups and downs in health and energy. Some of her lows were scary—but then she would miraculously rebound.

When we planned the May 3rd conference on Low Impact Forestry in Ellsworth, we knew we could not plan to have Janet. We all felt that she, a soil scientist who had done recent research on Best Management Practices, would be a perfect fit. We made sure that one of her colleagues on her project, Alan Kimball, would be there to present their work.

I was surprised and delighted when Janet called just before the conference to tell me she was feeling much better and that she would attend the conference. Was Janet really beating cancer? I sure hoped so. I did not think she would actually make a presentation, but I knew she would enjoy being there.

Janet, wearing an impressive wig to cover up hair loss from chemotherapy, did make a presentation at the conference. Participants in their comments gave her high marks. Dana Marble, a logging contractor for several decades, told me hers was the best presentation for him. He learned new and useful



information—something he did not expect from a conference. Janet's information was practical and understandable. Not all scientists have such a knack of communicating their work.

Several days after the conference Sue and I got an enthusiastic letter from Janet. She said she was thrilled to have gone to the conference, but now she was now feeling weak. Her doctors were concerned about her liver. But she was determined to keep fighting.

Little did we know that this was a down from which she would not bounce back. While she still had hope, she fought for life. When the cancer entered her liver, she realized that the cancer had won. She accepted the inevitable and ceased treatments. She

died at home, on June 23rd, just seven weeks after the conference.

Janet's classmates from high school wondered what they could do in her name. At Janet's request, they are contributing to a fund going to the Low-Impact Forestry Project. Janet's participation has made us all much more aware of the importance of protecting soil and water from severe impacts. It is our intention to put that awareness into practice. We have, unfortunately, lost our teacher on the subject—our teacher and our friend.

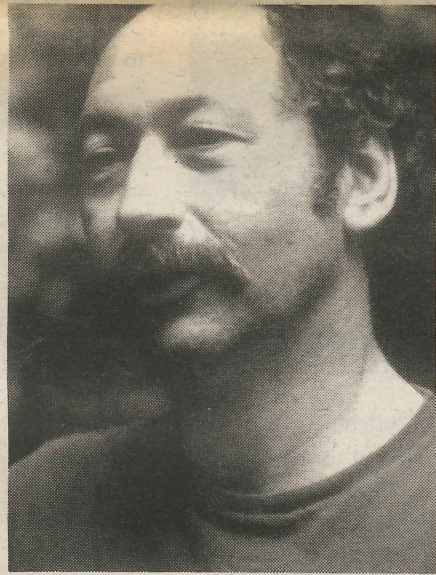
The Low-Impact Forestry Project extends its sympathies to Dave, to Janet's family, and all her friends.

—Mitch Lansky

Lowell Krassner Memorial Forest Gathering September 25-28

(from the Sierra Club)

Lowell Krassner was the heart and soul of the Sierra Club Northern Forest Campaign and the Vermont chapter of the Sierra Club. Lowell was the "activist's activist." His clear insight and understanding of the process and the political game made it easy for others to understand the big picture and follow his leadership. Chris Ballantyne, long-time friend and fellow activist said that "Lowell was known for his uncanny ability to pull together activists around kitchen tables and hammer out creative strategies for land and forest protection." He was just as effective in the "Vermont kitchen table campaigns" as he was in the halls of Congress, fighting for the Northeast wilderness that he so dearly loved. His many successes include: the Vermont Wilderness Act of 1984, the Sierra Club intervention in Appalachian Trail/Killington Ski Area



issues, and being the Sierra Club voice for the original Green Mountain National Forest Plan.

This Forest Gathering is in the spirit of Lowell Krassner . . . We will

focus on two major issues in the Northern Forest: Air pollution impacts on the Northern Forest and proposed wildlands within the Forest. We hope to educate and train you, our concerned forest activists and leaders, to have a passion for right and wrong, a sincere commitment to community and doing your homework, too. Finally and most importantly, we want to appeal to your sense of humor to keep us all sane in the long haul to protect the Northern Forest!

Lowell, we miss you! Thank you for your guidance . . .

The Lowell Krassner gathering includes field trips, talks by local activists and technical experts, and opportunities to visit. The full weekend costs only \$100; workshops are \$25/day. For more information call Baret or Chris at the Sierra Club Regional office: 518-587-9166.

Wolf Recovery Workshop Offered by Antioch Oct. 25

The Antioch New England Graduate School of Keene, NH is hosting a wolf recovery workshop on Saturday, October 25, 1997, in celebration of the second annual New Hampshire Wolf Awareness Week. (The first Wolf Awareness Week was established by proclamation of New Hampshire Governor Merrill in 1996. Governor Shaheen will sign a similar proclamation on September 1, 1997.)

Sponsored by Wild Canines

Unlimited and Antioch, the day long conference features keynote speaker and wolf researcher Dr. Fred Harrington; panels and presentations addressing wolf re-introduction, natural recovery, and wolf advocacy, with particular reference to the Northern Forest region. An evening of art, music and theater centered on the wolf will also feature wolf biologist Mike Jimenez, photography by Jim Brandenburg, and performance by Heather Henson, daughter of the puppeteer Jim Henson, as well as a live

appearance by Mission:Wolf.

The full conference costs only \$45 but registration must be completed by October 1st; seating is limited.

For registration information please contact Conference Director Wendy Van de Poll (also of Wild Canines Unlimited) at Antioch New England Graduate School, 40 Avon St., Keene, NH 03431-3516 Tel. 603-357-3122 ext.249 E-mail wvandeppoll@antiochne.edu. Wolf conference website: www.antiochne.edu/NHwolf/

Congress Fiddles with ISTEA - Lobby Now

All bicycle boosters and running-walking-blading advocates should use the present opportunity to lobby Congress to save funding for bicycle and pedestrian facilities in the nation's major transportation law, the Intermodal Surface Transportation Efficiency Act (ISTEA).

ISTEA provides for nine different transportation programs. In July, the House and Senate passed transportation bills of about \$42 billion. The '98 appropriations bill will be negotiated in a Senate-House conference committee in September.

ISTEA will determine which portion of funds goes to bicycle, pedestrian and eco-transit causes in programs titled Enhancements, Congestion Mitigation/Air Quality (CMAQ) and Surface Transportation.

But there is always a risk, in the conference committee, that opponents will succeed in cutting the funding that benefits cyclists and others. Therefore, eco-transit advocates favor the "ISTEA Works" S. 586, introduced by Sen. Moynihan and Rep. Susan Molinari. NEXTEA, S. 468, also is supported.

But serious threats are in S.335 ("STEP 21"), introduced by Sen. Warner, which would threaten the multimodal and local control of ISTEA spending. Bicyclists and pedestrians should also oppose "STARS 2000," S.532, from Sen. Baucus, which cuts CMAQ and lets states spend more on new highways instead.

Supporters of a balanced transportation policy should write local newspapers and their Congressmen today in support of ISTEA. For more information: Tel.: 1-888-GOISTEA (888-464-7832) or 1-800-288-2453 or e-mail: goistea@aol.com; Bikes Belong! at: www.outdoorlink.com/bikes-istea; or Pete McCall at 202-947-5149 or Charles Gandy at 512-756-4213.

—Submitted by Austin G. Paulnack, member of the Onondaga Cycling Club.

CRWC Spearheads American Heritage River Designation Drive for the Connecticut

The Connecticut River Watershed Council is coordinating a drive to have the Connecticut River be one of 10 rivers that President Clinton will nominate for American Heritage River Designation. The designation would make local initiatives to conserve and restore environmental, cultural and historical resources and support heritage tourism in the Connecticut Valley eligible for federal funds.

The Watershed Council encourages letters of support from "groups, organizations and institutions" to be sent them by **September 15!** The Council also welcomes your participation in the nomination effort. If you wish to join, or write a letter, please call the Council at 413-529-9500.

Historic Forest Protection Legislation Advances in the U.S. House & Senate

This summer, Robert Torricelli (D-NJ) introduced in the Senate the most comprehensive forest protection in the United States' history. The *Act to Save America's Forests* (S. 977) would protect forest biodiversity by banning clearcutting on federal lands and ending logging and road-building on millions of acres of core forest areas nationwide.

"This Senate's going to have a very clear choice," said Torricelli. "Twenty years of clearcutting forests can end with a simple vote in the United States Senate."

Earlier this year in the House of Representatives, Anna Eshoo (D-CA) and Carolyn Maloney (D-NY) introduced a companion bill (H.R. 1376) which already has more than 60 co-sponsors.

The *Act to Save America's Forests* is "the first federal legislation in history that would halt and reverse deforestation in the United States," said Carl Ross, director of the Save America's Forests coalition. After centuries of logging, less than 5% of this country's billion acres of original forests remain standing, with only 1% of the original forests remaining in large blocks in the lower 48 states. "This is the last chance to save these forests," said Rep. Maloney.

The introduction of S. 977 comes at a critical time

for the forest protection movement, since Senator Larry Craig (R-ID) supports legislation which would suspend environmental laws on the national forests. Craig was the leader of a group of pro-timber members of Congress who succeeded in passing the "timber salvage rider," an amendment to a 1994 appropriations bill which suspended all environmental laws on the National Forests for nearly two years. Craig's new bill would make the terms of the salvage rider permanent.

Torricelli's bill serves as the environmental alternative to Craig's. "For the first time we have a leader in the Senate who is willing to challenge Craig head on," said Save America's Forests co-director Mark Winstein. Torricelli has promised to bring S. 977 to the floor of the Senate for a vote, forcing each Senator to take a position for the record.

"The *Act to Save America's Forests* represents a 180-degree turn from the federal government's current approach to managing federal forests," said Rep. Eshoo. "Instead of encouraging federal agencies to continue looking for ways to sell off this nation's natural heritage at below-market prices, it requires them to preserve and enhance forested areas for future generations."

Based on the principles of conservation biology, the *Act to Save America's Forests* places "core areas" of biological diversity off limits to logging and roadbuilding and only allows ecologically sustainable "selection logging" outside the protected areas.

Among the core areas protected by the bill are the Ancient Forests of the Pacific Northwest, where thousand-year-old trees are home to the endangered spotted owl and where streams provide habitat for declining salmon stocks. These Ancient Forests were open to some logging under Clinton's forest plan, but the salvage rider forced even more cutting in these areas, placing many species in danger of extinction.

The bill also protects roadless areas that are greater than 5000 acres in size in the West and those greater than 1500 acres in size in the East. Having experienced relatively little human impact, these areas represent some of the last places in this country that are truly wild. They are key habitats for numerous species of animals and plants.

Finally, the bill ends logging in more than 100 "special" forest areas which have great importance for the protection of biodiversity, especially in Eastern forests. Most of these areas have been logged or roaded and therefore do not qualify for protection as roadless or Ancient Forests. Nevertheless, they are rich in native forest species and critical to protecting local forest types and habitats, ranging from the giant sequoias of California to black bear habitat in Vermont. Selection for inclusion in the bill was based on information from scientists and local forest protection experts across the country.

Among the special areas protected by the bill are three in the Green Mountain National Forest: the Robert Frost Mountain, Lamb Brook, and Glastenbury Areas, with a total of 49,000 acres. They provide important habitat for sensitive species such as mountain lion, black bear, pine marten and interior-dependent species of songbird.

On all national forests, the bill makes protection and restoration of native biodiversity the primary goal of federal forest management practices. It outlaws the planting of tree farms and requires the Forest Service to either actively restore native species or allow natural succession to re-establish native ecosystems.

"Scientists and activists have been waiting for years for legislation that's scientifically valid, ecologically comprehensive, and politically achievable," said Save America's Forests legislative coordinator Eric Goldsmith. "That legislation has finally arrived."



This clearcut is from the Mountain Pond South timber sale near Mountain Pond in the town of Chatham, NH in the Saco Ranger District of the White Mountain National Forest. Photo © David Carle.

Green Mountain Forest Watch Challenges Clearcuts On Remote Areas of Green Mountain National Forest

The Brattleboro based conservation organization Green Mountain Forest Watch is challenging what it calls "rampant and illegal" clearcutting by the US Forest Service of in areas of the Green Mountain National Forest set aside in the Forest Plan to protect their unique remote character. According to the Forest Plan for the Green Mountain National Forest, these areas of the Forest areas were designated as Management Area 6.2a in order to provide 'semi-primitive recreation', 'an opportunity for solitude and a feeling of closeness to nature' and, 'for animals which are intolerant of the sights and sounds of people'.

But according to Mathew Jacobson, Executive Director of Forest Watch, "since the signing of the Plan, the Forest Service has been systematically logging these remote areas, using clearcutting and shelterwood clearcutting (clearcutting in two stages), in complete disregard for the wishes of the public, the agreements made in the Forest Plan, and the laws which mandate that the Forest Service honor those

agreements.

"Management Area 6.2A is just about the highest level of protection given to any areas in the Forest Plan. These areas were often designated as buffer areas around Wilderness and to protect other remote areas for 'solitude, a feeling of closeness with nature, primitive recreation, and wildlife species intolerant of human disturbance'. Now the Forest Service is clearcutting the areas they promised to protect, closing down trails and destroying remote habitat. Once again the Forest Service is demonstrating that they have no regard for the law, the land, or the public they supposedly serve."

According to Green Mountain Forest Watch, "We're still working on the exact figures, but it appears the Forest Service has clearcut thousands of acres of these lands."

The most recent clearcutting proposals in MA 6.2A are

- The Moss Glen Timber Sale near Rochester, Vermont, with cuts adjacent to the Breadloaf Wilderness
- The Burnt Hill Timber Sale near

Middlebury, Vermont, also with cuts adjacent to the Breadloaf Wilderness

- The Utley Brook Timber Sale, near Peru, Landgrove and Londonderry Vermont, with cuts adjacent to the Peru Peaks Wilderness.

According to Forest Watch, while some logging in MA 6.2A is clearly permitted by the plan, it must be "in harmony" with the greater objectives of the area. This industrial scale clearcutting directly contradicts the promises of the Plan.

On Thursday, August 7, Forest Watch appealed the Moss Glen Timber Sale, which included 87 acres of shelterwood clearcuts adjacent to the Breadloaf Wilderness on the Rochester District of the Forest.

According to Economic Report of the President this year, recreation on our National Forests accounts for 85% of the Forest Service contribution to the gross domestic product, and generates more than seven times the income and employment of all extractive pursuits on the National Forests (timber harvesting, grazing, and mining) combined.

According to The Economic Importance of Vermont's Forests, a study commissioned by the Natural Resource Commissioners of Maine, New Hampshire, New York, and Vermont, nearly four times as many jobs are created in Vermont by forest-based recreation than by wood-based extraction and manufacturing, and the State of Vermont generates fifty-four times more revenues from forest visitor expenditures than from timber receipts.

"The Forest service isn't creating jobs with this logging, these forests create far more jobs standing than on the back of a logging truck. This is not a case of the environment vs. the economy - this is a case where the Forest Service is sacrificing both in order to pad their own budget."

For further information contact:

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Preserving Family Forests or Pursuing Corporate Tax Breaks?

by Brian S. Dunkiel

While regrouping after a long push for the inclusion of tax laws that would benefit the environment as part of the federal budget reconciliation bills, some information that might interest the readers of the Northern Forest Forum was brought to my attention. During the budget debate on taxes, there were several occasions when tax lawmakers in the Senate referred to the tax provisions contained in the Family Forest Preservation Tax Act of 1997 (FFPTA)—Senators Leahy and Gregg are co-sponsors. The legislation is built upon recommendations made by the Northern Forest Lands Council.

FFPTA seeks to use favorable tax laws to provide incentives and assistance to timber growers either to maintain land in timber production (rather than develop it) or to preserve it as unharvested forest by permanently protecting it with a conservation easement. The bill's components include favorable estate, capital gains and income tax treatment for private landowners.

The Congressional Research Service (CRS), a non-partisan research service for lawmakers, reviewed the legislation, and came to some frightening conclusions. The CRS review is outlined in a January 29, 1997 memorandum, and its conclusions ought to concern those interested in protecting the Northern Forest from unsustainable logging.

The CRS memorandum concludes:

[T]he bill implies several perhaps incompatible goals. Two sections (101 and 202) serve to reward owners who take timber out of production; two (102 and 203) could serve to reduce taxes for owners and their families who continue growing, although not necessarily harvesting timber; and one section (201) by far the most important in reducing taxes, rewards the harvesting of timber . . . But since the largest incentive by far in the bill is for cutting timber, it could possibly serve as more of an incentive for immediate harvesting of current forests than for the creation or preservation of future forests.

For full disclosure, Friends of the Earth has supported variations of this bill, including using estate, capital gains and income tax breaks to reward land owners for permanently protecting land, especially land that has imperiled, threatened and endangered species habitat. However, our support for pro-environment tax incentives stops before they amount to little more than hand-outs to wealthy corporations. The FFPTA, as the CRS memorandum



The Gregg bill's capital gains provisions would treat all landowners equally. But three distinct patterns of ownership shown in this picture—small family farms (dark foreground), paper company land (scraggly middle ground), and liquidator's speculation (clearcut in distance)—suggest that not all landowners view the forest as a long-term investment. Photo © Alex S. MacLean—Landslides.

indicates, is overwhelmingly a huge potential tax handout to large corporate timberland owners.

FFPTA, Section 201 is where the huge taxpayer giveaway originates. Section 201 provides for a sliding scale taxable income exclusion for capital gains from the sale of timber. In other words, its rewards cutting and selling of timber by allowing sellers to keep more of their proceeds. This might be acceptable if sellers were cutting their own timber, and not timber on public land.

Under Internal Revenue Code definition of capital gains, timber companies would benefit greatly from this tax break even when they do not grow their own trees because capital gains includes timber harvested on contract from national and state forests. That's correct, the FFPTA would extend the favorable tax treatment to sales of timber cut on our nation's public lands thereby further rewarding the unsustainable stewardship of national forests. This giveaway could be largely avoided by limiting the availability of the capital gains tax break to small operators of family holdings.

The cost of this tax legislation in the form of lost revenue to the federal government has been partially researched by the Joint Committee on Taxation (JCT). Interestingly, JCT has been only able to put a price tag on the provisions that would benefit smaller landowners, and has been unable to provide estimates for the more expensive tax breaks which largely benefit the large corporations.

It is promising to see more consideration given tax laws as a tool to protect the environment. But because most conservation organizations have relatively little experience with and credibil-

ity on tax policy we ought to proceed with caution. Certainly before the conservation community backs a tax law some basic questions ought to be asked, such as:

- Who benefits from the tax law?
- How much does it cost?
- What incentives does the tax law create?
- Are these incentives consistent with long and short-term environmental goals?
- How long does the tax break last? Once a tax break is enacted, its often

difficult to eliminate. The billions of dollars in tax breaks for wealthy oil and gas corporations enacted decades ago is proof of this fact.

- Is the tax incentive an effective method at accomplishing its intended purpose? Are more effective tools available to achieve that purpose?

Brian S. Dunkiel, an environmental attorney, works for Friends of the Earth on reforming tax policy and other alternative conservation tactics from Burlington, Vermont.

Perspective on the Federal Tax Initiatives

The [recently enacted federal] tax bill could have included tax reductions for the voluntary protection of endangered species habitat by private landowners; thereby rewarding environmental stewardship with favorable tax treatment.

But even the bipartisan recommendations by Senators Kempthorne (R-ID), Chafee (R-RI), Baucus (D-MT) and Reid (D-NV) to ease the burden on private landowners conducting proper management of endangered species habitat was not included in the final bill, in part because it was not supported by the Clinton Administration.

The signal this law will send to investors in the energy sector highlights its serious anti-environmental consequences.

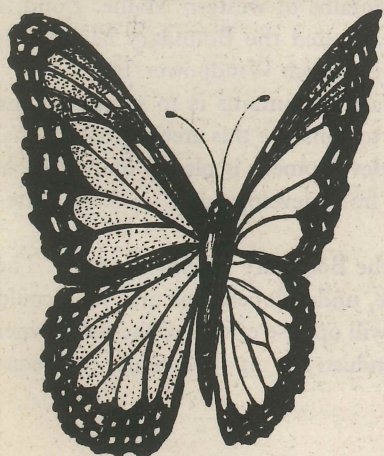
Passed by the Senate, negotiators had an opportunity to extend a tax credit for the production of electricity by wind. The tax credit extension for the renewable source of energy which

does not emit greenhouse gasses was ultimately not included in the final bill because of vigorous lobbying by utilities heavily invested in more polluting energy production methods.

Nonetheless, this tax legislation, characterized by some as forward looking, contains yet another subsidy for the production of fossil fuels like oil and gas. This is particularly troubling because it comes only weeks after United Nations "Rio +5" meetings and a new effort to educate the public about the potential dangers of global climate change by the President Clinton.

Such an unwise allocation of limited government fiscal resources calls into serious question the commitment lawmakers and the Clinton Administration have to protecting the environment for future generations.

Sincerely,
Brian S. Dunkiel
Director, Tax Project
Friends of the Earth



"Let the Rivers Run Free"

Federal Officials Recommend Removal of Edwards Dam

In an almost unprecedented action, staff of the Federal Energy Regulatory Commission (FERC) have recommended that the 160 year-old Edwards Dam in Augusta, Maine be removed in order to benefit the habitat and spawning potential of nine migratory fish species that use the Kennebec River. This staff recommendation and its analysis of other options will be addressed by FERC commissioners when they meet in September. Owner of the dam, Edwards Manufacturing, has promised an appeal of a license denial, asserting that FERC does not have the authority to order removal.

FERC's final environmental impact statement (FEIS), released July 28, states: "We recommend retirement of the Edwards Project and complete removal of the Dam." This is the first time in history that FERC has recommended removal of an operating dam seeking license re-newal (the Clyde Dam decision in Vermont involved FERC's first recommendation that a licensed, but breached, dam be removed in the interests of restoring a fishery).

Today's announcement was applauded by members of The Kennebec Coalition who have been waging a decade-long campaign to restore the Kennebec by removing the dam. The Coalition includes American Rivers, the Atlantic Salmon Federation, Natural Resources Council of Maine,

Trout Unlimited and its Kennebec chapter.

Pete Didisheim of NRCM stated, "This is great news for the fish of the Kennebec. Once the dam is gone, migrating fish once again will have access to 17 miles of vital spawning habitat that have been beyond their reach since 1837—when the dam was built."

Among the species expected to benefit are Atlantic salmon, shortnose sturgeon, striped bass and alewife. FERC's final Environmental Impact Statement also mentions positive impact for wetlands and wetlands habitat with dam removal.

Maine's major daily newspapers, *Maine Times* and even *The New York Times* editorialized in support of the FERC recommendation, adding to the river restoration constituency, which includes the state of Maine and agencies of the federal government. The *Bangor Daily News* editorial stated, "FERC's recommendation is a reminder [however] that Maine has a much larger decision to make about energy and the environment. Whether it is storage of nuclear waste, rights-of-way for gas lines, dirty air from oil-fired plants or windmills whacking songbirds, there is an environmental consequence to flipping on a light switch." *The Portland Press Herald* suggested that a final decision to remove Edwards Dam will re-establish Maine as "the nation's environmental leader."

Compiled from a Kennebec Coalition news release and press reports.

Maine Energy Path A Riddle Wrapped Inside An Enigma

by Pamela Prodan

Greedy Market Poised to Feed Energy Appetites

The confluence of pending electric utility restructuring with two recent developments has raised numerous as yet unanswerable questions. On July 28, the staff of the Federal Energy Regulatory Commission (FERC) recommended decommissioning and removing Edwards Dam on the Kennebec River in Augusta. On August 8, Maine Yankee officials announced the permanent closure of the Wiscasset nuclear power plant. While Maine Yankee at one time supplied about 27% of the total electricity consumed in Maine, Edwards Dam is a 3.5 MW facility that contributes less than 1% of Maine's hydroelectric power. It is the first time FERC staff has recommended that a functioning hydroelectric dam be decommissioned and removed.

Despite being a low-present cost source of power when operating, Maine Yankee's reliability was marred in recent years by lengthy down-time for repairs. Nonetheless, there is widespread speculation about what impacts the permanent closure will have on Maine's economy, electric industry, and environment:

- Does the closure make Maine utilities more or less vulnerable to corporate take-overs?
- Will air pollution increase?
- Will pressure increase on already-threatened wildlands for new wind, hydro and biomass plants, all of which create less air pollution than nuclear or fossil fuels, but can also have severe impacts on land and natural resources?

The Edwards Dam removal evokes perennial questions:

- Is a sustainable future with decentralized and locally-controlled energy resources closer or farther away than ever before?
- When will policy makers get serious about energy efficiency and conservation?

Giant energy companies like Enron and Hydro-Quebec will take advantage of the Maine Yankee shutdown and deregulation to promote new gas, hydro and wind plants. Hydro-Quebec already is salivating across the border at the thought of increasing exports. Without any public debate within the province, HQ has announced new plans for river diversions into existing reservoirs. Hydro-Quebec is also exploring purchasing equity positions in companies that own U.S. transmission lines and possibly acquiring natural gas power stations in the U.S. After electric deregulation, the region might end up with a handful of unregulated multinational monopolies instead of hundreds of regulated local ones.

Meanwhile, U.S. policy makers continue to ignore energy avoidance strategies. Congress has delayed implementation of efficiency standards for refrigerators, the biggest user of household electricity. The average American consumer still uses as much energy as 100 Kenyans. Under deregulation, utilities will have no incentives to reinvigorate conservation programs.

Consumers Beware

Until we radically reexamine the different forces at play in each of the components of energy consumption—demand, production and use—and assess their tradeoffs, we will blindly struggle to make an unworkable system work. And, until there is widespread recognition that appropriately sited and scaled energy technology is intimately linked to sustainable community development and environmental justice, utilities will have a field day marketing their so-called "green power" to unsophisticated consumers. Ironically, despite all the hoopla about "customer choice," we may find we have to own our own supply in order to be sure it's truly green.

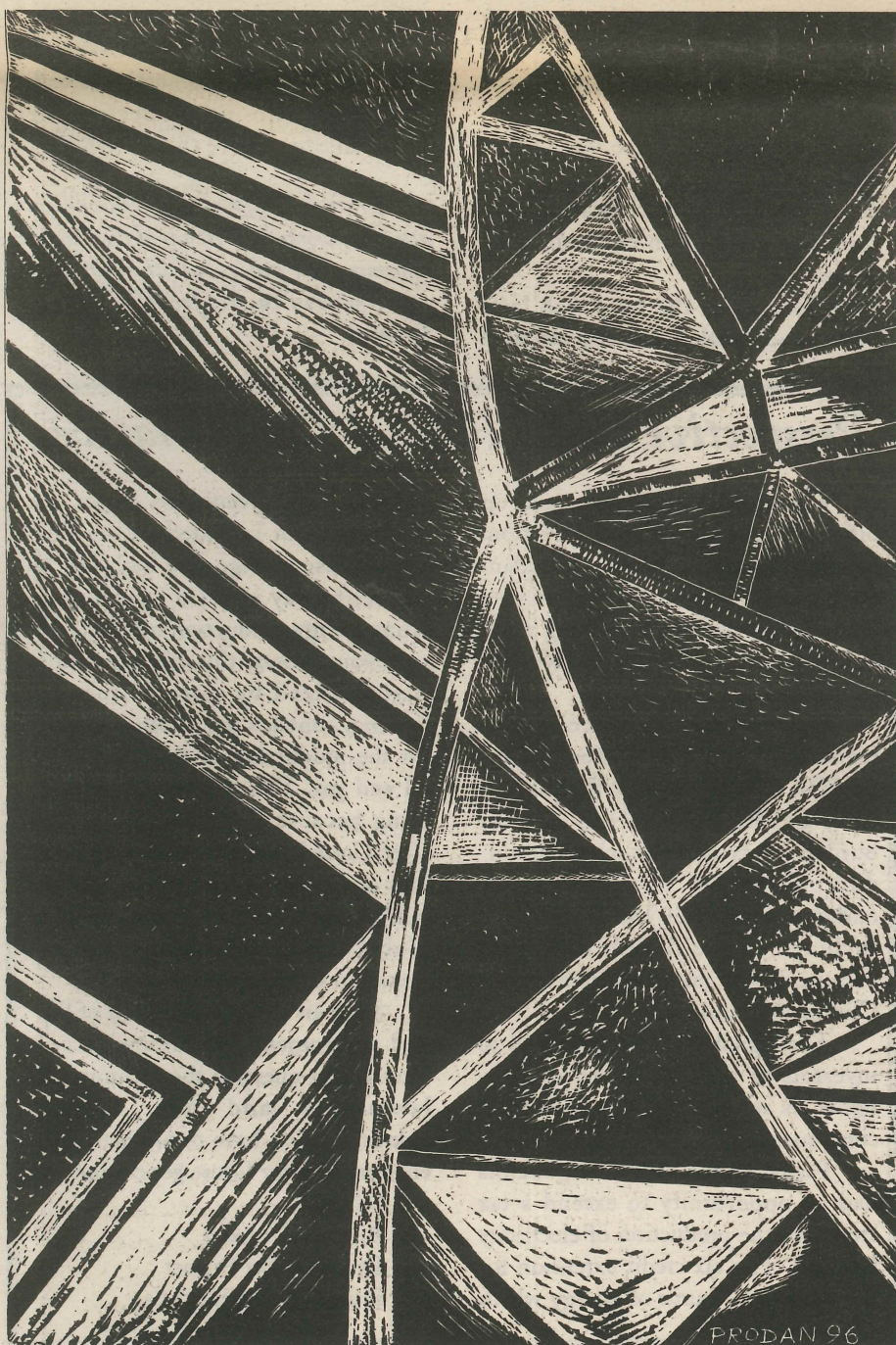
Group Continues to Oppose Wind Plant

On June 26, the board of directors of Friends of the Boundary Mountains issued a statement that it will oppose efforts of Zond Development Corporation to build a wind plant in the Boundary Mountains of western Maine. Zond, a subsidiary of Enron Corporation, recently acquired the Boundary Mountains wind development rights from now bankrupt Kenetech Windpower, Inc.

"The mission of Friends of the Boundary Mountains is to safeguard the Boundary Mountains from development and to conserve this area for traditional uses of recreation and forestry. Wind power development is plainly incompatible with keeping the Boundary Mountains free from development," said the statement.

Pamela Prodan, attorney for Friends of the Boundary Mountains said, "The Boundary Mountains have value as a remote, undeveloped area and they could never be restored if lost to development. We will oppose efforts of the new owner to use the deregulation of the electric utility industry as an opportunity to 'green-wash' this wind power project."

—Pamela Prodan



Conte National Wildlife Refuge Offers Third Annual Challenge Cost Share Program

Long time *Forum* readers will recall the pitched battle by property rightists that occurred in 1995 against the implementation of the Conte Refuge in the Connecticut River watershed. "The Refuge" is a bit of a misnomer; the U.S. Fish and Wildlife Service's eventual arrival here bringing neither the black helicopters of conspiracists' fantasies nor a traditional refuge based on outright land acquisition.

Although land purchases remain an option—yet to be funded—education and research grants and technical assistance remain the Conte's primary vehicle for achieving the Fish and Wildlife Service's goal of conserving Connecticut River watershed habitats. Program director Larry Bandolin recently stated that "the vast majority of our rare species lack quality habitat."

It is curious that while the property rightists are assailing the shortcomings of the federal Endangered Species Act for failing to protect threatened species,

the same ideology attacks non-regulatory efforts such as the Fish and Wildlife Service has brought to the Connecticut.

It is also well worth noting that, contrary to the predictions of Bryant Watson, whose Vermont Association of Snow Travelers (VAST) now joins the POST campaign in Vermont to protest a cutting bill, towns in the Northeast Kingdom have not dried up and blown away as a result of the Conte.

The third round of grants from the Challenge Cost Share Program has begun; this year's emphasis is on long-term habitat protection. Applications must be postmarked by November 5, 1997. Projects require a 1:1 matching of funds, grant requests ought to be between \$500 and 10,000.

For more information contact:

Silvio O. Conte Refuge

38 Avenue A

Turners Falls, MA 01376

Tel. 413-863-0209

R5RW_SOCNWR@mail.fws.gov

1996 Conte Challenge Cost Share Program Highlights

Last year, the Conte dispersed \$200,167 to 37 projects throughout the watershed. One flagship project has been the publication and distribution of *Flora Conservanda: New England* by the New England Wildflower Society. The Society's New England Plant Conservation Program reflects the collaboration of botanists and conservation organizations since 1991 in an effort to prevent further loss of rare and endangered flora of the region. *Flora Conservanda* lists over 500 plants of concern to conservationists in New England.

The Wildflower Society and the Conte Refuge will be sponsoring a rare plant conference on October 18, 1997 address conservation in the Connecticut watershed. For more information contact the USFWS at the above address.

Some other projects funded by the Refuge in 1996 included:

- Vernal pool documentation and education (Bonnyvale Environmental Education Center, Brattleboro and Gill, MA)•
- "Birds of Pondicherry," an historic and contemporary bird survey in Jefferson, NH that will further future research
- A peregrine falcon monitoring project involving high school students
- A GIS mapping project for Vermont towns in the watershed for conservation lands planning
- A satellite imagery mapping project to identify suitable habitat for northeastern Vermont's black-backed woodpecker, a boreal species
- A reptile and amphibian inventory in the Pine Mountain Wildlife Mgt Area in the Groton-Ryegate area which is part of a new ecosystem approach on state lands in Vermont
- Multiple projects relating to salmon-restoration

US Fish & Wildlife Service Responds to Earthlaw Suit to Protect Harlequin Duck

The U.S. Fish and Wildlife Service (USFWS) announced in August that it will consider Endangered Species Act protection for populations of the Harlequin duck in eastern North America. This includes Maine's population which is the last significant population of the species remaining in the region. It presently numbers 1,000 individuals.

The decision by the USFWS is in response to a lawsuit by RESTORE: the North Woods, the Coastal Waters Project, Biodiversity Legal Foundation and Northern Rockies Biodiversity Project. As reported in the Summer Solstice issue

(v.5, # 4) of the *Northern Forest Forum*, (p.3) the suit came after several years of petitioning the USFWS. The groups now await a timely full review and determination of "threatened" or "endangered" status.

The harlequin is a bird of both inland, mountain streams, where it nests, and coastal waters. Much of the Maine population winters along islands offshore of Acadia National Park.

The deadline for public comment to the USFWS is October 1st; contact RESTORE at 508-287-0320 or visit www.restore.org for more information.



Witch hazel (*Hamamelis virginiana*). © Pamela Prodan

'Might Makes Right' New Hampshire Herbicide Update

by Daisy Goodman

July—In response to continuing public opposition to aerial spraying of herbicides, Champion and Mead paper companies both held meetings for the public and (chicken and lobster served) a woodland tour for legislators to defend their spraying programs. Champion's presentation in Pittsburg featured Monsanto's University of Maine contact, Dr. Max McCormack.

Although information offered at these meetings ranged from one-sided to blatantly inaccurate, no meaningful opportunity was offered spray opponents to make their case: industry controlled the process. New Hampshire has yet to experience a real exchange of ideas and research between proponents and opponents in a balanced forum.

• During July, the Division of Pesticide Control approved Champion's application to spray 1200 acres in the town of Pittsburg, despite concerns raised by area residents over water quality and drift contamination.

• Meanwhile, across the river in Vermont, an aerial application of sulfonyleurea herbicide on a Shoreham farm (in the Champlain Valley) apparently drifted onto a neighboring organic farm, causing thousands of dollars of direct crop damage and jeopardizing the operation's organic certification for at least three years. Vermont's Department of Agriculture

responded with a temporary ban on all aerial herbicide applications, hard on the heels of the legislature's enacting an indefinite moratorium on all broad-scale herbicide applications in forestry. Despite New Hampshire having experienced a similar drift episode from a ground spray which also impacted an organic farm several years ago, thus far state policy has failed to respond in a comprehensive manner.

• On August 13, Champion notified the Division of Pesticide Control that it intended to spray for the next five days. Mead Corporation, also contracting with AgRotors, Inc., notified the DPC of intent to spray immediately following the Champion applications. At this writing, conditions on the ground had prevented Champion from beginning to spray.

• On August 25, the Pesticide Control Board will meet to hear recommendations by rule change review committees for extremely limited changes in regulation of aerial and right of way pesticide applications. This meeting is open to the public, although you will not be allowed to speak if you do attend.

• News Flash! At presstime we learned that the NH Electric Coop has announced it is discontinuing its herbicide program, at least for 1997. Credit for this victory should be given to the Coalition for Alternatives to Herbicides: PO Box 38, N. Sandwich, NH 03259. Good Work!

MAINE FOREST COMPACT: ENDORSING MEDIOCRITY?

After last year's contentious vote on the forestry referendum, many voters in Maine wish the issue would just go away. This fall, however, we get to vote on the Compact (a 28-page compromise between some environmental groups and the 15 largest landowners) again. Maine's governor, Angus King, will soon be telling us again about the significant reductions in clearcutting that the Compact will bring. Paper industry advertisements on television and radio are already bragging that the companies have agreed to clearcut less than 1% of their land a year.

One percent seems insignificant. And this number only applies to landowners who plant and thin. Without such practices, the maximum percent of ownership that can be clearcut is 0.25%. Compact supporters have not been averse to letting people believe that these two numbers require 100 or 400 year rotations. But clearcutting is not the only form of cutting. Indeed, less than 10% of all acres cut each year are clearcut (as defined by the state). Landowners can cut stands on 40-year rotations if they want to.

How significant a change would the Compact force on the participating large landowners? According to data released by the Maine Department of

Conservation this spring, not much. In 1994, before the Compact was dreamed of, eight of the 15 large landowners clearcut less than 0.25% of their land that year, and only two clearcut more than 1%—1.19% and 1.18%. Although the data are scrambled, the amount of planting and thinning by the top practitioners would allow clearcutting to the limit. By 1995, only one landowner cut more than 1%—this time 1.01%. Ten of the 15 landowners cut less than 0.25% of their land. In 1996, once again, only one landowner cut more than 1%.

It appears that as a result of the intense negotiations between environmentalists and landowners, the landowners agreed to abide by standards they were already following. The one landowner cutting above the limit by a small fraction of 1% could cut nearly as heavily by switching to more "overstory removals" (cuts that remove all mature trees but leave advanced regeneration over five feet high). Such a concession is a rather dubious achievement—one landowner will have to make insignificant changes.

One wonders why we need a statewide vote to decide if landowners will continue to do as they please. Or why we need a statewide vote to decide to do more studies. Or why environmentalists

1995 Clearcut/Herbicide Factoids	
Acreage clearcut by top 7 clearcutters	30,714
Total acreage clearcut	39,295
% of total clearcut by top 7 clearcutters	78%
Acres herbicide sprayed by top 7 sprayers	40,695
Total acres sprayed	40,806
% of total sprayed by top 7 sprayers	99.7%

Source: Maine Forest Service - April 23, 1997

had to bargain with industrial landowners to determine whether we, the public, can put 7/100 of 1% of the state (reduced to 5/100 of 1% after the legislature left its mark)—on *public lands*—into reserves where anything that moves is game. Or why we need to vote over whether these landowners will voluntarily follow guidelines from an audit committee that operates by consensus. Since the committee may have compact members, these members would have veto power over any standards that they do not like.

Passage of the Compact would not prevent landowners from improving their practices. Indeed, we can expect Compact supporters to take credit for any improvements. After all, Forest Practices Act (FPA) supporters have

claimed that recent reductions in clearcutting were because of, rather than in spite of, the FPA. The FPA, while it allows better management, does not require it. In the short-term, it looks as though the Compact does little to raise the bottom hurdle either.

If the Compact passes, the legislature will probably reject all significant forestry legislation for the next five years, just as it did with the FPA. Significant legislation (such as LD 1200, which would require minimum standards for landowners to qualify for the Tree Growth Tax) is on the table, ready to be debated if the Compact loses. The Compact, therefore, should be rejected.

—Mitch Lansky



Vermont's POST campaign seeks to close land to recreation and force repeal of a cutting law that establishes review of clearcuts over 40 acres in size. Drawing © Elye Alexander.

Adirondack Park Report

by PETER BAUER



This installment of the Adirondack Park Report focuses on the several important events in New York over the past three months. Though four months late, New York State finally has a state budget (and a bond rating tied with Louisiana for 49th in the country), but also managed to announce a deal to purchase a 3,600-acre conservation easement over the Massawepie Mire.

In other news, Mary Lou Whitney had nightmares that, in the mind of the public, the Queen of Saratoga was about to metamorphose into the Hatchet Lady of the Adirondacks and cooled her development plans. Landmark acid rain legislation died in the cemetery of good ideas we in New York call the New York State Legislature and the anti-environmental crowd took to their ATVs to protest against wilderness. In a haul of pork unseen in recent years Adirondack state senator Ronald Stafford bagged a \$132 million maximum security prison for Tupper Lake.

Mirror Mirror on the Wall Will I Still be the Fairest of them All if I Develop Little Tupper Lake?

This and other questions were pondered by millionaire socialite Mary Lou Whitney as her plans to build forty mansions around one of the jewels of the Adirondacks, Little Tupper Lake, were shelved, perhaps for good. Until the first few days of August, Mary Lou Whitney (age 72; net worth roughly \$100 million) and her fiancée and development project manager John Hendrickson (age 32; net worth roughly \$18,000) played hard ball with the State of New York. Hendrickson cut his political teeth as an aide to former Alaska Governor Wally Hickle, whose claim to fame is opening Alaska's north shore to oil exploration.

First Whitney and Hendrickson complained incessantly about the project's review by the Adirondack Park Agency (APA), referring publicly to the APA as "Gestapo," "communists" and "tyrants." Then they threatened to sue the APA for requesting too much information in the primary stages of the project review. Then they leveled an existing camp on the shores of Little Tupper Lake (one of three at Camp on the Point), and commissioned blueprints for a grandiose model mansion they were going to build in its place. Third, they

sold an option for Camp Bliss, a modest camp on the west end of Little Tupper Lake, which was unrevocable and would be a permanent private inholding; higher bids by both the State of New York and Nature Conservancy were dismissed by the Whitneys as "too late." Hendrickson also continued to assert that the state was not bargaining in good faith and that Little Tupper Lake was worth as much as \$90 million. They meant business.

Then things began to change. The value of the 15,000-acre Little Tupper Lake tract has been appraised at between \$500 and \$1,000 an acre, far below the \$6,000 per acre Whitney was asserting. The message in the press broadened from "Governor Pataki has to do the right thing" to a consideration of Mary Lou Whitney's responsibilities as well. (Why would somebody with \$100 million want to gouge a hole in the middle of the Adirondack Park?)

When Camp on the Point was leveled, the construction debris was illegally disposed. The Adirondack Council exposed this and urged the APA to impose fines and suspend project review until the matter was resolved. A press conference was held on the shores of Little Tupper Lake highlighting facts about how the trees and wilderness of the Whitney Estate had been subsidizing the Whitney's extravagant lifestyle and not vice-versa. A country-western station in Albany aired a parody called "Hello Mary Lou, Good Bye Park" that featured solos of screaming chain saws. The Sierra Club chartered an airplane with a trailer reading "Governor: Save Whitney Park" to fly over the Saratoga horsetrack during the annual Whitney Cup races. The Wilderness Society listed the Whitney Estate as one of its 10 most important tracts of land in the U.S. Last, a black tie protest was organized to picket the annual Whitney Ball on August 1st, but was called off at the last minute. (This was actually a good example of various advocacy groups contributing their individual special talents to change the course of events.)

Enough was enough; Hendrickson was dispatched to work something out. In the last days of July, the Whitneys struck a deal with the Adirondack Nature Conservancy (ANC). The ANC would purchase an option on Camp Bliss pending its success in purchasing the remaining 15,000 acres. The

Whitneys agreed, for the first time in the process, to enter into good faith negotiations through the end of the year with the ANC on the 15,000 acres around Little Tupper Lake, or more (Mary Lou Whitney owns 51,288 acres). A *New York Times* editorial followed this announcement, written as a personal letter to Mrs. Whitney urging her to act in the best interests of the Adirondack Park.

Governor Pataki will stay close to the negotiations, but let the ANC take the lead; the ANC has protected over 270,000 acres across the Adirondacks in the last 25 years, often purchasing land and holding it until the state is prepared to purchase it. (In New York better than 60 steps are required before the state can send the landowner a check.) Governor Pataki is also working with his political mentor Senator Alfonse D'Amato to get \$10 million in federal funding to help New York complete this deal. D'Amato was similarly helpful in protecting the Sterling Forest. The recipe for success for the Sterling Forest is being replicated: non-profit land protection groups take the lead on negotiations; Governor Pataki stays close to the negotiations, but primarily lines up state funding; Senator D'Amato works to get matching federal funding; advocacy groups agitate; important land is protected for the public.

For the first time in years, New York State actually has money to buy land. In the recently passed budget the Environmental Protection Fund provides \$36 million for land protection. Additionally, another \$20 million is available from the Environmental Quality Bond Act passed last fall.

Down in Flames

Earlier this year the Long Island Lighting Company (LILCO) sold thousands of tons of pollution credits through various brokers to utilities in the mid-west. These mid-west utilities are the main sources of the particulate matter that forms acid rain which falls on the Adirondack Park. As the first major uplift in the jet stream from the mid-west, the Adirondack Park receives heavy annual rain fall (the western Adirondacks receives the highest rain fall in the East). Much of the particulate matter carried from the mid-west drops onto the Adirondacks in the form of acid rain.

New York State passed a series of laws in the 1980s designed to reduce sulfates and nitrogen-oxide emissions. Mid-western states, many with coal-fired energy plants, lag behind. The 1990 Clean Air Act attempted to reduce these emissions, and others, nationwide by creating incentives in the form of pollution allotments. Each company is given its emissions allotment. The company can then either use its full allotment in emissions or use some and sell pollution credits for the unused portion. Companies that exceed their emissions levels are forced to purchase credits for every ton they exceed. These pollution credits are sold annually.

While air pollution levels have dropped for the U.S. as a whole, the Adirondacks have continued to receive higher levels of acid rain deposition. Why? Because utilities and companies on the west and east coasts have, by and large, been selling pollution credits to companies in the mid-west. Through the transfer of pollution credits to the mid-west, from outside the Adirondack airshed to within it, acid rain levels in the Adirondacks have been unabated. Over 500 ponds are dead in the western Adirondacks and in high elevations; the problem persists.

New York can do little unilaterally to stop acid rain. It's a national problem that particularly affects the Adirondack Park. The Adirondack Council put together a bill to prevent New York utilities, like LILCO, from selling pollution credits that would return to the state in the form of acid rain. In short, pollution credits would have to be sold outside the Adirondack Park airshed. The New York Assembly quickly passed the bill and many people, including all the Adirondack Park Senators co-sponsored a bill in the Senate.

The only problem was that Governor Pataki didn't like the bill. He never offered a coherent reason for opposing it; he made obtuse arguments about harming the state's business climate. The Governor asked the Senate not to act on it so he could submit an alternative. His alternative was a joke and couldn't find a sponsor in the Senate. In the end of the session, Governor Pataki traded favors with the Senate majority leader Joe Bruno so that the bill wouldn't move. The

Continued on next page

Wolf* in Sheep's Clothing: Wilderness Foes Advocate Disabled Access

**(with apologies to canis lupus)*

by Duane Ricketson

From the beginning to the very end, the so called disabled access protest of June 14th, 1997, in Newcomb, New York (in the heart of the Adirondacks) wasn't quite what its leaders claimed. Disabled access is a meritorious cause. However, in this case, beneath the surface lies the darker side of the reactionary and anti-environmentalist nature of Adirondack politics. . . deceit, exploitation and manipulation.

To fully understand the whole story we would have to go back to the passage of the Adirondack Park Agency Act. For our purposes we will start with the formation of a working committee assembled by the NYS Department of Environmental Conservation (DEC) after Warrensburg Town Supervisor

Maynard Baker charged the DEC wasn't complying with the American Disabilities Act (ADA) passed by Congress in 1990. (Supervisor Baker punched an environmental activist during a confrontation over motorized access on a wilderness road in the Adirondacks in 1990.) Herb Doig, appointed Deputy Commissioner of Natural Resources after Gov. Pataki was elected, assumed leadership of the disabled issue in 1995. Representing the Adirondack Park Agency (APA) was its Chairman, Gregory Campbell, newly appointed by Pataki.

To help set the stage, earlier, as a board member of the Adirondack Conservation Council (ACC), Mr. Campbell had voted yes on a resolution calling for the opening of all state land for unlimited motorized use by everybody, disabled or not. (Dirt bikes, ATVs, 4-wheelers etc. for use on all

roads, trails, ponds, lakes.) Mr. Doig of DEC was popular at the ACC and was known to have similar sentiments about unlimited motorized access in the Adirondacks.

The policy for motorized access on state lands is set by the State Land Master Plan (SLMP). It can be revised and updated. This is the legal way to increase motorized disabled access in areas that are now off limits to motorized vehicles. Under the present plan, no motorized vehicles are allowed on what are classified as "trails" in the Adirondacks. The disabled access committee was committed to work within the parameters of present state law.

In a November 29, 1995, letter from Charles Scrafford (Supervisor of Regional Planning at the APA) to Robert Bathrick, Director, Division of Lands and Forests for DEC, Mr. Scrafford pointed out that the SLMP

was not in conflict with the ADA. But, he pointed out, allowing even specially permitted motorized disabled access to areas in the park where motorized access is not allowed is "in opposition" to the SLMP. (The APA is a watchdog over the SLMP.) On Dec. 1, 1995, Mr. Campbell faxed a copy of Mr. Scrafford's letter to Sandra LeBarron, who is the Special Assistant to the DEC Commissioner on Adirondack Affairs (at that time, Mr. Zagata was DEC Commissioner). She was also on the working committee.

When this letter was brought up at a disabled access committee meeting, Mr. Campbell declared the letter was not an official position of the APA, that he represented the APA and he did not want the letter included in the committee's material. So early on, Herb Doig, Gregory Campbell and Sandra LeBarron knew about a potential legal

Adirondack Park Report

Continued from preceding page

Senators who supported the bill were too busy scrambling for their own pork and couldn't force a vote. A key state Senator, Ronald Stafford, who has two-thirds of the Adirondack Park in his district—and has served as the gatekeeper on Adirondack legislation during his 32-year career—worked feverishly to get a new \$132 million maximum security state prison sited in his district and sacrificed this bill in the process to the ideological whims of the Senate majority leader.

The New York Attorney General has commenced a lawsuit against the federal Environmental Protection Agency for failing to reduce air pollution in New York, which under the 1990 Clean Air Act it is required to do. Attorney General Vacco is hoping this suit will close the loophole through which acid rain pours into the Adirondacks. In the meantime, with the death of the pollution credits bill, New York's authority to claim any moral leadership on this issue or as holding a great concern for its own ecology has been notably weakened.

Massawepie Mire Protected

This spring New York State announced its plans to purchase a 3,600-acre conservation easement over the Massawepie Mire tract in the Town of Piercfield. This tract is located in the western Adirondacks in the Great Oswegatchie Forest area. It contains 12 lakes and ponds, and an important canoe route from Massawepie lake to the Grasse River; all told connecting over 30 miles of canoe routes. It also contains the 1,000-acre Massawepie Mire, one of the most important peatland bogs in the eastern U.S.

The deal was struck between the Adirondack Nature Conservancy (ANC) and the Boy Scouts. All development rights have been purchased and will be extinguished. The Boy Scouts will continue to maintain a summer scout camp complex that includes barracks, ball fields, dining halls, and other support buildings housed on about 200 acres in the northern section of the tract. Public access will be provided. All

roads, trails, canoe put-ins, camping areas will be opened.

This is a landmark conservation easement because rather than just stripping out all development rights this easement contains a landscape management plan that specifies forest management plans as well as a natural area management plan. The environmentally sensitive bog areas will be managed by the ANC and public access will be restricted.

The ANC negotiated this easement in conjunction with the New York State Department of Environmental Conservation (DEC). Some final language is still being negotiated, but all parties expect to sign final papers for the ANC purchase early this fall. After this, the easement will be conveyed to the State of New York.

Murder Ponds, Welcome the Murderers

A new round of pond killing was recently approved by the Adirondack Park Agency. In the Adirondacks over 100 ponds have been "reclaimed" in the last 50 years; a process where the chemical Rotenone is administered in a pond

and all aquatic life is eliminated. The pond is then restocked with other species of fish. Reclamation of ponds facilitates the removal of "junk" fish, such as perch and chub, for more preferable native species of trout.

Over 65-percent of all Adirondack lakes and ponds have non-native species. The vast majority of the 2,800 lakes and ponds in the Adirondacks cannot be "reclaimed" because of too many inlets and outlets. In addition, two of the ponds being reclaimed have been treated four and five times before. One researcher who has analyzed a number of core samples from these ponds believes that the occurrence of algae blooms can be linked to the abundance of detritus caused by the elimination of all aquatic life. The current reclamations will be monitored. Reclamation remains a controversial issue, but one the NYSDEC continues to support as part of its aquatic management program.

While many claim that pond murderers walk, the real thing will be shipped into the Adirondacks next year. A new 1,500-bed maximum security prison will be constructed in Tupper

Lake, in the central Adirondacks. The Adirondack Park and northern New York have long been New York's gulag; the prison in Dannemora was around before the Adirondack Park was created. This Siberia has fourteen other prisons and shock incarceration centers already, five of which are in the Adirondack Park. The political leaders in Tupper Lake rejoiced after hearing the news claiming this prison with its 400 good-paying jobs will be an economic boon to the town. Senator Stafford who muscled the prison into his district has said that there's such a thing as too many prisons in one area and that this will be the last.

The Tupper Lake facility is to be built in a zoned industrial use area outside of the hamlet of Tupper Lake next to the Tupper Lake Hardwoods mill. Some are opposing this plan on the grounds that critical environmental resources will be affected, that it is inappropriate for the character of the Adirondack Park, and that a prison will be detrimental to the welfare of Tupper Lake. Others have argued that there are no vital natural resources at stake and that the prison will be unobtrusive.

Better to fight new prison construction on the grounds that stiff minimum mandatory sentences for non-violent offenders serve neither the best interests of society or the individual, that prisons in New York have become an upstate jobs program, that a disproportionate number of inmates come from specific races and specific neighborhoods. We should all pause for serious thought about a state with a prison population of 100,000. For better or worse the prison in Tupper Lake is a done deal.

Two anti-wilderness rallies were held in the Adirondacks ostensibly to support expanded use of trails in the Adirondack Forest Preserve by people with disabilities on motorized all terrain vehicles (ATVs). Most of the activists are people who have been fighting for years against wilderness and desire greater motorized access throughout the Forest Preserve for everybody. This issue is covered by Duane Ricketson in his article "Wolf in Sheep's Clothing: Wilderness Foes Advocate Disabled Access" on this page.



Adirondack ATVers protest that wilderness discriminates against the handicapped.
Photo © Tom Parsons.

problem. Many staff personal at both the APA and the DEC were also aware and concerned.

Amazingly, despite the warnings, Mr. Doig, with no objections from Mr. Campbell, ordered DEC offices to issue Temporary Re-vocable Permits (TRP's) for the use of ATVs by the disabled on "trails" in the Adirondack Park. Many on the working committee were glad to see the increase in motorized access and many disabled applied for and received permits. But the honest and sincere efforts by some on behalf of the disabled were for naught. For Mr. Doig and Mr. Campbell had built a house of cards that was doomed to come crashing down.

Seemingly driven more by personal ideology than respect for rule of law, (let alone the intent of the ADA, as you will see later) their reckless behavior caused great anger and disgust when the DEC owned up to the mistake and stopped issuing permits for trails thus conforming the policy with the SLMP. Interestingly, this happened only after Mr. Zagata was forced to resign and a new acting DEC Commissioner (Cahill) took over. The concerns of staff about the illegality of the policy finally received the principled attention it deserved.

Ideologues Take Over

The disabled lost access to many areas and were angry. Seemingly oblivious to the irony that Doig's and Campbell's mishandling of the policy had given them the opening, a few anti-wilderness Adirondackers set out to spin it for their own benefit. Instead of placing the blame where it belonged, they decided to exploit the situation for their own personal and much broader agenda. Besides, Doig and Campbell agreed with their ultimate goals. It was time to strike, not stand on principle and objectively assess blame. They organized a "disabled access protest" for June the 14th on the road that goes into Camp Santanoni in the Town of Newcomb.

To get the publicity and the protesters they needed (anti-environmentalist Adirondackers) the leaders went to the press blasting the DEC and accused environmentalists of forcing DEC to change their policy. Environmentalists had pointed out the error, but if they had wanted to make a case out of it, they could have gone to the press and/or gone to court to force the DEC to comply with State law. They did neither. The permit system was in place for nearly a year before the DEC made the correction.

Make no mistake, the leaders of the so called disabled access protest want more than limited motorized access for the disabled. Maynard Baker has been an anti-wilderness activist for a long time. He is a seaplane pilot who cried foul when wilderness areas were first set up in the Adirondack Park. He even brought a failed lawsuit against the DEC in the 80s. Ditto for The Adirondack Conservation Council who have long championed motorized access for their outdoor sportsmen. The property rights group, the Adirondack Solidarity Alliance, also came on board.

However, in their over-zealous attempt to cash in, the purity of the concern for the disabled was soon tainted by their real agenda. The Adirondack Conservation Council sent out the main



The so called disabled access protest of June 14th, 1997, in Newcomb, New York

press release and mailing for the demonstration. It was filled with demagogic rhetoric suggesting paranoia: "Come prepared to fight for your rights and freedoms. . . to take back what is ours from a corrupt state. . . come prepared to deal with Rabid State Animals (DEC law enforcement). . . Bring your ATV's, 4-wheel drives, skidders, log chains, chainsaws and axes. . . It is time to end the Slavery, Oppression and Tyranny! . . . Barriers will be removed! Roads will be reopened!" It also talks of plans "to close the Northway for the summer." In the end, the main thrust of this literature was to gain motorized access by all people to all state land: "Free, unlimited and unrestricted access to all State lands, for all the people, must be mandated."

The press release was also deceitful. Throughout this time, the protest leaders claimed to all who would listen that the DEC policy did not. . . "comply with the American Disabilities Act" or "These political lackeys refuse to comply with the ADA." They have yet to put forward a reasoned example for this charge. None of these groups or individuals are representatives of disabled advocacy organizations.

In fact bona fide disabled advocates have distanced themselves from and even criticized the protests. They feel the protesters are misreading the ADA and the inflammatory rhetoric and name calling could hurt the efforts of the disabled in general. There were few disabled at the protest. Most of the demonstrators were able bodied and have participated in various Anti-APA (anti-environmentalist) rallies in the past.

Reasoned Response

As for the ADA and the DEC policy, Mr. Richard Warrender, State Advocate of the NYS Office of Advocate for Persons with Disabilities says, in a Feb. 1997, letter to the DEC Acting Commissioner that the policy "exceeds minimum standards for access established under federal law. . ." Even more telling is a Jan. 1996 letter to Ray Davis of the DEC on the issue of motorized access to state lands from

Janet Zeller, Equal Public Opportunity Program Manager, Eastern Division USDA Forest Service. Managing the Civil Rights program, she says she deals with "the laws and regulations related to the accessibility including the American Disabilities Act (ADA)."

Zeller is a quadriplegic and uses a motorized wheelchair. She explains the ADA requires that the disabled shall not "be excluded from participation in or be denied benefit of the services, programs or activities of a public entity." In explaining programs, Janet says the ADA makes it "very clear that there is to be — no fundamental alteration to the program in order to provide access for persons with disabilities." *The "program" is the reason people visit the site. She explains, "For example, the program at a visitor's center is gathering information; the program at a scenic overlook is viewing the scene; the program in wilderness is likely to be solitude and self reliance. . . How one reaches the area is not in the program — the program is defined by why the majority of people (with and without disabilities) seek to be in that area."* She urges "careful deliberation of the areas in which motorized vehicles can be used under the permit system." *As an example she says, "Administrative roads, where all people expect to encounter motor vehicles occasionally, would be easily appropriate."* According to Ms. Zeller, damage to the resource by motorized use must be taken into account when deciding appropriate access sites.

As far as opening up all state lands for motorized access this is what Janet Zeller has to say, "The integration of all recreationists, with and without disabilities, is the key to the ADA, as well to the program experience for all people. The program impact of providing a special program for persons with disabilities must be managed with the rights of all recreationists in mind. For example the rights of an individual—with or without a disability—to experience a quiet area after spending several hours or days of effort to reach that area, should not be infringed by a motor vehicle whizzing by. Care must be taken in the division of areas." (The demand to open up wilderness areas to motor-

ized access, is in fact not the intent of the ADA.)

In areas that are classified non-motorized access, the ADA (and the DEC) allows for, among other things like horses and canoes, the use of motorized (electric) and non motorized wheelchairs. At a trailhead, any "barrier" that is less than 30" wide that wouldn't allow a wheelchair to go through would not conform to the ADA. According to Ms. Zeller, the ADA definition of an acceptable wheelchair is "a device designed solely for use by a mobility-impaired person for locomotion, that is suitable for use in an indoor pedestrian area." On two counts that excludes ATV's from ADA acceptance.

Final Thoughts

I am troubled by the prominent use of "disabled veterans" or "veterans" in the protesters' literature. This isn't a veteran issue. It should be a disabled issue, veteran or not. It's bad enough that it has been turned into a wilderness issue.

Less time should be spent on the patriot politics ruse and more time on pointing out exactly where the DEC policy conflicts with the ADA. It's even more upsetting if veterans are being duped into protesting under false pretenses. This veteran (enlisted, U.S. Army 1967) is not going to be intimidated by questioning my patriotism. I served for honest principles like equality, free speech and freedom of conscience, not to gain deference or preferential status. It was a privilege to serve, but those who didn't or couldn't, in my eyes, are equals as citizens. Veterans served to protect the right to disagree and debate in the marketplace of ideas that is so important in a constitutional democracy.

My brother Ted (Warrensburg Central School 1981) was killed in a training accident while serving in the Army at 18 years of age. So my family knows something about sacrifice for our country. I remember his love of the wilderness and the hiking and backpacking he loved, especially in the Adirondack High Peaks. He planned to make the service a career and talked to me about coming home during leave and getting back into the wilderness. I don't believe he would be thrilled with the demise of wilderness sought by Mr. Baker and his supporters, veterans or not.

Wilderness is a great part of the Adirondack heritage. You would expect Adirondackers, especially those who hike and backpack, would support the effort to maintain a portion of the harsh environment which our forefathers managed to live and thrive in. It helped shape our character and culture and should be a legacy for future generations to explore and cherish as well as to be challenged by. To some there is an important spiritual aspect that shouldn't be belittled. There is very little wilderness left on the east coast, and yes, the exact definition of wilderness is subjective, but I am thankful I live where we can still at least debate the issue. Considering that many of the ten million annual visitors to the Adirondacks also value wilderness and many of us profit from their visits, we also need to recognize the importance of wilderness to the economy of the Adirondacks.

Maine Woods Watch

by Jym St. Pierre



The Maine Woods is the greatest remaining wildland east of the Rockies. However, today this region is under siege. Maine Woods Watch is devoted to documenting the good, the bad, and the ugly affecting the Maine Woods, with an emphasis on opportunities for citizen action to protect and restore the essence of the region, its wildness.

Good Dirt: In 1989, the Richard King Mellon Foundation, working through the Conservation Fund, bought 12,000 acres of forestland in eastern Maine from the Hearst Corp. About 2,000 coastal acres were quickly resold to the Land for Maine's Future program. This summer Mellon generously donated most of the remaining 10,000 acres to the state. That is the second largest gift of land to the state, after Percival Baxter's 202,000 acre park. The Maine Coast Heritage Trust, which had been overseeing the property, choreographed the gift. The Maine Bureau of Parks & Lands will manage the area. To offset tax effects, the towns of Cutler and Whiting will split the annual income from a \$200,000 endowment.

The LMF program also has acquired conservation easements on superlative lands in western Maine: 3.5 miles of frontage on the Rapid River, 6,450 feet on the Rangeley River and over 4,000 feet on Mooselookmeguntic and Cupsuptic Lakes. The Maine Dept. of Inland Fish & Wildlife and the Rangeley Lakes Heritage Trust did much of the leg work.

More than fifteen years ago I helped negotiate the donation by Great Northern Paper to the State of Maine of conservation easements assuring that most of the West Branch Penobscot River would remain undeveloped. But there were a few gaps where the company was not ready to give up development rights. Now, several ownership changes later, GNP has donated new easements to fill in the holes on Lobster Lake and says it will give three more parcels along the river below Ripogonus Dam. Last year 6,000 campers and 23,600 rafters used the Penobscot waterway.

These are spectacular gains for conservation in the Maine Woods and the parties deserve huge credit for their good deeds. Still, in the big picture Maine remains near the bottom of the list of states in percentage of public conservation land. That is one reason Gov. Angus King created a Land Acquisition Priority (LAP) Advisory Committee last year. Following hearings last spring, the LAP committee has come up with a draft long range goal: double the

amount of conservation land in Maine by the year 2020. Not bad, but not enough. Better would be a 2020 Clear Vision Program with a goal of increasing public conservation land in Maine to 20% by 2020. That would put us in the same range as Massachusetts and many other states that have a more reasonable balance of private and public lands. The public will have a final chance to comment to the LAP committee at one more round of hearings in mid-September. Don't miss it. (Contact Mark Desmeules, State Planning Office, 38 State House Station, Augusta, ME 04333.)

The LAP Committee has also endorsed a short-term goal proposed by the Maine Economic Growth Council of increasing conservation lands in Maine by 10% (100,000 acres) by the year 2000. However, no one had said how that would be achieved. Not until The Nature Conservancy announced in full page ads in the state's major newspapers this summer that "Maine's business community has set its sights on adding 100,000 acres to our state's public lands." Forty member companies of TNC's Corporate Conservation Council of Maine are poised "to protect unique Maine habitats and secure public lands where we can all stretch our legs and renew our spirits." Leading the pack are L.L. Bean and MBNA New England. Large landowners include J.M. Huber, Great Northern Paper, Hancock Timber, Prentiss & Carlisle and Seven Islands Land Company.

There has been far too much complaining the past couple of years about the few crowded spots in our national parks and far too little attention given the magnificent natural and cultural treasures our national parks safeguard. For a refresher course on why the national parks are the best idea America ever had, don't miss a photo exhibit by that title on display through September in the Maine Woods Visitor Center in Bar Harbor. (Contact MWVC, 160 Main Street, Bar Harbor, ME 04609.)

The concept of conducting a feasibility on what could become America's next great national park continues to gain legitimacy. The Millinocket Fin & Feather Club got a bill introduced in the Maine Legislature recently to head off the idea of creating a Maine Woods National Park & Preserve. To their credit, the Agriculture, Conservation and Forestry Committee voted to kill the bill and instead send a letter to the state's congressional delegation asking to be kept informed of any hearings on the park study. (Contact RESTORE, 7

N. Chestnut Street, Augusta, ME 04330.)

A revised Northern Forest Stewardship Act (S.546 and HR.971) has been reintroduced in Congress. According to the Northern Forest Alliance (NFA), the bill would create a federal-state partnership for land protection. Ironically, the far right has targeted the Stewardship Act as a federal land grab, even though all the major industry and forest owner groups are backing it. Indeed, Steve Schley, head of Pingree Heirs and former president of the Maine Forest Products Council, worked with Senator Olympia Snowe to rewrite the bill so that it is now a ringing endorsement of private property rights. (Contact NFA, 271 State Street, Augusta, ME 04330.)

You may want to catch a few upcoming newspaper and TV pieces that promise to be interesting. The *Maine Sunday Telegram* will run a three part series on Thoreau and the Maine Woods beginning in September. WGME-TV will do a companion series at the same time. The September 15 public television episode of the *Anyplace Wild* program will be on whitewater canoeing in Maine.

Chills, Thrills & Shills: The failure of any of the forestry options (2A, the Ban Clearcutting Referendum; 2B, the Forest Compact; or 2C, neither) to get a majority of votes last fall means that Maine voters will cast ballots again this November on the Forest Compact fashioned by industry, government and mainstream environmental leaders. However, the Compact is in trouble. While there is little energy and incentive by last year's supporters of the Compact for another major push, opponents are fired up to do battle. Polls suggest public support is at best on the fence. If opponents nudge harder than proponents, the vote on the Compact is likely to tip into the no column. One July poll indicated the Compact had solid support from no more than a third of the likely voters.

It is not what they are saying publicly, but now that the forest industry has run the anti-clearcutting referendum off the track, they would be happy to let the Compact quietly roll into the breakdown lane and rust. Jim Robbins of Robbins Lumber helped lead the charge against the Compact last time. The Maine Forest Products Council led the charge for it. Now Robbins is president of the MFPC and he has been working to change the group's strategy. That is not difficult. The major

landowners do not want to spend big bucks and major political capital again to convince voters to impose more regulations on their forest practices. (One sound bite you will not hear: "Please hit us again, harder this time.") So the landowners, through the MFPC and Maine Pulp & Paper Association, have devised an alternative: convince the public that they have seen the light and now intend to voluntarily be exemplary forest stewards.

The industry kicked off their new approach in June with a three part program. First, they hired popular Maine humorist Tim Sample, for an undisclosed sum, to tape a series of soft sell ads telling people in TV and radioland that "Good things are happenin' in the Maine Woods." Paid newspaper and magazine advertising supplements the broadcast ads. Second, they scheduled summer and fall tours at six papermills and eight forestry operations where they can tell people face to face that good things are happenin' in the Maine Woods. Third, they are stumping the state to get stories and editorials which tell people, through the voices of reporters and editors, that good things are happenin' in the Maine Woods. The underlying message in each case is that the companies already have their self-policed Sustainable Forestry Initiative and they plan to abide by the spirit of the Compact even if it does not pass, so there is no great reason to pass it.

What about the other Compact supporters? Gov. King is still popular, but his positions on a variety of issues have made more voters distrust him than last year. It is doubtful he will offer himself as spokesperson for the Compact again this fall, especially with the credibility new posterboy Tim Sample brings to the campaign. Maine Audubon Society is still exhausted and bruised by the last round. The Natural Resources Council does not want to lose face, but would probably be happy to start the game over. Look for both groups to invest no money and little energy to campaign for the Compact, especially when they realize their industry partners have essentially bailed.

Meanwhile, at the other end of the field the Compact foes are massing. The weird combination of anti-clearcutting advocates and anti-government zealots that denied the Compact a majority last year will be even more powerful this time. The two camps do not even speak to each other, but, for very different reasons, they share the goal of defeating the Compact. They will probably succeed thanks to the industry's realign-

ment. But if the ban clearcutting folks go for another referendum, expect the anti-government forces to be on the frontlines opposing such an initiative next time. (To see who is saying what so far here are some contacts: Maine Pulp & Paper Association, PO Box 5670, Augusta, ME 04332; Maine Audubon, PO 6009, Falmouth, ME 04105; NRCM, 271 State Street, Augusta, ME 04330; FEN, PO Box 2218, Augusta, ME 04338; Common Sense for Maine's Forests, PO Box 111, Garland, ME 04939.)

Bills, Kills & Spills: Much of the activity—and inactivity—on Maine Woods issues so far this year has been focused on the State House. The Legislature used the upcoming Forest Compact vote as an excuse to punt nearly all balsam scented bills to 1998, including initiatives from the Forest Ecology Network (FEN) to stop clearcutting and to require minimum stocking standards under the Tree Growth Tax Law, bills by the Natural Resources Council of Maine (NRCM) to stem liquidation logging and to tweak the Forest Compact, and several proposals authored by low-impact logging guru Mitch Lansky.

Still, a number of important bills were dealt with, and it was not a pretty picture. NRCM, in particular, took a beating. Among the NRCM ideas rejected were initiatives to improve regulation of logging roads, to open to public scrutiny landowner reports on timber harvesting and wood processing, to require that nominees to the LURC commission endorse the agency's statutory mission, and to close the large lot loophole in the LURC law. But those were petite stuff compared to a couple of major rebuffs. The big land bill of the session, LD 1198, would have banned development from five large wildland areas in the unorganized territories. It was crumpled in committee, then crushed in the full House and Senate. The big water bill of the session, LD 1577, would have eliminated dioxin discharges from pulp and paper mills by prohibiting the use of chlorine based bleaching. It was thrown out in favor of an industry alternative pushed by Gov. Angus King that lets paper-makers use a less costly approach to eliminate detectable dioxins. King celebrated the signing of his dioxin bill by jumping fully clothed into the Kennebec River, but environmentalists said he was all wet on the efficacy of his bill even before that stunt. They are looking into launching a citizens' referendum.

There were a few pieces of legislative good news. A bushful of bad bills was defeated, including a pair of extreme private property rights and takings initiatives, and a proposal to allow dumping of dirt into waters. The big wildlife bill of the session, LD 789, added 20 plus species to the state's endangered and threatened species lists. The Sportsman's Alliance of Maine fought like a desperate, wounded animal to delete invertebrates from the list, but in the end every one of the species proposed, including several insects, got the nod from the committee and full Legislature.

Fish Tales: The number of Atlantic



THE ARCHES.
East Branch of the Penobscot River.

From Canoe and Camera: A Two Hundred Mile Tour Through the Maine Forests by Thomas Sedgwick Steele, published in 1886.

salmon returning to rivers in Maine increased during the past couple of years to over 2,000. But the count is down in 1997. As of August 1, only 13 fish had been caught in seven eastern Maine rivers. Fewer than 1,200 had been trapped or rod caught in the Penobscot. In an act of desperation the Atlantic Salmon Authority banned all salmon fishing in Maine through August. Catch and release salmon fishing resumes in September, but the ASA is considering stopping all fishing in some coastal rivers to prevent anglers from accidentally catching a salmon. Meanwhile, federal agencies again delayed a decision on whether to list salmon as a threatened species in seven eastern Maine rivers to allow more public input on a plan submitted by the State of Maine as an alternative to the listing. The plan is considered by many conservationists as deficient in terms of accountability, enforceability, and biological defensibility. Nonetheless, formal acceptance of the state's plan is virtually a done deal. In fact, the same federal agencies that are supposed to decide whether to accept the plan have been part of a group writing the document and have already begun funding its implementation. The major remaining question is whether the feds will completely fold in the face of Gov. King's threat to sue and to use his national political connections to overturn the

decision if the salmon is listed under the Endangered Species Act. Genetic experts working on the state plan have argued that there were no wild fish left in Maine's rivers. In a surprising turn, in August a new report by federal geneticists concluded that "Our data do not support the hypothesis that Atlantic salmon have been totally 'homogenized' by migration, stocking, and aquaculture operations." That is a frontal challenge to the underpinnings of the State's effort to head off listing.

The one bit of good news for salmon is that Down East rivers are now being stocked with salmon fry born in the same river. In the short-term, that helps avoid genetic contamination. In the long-term, we are going to have to decide whether we want fish-blocking dams, chemical-intensive fish and berry farming, water-clouding peat mining and endless, expensive put-and-take salmon stocking or whether we want self-sustaining wild runs of Atlantic salmon. (Contact RESTORE, PO Box 1099, Concord, MA 01742.)

Other fish news is equally equivocal. Lifelong local sporting camp owner Omar McIver of Rockwood says this is the worst year for fishing at Moosehead Lake he has seen in his lifetime. Moosehead had an international reputation for producing trophy lake trout and landlocked salmon. In the past decade the lake's legendary fishery has crashed

and the tourism business in Greenville and Rockwood is suffering mightily. The problems seem myriad, including poor forest practices, lake level management, lack of smelts as prey, overfishing especially in the winter, competition from introduced exotics, too many beavers on feeder tributaries, and poaching by anglers and cormorants. Big fish have become rare. At a fishing derby this summer the first place salmon weighed under 2 pounds compared to a 4 pound winner in 1985. The top togue a dozen years ago tipped the scales at over 10 pounds. This year the largest one was well under 4 1/2 pounds. Three years ago locals formed a Moosehead Lake Fisheries Coalition to help the state to do more to recover the fishery. This year the group is stocking 2,500 foot-long brook trout, cleaning up tributary streams to encourage spelt spawning, and funding a study of the impact of mysis shrimp in the lake. However, some folks have run out of patience and pressure is mounting to shift the focus from the slow process of studying and restoring the fishery to recreating immediate opportunities to catch lunkers by dumping hatchery raised, trophy size fish into the lake. In July, an even more desperate angler wrung the necks of 39 cormorant chicks on a Moosehead island to reduce the competition. If caught the bird killer could face federal charges.

The shortnose sturgeon in the Kennebec River has been protected under the federal Endangered Species Act for more than 20 years. Now their cousin, the Atlantic sturgeon may join them. The Biodiversity Legal Foundation has filed a petition to put Atlantic sturgeon on the endangered species list throughout its entire East Coast range.

Fish & Wildlife Commissioner Bucky Owen left that job at the end of this summer. While on leave from the University of Maine he accepted early retirement, but he plans to volunteer teach there to stay engaged. The King Administration has opened a search to find a new head guide for the wildlife agency and lots of names are being bandied about. The two lobbyists for the Sportsman's Alliance of Maine are both on the list. SAM director George Smith is playing hard to get by publicly claiming he would rather keep his current day job, but privately he is said to be drooling for the position. SAM political strategist and former legislative Fish & Wildlife Committee chair Paul Jacques has coveted the seat for years, but is viewed as a loose cannon by the Governor's office.

Eyes on the Wise Guise: When the Evil Empire of Communism crumbled in the late 1980s, conspiracy theorists desperately sought new bogeymen to rally against. Many scapegoats have been nominated, from the politically persecuted seeking escape from other countries and safety in ours to environmentalists seeking to preserve the public interest in our natural heritage. The common thread in each case has been a claim that power mad and spiritually bankrupt "captains and kings of government, business, and finance" are secretly manipulating world events so they can effect global control to enslave people across this country and beyond.

According to the mother of all conspiracy theories, government is not merely cumbersome and inefficient. It is evil. But it is only a front. Behind the front, argue the self-described patriots, is a secret regime (historically the Illuminati, now the New World Order) that seeks to disarm American citizens and subjugate them to a totalitarian one-world government.

One of the subsets of this Master Conspiracy theory is the so-called Wise Use Movement, whose goal is to crush and replace the environmental movement with an ideology of maximum privatization and exploitation of natural resources. The anti-government fervor that swept the country in the early 1990s gave great hope to the leaders of the brown brigade. With incendiary rhetoric they stirred up considerable public concern that every birdwatcher was an unindicted, if unwitting, coconspirator in some pagan-minded push to prevent maximization of private profit. Now, however, the WUM is fast becoming frustrated and fractured. The movement's congressional agenda has been crashing into walls left and right and at least one of the brown field commanders, Chuck Cushman, head of the American Land Rights Association, is openly biting some of the hands that have been feeding him.

None of this means the movement has fizzled in Maine. In fact, Maine continues to be a national beachhead for the unwise movement. Indeed, it is becoming an international center for nervous extremists who decry action to preserve the common good. Witness a few examples.

Tax opponent, private property rights zealot, and self-described reluc-



From Canoe and Camera: A Two Hundred Mile Tour Through the Maine Forests by Thomas Sedgwick Steele, published in 1886.

tant activist housewife, Mary Adams has morphed once more, this time into Common Sense for Maine Forests. With her trademark aw shucks persona Adams is leading a motley group of property right-wingers, anti-government "patriots" and generic libertarians in an effort to defeat the Forest Compact. (Contact Common Sense, PO box 10, Garland, ME 04939).

George Smith, executive director of the Sportsman's Alliance of Maine (SAM) and political string-puller extraordinaire, continues relentlessly to push his special interest legislative agenda. In the June/July issue of *SAM News*, Smith gloats that "It was nice, as I approached my fourth year of lobbying, to know that more than five dozen legislators got elected with the political endorsement of SAM's Political Action Committee." Not surprisingly, SAM got its way on nearly every bill it supported or opposed in the Legislature this year. In the same newsletter, is an article asserting that "SAM continues to strongly oppose the creation of the North Woods [sic] National Park.

The Millinocket-based Fin & Feather Club has again gone on the attack against Baxter State Park Director Buzz Caverly. According to F&F spokesperson Jimmy Busque, Caverly's offense this time was to publicly suggest that the Katahdin region has enormous potential as a destination area for tourists seeking a wildlands experience. He had the audacity to state the obvious, namely that people would rather come to the Maine Woods "to see a moose, to see a loon, to hunt, to snowmobile and, yes, to maybe even hear the call of a wolf," than to see a declining industrial landscape and economy. Busque has also taken on Nancy Oden for her effort to get a referendum vote on banning aerial spraying of pesticides. He says environmentalists "have a problem with anything that benefits people and improves their lives and the belief that humans cannot possibly improve upon nature."

Bob Voight, head of the Maine Conservation Rights Institute (MECRI), is worried about every hiccup by anyone in government at any level or by anybody in any environmental group. His latest fret is that, beneath the mask of sustainable development, the federal government is planing the takeover of Dover-Foxcroft, one of the towns in transition on the fringe of the Maine Woods. Voight says "the real

purpose" of a recent grant to the town from the Department of Housing and Urban Development "is to limit growth of the community, control energy use, control the citizen and minimize the use of the natural resources. The sustainable community is a slave's ball and chain, not a free man's freedoms." Voight likes local control only when local decisions precisely fit his vision of a community fighting to "protect our forests from the onslaught of statist concepts." (Contact MECRI, PO Box 220, Lubec, ME 04652.)

Mike Coffman, Voight's partner in paranoia at MECRI, has started another "group" in a series to push his theme that environmentalists are pagan nature worshipers in cahoots with the UN to form an eco-world order. Coffman donned his Sovereignty International chapeau recently to tour the country with his road show purporting to expose

how environmental leaders are working to implement "worldwide police state measures in the name of ecological preservation...to provide justification for a global slave-state." One of his key themes lately is that national parks are the welcome mat for a new world order and the UN is going to turn them into "human exclusion zones." The John Birch Society sponsored the tour. When Coffman hears that LURC has opened an office in Moscow (Maine) he will have proof of collusion between the lurking land use cops and the Marxists. (Contact M. Coffman, 1229 Broadway, Suite 313, Bangor, ME 04401.)

Robbie McKay lives in Kingman Township. She and a few friends banded together last year under the banner of Unorganized Territories United. She read some of Mike Coffman's silly musings and swallowed it hook, line and sinker. McKay has been using her 15 minutes of fame to try to persuade legislators, news media and anyone else who will listen about how the Audubon Society and other "sweet-sounding" environmental groups actually have an agenda "to destroy the character of life in Maine." Taking a cue from her mentor, Dr. Coffman, who invents a new organization every six months or so to try to confuse his critics, she is now starting another group called Traditional Maine Sportsman. (Contact R. McKay, UTU, HC 62 Box 458, Kingman, ME 04451, 207-765-2202.)

If you want to read some of the ideas these folks believe, drop them a card or get a copy of *Fishery Notes, Farming & Forestry Tool* (HCR 32 Box 0, Sullivan, ME 04664). Caution: reading this stuff could cause permanent brain damage.

Fall Wilderness Roundtable Convenes Near Adirondack High Peaks Wilderness Area

Registration is now open for a Wilderness Roundtable II, a special forum and family conference to take place September 26-27-28, 1997 at the Ausable Club and Adirondack High Peaks Wilderness Area, sponsored by the Association for the Protection of the Adirondacks.

The purpose of the Roundtable is to examine current and emerging trends and programs for Wilderness public lands education, research and management training in New York State and elsewhere in North America and Europe.

For an agenda and for registration information, please contact the Association for the Protection of the Adirondacks at POB 951, Schenecatday, NY 12301 or call 518-377-1452.

The Association for the Protection of the Adirondacks was founded in 1901 as a non-profit and membership organization dedicated to the protection and enhancement of both the natural and human values of the New York State Forest Preserve in the Adirondack and Catskill Parks.

WMNF Recreation User Fees Subsidize Special Interests

To the editor:

Last year, more than seven million people visited the White Mountain National Forest (WMNF). Many of those visitors were citizens of New Hampshire. This coming spring, those visitors [have been] required to pay up to \$20 to enjoy that same experience.

The U.S. Forest Service has proposed a program that charges people a user fee in the WMNF. According to the Forest Service, its budget has declined and the agency needs additional money to pay for the management and maintenance of recreation facilities. On the surface, this request seems fair. But scratch the surface and suddenly you will find that taxpayers may just be paying for special deals that benefit special interests.

The Forest Service logs about 4,000 acres a year in the WMNF, and loses a significant amount of money in the process. The U.S. General Accounting Office (GAO) and Forest Service figures show the WMNF logging program costs taxpayers over \$1 million a year. Under the current Forest Service proposal, income from the proposed recreation fee could be used to offset the costs of the below-

cost logging program.

The Forest Service also allows other commercial interests to use the WMNF at bargain rates. For example, Loon Mountain Ski Area operates on national forest land. According to Forest Service documents, the ski area has income of well over \$10 million, yet pays about \$200,000—less than 2 percent of that income—in fees to the Forest Service. In fact, it takes just one Saturday's ticket sales to pay for a year's lease to use our public lands. By law, the fee should be based on fair market value, but this is obviously not the case.

The management and maintenance of the WMNF recreational facilities certainly should be adequately funded. But before taxpayers are charged twice to use the WMNF—once through taxes and again through a direct fee—the Forest Service should stop charging special interests discounted rates. Then, and only then, should the agency consider charging the public a user fee.

Sincerely,
David Carle
Associate Executive Director
RESTORE: the North Woods

MAINEOPOLY®

THE BOARD GAME OF POWER, PROFIT AND PRESERVATION

MAINEOPOLY is a board game in which players compete in determining possible futures for Maine's North Woods. On the next four pages, you will find all you need to entertain your family, community group, dorm, government agency, board of directors, or cell block on a rainy afternoon, or to liven up a dull party or stockholder meeting. Just follow the instructions below (or use your own creativity to make the rules more realistic or fun). Maine is on the move, so get going!

INTRODUCTION

During the 19th century, timber barons amassed vast forest holdings in the legendary Maine Woods. They sent virgin logs to hundreds of sawmills on Maine's mighty rivers, transforming the state into the lumber capital of the world. But in the 20th century, most timber barons were replaced by huge multinational corporations which acquired control of millions of acres of forest. Many of these companies also employed tens of thousands of workers to build and run gigantic pulp and paper mills. Today, Maine has the largest amount of industrial and the greatest proportion of foreign land ownership of any state in the country. The forest products industry represents the biggest economic and political force in Maine. As a result, absentee paper companies, in particular, exert enormous influence on Maine's environment, economy and government.

However, the traditional patterns of ownership, use and management in Maine's so-called "working forest" are changing. In many respects, the old ways no longer serve the natural and human communities very well. Most of Maine's paper mills are now outdated and at a competitive disadvantage compared to those in other states and countries. The forest industry has been "downsizing" thousands of workers out of jobs. While Maine is statistically the most heavily forested state, in recent years clearcutting and overcutting have degraded thousands of square miles of its forest ecosystems. There is virtually no old-growth forest left. In fact, there are too many small trees; seedlings and saplings crowd each other in an overabundance of immature forest stands. At the same time, demands are increasing for residential, commercial and industrial development in Maine's wildlands. The future for Maine could be as an increasingly impoverished, resource-extractive third world economy with an industrialized landscape dominated by the forest industry.

But there is another possible future. Public pressure to return timber harvesting to sustainable levels is mounting. Equally significant, more and more people recognize that nontimber values are increasingly outweighing the traditional commodity uses of the forest. There is growing recognition that park lands and ecological reserves, large and small, can preserve and restore native biodiversity and natural scenic beauty, safeguard clean water and air, protect essential wildlife habitat, maintain public access to large tracts of unspoiled wildlands for backcountry recreation, and can help diversify Maine's economy.

On the eve of the 21st century, the future of the fabled Maine Woods is up for grabs. **MAINEOPOLY** is designed both to entertain and to educate. It is a rough model, but a reasonable facsimile, of a state in transition. What would you do if you could decide the future of the forest in Maine?

OBJECT

There are two ways to "win" the game of **MAINEOPOLY**:

(1) Accumulate personal and corporate wealth and power by buying properties, building mills, malls and second homes, cutting forests unsustainably, exporting raw logs, busting unions, and dominating

government and public agencies, in order to become rich, reduce taxes, minimize environmental regulations, and pass corporate welfare legislation.

OR

(2) Become richest in spirit, celebrate the natural and cultural heritage of the Maine Woods, and leave a great public legacy by permanently protecting conservation lands (to preserve fragile soils, waters, forests, wildlife, recreation, and aesthetics and to encourage economic diversification), as well as by ensuring that future activities on harvested forest lands are ecologically sound, socially responsible, and sustainable.

Of course, in the real world a balance of approaches is necessary. As you play **MAINEOPOLY**, think about what you believe would be the ideal mix of private and public ownership, of managed and wild lands, of consumptive and nonconsumptive recreation, of young and old-growth forests.

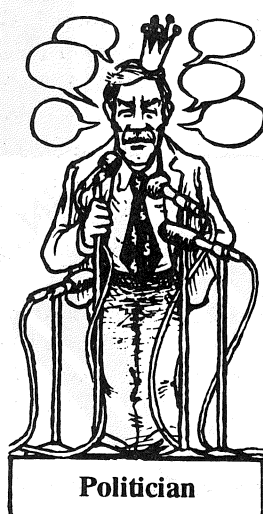
PREPARATION

- (1) Photocopy Properties from the board (use as deeds) and Stakeholders, paste onto old manila folders and cut out.
- (2) Photocopy Risk It! cards onto red paper and Community Values cards onto green paper and cut out.
- (3) Make 20 copies of each So-called Improvement and Public Investment. Cut out and assemble.
- (4) Make 20 copies of each denomination of FleeceBank buck for each Stakeholder playing.
- (5) Give each Stakeholder 10 of each type of FleeceBank buck to start. Put remaining money in bank.
- (6) Designate Stakeholders to serve as CEO of the FleeceBank (to handle the cash) and President of the SurReal Estate Agency (to handle the deeds).
- (7) Borrow a pair of dice.

PLAY

- (1) Each player chooses a Stakeholder. Take turns throwing the dice and moving the Stakeholders clockwise around the board.
- (2) Stakeholders may purchase any Property they land on by paying the price to the FleeceBank.
- (3) Players may add one So-called Improvement or one Public Investment to each Property they acquire. Pay cost to FleeceBank. For the purposes of this game, So-called Improvements may be placed on conservation lands and Public Investments may be placed on private lands.
- (4) When you land on another Stakeholder's Property, pay the owner a use fee of \$5 million if it is on TooLost Road, \$10 million if it is on Harsh Reality Road, \$15 million if it is on Buzzsaw Road, or \$20 million if it is on Goldern Road. If there is a So-called Improvement on the property, pay an additional fee of \$1 million for a second home, \$5 million for a Wall-to-Wall-Mart, or \$10 million for a mill. (There is no additional payment for Public Investments.)
- (5) For each doubles rolled take another turn. Three doubles in a row puts you in the slammer. Roll doubles (3 tries) or pay a \$10 million fine to get out of the slammer.
- (6) Put \$100 million in the Maine Outdoor Heretics Lotto to start and each time it is won. Pay all penalties, fees and fines to the MOH Lotto.
- (7) You may form ad hoc alliances, coalitions, councils and affinity groups. However, you are not required to stick with any particular team for the whole game.
- (8) If you get into a jam make up your own rules.

STAKEHOLDERS





Developer



Sportsperson

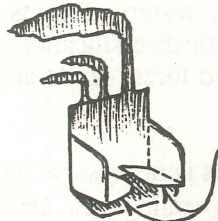


Logger

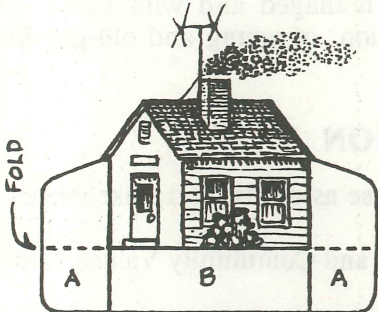


Conservation Commissioner

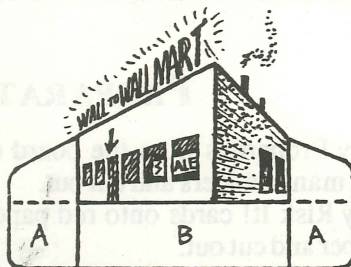
SO-CALLED IMPROVEMENTS



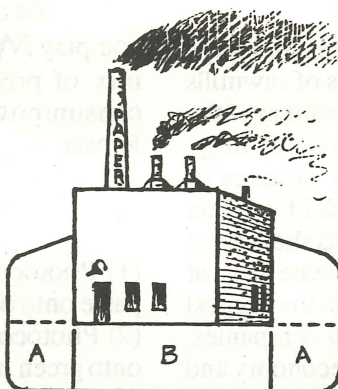
GLUE FLAPS A TO FLAP B



Second Home
Cost \$10 million

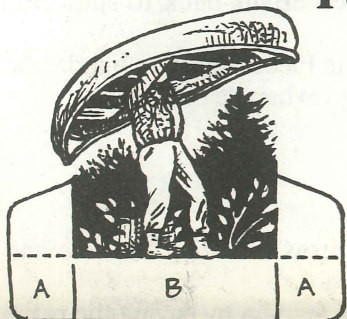


Wall-to-Wall-Mart
Cost \$50 million

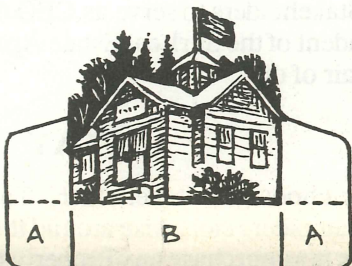


Paper Mill
Cost \$100 million

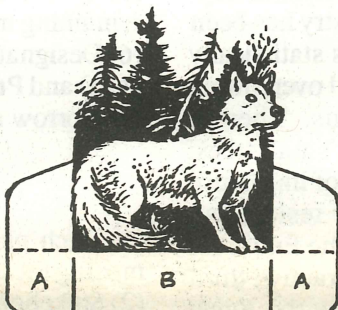
PUBLIC INVESTMENTS



Backcountry Trail System
Cost \$1 million

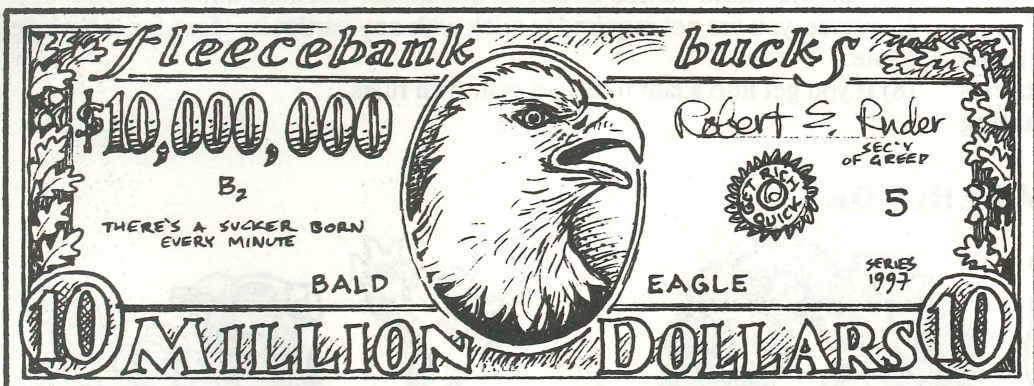
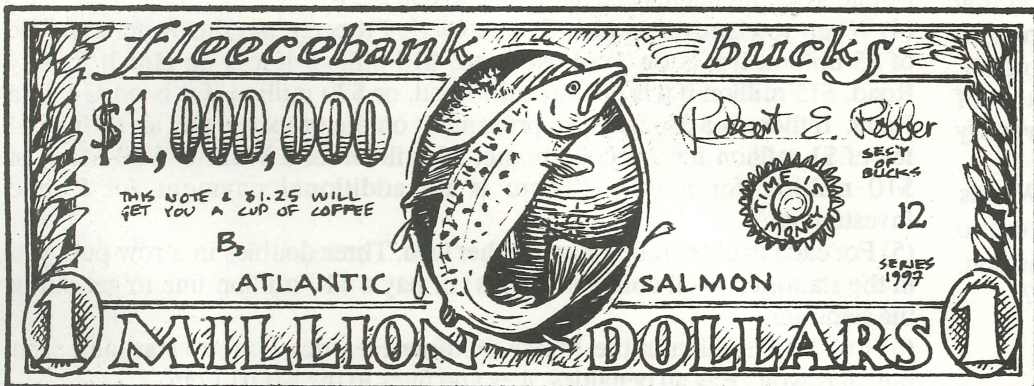


Interpretive Center
Cost \$5 million



Ecosystem Restoration
Cost \$10 million

FLEECEBANK BUCKS



ALACHIAN ELITIST YCGROUND TRAIL (A SUBSIDIARY OF BADWATER, INC.)	1,000 acres	30 million
GREAT NOTHIN' (A SUBSIDIARY OF BADWATER, INC.)	2,000,000 acres	\$325 million

APPREHENSIVE
& CARELESS
MGT. CO.
900,000 acres

MOOSEHOOF
CHARISMATIC
MEGAFUNA
REFUGE
24,000 acres

PHAZER
PAPERS
240,000 acres
1 mill

PATENTED
LAND
CORP.
20,000 acres



ALLEYGASH
WILDERNESS
BEAUTY
STRIP
23,000 acres

I.M.
SELF-IRVING
UNLTD.
575,000 acres

KANATTACK
BIRDIES
WINDFARM
(A ZONK
COMPANY
PROJECT)

HUBRIS
RESOURCES
CORP.
440,000 acres



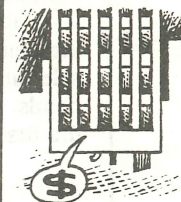






KIDDIN'

HANCROCK
TIMBER
GROUP
255,000 acres
\$80 million


VERY
VERY
VERY
COMPACT
ECORESERVE
Up to
10,000 acres
\$10 million

HARSH REALTY ROAD

<div>GO TO SLAMMER LUNCH</div> 			<div>S.D. WARRIN' COMPANY COMPANY (A SUBSIDIARY OF SLAP HAPPY LTD.)</div> <div>900,000 acres 2 mills</div> <div>\$500 million</div>		
<div>BELOW-COST LOGGING NATIONAL FOREST</div> <div>50,000 acres</div> <div>\$50 million</div>			<div>DOWN EAST LEAKS VIRTUAL PRESERVE</div> <div>1 million acres</div> <div>\$300 million</div>		
<div>CANADIAN PATHETIC RAILROAD</div>  <div>\$100 million</div>			<div>GREED CORP.</div> <div>550,000 acres 1 mill</div> <div>\$600 million</div>		
<div>NAH-NYA- KANTCHA MANAGEMENT UNIT</div> <div>43,000 acres</div> <div>\$40 million</div>			<div>BAXTA STATE PARKING LOT</div> <div>200,000 acres</div> <div>\$200 million</div>		
<div>GEE-PEE CORP.</div> <div>440,000 acres 3 mills</div> <div>\$430 million</div>			<div>THOREAU MEMORIAL WILDLAND PRESERVE</div> <div>5,000,000 acres</div> <div>\$750 million</div>		
<div>RISK IT!</div>  <div>\$330 million</div>			<div>TREE GROWTH TAX *</div> <div>Pay virtually nothing.</div> <div>Roll again</div>		
<div>CHAMPIN' INTER- NATIONAL CORP.</div> <div>770,000 acres 1 mill</div> <div>\$330 million</div>			<div>INTER- GALACTIC PAPER COMPANY</div> <div>945,000 acres 1 mill</div> <div>\$700 million</div>		
<div>PIGREE HEIRS (SEVERED ISLANDS MGT. CO.)</div> <div>940,000 acres</div> <div>\$300 million</div>			<div>EAST-WEST 8-LANE HIGHWAY</div> <div>Way too many acres</div> <div>\$650 million</div>		
			<div>COMMUNITY VALUES</div> 		
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<div>GO FOR IT!</div> <div>Collect \$10 million</div> 			<div>BORE STONE SANCTUARY</div> <div>1600 acres</div> <div>\$1 million</div>			<div>BASKETCASE FOREST COMPANY</div> <div>110,000 acres</div> <div>\$30 million</div>			<div>BIG SEED RESERVE</div> <div>5,000 acres</div> <div>\$5 million</div>			<div>INCOME TAX *</div> <div>Pay 10% or \$50 million</div>			<div>RISK IT!</div>  <div>\$50 million</div>			<div>DIAMOND ACCIDENTAL FOREST INC.</div> <div>150,000 acres</div> <div>\$50 million</div>			<div>BANGER & ALL-RUSTIC RAILROAD</div>  <div>\$100 million</div>		
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GO TO SLAMMER
LUNCH




BELOW-COST
LOGGING
NATIONAL
FOREST

50,000 acres

\$50 million

CANADIAN
PATHETIC
RAILROAD



\$100 million

NAH-NYA-
KANTCHA
MANAGEMENT
UNIT

43,000 acres

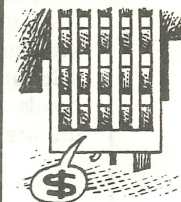
\$40 million

GEE-PEE
CORP.

440,000 acres
3 mills

\$430 million

RISK IT!



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BAXTA
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LOT

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2 mills

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THOREAU
MEMORIAL
WILDLAND
PRESERVE

5,000,000 acres

\$750 million

TREE
GROWTH
TAX
*

Pay virtually
nothing.

Roll again

INTER-
GALACTIC
PAPER
COMPANY

945,000 acres
1 mill


\$700 million

EAST-WEST
8-LANE
HIGHWAY

Way too
many acres


\$650 million

COMMUNITY
VALUES



GO FOR IT!

Collect \$10 million



BORE STONE
SANCTUARY

1600 acres

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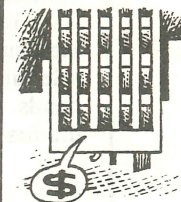
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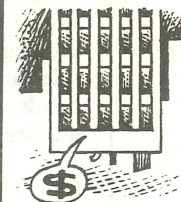
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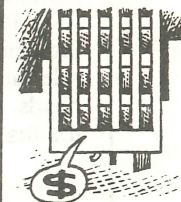
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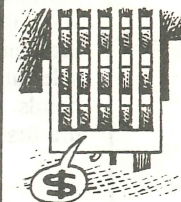
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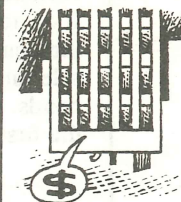
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BORE STONE
SANCTUARY

1600 acres

\$1 million

BASKETCASE
FOREST
COMPANY

110,000 acres

\$30 million

BIG SEED
RESERVE


5,000 acres

\$5 million

INCOME
TAX
*

Pay 10%
or
\$50 million

RISK IT!




\$50 million

DIAMOND
ACCIDENTAL
FOREST INC.

150,000 acres


\$50 million

BANGER &
ALL-RUSTIC
RAILROAD



\$100 million

GO TO SLAMMER
LUNCH




BELOW-COST
LOGGING
NATIONAL
FOREST

50,000 acres

\$50 million

CANADIAN
PATHETIC
RAILROAD



\$100 million

NAH-NYA-
KANTCHA
MANAGEMENT
UNIT

43,000 acres

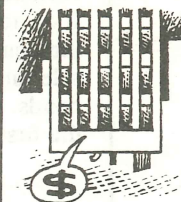
\$40 million

GEE-PEE
CORP.

440,000 acres
3 mills

\$430 million

RISK IT!



\$330 million

CHAMPIN'
INTER-
NATIONAL
CORP.

770,000 acres
1 mill

\$330 million

PIGREE
HEIRS
(SEVERED
ISLANDS
MGT. CO.)

940,000 acres

\$300 million

DOWN EAST
LEAKS
VIRTUAL
PRESERVE

1 million acres

\$300 million

GREED
CORP.

550,000 acres
1 mill

\$600 million

BAXTA
STATE
PARKING
LOT

200,000 acres

\$200 million

S.D. WARRIN'
COMPANY
(A SUBSIDIARY OF
SLAP HAPPY LTD.)

900,000 acres
2 mills

\$500 million

THOREAU
MEMORIAL
WILDLAND
PRESERVE

5,000,000 acres

\$750 million

TREE
GROWTH
TAX
*

Pay virtually
nothing.

Roll again

INTER-
GALACTIC
PAPER
COMPANY

945,000 acres
1 mill


\$700 million

EAST-WEST
8-LANE
HIGHWAY

Way too
many acres


\$650 million

COMMUNITY
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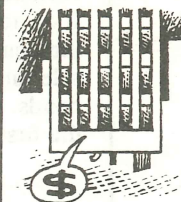
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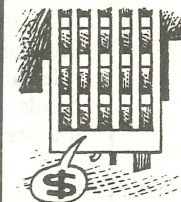
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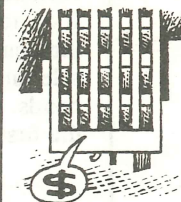
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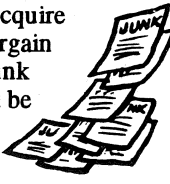




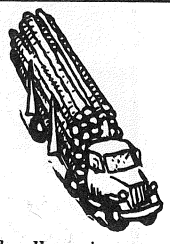


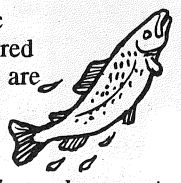

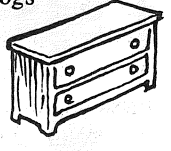




\$330 million

COMMUNITY VALUES

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MAINEOPOLY®
THE BOARD GAME OF POWER, PROFIT AND PRESERVATION
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Any resemblance to actual persons, human or corporate, is purely coincidental, so please spare us the lawsuits.
Concept: Jym St. Pierre Graphics: Jon Luoma

RISK IT!

<h2>RISK IT!</h2>	<p>You are appointed paper corporation CEO and immediately downsize company out of existence.</p>  <p><i>Retire with \$50 million golden parachute to write book about mean(ing) business.</i></p>	<p>Illegally lobby land use commission to water down wildlands comprehensive plan. Activists claim it is a hostile takeover of agency, but you get away with it.</p> <p><i>Get out of the slammer free. Keep this card until needed.</i></p>	<p>Advance to S.D. Warrin'. If owned, you may acquire the company in a bargain sale financed with junk bonds. (It would not be the first time.)</p>  <p><i>Pay \$350 million.</i></p>
<p>Purchase "green certification" for your family forestlands, you sly dog. Claim win-win. (Next you can lobby for an even bigger estate tax break.)</p> <p><i>Because you manage your cash well, happily donate \$20 million to each Stakeholder.</i></p>	<p>Spread toxic paper mill sludge near remote camps and important deer yard. Contaminate ground water.</p> <p><i>Pay each Stakeholder \$10 million to settle infamous "pulp friction" law suit.</i></p>	<p>Two major companies, International Paper and Proctor & Gamble, merge while you are on vacation. You get caught with a cellular phone on the Knife Edge calling Wall Street for the price of the stock offering for the new International Gamble Co.</p> <p><i>Shame! Pay \$10 million fine.</i></p>	<p>State and local officials offer you income, property and equipment tax breaks to not relocate your mill to a third world country.</p> <p><i>Collect \$50 million for successful corporate blackmail.</i></p> 
<p>Join Unorganized Territories Disorganized "wise use" group. Hysterically claim violation of private property rights and government "takings."</p> <p><i>Collect \$20 million from each Stakeholder and stop whining for 15 minutes (or else refund cash).</i></p>	<p>Endow Autobahn Society during emergency fund-raising drive. Get your name carved into an old-growth pine and a lifetime supply of "Working Forest Forever" T-shirts.</p> <p><i>Pay \$5 million endowment dues.</i></p>	<p>To keep logging wages of American woods workers depressed, import Canadian crews to harvest trees on your company's forestlands</p>  <p><i>Collect \$10 million profit, but loose turn while studying a foreign language.</i></p>	<p>Buy special political access through soft money contributions financed by insider trading of paper company stock. Join news conference to call for election reform.</p> <p><i>Hand each Stakeholder \$10 million hush money under the table.</i></p>
<p>Get caught disturbing a rare mayfly protected by ESA in a LURC P-FW zone with your PWC while not wearing your PFD. Fail to convince IFW you were looking for your lost GPS.</p> <p><i>Go to slammer ASAP.</i></p>	<p>Claim global competition as justification to break union and reduce wages in paper mill. Get caught violating governor's "Minus None" employment program.</p> <p><i>Pay \$50 million fine, but get appointed to labor relations board.</i></p>	<p>Get elected governor-king of the Sovereign Republic of Maine. Streamline environmental regulations and create generous new business tax breaks.</p>  <p><i>Give each player \$10 million.</i></p>	<p>Dioxin discharges from your paper mill create a "cancer valley." Public television does an expose, but then is too nervous to air the program.</p>  <p><i>Lose turn.</i></p>
<p>Win Paul Bunyan Forest Mauling & Hauling Award from Pulpmakers' Resource Council for timber trespass into wilderness area.</p>  <p><i>Give thumbs up sign and roll again.</i></p>	<p>Despite objection of Unnatural Resources Council, Governor appoints paper company official to head "conservation" agency.</p> <p><i>Lose turn while crying in your Bigelow Microbrew Beer.</i></p>	<p>Initiate secession movement to create a new state out of unorganized territories. However, Congress refuses to add any more stars to US flag.</p> <p><i>Take a sedative and skip a turn to calm down.</i></p>	<p>Get elected to legislative Committee on Forestry, Sprawl & Conversation. Fall asleep during public hearing on bill to allow sale of special "black fly" motor vehicle license plates.</p> <p><i>Lose face and two turns.</i></p>
<h2>COMMUNITY VALUES</h2>	<p>Receive Noble Peace Prize for donating 20 million acre "forever wild" international peace park to the public.</p> <p><i>Collect \$1 million for each acre donated (\$20 million), give peace sign and roll again.</i></p>	<p>Apply "ecosystem management" on a landscape scale in your woodlot to preserve biodiversity. The birds and beasts thank you.</p>  <p><i>Get out of slammer free. Keep until needed.</i></p>	<p>Fur & Feather Clubbers sue to prove colonial law guarantees a paved road to every wild trout pond. Judge laughs them out of court.</p>  <p><i>Collect \$5 million legal fees award.</i></p>
<p>List imperiled Atlantic salmon under Endangered Species Act. Wild fish are inspired to spawn prolifically.</p>  <p><i>Pause to contemplate the ageless magic of these majestic fish leaping upstream, then roll again.</i></p>	<p>Create a win-win situation by shifting from high-impact logging, which damages fragile soils and seedlings, to low-impact forestry. Good work.</p>  <p><i>Collect \$10 million bonus.</i></p>	<p>Collect over 50,000 signatures from customers at Lite-Aid drug stores for referendum vote on banning aerial spraying of pesticides.</p> <p><i>Receive \$20 million for upcoming campaign from anonymous donor.</i></p>	<p>You have been named Conservationist-of-the-Year for saving an exemplary stand of rare old-growth white pine trees in a unique roadless area.</p> <p><i>Collect \$25 million award from Natural Areas Alliance. Roll again.</i></p>
<p>Set up a new value-added furniture factory to stem the export of high quality logs and to employ skilled local workers.</p>  <p><i>Collect \$50 million in first year profits.</i></p>	<p>Write expose of interlocking directorships among forestry companies, banks and fat-cat law firms.</p>  <p><i>Win \$10 million Pushitzer Prize for investigative journalism.</i></p>	<p>While leading an ecotour beyond the beauty strip, catch a lackadaisical government regulator languidly LURCing behind a pulpwood pile.</p> <p><i>Collect \$10 million from each stakeholder for improving pubic safety, welfare and morale.</i></p>	<p>Infiltrate board of directors of RESTOCK: The North Woods. Propose 3.2 million acre Governor King National Industrial Park & Preserve.</p> <p><i>Receive plaque from Commissioner of Economic Rehabilitation. Roll again.</i></p>
<p>Proposed Big Z and Basic Mills Dams would block critical fish migration. Your group, DAM (Defend Against the Madness) successfully blocks both dam licenses.</p> <p><i>Take a bow and another turn.</i></p>	<p>Guided by Canadian seeing-eye wolf, set land speed record while hiking Hundred Mile Wilderness section of the Appalachian Elitist Playground Trail.</p> <p><i>Skip next turn to let Phideaux rest.</i></p>	<p>Transform fiber farm into wilderness to restore functioning natural ecosystems.</p> <p><i>Collect \$5 million from each Stakeholder for improving their quality of life.</i></p>	<p>Take a walk on the wild side. Advance to Thoreau Headwaters Wildland Preserve.</p> <p><i>Pause to admire the awesome sight of herds of woodland caribou restored to the Maine Woods. Roll again.</i></p>
<p>You convince the governor to set a goal of having 20% of the state in conservation lands by 2020. He appoints you to lead a campaign to pass a bond issue for public purchase of the new lands.</p> <p><i>Collect \$35 million for your excellent efforts.</i></p>	<p>You are hired by ski mogul Les Often to build a mountain out of a mole hill for his expanded resort, Someday River.</p>  <p><i>Collect \$10 in salary and stock options.</i></p>	<p>Propose watershed-based, deep green ecoreserve system to save critical habitat of the threatened Pulpwood Turtle.</p>  <p><i>Designate another Stakeholder to loose a turn for making fun of turtles.</i></p>	<p>Congratulations! You've been elected president of the Maine Wolf Growers Association.</p>  <p><i>Collect \$5 million, howl in delight, and roll again.</i></p>

State Gives \$4 Million Support to Industry to Plan to Chip 300,000-Plus Acres of Northern Maine Hardwood Forests

by Ron Huber

High volume wood chipping of large areas of northern Maine hardwoods may commence in October, following a recent decision by the Finance Authority of Maine (FAME) to approve the town of Millinocket's proposal to float a 4.1 million dollar bond to pay a local contractor to build and operate a high-volume hardwood chip mill on a 40 acre tract on the edge of town on land leased from industrial forest owner JM Huber Corporation (JMH).

JMH, whose 300,000+ acre holdings span 14 townships and stretch from the eastern border of Baxter State Park north to Fort Kent, will be the initial supplier of trees for the chipmill. The company simultaneously received permits from the Maine Dept of Environmental Protection to fill wetlands and a stream at the chipmill site.

While noting that "two letters were submitted in opposition to the Project" [Julian Holmes & Ron Huber], FAME approved the bond issue based on four "determinations and findings of fact":

"(a) The Project will make a significant contribution to the economic growth of the State, the control of pollution in the State and the betterment of the welfare of the inhabitants of the State."

This would be achieved by providing 12 jobs, and by reducing paper mill chlorine use by supplying mills with "clean" (barkless) woodchips, which, FAME stated "require less chemical processing than chips contaminated with bark, leaves, dirt or other matter, allowing Maine paper mills to operate more efficiently."

"Further" FAME noted, "because the paper companies using the chips produced by the company will use less chlorine in the paper manufacturing process, the project will indirectly result in the lessening of pollution from the paper making process, further contributing to a cleaner environment."

In addition, FAME said, JM Huber's 'optimizer sawmill' will attract secondary hardwood users, including furniture makers, to the Millinocket area.

"(b) The Project will not result in a substantial detriment to existing businesses in the State." FAME based this finding on their receiving no opposition to the chipmill project from sawmill companies in the region.

"(c) Adequate provision is being made to meet any increased demand upon public facilities that might result from the Project." The certificate states that log trucks would enter the chipper site via JM Huber's private haul roads and not on public roads. Outgoing woodchips will depart the site on rail cars via a spur line leading to the Bangor & Aroostook Railroad.

"(d) The Department of Environmental Protection has certified to the Authority that all licenses required by the Department with respect to the Project have been issued or that none are required based on a certificate issued by the Department to the Authority dated 7/21/97."



December 19, 1996 protest against wood chip exports at the CHIPCO chip export facility in Mobile, Alabama, owned by Kimberly Clark-Scott Paper. All chips are headed to Japan.

As noted above, Maine DEP has issued permits under the Natural Resource Protection Act, giving permission to fill wetlands on the mill construction site, and has certified that the project will produce no water or air pollution.

At public hearings held in Millinocket and Augusta, supporters of the chipmill said it would create 12 jobs turning "an abundance of low quality hardwoods" into "clean high quality wood chips."

Recipient of the bond money will be Gardner Chipmills Millinocket LLC, owned by longtime logging and trucking contractor William Gardner of Millinocket. Gardner, who plans to debark and grind a minimum of 100,000 cords of hardwood trees into chips per year, said that declines in softwood were reducing his business. By creating a hardwoodchip mill, he would gain new business for his truck fleet.

Gardner said his chipper will obtain wood from JM Huber's holdings and other unidentified forest holders in the region. Gardner also said the primary buyer of his company's woodchips will be papermaker Georgia-Pacific. At present, however, he has deals set for only 50% of the woodchips he expects to create.

In testimony at the public hearing in Augusta, Jonathan Ford, JM Huber woodlands manager, said, "You have got a vast area out there of millions of acres of under-utilized hardwoods, and traditionally, these lands have been so-called high-graded. You go in and take the best...you left the rest". He said the chipmill "will be able to draw on that resource of lower-grade hardwood and enhance the quality of the forest as we move along."

Ford described his company's plan to construct an 'optimizer', a high tech hardwood sawmill, adjacent to Gardner's chipmill. As JMH clears their hardwood forests, sawtimber sized logs

will be directed to the optimizer, while smaller logs will be delivered to the Gardner chipmill. The two mills would process all hardwood tree species available with the exception of poplar.

While supporters of the project say that the two mills will bring economic diversification into job-poor Millinocket which has lost more than 2,000 paper mill jobs in the last decade, critics note that with an average yield of 20 cords of hardwood/acre, the paired mills will in effect require the clearcutting of at least 10,000 acres per year.

(Notably, at the FAME hearing in Augusta, several chipmill supporters testified that the Ban Clearcutting Initiative, if enacted, would have prevented the level of logging needed to make the chipmill profitable.)

Critics also fear that chipping of hardwood trees too small for the sawmill will deplete the growing stock, leaving the cutover areas unproductive. Because many of the areas that will be cleared will not support softwoods, these areas will require an 80 year rotation for hardwood pulp, and a 140 year rotation for logs.

It was also noted that, as the JM Huber 'optimizer' mill exists solely on the drawing boards, with no date given for actual construction, all hardwoods harvested on JM Huber lands will end up as woodchips for the foreseeable future, regardless of size and quality.

Another critic, Green forestry activist Tom Foote, says that Gardner's high volume woodchipper will dump a huge amount of chips into the market, likely driving down the price of pulpwood paid to small woodlot owners of the region. In addition, he said, the drop in hardwoods will impact wildlife by reducing forest complexity, sharply dropping the yield of wild nuts and seeds that many wildlife species feed on, and destroying deer yards and nesting trees.

Opponents also wonder whether

the half of Gardner's 100,000 ton/year woodchip production for which he has no identified buyer will be slated for export from Maine. A JM Huber official told the Bangor Daily News in June that the product of the two mills could be loaded onto railcars on a new spur to the Bangor & Aroostook RR and sent, depending on the buyer, north by rail to Canada or south to a marine terminal at Searsport. However, Gardner Chipmills' attorney told the writer that Gardner has no export plans at present, though he wouldn't rule it out if market conditions were favorable.

Two opponents of the project, Ron Huber of the Coastal Waters Project and Maine Green Julian Holmes, urged FAME to deny Millinocket permission to float the 4.1 million dollar industrial bond, or at least delay the decision until the agency reviewed a similar JM Huber/local chipmiller deal that was turned down by the state of Kentucky last year.

Kentucky's Forest Product Council requires logging companies that want public subsidies to show that their operations will not reduce the long-term productivity of forest resources and will not harm watersheds. JM Huber was not able to demonstrate that its proposed chipping operations would meet these requirements.

While Maine has issued the permits for the operation to commence, a number of Maine forest activists intend to file an appeal of the project to the Maine Board of Environmental Protection in August, saying that the state Department of Environmental Protection failed to study the offsite ecological impacts of the project on Maine's forest ecosystem before granting its permit.

For more information, contact Ron Huber at POB 94, Lincolnville ME 04849 Tel. (207)789-5310 or by email: coastwatch@acadia.net. Ron Huber is not a member of the JM Huber family.

Calming Troubled Waters: An International Peace Park in the Gulf of Maine

by Martin Willison

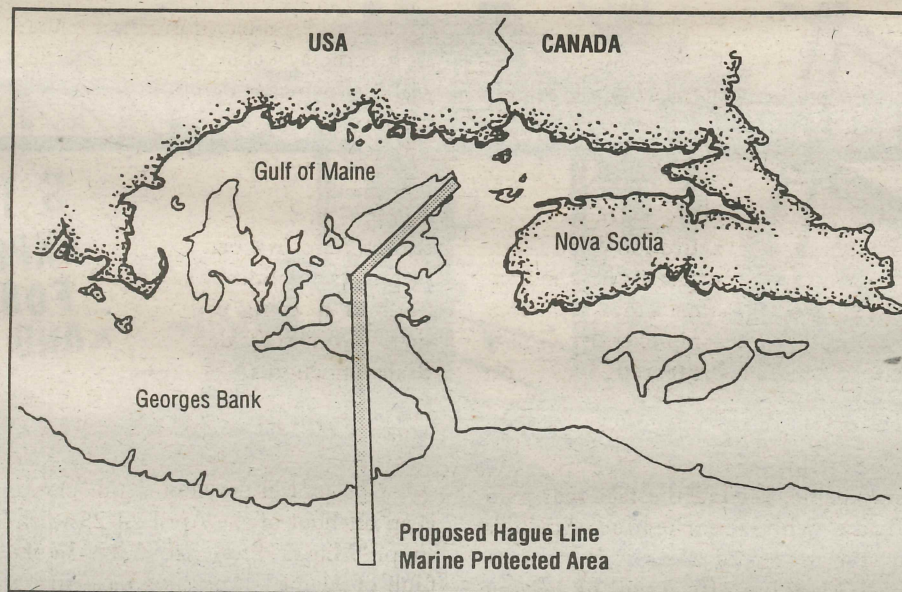
Popular advocacy in the 1930s led to the world's first international peace park, a combination of Glacier and Waterton Lakes national parks. By proclaiming this park, the governments of the United States and Canada not only acknowledged the friendship of neighbours, but also recognized that wild nature is immune to political boundaries. Earth's wildest remaining places are now in the oceans, which cover two thirds of the globe, but there are as yet no ocean peace parks to protect the receding frontier of the wild ocean. It would be fitting for the United States and Canada to repeat their wild west initiative, with a peace park in the troubled waters of the Gulf of Maine.

While the concept of protecting specific areas of land is a cornerstone of conservation policy, this idea has been little used in the ocean realm, particularly in North America. In the oceans, conservation is generally limited to catch quotas, a tactic which is successful only when environmental conditions are stable and fishermen are cooperative. Quota systems do nothing for most forms of ocean wildlife, many of which are obscure even to specialists. Hundreds of types of creatures with few friends are crushed to death by the billion as the ocean floor is plowed by otter trawls and scallop dredges. For these species, some conservation tactic other than quotas is required. Protection of a diversity of habitat types is the simple and obvious answer.

Reserve Theory & Practice

In Nova Scotia, my home province in Canada, most moose hunters head for the boundary of Cape Breton Highlands National Park. The park provides a sanctuary for a core population of moose, and the moose herd is conserved as a result of this provision of protected habitat. Although the park was not established to provide moose hunters with a supply of prey which wanders out of the park, it works that way. Several scientists have wondered whether this simple principle might also provide for conservation, while also allowing exploitation of marine species of commercial interest that migrate out from protected wilderness areas. The idea that marine protected areas might be a strategy for sustainable fisheries has just begun to be tried in a few parts of the world.

Unfortunately, the traditional concept that the ocean is a commons, owned by no one and open to all for exploitation, has made it difficult to experiment properly with the concept of the marine protected area. In the United States, for example, the National Marine Sanctuary Program (administered by the National Oceanic and Atmospheric Administration) regulates fishing in only about one per cent of the area "protected" by this program, despite it being the most significant non-fishery marine conservation program in the United States. In ninety-nine percent of the sanctuary area, fishing by any method is treated as a benign activity. This is not because most of these practices are benign, it is simply



Location of the proposed protected area on the ICJ boundary (Hague line) in the Gulf of Maine.

that we have an ingrained sense of the boundless nature of the ocean.

It is self-evident that ocean biodiversity can be protected if damaging activities can be eliminated, but it is also self-evident that we will not stop doing damaging things in all parts of the oceans. We will not stop ships entering New York harbor, for example, just because they sometimes collide with, and kill, endangered right whales. Similarly, we will continue to catch fish and other forms of sea life for food, and we will continue to search for oil and other minerals beneath the ocean floor. Nevertheless, should we not give up these activities in some representative parts of the oceans, so that the creatures that live there can continue to live undisturbed? If we did so, benefits that might accrue to us will in the long run greatly outweigh those which we have forgone.

Scallops, For Example

The Gulf of Maine is a distinctive ocean ecosystem, bounded to the south by Cape Cod, to the north by Nova Scotia, to the west by some of the New England States, and to the east by the outer edge of Georges Bank. The boundary between the gulf waters of the United States and Canada lies along the so-called "Hague Line", after the decision made in The Hague by the International Court of Justice. If we were to follow this line in a submarine, hugging the bottom, we would cross a complex of marine habitats: kelp forests

inhabited by urchins and lobsters, mud flats with marine worms and snails, rocky ledges with various crustaceans, great flats rich in scallops, a water-blown sandy desert, and forests of sponges and corals in the deeper canyons. Each of these habitats has its own suite of fish, just as on land a marsh, a field and a forest has its suite of animals.

A "peace park" just a few miles wide, along the Hague Line boundary would protect much of the ocean diversity of the Gulf of Maine. To scientists, a protected area of this sort would be a gold mine of information, not just about this piece of undisturbed marine environment but also about the impacts of fishing and other activities on marine environments in general. At present, it is hard even to work out how fast many marine animals grow or how long they live, because they all get caught before they have a chance to live out a full life.

In 1994, Rick McGarvey and I presented the idea of a Hague Line marine protected area to an international workshop on marine protected areas and sustainable fisheries. We reported work we had done on the Georges Bank scallop fishery. Rick, an American, was a graduate student at the time and an expert bio-economic fishery modeller. He crunched lots of numbers and found that, in theory, if we left about four per cent of the scallops where they were to grow as big as they could get, they would produce just as many young as

the current exploited population. At current fishing pressure, scallops barely make it to reproductive age before they are scooped off Georges Bank. Furthermore, mature scallops are far more capable of reproduction than little ones —there is a logarithmic relationship between scallop size and fecundity.

Most of the scallops caught in the Gulf of Maine are four to six years old, yet a scallop will naturally live for at least fifteen or twenty years. In the prime scalloping grounds, there are virtually no scallops older than eight years, most are less than five years old. A single fifteen year old female scallop produces a dizzying three hundred million eggs per year, which is about three hundred times the number of eggs produced by a five year old (i.e. a thirty thousand percent improvement in productivity!).

Rick's doctoral thesis was an analysis of the Georges Bank scallop fishery, and he found that it was regulated by the relationship between fishing effort and scallop fecundity. When the fishing effort is high, not enough scallop eggs are produced to replenish stocks; when the effort declines, the egg supply increases and the stock recovers. This creates a fishery with a classic economically-destructive boom and bust cycle. If we could flatten this cycle, we should be able to produce a healthier, more stable economic situation.

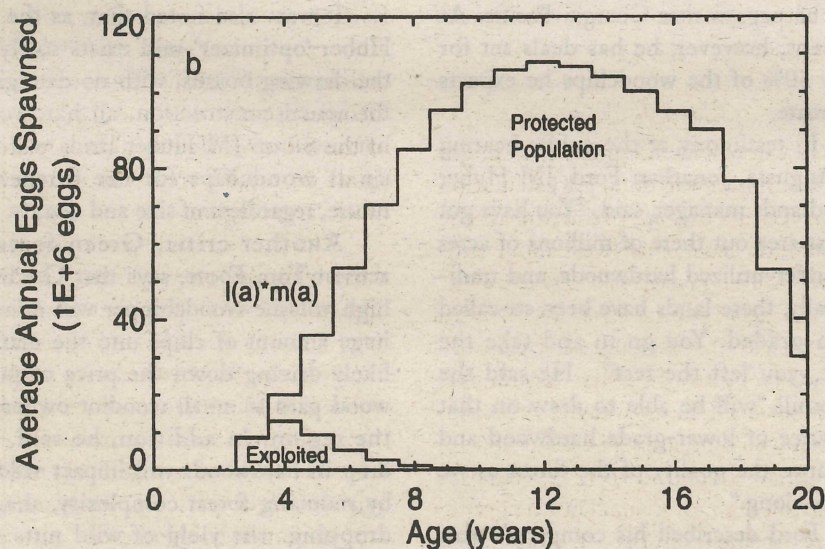
We can do this most effectively by working on the egg supply component of the system, and we can achieve this by keeping some of those big old scallops. On average, the entire scallop-bearing region of Georges Bank is raked by a scallop dredge twice a year, so it is no surprise that the prolific egg suppliers are hard to find.

Academic & Grassroot Support

While it was relatively easy to come up with a marine protected area model to protect the scallop fishery, it was less easy to think of an effective strategy to get there. Both the United States and Canada have scallopers who exploit the rich Georges Bank scallop beds, and scallopers will not give up even a small part of their ground with ease. As it happened, I lucked out by being a talkative kind of person.

I ran into a Nova Scotia fisherman, Kirk Munro, who, like many fishermen, is a marine ecologist without the bells and whistles of scientific jargon. Kirk immediately recognized the potential of the idea of protecting a small part of the scallop stock. Really excited, Kirk said something along the line of, "you could do it on the Hague Line, it's the only place, they hate it on both sides".

Jim Bohnsack, a National Marine Fisheries scientist at the Southeast Fisheries Science Center in Miami, Florida, has written that marine protected areas "enhance fisheries, reduce conflicts and protect resources". Conflict resolution is critical politically. New England scallopers are mad as heck when they get hauled into a Canadian court for straying over the Hague Line, but it continues to happen, so a protected buffer on both sides of the line would literally create a "peace park". While the area available for fishing would be reduced by a small amount (5% should suffice for scallops in theo-



Eggs spawned by a typical female scallop (recruited at age 2) as a function of age, considering mortality and fecundity, for the cases of exploited and protected populations. The area under each graph represents the lifetime eggs produced by an average individual in exploited and protected populations.

ALL AHEAD SLOW: Gulf of Maine Marine Wilderness Designation Process Incremental, But On Course

by Ron Huber

How best to control humankind's impacts on the vast ecosystem found within the expanse of water and submerged lands making up the Gulf of Maine and Georges Bank? The search for answers to this question is bringing into sharper focus the need for decision makers to dare to adopt what should be the most fundamental element of any natural resource management plan—the setting aside of large areas as undisturbed 'control' areas, against which manipulative management techniques applied elsewhere can be judged.

Mere examination of this most basic notion of using unmanaged control areas as part of a resource management process has brought to the fore hitherto largely submerged differences in the vision of the Gulf of Maine's future and "ownership" by a wide spectrum of "marine stakeholders". But the impending creation of a formal marine protected areas research program at a

prestigious New England marine laboratory bodes well for resolving these differences and for putting marine wilderness designation on a fast track in the region.

During its current 1996-1998 funding cycle, the Woods Hole Oceanographic Institution's Sea Grant Program will support a "new marine policy initiative" effort aimed at creating a blueprint for a comprehensive Gulf of Maine Marine Protected Areas program.

At press time, details on the Woods Hole marine protected areas study were unavailable, beyond the fact that Sam Brody, who spearheaded Maine's marine protected areas study for the State Planning office, will be leaving Maine to direct the Woods Hole project. However, typical work products from Woods Hole marine policy research included outreach materials (i.e. articles, books, maps, fact sheets, and pamphlets), workshops and lectures.

As such public information materials become available, the challenge then will be to marshal public opinion in support of marine wilderness, because wilderness designation—be it in the Northern Forest or offshore—is ultimately a political decision. As we have seen in terrestrial park designation campaigns, the political class is notoriously hard of hearing unless the call for marine wilderness designation is a near-deafening chorus.

Maine's Marine Protected Areas Project

One tool in developing this chorus is an offshoot of the April 24-25 workshop, "Marine Protected Areas In the Gulf of Maine." Workshop participants decided to create a three-tiered Marine Protected Areas Project, consisting of an MPA Committee, a Management committee and an advisory committee.

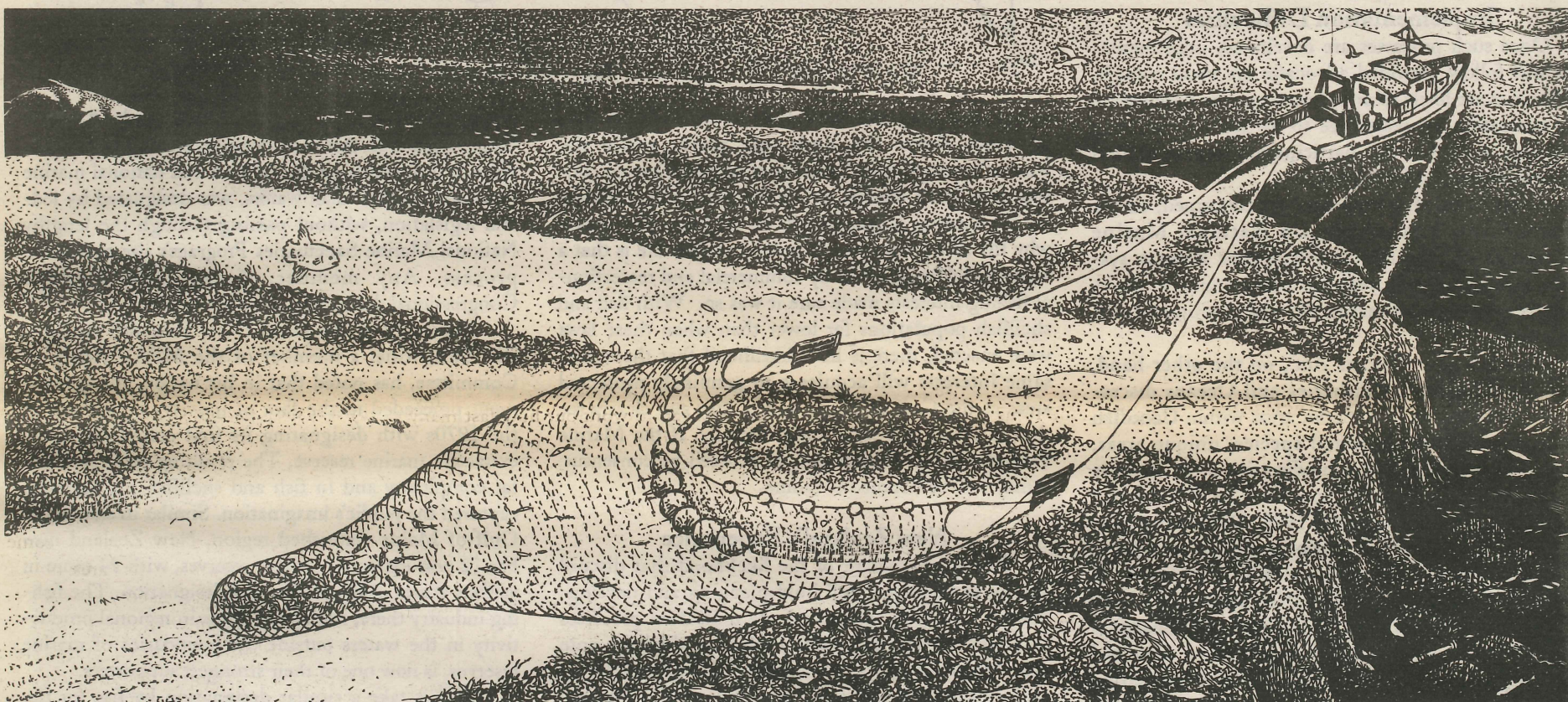
The 29 member MPA Committee "will be expected to make major decisions on substantive issues, respond to pertinent questions, provide input and

comment on work products and contribute some level of time and/or resources when necessary." A 4-member Management Committee will keep on top of the project's financial and operational infrastructure, while the 23 member Advisory Committee will be kept apprised of the other two committees and provided opportunity for input into the work products of the Project. [Note: NARP's Coastal Waters Project is on the Advisory Committee]

The Marine Protected Areas Project has published its list of twelve actions it intends to carry out:

1. Review of existing data on the Gulf of Maine ecosystem and identification of information gaps;
2. Creation of an electronic database on MPAs in the Gulf of Maine;
3. Compilation and analysis of existing laws, programs and legal mechanisms relating to mpas;
4. Production of a GIS map displaying existing MPAs in the Gulf;
5. Investigation and recommendation

Continued on page 22



From THE-OLDER-I-GET-THE-LESS-I-KNOW DEPT.

"Dragging along with force over considerable areas of marine bottom, it tears away, promiscuously, hosts of the inferior beings there resident, bringing destruction on the multitudes of smaller fishes; the whole of which, be it observed, are the appointed diet of those edible species sought as human food."

—James Bellamy, 1842

"Some research, mostly by industry, has been conducted to assess the impacts of otter trawling on the seabed. This has revealed that sediment clouds result from movement across sandy and muddy bottoms, but the clouds are temporary and have not adversely affected catch rates when trawls over the same ground were made within the next 24-hour period." —Canada Dept. of Fisheries & Oceans website 1997

ry), the benefits to both the U.S. and Canadian scallop fisheries should, theoretically, more than make up for any losses.

In addition to problems in the scallop fishery, ground fisheries for cod and haddock are currently in a severely depressed state in most of the Gulf of Maine, and are likely to benefit from protection of spawning and juvenile habitat, some of which lies along the Hague Line. As scientist Peter Auster of the National Undersea Research Center, University of Connecticut noted, "A framework for understanding the potential benefits of non-extractive reserves is based on the premise that habitat complexity will increase in areas which are not impacted by mobile fishing gear. . . . Increased complexity would then result in increased survivorship of post-larval and early juvenile

size classes, thus increasing recruitment to harvested populations."

Conclusion

Just how wide the peace park might be is a matter for detailed calculation and, ultimately, negotiation at the diplomatic level, but Rick and I suggested "5 km on each side of the boundary". Others have preferred five nautical miles on each side because we need a broad enough buffer that "accidental" cross border fishing forays from either nation would no longer be believable.

There is bound to be speculation about the U.S. or Canadian side getting more of the benefit, of course, but Georges Bank has an answer for that. As the tide moves in and out of the Gulf of Maine, it creates a huge swirling motion, known as the Georges

Bank gyre, in the water over the bank. This gyre distributes suspended eggs and larvae of marine organisms around Georges Bank, an area roughly the size of the State of Maine. Thus a relatively small protected area would benefit a much larger region.

While there will undoubtedly be those who say "no way!" to the idea of protecting a suite of habitats representative of the Gulf of Maine by establishing a marine peace park along the international marine boundary between the United States and Canada, the idea deserves a fair hearing. Designating a marine peace park will take complex cooperation and negotiation, but clearly the long terms benefits of a marine peace park are substantial—for marine organisms and for coastal communities alike. Let's face it, the Gulf of Maine marine management policies of the past

have got us to a sorry state, with one of the world's richest fishing grounds closed to several types of fishing for want of fish. It is time to radically rethink the way we manage the Gulf of Maine.

Martin Willison is Professor of Biology and Environmental Studies, Dalhousie University, Nova Scotia, Canada.

Editor's note: Bohnsack and Auster quotes from MARINE PROTECTED AREAS AND SUSTAINABLE FISHERIES The 2nd International Conference on Science and the Management of Protected Areas, May 16-20, 1994. Nancy L. Sheckell and JH Martin Willison, editors. 300 pages.

Available for \$20 from: Science and Management of Protected Areas Association Centre for Wildlife and Conservation Biology Acadia University, Wolfville, Nova Scotia B0P 1X0 Canada

of a nomination process for MPA candidate sites which builds on existing programs;

6. Investigation of existing lists for candidate MPA sites;
7. *Building on existing programs to develop selection criteria for MPAs in the Gulf of Maine and conducting a case study to test its effectiveness;
8. Development and publication of a case study of Stellwagen Bank National Marine Sanctuary that demonstrates the effectiveness of generating scientific understanding of a marine protected area;
9. Development of interactive education programs that articulate the need for and value of Marine Protected Areas in the Gulf of Maine;
10. *Evaluation and recommendation of methods to ensure the full participation, representation and involvement of stakeholders in the development of MPAs;
11. Press releases, community presentations, and meetings with editorial boards to disseminate the concept of MPAs;
12. Raise funds to support activities and projects relating to Marine Protected Areas in the Gulf of Maine.

Most of these proposed actions are important but routine consolidations of existing information from databases scattered around the region and the world. Actions 5, 7, and 10, are different, however, in that they would collectively develop marine protected area nomination and site evaluation processes.

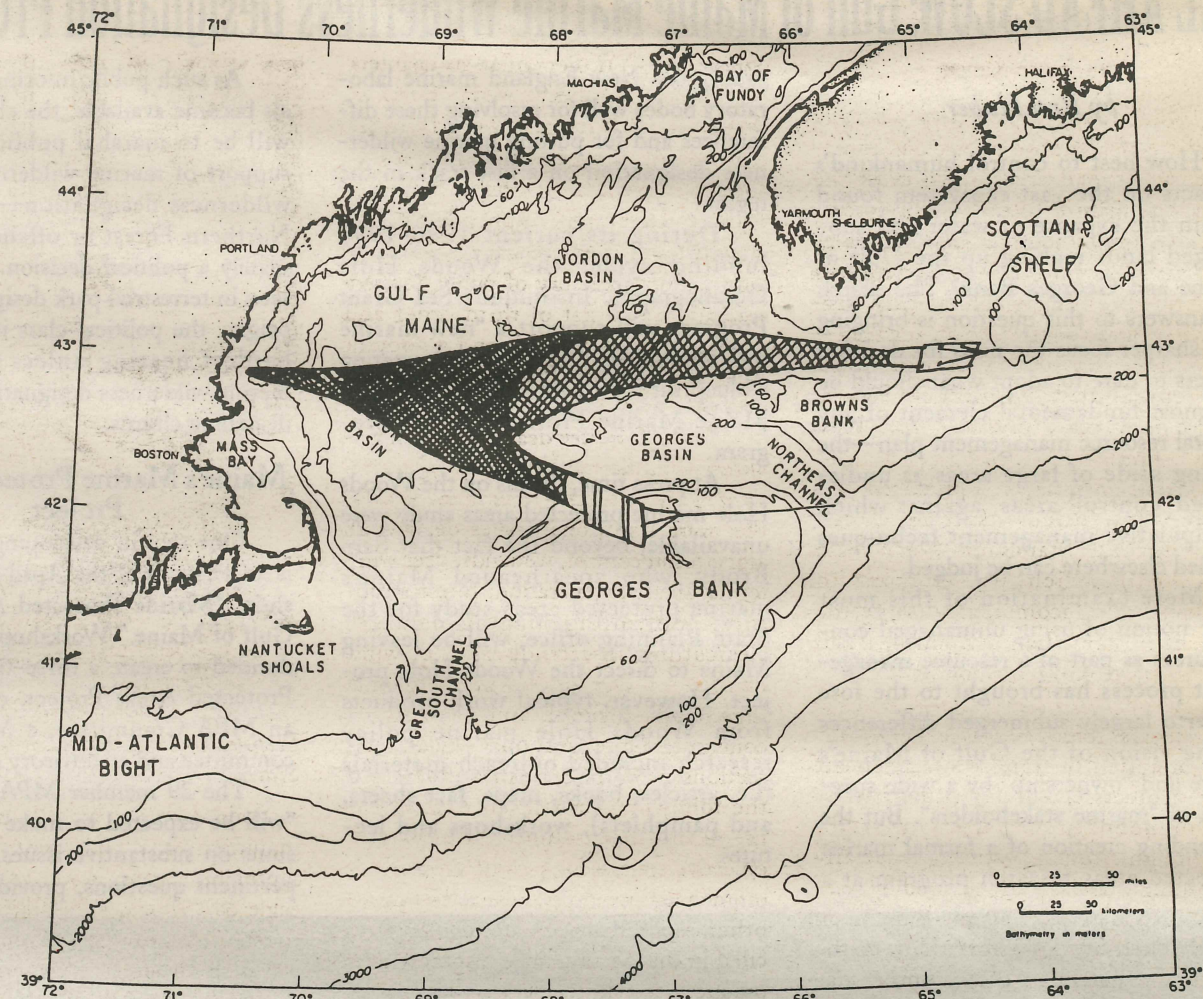
Implementation Difficulties

Once such processes are developed, implementation will follow, provided advocates are vocal enough. Difficulties are likely to arise however. The nomination and evaluation processes are to be 'built on existing programs' with 'the full participation, representation and involvement of stakeholders'.

As far as 'existing programs' are concerned, on the federal level, neither the US National Marine Sanctuaries nor the National Estuarine Reserve systems, restrict or even regulate commercial or recreational exploitation of marine life within protected area boundaries.

Canada's new 'Oceans Act', on the other hand, gives the Minister of Fisheries and Oceans discretionary authority to close ocean areas within Canadian waters to conserve exploited species, unique areas, areas of high productivity or biodiversity, or to conserve threatened or endangered species. The Oceans Act only became law in December 1996. DFO is conducting a program to establish marine protected areas but it is unclear whether the political will exists to move ahead with actual designations. Northeast of the Gulf of Maine, however, World Wildlife Fund (Canada) is committing considerable effort to promote a protected area designation for "The Gully," a large submarine canyon cutting through the Scotian shelf near the proposed Sable Island gas drilling area.

On the State and Provincial level, Maine, New Hampshire, Nova Scotia and New Brunswick's pro-



tected areas programs are limited to terrestrial protected areas above the high tide mark, while the Massachusetts Ocean Sanctuaries program has no control over living marine resource exploitation. Building on the existing programs will be difficult. The reason why the above laws do not protect marine life is that a vigorous lobbying effort by commercial and recreational fishing interests made sure it was so. With fish and shellfish populations far lower than when these laws were enacted, there is little likelihood that these self-same interests will acquiesce to genuinely protected areas in the Gulf of Maine unless they can clearly see that to do so will serve their interests. If the Marine Protected Areas Project opts to proceed by consensus, it may well be doomed to failure.

New Zealand's Experience

Perhaps cognizant of the likelihood that discord among stakeholders will hold planning and development of the nomination and site evaluation processes to a glacial pace, the MPA Project's guidelines note that "policy makers should take full advantage of opportunities which arise independent of a planned approach to locate and protect significant areas in the Gulf of Maine." What such "opportunities" are remains sketchy; a companion piece to this article reviews a proposal for a transboundary non-extractive

marine reserve spanning the US/Canada Atlantic Ocean border. In this case, decision making would take place at diplomatic levels. At least one national marine sanctuary, in Hawaiian waters, was designated by federal legislation, without passing through the lengthy National Marine Sanctuaries Program's site evaluation process. Any member of the New England Congressional delegation could act similarly.

University of Auckland (New Zealand) biologist Bill Ballantine, a member of the MPAP Advisory Committee, has noted that in his nation, the government proceeded in the face of industry opposition in the 1970s with designating its first completely non-extractive marine reserve. The resulting gains in habitat complexity and in fish and shellfish productivity, captured the public's imagination. Similar in size to the Gulf of Maine watershed region, New Zealand now has 12 non-extractive marine reserves, with 24 more in various stages of discussion and designation. The fishing industry there, noting the gains in regional productivity in the waters outside the boundaries of marine reserves, is now one of their strongest supporters.

Will it take a similar designation-by-fiat for the Gulf of Maine region to jumpstart the marine wilderness process in the Gulf of Maine region? Time will tell.

Sable Island Natural Gas Review Concludes: Corporate Lawyers Win Out

The Nova Scotia Anti-Pipeline Group's view of the "formal hearings" by the Joint Public Review Panel for the Sable Offshore Energy Project and the Maritimes and Northeast Pipeline Project, which ended on July 14, in Halifax, is:

- Corporate lawyers ran the discussions, which from the public's perception had a farcical quality. The hearings turned out to be an opportunity for big corporations to jockey for business advantage. These were not environmental hearings.
- There was open corporate bullying of the panel—"our way or else," by Mobil, Shell, Westcoast Energy and also by TransCanada Pipelines. The five-member Joint Review Panel never publicly responded to this bullying. This was one more degrading example of the subservience of this panel to the oil and gas industry.
- The Panel "ruled" against the request

for an independent environmental assessment of the proposed pipeline route and delaying the hearings until this had been undertaken. Instead, corporate documents by those with a vested financial interest in pushing the Sable project—documents alleging "no significant effect"—shaped the main boundaries within which discussions took place.

- There was no attempt by the Nova Scotia government to defend environmental or wildlife interests, either around Sable Island or along the Pipeline Corridor. There also was no attempt to seriously examine the contribution of the Sable gas project to global warming and climate instability.
- There was no attempt by the N.S. government to defend the health and safety concerns of rural people who could be forced by shot-gun land easement sales, or through outright appropriation, to live in the vicinity of

high pressure natural gas or gas liquids pipelines.

- The N.S. government's only claim to fame in the hearings were its changes of position on pipeline policy and its concession of substantive interests in Sable Island gas, including the manner in which it is conveyed to market. The token last minute tolling rate changes sought by the new Liberal premier of Nova Scotia, are insignificant in the larger context of Sable gas give-aways by the province.
- There are now three options for conveying Sable gas to (mainly) American markets: The Maritimes and Northeast Pipeline Project, the TransMaritime Pipeline Project via Quebec, and the recent Tatham Offshore sub-sea proposal. We expect, given its track record, (and past panels on Venture and Georges Bank), that the Joint Public Review Panel will give the go-ahead for the

offshore Sable gas project, but defer the decision for further consideration on how the gas will be conveyed.

Preliminary work by both onshore pipeline companies is now being carried out along their proposed routes, causing significant environmental destruction. The Anti-Pipeline Group strongly protests this, and demands that all so-called preliminary work be terminated.

The Nova Scotia Anti-Pipeline Group is totally against the extraction of fossil fuel for American markets. The Sable gas project is presented as a "done deal" by governments and corporations, but this is only if the public stays uninvolved. A stand has to be taken now.

We will continue to be a focus for resistance and opposition to all aspects of the Sable gas project.

For more information, contact Bernadette Romanowsky, (902)-351-2826; David Orton (902)-925-2514; or Mundy Avery, (902)-923-2782.

Good Forestry in the Granite State - A Guide to Sustainable Forestry

by Jamie Sayen

This spring, after two years of intensive deliberations, a group representing a broad cross-section of the New Hampshire forestry community released a very important book (in notebook form so as to facilitate updates and additions) outlining ecologically sustainable forest management practices—**Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire**.

Good Forestry was produced by a group that called itself the Forest Sustainability Standards Work Team (FSSWT) which was created in response to a recommendation by the Northern Forest Lands Council. I had the privilege of serving on FSSWT.

Good Forestry is aimed at landowners, foresters, loggers, and others interested in forestry management that protects ecosystem integrity. Its recommendations are voluntary (although, some practices, especially regarding wetlands, are required by state law). No new regulations have been established by this effort. Due to the voluntary nature of the recommendations, Good Forestry, provides guidance for sustainable forestry; however, it in no way prevents abusive forest management practices. Hence, there remains a need for strict minimal regulations to prevent the most unacceptable and ecologically degrading practices of large clearcuts, herbicide spraying, and over-cutting.

Good Forestry has introductory sections on: "First Steps in Forest Management"; "Your Land & The Larger Landscape"; "New Hampshire

Forest Types". It then offers six chapters on: Soil productivity; Water Quality, Wetlands, & Riparian Areas; Habitat; Unique & Fragile Areas; Timber Quality/Flow; and Aesthetics & Visual Quality/Recreation. Appended to the main body of the book are a glossary, an information directory of public forestry consultants, a list of third order and higher streams in NH, and a copy of Best Management Practices for erosion control.

Good Forestry deals with both traditional and less well-known issues confronted by a timber operation. Among the more traditional issues dealt with are: erosion control, wetlands, deer wintering areas, regeneration, forest structure, controlling logging damage, clearcutting, insects, diseases, & wind damage, truck roads & skid trails, landings, slash disposal, and recreational concerns. These sections—indeed, all sections in Good Forestry—adhere to the following format: an issue statement and discussion of the issue; a objective statement; considerations; recommended practices; cross references to other related sections; and literature cited in that section. The recommended practices are short, clear statements of ways to accomplish a goal with the least damage to the stand being logged.

What makes Good Forestry such an important contribution to the evolving debate over ecologically sustainable forestry is its attention to issues that traditionally have not often received adequate attention. These include: soil nutrients; beaver-created openings; mast; cavity trees, dens, & snags; dead & down woody debris; and a chapter on "Unique and Fragile Areas" that has



Seeps are easily overlooked areas of critical habitat. © Good Forestry in the Granite State.

sections on: rare plants & natural communities; vernal pools; seeps; woodland raptor nest trees; heron colonies; bald eagle & osprey nests; bald eagle winter roosts; old-growth forests; and high-elevation forests. It is the sensitive treatment of these critical ecological issues that makes Good Forestry such a special book.

Response to Good Forestry has been overwhelmingly positive both within and outside New Hampshire, and within and outside the forest industry. Producing it was a marathon exercise; every chapter was gone over by the entire group with a fine-tooth comb at least three or four or more times. The group spent at least seven or eight full work days on this often numbing, but critical task. Nearly all disagreements were resolved amicably and by consensus. (Note: I am no fan of "consensus" as a tool to gloss over differences and marginalize dissident voices; however, when consensus is achieved by hard work, grappling with the thorniest issues, and careful consideration of all points of view, it can produce extremely valuable results. Good Forestry is an example. No group from the timber industry alone, nor from the environmental community alone could have come up with such a valuable product).

The greatest controversy, in fact the only issue over which civility threatened to break down, was the issue of clearcutting. Due to pressures from proponents of clearcutting, some important statements were deleted at the last moment, even though they had passed muster with the group on earlier reviews and had been endorsed by public review and comments. Among the last minute deletions were references to: pre-settlement forests; increased forest fragmentation; and soil productivity. However, the first recommended practice in the clearcutting section states: "Due to ecological and social concerns, clearcutting should be used only where other silvicultural methods will not meet landowner objectives." In other words, to practice good forestry, avoid clearcuts.

One other issue is not addressed in Good Forestry: herbicide use. There is a simple explanation: herbicide use is not good forestry, and, as such, there was no need to describe the ecologically sound way of poisoning forest ecosystems for profit.

The thankless task of riding herd over the FSSWT committee fell upon

Susan Francher of the NH Division of Forests & Lands and Tammara Van Ryn of the Society for the Protection of NH Forests. Not only did they have to facilitate the often lively discussions, they also had to incorporate the editings of the group in our endless rounds of revision and rewriting. Susan and Tammara did a fantastic job, and the finished product is a special testament to their dedicated and talented travails. Unfortunately for New Hampshire forests, Tammara took another job in another state this summer, and her knowledge, expertise, dedication, intelligence, and good humor have been removed from the ongoing NH forestry debates just as we begin to tackle the issue of ecologically degrading logging practices. I, for one, hope she returns to NH forestry issues soon. We already miss her; the respectful collaboration that has produced Good Forestry and the 1995 Forest Resources Plan, is breaking down.

Copies of Good Forestry are available from: Jane Gilles, Society for the Protection of New Hampshire Forests, 54 Portsmouth St, Concord, NH 03301, tel. 603 224-9945. Price is \$15 plus \$5 for shipping and handling.

NH State Forester Responds to Forest Advisory Board Article

Dear Jamie:

Thank you for offering me the opportunity to respond to the article "NH Forest Advisory Board Refuses to Study Liquidation Logging, Clearcutting & Highgrading" in the Mud Season 1997 edition of The Northern Forest Forum. The Forest Advisory Board had just taken action at its April 15, 1997 meeting on concerns you raised in the article just prior to my receipt of the Mud Season edition.

Based upon what was accomplished at that meeting, I was disappointed to read your article. To the extent that you are committed to keeping NH from slipping back into the "Dark Ages" of forest policy development, I share your concerns. However, the Board took a number of specific actions at the April 15 meeting which I believe substantively addressed criticisms of the Board contained in your article. These actions addressed liquidation logging, public involvement at Forest Advisory Board meetings, and the NH Forest Resources Plan and are as follows:

A subcommittee of the Board was created to investigate the timber liquidation issue. The committee is comprised of Board members and non-board members and has met twice to date.

Public comment will occur at the end of each Board meeting and during the meeting where public comment would assist the Board in mak-

ing a decision on a specific agenda item.

A NH Forest Resources Plan implementation committee has been established. All of the members of the former Forest Resources Plan Steering Committee will be invited to participate. Jamie Sayen was one of those steering committee members. I sincerely hope you will help to follow through on your significant contribution to a great Forest Resources Plan by serving on this committee.

Phil Bryce
NH State Forester
Concord, NH

Phil and I have worked together on several projects in recent years, and I respect him professionally and personally. However, I am deeply concerned by recent negative developments in NH forest policy making.

The "Liquidation" subcommittee has met six times as of August 26. It still has not figured out what it is supposed to do. It was charged only with looking at the timber industry's public relations nightmare of large visible clearcuts. It is not considering clearcuts, high grading, and other heavy cutting practices that degrade the integrity of the ecosystem, but are referred to by foresters as "valid silvicultural tools".

Ignoring the ecological consequences of heavy cutting does not make those problems go away.

—Jamie Sayen

Sustaining New Hampshire Forests

The New Hampshire Forest Sustainability Standards Work Team continues to conduct workshops based on its *Recommended Voluntary Management Practices for New Hampshire*. The workshops are a cooperative effort by the Society for the Protection of New Hampshire Forests, the New Hampshire Timberland Owners Association, the Division of Forests and Lands, and Fish and Game Department. Workshops are \$10 a session; four NH forester licensing credits available for each workshop; call 603-224-9945 to register or for more information.

- Friday, September 26, 8:30am-4pm **Protecting Unique and Fragile Areas** at the Williams Family Forest in Washington.
- Friday, November 7, 8:30am-4pm **Preventing Erosion and Soil Damage** at the Hubbard Brook Experiment Station in Thornton.

Logging, Soil, & Water Quality: Are Best Management Practices Working in Maine?

by Mitch Lansky

The Maine Woods does not consist merely of trees. It is laced with streams, rivers, ponds, lakes, and wetlands. In the unorganized territories alone there are 3,000 lakes and ponds and over 16,000 miles of rivers and streams. These waters are essential to the region's wildlife, recreation, and beauty. Rivers, streams, and lakes were the major transportation routes in presettlement and early settlement times. Indeed, it is hard to imagine the Maine woods without seeing some water body.

It is well known that undisturbed forests yield the highest quality of water. Tree leaves break the impact of falling water, and forest duff and topsoil act as a natural filter. When trees are cleared away and the soil is bare, rutted, or compacted, water flows on the surface, taking soil with it. Where large areas of forest have been cleared for development and agriculture, water quality has suffered from siltation, nutrient leaching, and chemical pollution.

Maine has nearly 9/10ths of its land classified as forest. But this forest is hardly "undisturbed." In the unorganized territories, since 1972, nine times as many acres of forest have been converted by logging roads as by houseslots. And millions of acres have been heavily logged. What does forest disturbance from logging do to water quality, and what is Maine doing to reduce the impacts?

By Federal Law, all states with commercial forests must have some rules or guidelines designed to minimize non-point source pollution (NPSP) to surface waters. In around half of these states, including Maine, these guidelines are followed voluntarily. Maine's guidelines, called "Best Management Practices" (BMPs), relate mostly to construction of roads, woods trails, landings, and stream crossings. They are designed to minimize or eliminate movement of soil from the forest to streams where the sedimentation can have adverse impacts to fish. The loss of soil can also have adverse impacts to forest productivity.

Maine's BMPs have been developed by the Department of Environmental Protection (DEP) and the Department of Conservation (DOC) with aid from FORAT—a Forest Advisory Team. The FORAT is composed of around a dozen members from various government agencies and public interest groups (see side bar). In 1995, the University of Maine established a research project to answer questions raised by the FORAT:

- Do landowners and contractors know about BMPs?
- Are BMPs being followed?
- Are BMPs effective when used?
- What documented impacts on water quality are occurring in Maine without and with BMPs?

The researchers broke the state into four regions—two in the organized territories and two in the unorganized territories. This was done, in part, to see what difference the rules of the Land Use Regulation Commission (in the unorganized territories) and the DEP (in the organized territories) make. The results were published last year.

Awareness

A survey of landowners indicated that those in the unorganized territories (which has the highest concentration of large industrial and non-industrial ownerships) were more informed about BMPs than those in the organized territories. But this knowledge did not always get translated into action. Landowners in the unorganized territories had more prior knowledge of BMPs (69% vs 53%), more familiarity with BMP guidelines (67% vs 45%), more requirements for logger compliance (63% vs. 45%), and more advice from professional foresters (78% vs. 65%).

Ironically, there was a slightly higher rate of compliance to BMPs, though not statistically meaningful, in the organized territories. Neither FORAT nor the authors of the study had an explanation of why landowners less aware of BMPs followed the standards as well as those more aware. The researchers concluded that more education is needed to instruct landowners and contractors in the application of BMPs, even

though awareness alone does not seem sufficient for implementation.

Compliance

Compliance varied widely, depending on the specific BMP. The research team listed a landowner as "compliant" if there were minor or no departures from a given BMP. Gross neglect or major departures were rated as "non-compliant." Rates of compliance for given BMPs ranged from 25% (for removal of cross drainage culverts) to 100% (for appropriate use of winter roads).

The FORAT team gave "grades" for groups of BMPs (i.e., those for haul roads, stream crossings, skid trails, putting sites to bed, yards and landings, and stream management zones) based on rates of compliance. Below 60% compliance rated an "F", above 90% compliance rate an "A." The results for all BMPs showed that there is great room for improvement.

Of the 60 BMPs, 38% scored "F", but only 23% scored an "A". The majority (53%) scored "D" or below. Some of the lowest scores were for BMPs that have the most direct impact on water quality. Sixty-three percent of the BMPs for stream crossings scored "D" or lower. All of the BMPs for stream management zones scored "C" or lower. Some of these streamside violations were flagrant. For example, on six sites, loggers used stream beds as skid trails, leading to major sedimentation problems in all cases. Nearly one fourth of the sites did not use adequate filter strips (buffer zones) leading to major sedimentation in 80% of these sites. Scores were also low for BMPs dealing with diversion of water from trails, roads, and landings. These are critical for avoiding erosion and sedimentation.

BMPs dealing with putting sites to bed are important for lessening long-term impacts. None of the BMPs in this group scored an "A". Seventy-six percent scored "D" or lower. These BMPs included placement of water bars, revegetation of steep skid trail sections, and removal of culverts. Cross drainage culverts were removed on only 25% of sites where this action was appropriate. Over time these culverts become obstructed, contributing to erosion of nearby road banks. Compliance was also very low (34%) for stabilizing drainage ditches—another BMP with long-term consequences.

Evidence of Sedimentation

Compliance with BMPs made a big difference in reducing erosion and sedimentation but did not stop all problems. In some individual cases, compliance still resulted in major sedimentation (delivery of sediment to surface waters), though to a lower degree than non-compliant sites. For example, around one fourth of compliant sites that followed the BMP for right-angle stream crossings and one third for hard bottom stream fords had major sediment movement. In contrast, 95-100% of non-compliant sites for these BMPs had major sediment movement. In some cases, attempts to follow BMPs were unsuccessful. For example, half of

the sediment barriers put in to stop erosion failed.

For some BMPs, there was a large percentage of minor sedimentation (movement of sediment but no delivery to surface). Having broad-based dips in roads, having adequate cross drain culvert spacing, having water flow unimpeded, still led to half the sites having minor sedimentation. Removal of culverts led to minor sedimentation in three-fourths of the sites. In every case, however, non-compliance led to more problems and often more severe problems.

Other Considerations

Janet Cormier, the soil scientist who did all the field studies, wrote a supplement to the BMP study. Her observations were based on her extensive field notes and interactions with landowners, foresters, loggers, logging contractors, and road engineers. Her photographs and text are useful for those who want to better understand what can go wrong and how to prevent it.

Janet pointed out why BMPs are not always sufficient for halting sedimentation problems. Although the BMPs do factor in slope, they do not deal with soil type (texture drainage, erodibility, depth to limiting factors, etc.) nor with watershed characteristics (size, runoff or seepage amounts and patterns, location of site within a watershed, etc.). Some sites, she argued, may require exaggerated BMPs, while others could be unnecessarily disturbed if certain BMPs are followed to the letter.

Logging disturbance that expose mineral soil, for example, are not covered by BMPs, but can cause erosion and sedimentation. Even on well-crowned road surfaces, Janet found that erosion can occur on long slopes, especially with the development of any ruts. Stream crossings, she concluded were problematic and needed further refinements. Certain highly erodible soils (especially ground that is wet and does not freeze, and steep hardwood sites) are not well protected by BMPs. Janet found skidder ruts on steep, wet slopes that became new streams beds.

Steve Kahl, of the Water Research Institute at the University of Maine, presented further critiques of Maine's BMPs in a literature review he did of the effects of logging on water quality. Like Cormier, Kahl pointed out that BMPs do not deal with compaction, rutting, forest soil disturbance, and destruction of the organic pad during logging. But Kahl further pointed out that the *intensity* of cutting can also have major impacts on water quality.

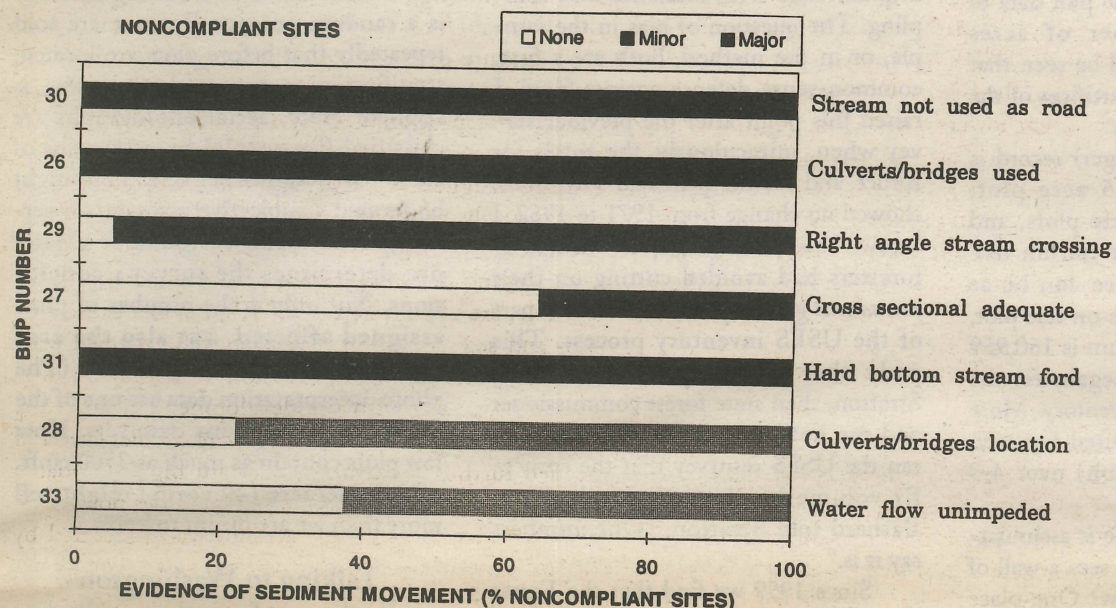
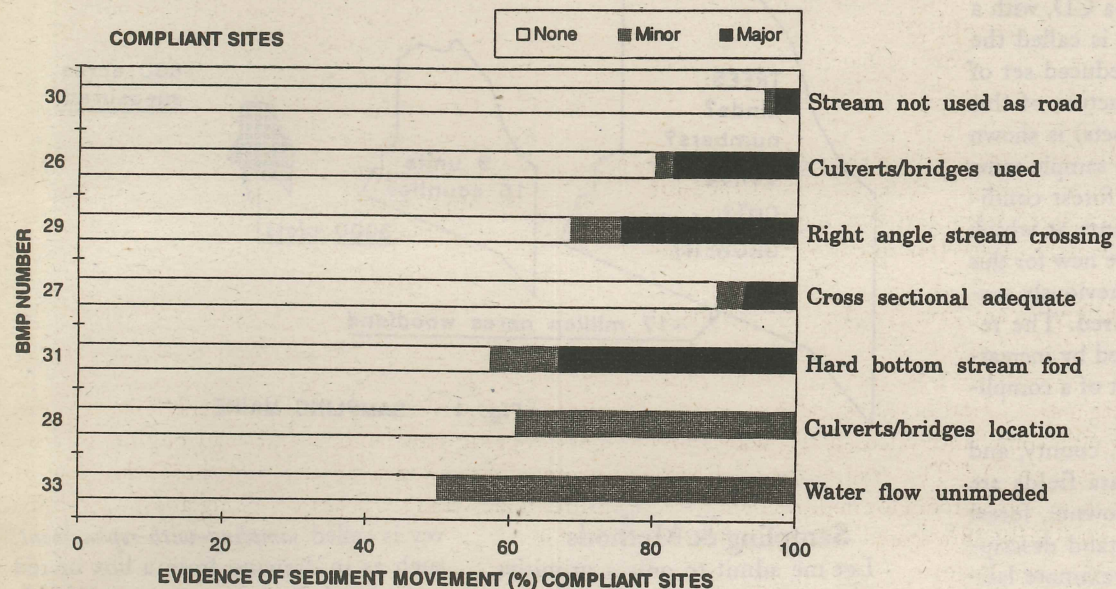
Large, intense cuts (especially whole-tree clearcuts) can cause an increase in water flow. This can lead to more severe fluctuations of water levels, more erosion of stream banks, and more erosion of forest floors. To the degree there is little vegetation on the ground, this can lead to increased temperatures (which can be damaging to cold-water fish species), increased breakdown of organic matter, increased nitrification (leading to acidification of the soil), increased leaching of cations (such as calcium, magnesium, potassium), and higher proportions of aluminum to calcium (which can affect plant growth and the survival of fish).

Kahl cited research showing severe losses of the organic pad from some clearcuts. This can lower forest productivity and decrease the viability of softwood seedlings. It may take more than a century for some of these sites to recover. Both Kahl and Cormier expressed concern over whole-tree logging where slash is not left on the site, but is instead left in huge piles roadside, creating problems in both cases. Kahl concluded that BMPs neither adequately protect water from short-term problems nor do they enhance forest sustainability.

Kahl was very concerned over the lack of protection for small tributaries and headwater streams. These are the most vulnerable to impacts from temperature change, increased water flow, sedimentation, and chemical change, yet these receive the least protection. Stream crossings, in general, create sedimentation. But studies have shown that all non-crossing related sedimentation originates outside the 75 foot buffer zones on streams. Kahl suggested that because of their greater sensitivity, smaller streams actually need *larger* buffers than larger streams and rivers.

Forestry Advisory Team Members (1996)

Tom Charles—Maine Forest Service
Peter Baringer—Maine Forest Service
Lew Allen—Maine DEP Bureau of Land and Water Quality
Tony St. Peter—DEP, Bureau of Land and Water Quality
Will Johnston—Land Use Regulation Commission
William Ferdinand—Maine State Planning Office
Linda Butler—State Planning Office
William Lilley—U Mine Cooperative Extension
Bart Hague—US EPA
Sandra Fanciullo—US EPA
Si Balch—Maine Forest Products Council
Rob Bryan—Maine Audubon Society
Ben Welch—Small Woodlot Owners Association of Maine
David Edson—Maine Association of Consulting Foresters



Evidence of sediment movement for stream crossing BMP compliant and noncompliant sites. None = no sediment movement; minor = movement and no delivery to surface water; major = delivery to surface water.

Both Kahl and Cormier emphasized that the timing of practices is crucial. Winter logging can do a fraction of the damage that would occur in early summer. There is less compaction, rutting, and soil disturbance. There is also higher survival of seedlings and other vegetation that help stabilize soils and take up nutrients that otherwise would be lost.

Both Kahl and Cormier expressed concerns that some of the more egregious operations could have impacts not only on streams, but even ocean estuaries. There is currently no research to confirm such a connection.

Kahl recommends a better monitoring system. Sampling over long time periods cannot pick up extremes that occur from sudden downpours.

Technology exists now for automatic continuous monitoring of streams. This would assure both assessment of compliance and be an important source of baseline monitoring information.

Conclusions & Recommendations

How roads, skid trails, yards, and stream crossings are made can have significant impacts both in the short and long term on water quality. For example, the old way of building roads—by scraping the soil down to basal till and piling the material outward—can continue to create erosion/siltation problems for decades. New methods of crowning and ditching roads can lead to major reductions of such problems. The statistical evidence from the University of Maine study strongly supports the contention that BMPs in general can significantly reduce or eliminate siltation of water.

According to the researchers, compliance for some BMPs requires "little additional cost, simply [...] paying more attention to detail." Others, do require modest additional costs, and others may require fairly large up front costs. A LURC handbook on erosion control makes the argument that these investments pay for themselves in a number of ways:

- lower road maintenance costs;
- less wear on your equipment;
- faster skidding and hauling operations;
- fewer work delays caused by wet weather and washouts."

Correcting problems, such as poor road construction, can be very expensive. It is cheaper to do it right the first time. Compaction, rutting, and erosion can lower forest productivity and is thus an economic cost to the landowner to be avoided. Siltation of streams is against the law and can lead to fines. Following BMPs gives the economic benefit of avoiding such fines. Just as importantly, avoiding siltation prevents imposing costs to the community. Silted water can damage fisheries and drinking supplies.

These economic incentives, apparently, are insufficient to get wide compliance. There needs to be more education, but also more incentives (both positive and negative). For example, at a minimum, those who get the benefit of the lower Tree Growth Tax ought to follow state BMPs. Currently landowners who violate BMPs, or even violate the (nearly useless) Forest Practices Act can continue getting reduced taxes under Tree Growth. It is inappropriate for the public to give monetary incentives for practices that can seriously harm public waters.

All the paper companies in Maine claim to be practicing "sustainable forestry" as part of the Sustainable Forestry Initiative of the American Forest and Paper Association. Company spokespeople claim that not only their practices must meet the guidelines, but their suppliers must comply as well. The most obvious place to start should be a requirement to only accept wood from operations following BMPs.

If siltation from logging practices is as widespread as the sampling statistics indicate, one wonders why there aren't a lot more violations enforced by Maine's DEP and LURC. Certainly better monitoring and enforcement of existing laws would go a long way to reducing water-quality problems in the woods.

Although current BMPs are effective in most cases, the new research shows that some require refinement. The FORAT ought to closely examine the University of Maine document and Janet Cormier's addendum to find which areas are weak and suggest ways to improve them. In refining the BMPs, the FORAT should consider widening criteria to include recommendations based on season, soil type, and watershed characteristics.

The research of Cormier and Kahl also suggests that BMPs do not go far enough at protecting water quality. More BMPs should be developed that take into account the intensity of cuts, the width and distribution of skid trails and yards, and the degree of soil disturbances that destroy the organic pad. The width of filter strips for small streams should be expanded due to their higher sensitivity to disturbance. Some states protect intermittent streams (which can also be sensitive to disturbance) by law. This should be state policy in Maine as well.

If the major causes of erosion/siltation problems are roads, skid trails, and yards, then low-impact forestry, which reduces the size and distribution of these soil insults, should reduce the degree of erosion and siltation. Low-impact forestry also reduces soil disturbance problems by keeping machinery on trails (instead of letting them wander through the woods) and by having forwarders carry short-wood loads, rather than have grapple skidders drag whole trees. Researchers should compare low-impact versus more standard, mechanized operations. If the low-impact methods indeed have merit, public policy should reflect this fact.

One final recommendation: the phrase "Best Management Practices" should be changed. Vermont's term "Acceptable Management Practices," implies a floor below which you should not go, whereas Maine's term "Best Management Practices," implies a ceiling. After all, nothing can be better than the best. But it is possible for landowners to exceed Maine's BMPs. Some already do—and I hope they all do soon.

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Supreme Court Upholds Loon Mountain Decision

On June 27, 1997, the U.S. Supreme Court closed an important chapter in RESTORE's effort to halt the ill-conceived expansion of Loon Mountain ski area. Loon Mountain Recreation Corporation (LMRC, the ski area's parent company) had appealed to the high court a ruling of the U.S. First Circuit Court of Appeals which found that LMRC had not obtained necessary permits and that the U.S. Forest Service had not properly included the public in its study of the proposed expansion.

For the last five years, RESTORE has opposed the proposed expansion, which would clear new ski runs, increase snowmaking capacity, and allow the construction of new lodges and other buildings. This includes development on additional White Mountain National Forest (WMNF) lands, and the use of water from Loon Pond and the East Branch of the Pemigewasset River.

In an ironic twist, the Forest Service sided with RESTORE's opposition to the appeal to the Supreme Court. Their decision upholds the U.S. Appeals Court ruling, which sets the important precedent that ski areas may now be required by the Environmental Protection Agency to monitor water pollution caused by snow-making. The town of Lincoln, NH draws drinking water from Loon Pond.

—David Carle

DECONSTRUCTING THE USFS MAINE FOREST INVENTORY

by William Butler

With the hope of some resolution of the forest controversy, we greeted the US Forest Service's *Forest Statistics for Maine, 1995* on its emergence late last year. This long-awaited set of tables follows the 1982 resurvey, as these efforts are known. In the study's span of 14 or 15 years, cutting in the industrial forest that the USFS formerly termed "liquidation" destroyed much of the woods as we knew it. Possibly as many feared exposure of their mismanagement as hoped to see numbers confirming the evidence on the ground and of aerial and satellite images.

With the computer as oracle, we tend to accept the information offered as beyond questioning. Perhaps it is only human to expect this inventory, as it is also called, to tell us the state of the forest now and to quantify the changes. The authors warn at once that this hoped-for definition is not at hand. Because of changes in procedures or definitions since 1982, direct comparison of some of the current estimates with those of 1982 is "inappropriate." Furthermore, 1982 area, sawtimber and growing-stock volumes, measures you might want to compare with the 1995 results, have been produced by subtracting *growth estimates* from the current (1995) volumes—circular reasoning? This disclaimer leads some to ask why we do it this way? "It was not our intention to analyze temporal data in this publication," is stated up front.

We are promised later an analytical report on "the salient changes in the forest resource since the previous inventory.. . This is to focus on changes in the character of the timberland base, in inventory volume, composition and structure, in cutting, mortality, and net growth. These will yield "...coarse measures of forest sustainability and health," so the discussion warns.

Having been told what the present study does not afford, one is tempted to ask what good is it? What is the resolution of a "coarse measure" in pursuing the grail (or weasel-word) of *sustainability*? Let us have a look at how the present study was designed, to help us see what is lacking, and to assess our chance for enlightenment.

Prying at a Wall of Numbers

Told that the Maine data were

available for private study, I asked the USFS people in Radnor, PA for some numbers. These arrive on a CD, with a descriptive manual. This is called the Eastwide Data Base, a reduced set of the Maine data. The structure of this source (and of later data sets) is shown in Figure 1. The idea is to sample some 3000 plots to assess the forest conditions. Some of these points at which measurements are taken are new for this survey, some are points previously surveyed and now re-measured. The re-measured plots are modified by increasing the area surveyed, a bit of a complication.

Other than the state, county, and unit designations, 33 data fields are recorded for each plot—owner, forest type, land use, site and stand descriptors, longitude, and approximate latitude. Factors to expand the plot data to the appropriate number of acres statewide are given. It will be seen that these essential factors are artifices of the photo-interpreter's skill.

The next (and far larger) record is of each tree on the 1/5 acre plot, saplings on five 1/300-acre plots, and seedlings at least 1 foot tall on five 1/1000-acre plots. There can be as many as a hundred records on one plot, or, rarely, only one. The sum is 160,959 tree descriptions in 24 megabytes, the real basis of the forest inventory. More than 20 factors are measured for each tree with a diameter (dbh) over 4.9 inches.

When this one big file is assimilated into the computer, one sees a wall of numbers. Is there any flaw? One place to pry a bit was with the volume and growth numbers. Subtracting the growth since the last survey from the current volume should equal the previous volume of the particular tree. Often it did, but not always — some of the trees had grown from a negative volume to their present sizes. Eh?? This is even faster growth than David Smith at Yale promises. When I mentioned this to Thomas Frieswyk, Radnor, PA, in charge of the study, he explained that there was some "fudging" involved, and he would send me the data set of the real Maine numbers. The reason given for the data massage is the necessity of making Maine data congruent with those from other states using differing procedures.

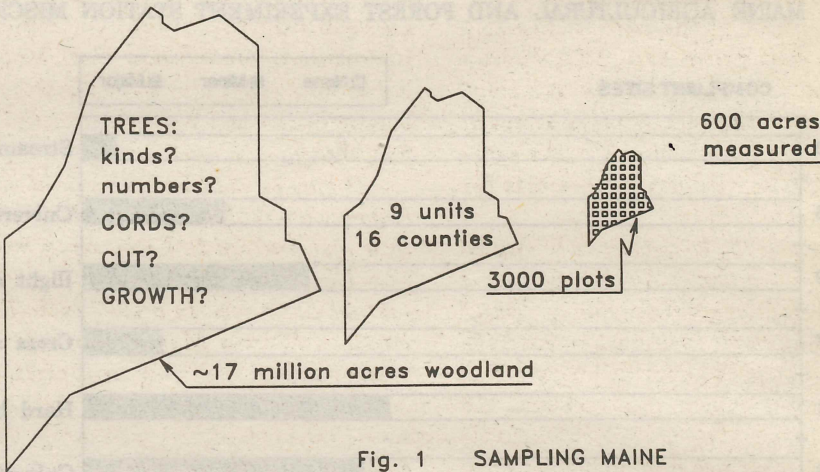


Fig. 1 SAMPLING MAINE

Sampling & Methods

Let me admit to only a primitive acquaintance with statistics and sampling. The question of bias in the sample, or in the method, both are a first, common-sense defense against fraud. I raised this point after the previous survey when, miraculously, the totals for spruce and fir, the principal softwoods, showed no change from 1971 to 1982. I knew that some paper company foresters had avoided cutting on their *permanent growth plots*, which were part of the USFS inventory process. This pads the inventory, but led Ken Stratton, then state forest commissioner and me both to tell Joe Barnard who ran the USFS resurvey that the spruce-fir volume he showed wasn't there; Barnard told Stratton, "Our numbers say it is."

Since 1959 we find that the Forest Service has repeatedly reconstituted the sampling base — the forest plots. Table 1 shows the changes; some older plots dropped, many hundreds of new plots created, switching in 1971 to a sampling method discarded by 1982, plot dimensions (simultaneously) of 1/5, 1/10, 1/6, and 1/12 acres. Only in 1995 were the latter adjusted to a uniform 1/5-acre plot. The effective date of these revisions is the next time they are re-measured, not 1995.

How the repeated sloughing of thousands of established survey points affects or limits the information which can be derived from a survey is a concern not addressed in the several publications. How would new plots compare with those they replace? When the sur-

vey is called *sampling-with-replacement*, such as in drawing from a box of red and white balls, it is reassuring that this is a random process. But, we are told repeatedly that before plots are located, stratification, a non-random process, is applied. Here, aerial photographs are classified (by people) by categories of cubic-foot volumes per acre. This might be termed a subjective assessment; certainly it says plot assignment greatly pre-determines the survey's conclusions. Not only is the number of plots assigned affected, but also the area expansion factor for the plot data. (The photo-interpretation data are one of the fields not given in my data sets. How few plots contain as much as 3500 cu.ft. of volume/acre (40 cords) might tell more than we are meant to know.)

Talking to Washington

Each of the studies (1972,1982,1995) warns us not to compare it with its predecessor. Indeed, Tom Frieswyk told me early in our conversations that this inventory was not a "C(ontinuing) F(orest) I(nventory)." Asked why not, he said that decision comes from "on high", from USFS people who may be doing a PhD dissertation on design of the resurvey. The report says improving the efficiency of the inventory requires procedural changes. This seems to frustrate the supposed purpose of forest inventory and analysis (FI&A).

One of those "on high" is in Washington — William "Brad" Smith, acting chief of the FI&A division. Listening to him is to be exposed to a torrent of information; he has been there for some twenty years, and is obviously interested in the history of these studies. A good part of our conversation was that other agencies intrude in forest inventory — the census bureau, EPA, and, recently, a DOD technical group offering their latest star-wars radar to make ground plots (and USFS) unnecessary. When asked how plots could be "lost,"s has been said, Smith says that this is usually denial of access by landowner, and is mostly in western states. There have been fewer in the Midwest.

Smith revealed one flaw in the abortive deployment of 1587 *variable-radius* plots in 1971. Briefly, this scheme uses an optical sieve to determine which trees at a point are to count in the survey, and how much they represent. (The authority I trust says, "Thus, when one 6-in.dbh tree is tallied, it is *tacitly* assumed that there are 51.02 such stems per acre (for a 10-factor prism.)" Tacit

SUMMARY OF ALL MAINE INVENTORIES

SURVEY YEAR	NO. OF PLOTS	PLOT TYPES
1959	2,267	1/5 acre - fixed radius new ground
1971	902 <u>1,587</u> 2,489	1/5 acre - fixed radius remeasured 10 point - variable radius new ground
1982	873 352 <u>2,475</u> 3,697	1/5 acre - fixed radius remeasured 10 point - variable radius remeasured 1/6 acre - fixed radius new ground
1995	838 1,360 <u>804</u> 3,002	1/5 acre - fixed radius remeasured 1/6 acre - fixed radius remeasured (1/5 acre overlayed) 1/5 acre - fixed radius new ground

Table 1. Anatomy of a Shell Game

assumptions or not, Smith admits that the coarse prism used, having a factor of 37.5, often tallied two trees or fewer per point. This was labor-saving, but blunted the point of the survey. He also agrees that prism sampling doesn't count stumps. Here, I think, is a compounding of the uncertainty inherent in sampling a population; further sampling-of-the-samples, with a bias for larger trees.

Asked if the landowners had assisted in designing a survey, Smith referred to a "star-crossed, blue ribbon advisory panel," comprising forest industry and environmental groups. A closer look shows that of twenty members, two, including the chairman, are Weyerhaeuser, two from IP, one Potlatch, three from industry fronts, excluding Society of American Foresters, one university, all the rest but one from government. Strangest in this company is one Al Lucier of the National Council of the Paper Industry for Air and Stream Improvement, possibly the ultimate oxymoron. I expect that Mr. Lucier was more than a match for Jeff Olson of the Wilderness Society; industry has their smartest people at NCPIASI, certainly not in their forestry departments. These are the cooks — who did the books?

Concluding Remarks

At the recent Sustainability conference in Orono, Dale Solomon, a respected Forest Service analyst told me he was part of the group doing the reconstruction of growth, cut, and mortality that is promised, and that the mechanism is a computer model, FIBER. So, we are given another (version 3.0?) computer simulation, but not what we paid for in money and lost time-value of information. (Had Maine voters seen an honest audit before the referendum, the Green initiative might have prevailed.) It may be so that we don't have to do these messy inventories in the field — we can model it all. I am reminded of a USFS geneticist spouting at Orono long back in time that by 2000, all the wood would be cut by computers, chipped at the stump, and blown through balloon-supported pipelines to the mill — a sentiment no more preposterous than modeling is

presumptuous. Related to this "hind-sight" post mortem, Melvin Williams, with a family pine sawmill, tells me he is now asked to report where every log grew. But do you believe Champion International will tell how much wood it cuts for a paper mill and a big wood-burning boiler and where it was cut (if they know)?

It may be evident that I think the Resurvey is a deliberate failure, along with those that preceded it. I may expect more from USFS than they can deliver, given political constraints. In a 1997 book, *The Bankers*, Martin Mayer comments on accountants and accounting, saying ideally, accountants will begin to do the job people have always thought they were doing, that accounting is supposed to be a way to tell the truth, and that the latter idea died in the financial markets of the 1980s. The wood industry works the same way; recall that forestry is 10% trees and 90% politics (Cashwell).

The usual collusion between forest industry and a government agency typified in the Blue Ribbon Advisory panel turns out a product of this poor quality on demand. Even a hard-bitten skeptic like me admits a sense of frustration, if not betrayal, that a national environmental player such as the Wilderness Society joined — exactly what Maine Audubon and Natural Resources Council of Maine do for Maine's paper industry.

Closer Look at the Data

The Eastwide Forest Inventory data base manual directs the user toward reconstructing the results, perhaps for areas of particular interest. Algorithms are listed to expand tree-level items to population estimates. The user is advised to test calculations on specific data items for comparison with the (furnished) correct answers — not a thrilling adventure, I might say. But we can look for what the raw data, the unfudged tree measurements reveal and conceal.

The data reveal why there are shortcomings in the survey, in fact, in the past three surveys. As Table 1 shows, in each inventory, beginning with 1971, over 1000 plots established

	BA of cut trees, 1/5A plots		BA of dead trees, 1/5A plots	
	inner 1/10A	outer 1/10A	inner 1/10A	outer 1/10A
Hancock	66	28	74	23
Washington	52	33	102	20
Aroostook	374	215	318	148
Piscataquis	332	191	248	85
Penobscot	203	128	103	24
ratio	1027	595	845	300
	1.73		2.82	

	BA of cut trees, 1/6A plots		BA of dead trees, 1/6A plots	
	inner 1/12A	outer 1/12A	inner 1/12A	outer 1/12A
Hancock	41	23	33	5
Washington	124	63	273	148
Aroostook	494	267	474	196
Piscataquis	357	172	227	72
Penobscot	262	107	131	42
ratio	1278	632	1138	463
	2.02		2.46	

FIVE COUNTIES:	Stumps		Mortality	
	inner plot	outer plot	inner plot	outer plot
ratio	2305	1227	1983	763
	1.88		2.60	

Table 3. Stumps and Mortality by Counties and Plot Areas

PISCATAQUIS DATA SUMMARY
Basal Area vs. Tree History

year estab.	TOTAL plots	BA	same trees	live plots	tree BA	missed th 12	last time th 12	ingrowth th 20	dead ingrowth th 24
<1971	119	2843	1765	91	1038	11	8	10.3	838 95 269
1982	138	2787	1343	114	943	7	7	8.9	816 111 245
1995	114	2157							86 53 27.2
	371								85 41 26.6

fell th 29	from sky th 30	killed th 31	stump th 32	missing th 33	land use change th 33
1761 100 483	23 6 7.8	949 48 523	22 2 15.5	55 2 28.9	
1887 123 605	13 5 3.2	1126 56 529	3 1 1.08	50 3 24.7	
4735 114 2157					

dead th 40	dead or th 41	lost th 42-44	prev. 22, 31, 40 th 53	TOTAL trees BA
391 70 177	422 74 218	31 4 13.2	96 59 59.9	6364 2843
303 81 151	388 74 157	66 13 34.2	115 53 85.1	6117 2787
				4735 2157

TABLE 2. Forest Inventory Categories for Piscataquis County, Maine

in the previous go-round were discarded. Even if the replacement plots were equally representative and pointed toward the true forest condition, a gross flaw is induced; the data from new plots afford no information on growth, death, or cutting. But these are the essential components of forest change that we pay USFS to report. We have, very nearly, a throw-away snapshot with no trace of the specific changes — like a bank statement that didn't report deposits, withdrawals, interest, service charges, only the latest balance. Such a design destroys the continuity of the record. Who would want such a subverted audit, and why?

It is possible to sum the tree records for each county (and I have for five of the most industrially exploited). Grouping these according to the given individual tree history, some information may be extracted. Table 2 records the disposition of trees >4.9" diameter in Piscataquis County, with 2 million acres of forest land. It may be obvious that none of the information derived from the so-called "remeasured" plots is recorded for the plots established in 1995 for the current survey. The first of the tree histories, which I have titled same live tree, is for trees that were measured in 1982 and 1995. Only this class affords information on growth, or accretion. Ingrowth is a tree that was less than 5" in diameter in 1982 and was not then measured. The category which I have named fell-from-sky points up how foreign this event is in a scientific sampling and analysis — a wild card. Although the 1995 field instruction manual states that only trees beyond the 1/6-acre radius will be assigned this tree history of 29, we find many of this sort on the remeasured 1/5-acre plots, a consequence of the previous ignoring of trees less than sawtimber size on the outer 1/10 acre of the plot. For emphasis, I show the new 1995 plots as being in this class, as, effectively, they are.

Note that the parameter Basal Area is given as a measure for the several groups. It is a "quick-and-dirty" approximation, commonly used as a surrogate for tree volumes — the volume equations used by USFS employ tree diameter as two of the three variables, height being the third. Basal area, as square feet of live trees per acre represented by the plot is reported in the Eastwide record, type 20. We are warned that basal area growth cannot be used as a surrogate for volume growth in a rele-

vant article on thinning vs. growth in the July 1997 *Journal of Forestry*, p.21.

"Stump," an out-of-fashion word for tree history 31, better depicts what happened than the euphemisms now the style — harvest or removal — terms suggestive of short-term, intensive big-machine agriculture. The mortality category is complicated by the instruction to put in bin 41 any tree previously measured that cannot be accounted for. Here the danger is that cutting may be reported as mortality.

Table 3 sums cut and mortality relative to plot geometry for each of the five counties. For both mortality and cut, the disparities in basal area from the inner plot area vs. that from the equivalent outer plot fraction is not random; it is an artifact of the hit-or-miss sampling employed. Possibly the designers will say, "Of course, all this is adjusted in the various factors applied to the individual tree components." If this is the argument, it misses the point; the data understate the volume of removals, growth, and mortality on the outer fractions of the plots tabulated, and are completely blind to those on the 1/30 acre added to the perimeter of the 1/6-acre plot. This should be considered structural bias.

Who Will Certify the Certifiers?

This summer a working group has begun a year-long process to draft regional forest management standards for the Forest Stewardship Council (FSC), the international organization that evaluates and accredits forest certifiers.

The 27 volunteers on the working group will collaboratively prepare a draft set of standards for comment by New York and New England's natural resource community, for eventual submission to FSC. A collaborative, inclusive and open process is seen as the best way to give certification meaning and value.

The FSC working group invites your interest, consideration and dialogue. For more information, visit <http://www.fscusne.org>, or contact Dennis Robertson cfram@together.net or 802-655-0728.

—From a FSC press release

A Conversation With Russell Barnes - An Independent Logging Contractor

Russell Barnes is a "woods philosopher" and independent logging contractor working in the Upper Valley of New Hampshire and Vermont. With over twenty five years of experience, Russell has established a well deserved reputation as an exceptional logger with real concern for ecological and silvicultural issues. Russell sits on the LEAP steering committee and is a member of the Vermont Sustainable Forestry Initiative consortium. He is the former director of the Northeast Loggers Association.

He is currently working to lower the accident rate among loggers and bring down workers compensation costs through the formation of a regional logger safety group. The project is being organized through the Northern Vermont Resource Conservation and Development Office in Barre, VT.

—Jim Hourdequin

Jim Hourdequin (JH): Why did you become a logger?

Russell Barnes (RB): Something I always wanted to do. From when I was four years old, I wanted to go cut wood.

JH: How did you become a logger?

RB: I started out 27 or 28 years ago doing residential tree work outside of Boston. Then I went off to college and studied geology for three and a half years. On a field trip out west in the last semester of my senior year, I was working in a big desert and I was miserable. Then we took a little trip up to the Yellowstone where it was green, and blue, and I had a revelation. I had a revelation that said, "go do forestry".

JH: What do you like about logging?

RB: I like working with the trees. I like growing trees. I don't really get a big thrill out of a field of stumps. I get a big thrill out of a nice stand of trees.

JH: How would you describe the type of logging that you do?

RB: I like to take maximum care of what's left. What concerns me most is what I leave behind. Now, the problem is that it's difficult to make a living focused only on what you leave behind. So, there has to be some good wood to work with. I have to make some money to eat, and then I have to leave good trees behind to satisfy my own needs, my psychological needs.

JH: How much wood do you cut?

RB: Well, we'd like to think we could cut a million feet a year. But, every year seems to be different. It's hard to say what you really do—something breaks or sometimes we do more TSI [Timber Stand Improvement] work.

JH: How many people?

RB: Two.

JH: What type of equipment do you use?

RB: Well, chainsaws. And a six-wheel, ten ton forwarder.

JH: Why do you use a forwarder?



Russell Barnes working in front of his forwarder in Lebanon, NH. Photo © Peter Stettenheim.

RB: Because I think it has the least negative impact on the residual forest. In terms of damaged trees, tearing off bark, and also damaging roots. They work well for keeping nice neat landings. The forwarder also allows me to do all the processing of the tree at the stump so it's not spread between the woods and the landing.

JH: How does it compare to a skidder?

RB: A forwarder produces less residual damage to crop trees. With the forwarder I can achieve residual damage levels of 5% or sometimes even less. It's very difficult to get those levels with the skidder because the skidder is so much bigger. When it's loaded, a skidder could be over 100 feet long—the machine plus the dragging logs. A loaded forwarder is only 30 feet long. And it can go forwards and backwards, and turn tight corners without rubbing the stems into the trees.

I also think I can avoid more mud with the forwarder because I can fill mud holes more easily. I also do less felling damage because I'm not forced to fell all the trees in one direction. If you are hauling tree length, you've got to fell them all basically parallel to where they're headed out. So, you only have only one felling direction. With the forwarder, I'm not forced to put down trees where they really shouldn't go. I have more options.

JH: What other types of equipment have you considered?

RB: Well, I've thought about mechanized cut-to-length systems, but I don't work in the right kind of trees. I would need to be in conifers. They don't work yet in hardwoods. But that's just to mechanize, and I'm not sure. I talked to one operator who said that once you start sitting in a cab you lose contact with the forest. That was one of his complaints.

JH: What distinguishes a good logging operation from a bad one?

RB: The degree of residual stand damage to crop trees. A good job should have less than 5% damage to residual crop trees. The soil should be protected

and there shouldn't be a lot of erosion. The most important thing is to protect the future growing capacity of the site. If you compromise that, then the site's being degraded.

JH: Do you think loggers are doing a better job now than they were ten years ago?

RB: I think loggers are doing a better job. I think there's a different group of loggers, and they're doing a better job. I'm not sure that many people have changed. I just think that there's been turnover and some of the newer loggers are doing better work.

JH: What evidence have you seen of that?

RB: Well, there's a lot of guys who have gotten into logging with at least an associates degree in forestry. They seem to be more concerned; they look at this as something that they chose rather than something they had no other choice to do. Though there's still a long way to go. We all could be better. There are still crews that just don't know when to call it quits when the ground conditions get bad.

JH: What are your thoughts on logger certification and logger training programs?

RB: I think logger training is always important. Learning is important. I think certification programs would be good but I haven't seen anything yet that is shooting for high enough standards. It seems like we want to be certified—or we want to say we're certified—but we're most concerned about meeting the minimum standards for certification. And there doesn't seem to be any benefit right now from being certified.

JH: There's no demand for certified loggers?

RB: No, there's no market for certified loggers. The only thing that's going on right now [under the Sustainable Forestry Initiative] is that some paper companies have said that you have to take a minimum amount of training in

order to sell them wood. The Sustainable Forestry Initiative is a good first step, but it has a long ways to go.

JH: So, you think that a more rigorous certification program would be effective?

RB: Not necessarily more rigorous, but more accountable. In other words, right now the certification programs have no form of testing. So there's no certification of knowledge. There's only certification that you spent the time to go to the courses. There's nothing that says that you weren't asleep for the entire time.

There also needs to be a concerted marketing effort to promote the concept of what a certified logger does. The consuming public needs to feel that this is important. There needs to be brand identification. Certified loggers have to be advertised; and the benefits of having certified loggers need to be advertised constantly.

The basic relationship between the logger and the landowner should be one of trust. And that has to be established first. They have to trust that one isn't going try to steal from the other.

JH: Does that happen a lot?

RB: Yes, a lot of theft.

JH: How much?

RB: I don't know. I think there's a lot of theft out there. There were 700 some odd complaints in the state of Maine in one year over people not getting paid for wood. A lot of it's not intentional theft. A lot of it is just bad business practices where people just don't pay for things. Loggers are undercapitalized. And they've got to feed themselves before they write checks. But I would say that most people mean well. The work is too hard to be a thief.

JH: Do you think that they are ways that foresters could meet the needs of both landowners and loggers at the same time?

RB: Well, first they need to move from an adversarial relationship into a collaborative relationship. And they truly

need to respect and work together. But, loggers need to clean up their act and be trustworthy. They need to earn the respect. If they want to be treated like professionals, they have to act like professionals. And that means training, getting better, and learning as much as they can. I think that the logging trade needs to figure out what professionalism is. And they need to set some standards that they're going live up to.

JH: What problems have you found in working from management plans?

RB: I'd say that sometimes they are awfully vague. Sometimes I think that if you took four foresters out and gave them the same management plan, you would have four different opinions as to what the thing says. Only the guy who wrote it knows what it means, and that's not a plan.

JH: What are your thoughts on long-term stewardship contracts?

RB: I think it's a great concept. It's going to require that the loggers who engage in them are professionals. They need to know as much as they possibly can about every aspect of silviculture and forestry.

JH: Now I wanted to talk a little bit about the condition of the forests. What are the major silvicultural problems that you see?

RB: I would say that the biggest problems is the lack of early intervention, the lack of Timber Stand Improvement work. It seems that we always get to wood lots twenty years too late. There's a lack of silvicultural activity and not enough investment.

JH: How would you describe the appearance of forests that have not been sufficiently managed?

RB: The better quality stems have slow diameter growth, much slower than it needs to be. Trees are crammed in with no room to grow.

JH: You see a lot of that?

RB: Yes, most of this work we do is in forests that are much too tight. We're the first people to get there and we're always 20-30 years too late.

JH: So, there needs to be a lot more consistent management all along.

RB: Yes, there needs to be more investment. This whole thing won't run with every operation standing alone financially. In other words, it won't work if every time you go into the woods, you have to cut enough wood to pay for everything. Maybe on your whole forest you could cut in one area to finance work in another area. But, you can't go into an area that needs improvement, cut the right kind of wood, and always make money at it. You can't cut garbage. You can't exist on pulp or firewood. Just because someone will buy it doesn't mean you can make any money cutting it.

JH: Why do you think landowners are so unwilling to invest in pre-commercial thinning and improvement work?

RB: They're unwilling to invest. People don't have the faith that trees can make them money. They think that trees grow for free. And they do. But if you can't tell the difference between a good tree of high economic value, and a tree of low economic value, then you can't see the need to do anything.

JH: What are the ecological issues that concern you the most?

RB: The major ecological issue that I see is nutrient depletion from over-harvesting. Whole tree harvesting is a problem. Every time we remove wood from the forest, part of the nutrient capital is depleted. Nutrient inputs from rock weathering and deposition are balanced by leaching; so there's no gain in nutrient inputs. Therefore, anything we take out is removing nutrient capital.

I also think high-grading is a problem. High grading slowly degrades our forests. It is one of those things that no one says they're going to do, but they end up doing it anyway. They cut the good wood.

JH: If nutrients are being depleted in



Excessive rutting and skidder damage on a logging job in Hanover, NH. This is not a job Russell Barnes worked on. It is unlikely that the UFO in the background will carry a favorable report on NH logging practices back home.

the absence of logging, then no form of logging can be truly sustainable without nutrients additions to the forest.

RB: Theoretically there's no such thing as 'sustainable logging' without nutrient inputs. It's not a question of whether we are going to deplete nutrient capital, but a question of when.

JH: That's a pretty despairing reality. How do you reconcile it with the work you do everyday?

RB: Well, I'm for stretching it out as long as possible by removing as little wood as possible. We need to remove only the highest quality usable product and leave everything else to be recycled into higher quality wood.

JH: That sounds like high grading.

RB: No, it's different. I'm for taking the very best wood, but not leaving the very worst to continue to grow. That's high-grading. The low quality trees should be cut, but they should not be removed from the forest. We should leave as much slash, cull trees, and boles behind as possible to decompose and be recycled into high quality products. We

need to grow the high quality trees. Therefore we should remove as little wood as possible and only remove wood that is profitable.

JH: So it's not profitable to cut pulpwood?

RB: Often it's not profitable in the type of work that I do. The costs of bringing low quality wood to the landing and then trucking it to the mill exceed the revenue generated, so it doesn't make economic sense. In a lot of operations, the good sawlogs are subsidizing the removal of non-profitable material. Just because someone will buy the pulpwood doesn't mean that you can make money selling it.

JH: Why do loggers continue to sell so much poor quality wood for such low prices?

RB: Many of us are not good business people. We don't have a good handle on the cost to produce a particular product. If loggers don't know their costs they're going to produce things that don't make them any money. And if they don't

know their costs, they're not in a very good position to negotiate with the people who sell them the wood.

JH: Why haven't loggers done more to figure out costs?

RB: We have very small businesses and we can't do everything. And the one thing that gets left behind is the record keeping. Keeping track of your business is a full-time job. But we also have to find the wood, cut the wood, truck the wood, and market the wood. And even if we could keep the records, we're probably not skilled enough to know what to do with those numbers if we had them.

JH: So, how is that playing out in terms of the wood that's getting cut and sold?

RB: There's too much low quality wood out there. And we keep creating more of it. Loggers who know their costs understand that there's no money in low grade wood. When you start to understand what your costs are, you don't want to cut bad trees. Loggers need to know what the value of every particular piece of wood is. They need to have a better handle on all the money.

JH: Many contractors are making a transition to more mechanized equipment and incurring a larger debt load. Is this a problem?

RB: Well, buying an expensive piece of equipment is not a problem as long as you know you're going to have steady work for it. The hard part is the cyclical nature of the business. When you don't have steady work, you have a high debt load and then you start doing things just to pay for the equipment, to make the payments. You'll take jobs that you might have not taken because you're desperate. It's a problem when you make projections based on the best-case scenarios, and then the best case doesn't happen. Then you're in trouble.

JH: Do you think that happens a lot?

RB: I think it happens fairly regularly. I think people don't plan for the rainy day as much as they should.

JH: Why are contractors choosing to mechanize?

RB: I think they feel that they can make more money and that the work will be easier. Cutting wood by hand is not the easiest thing to do.

JH: Does the high cost of worker's compensation insurance make mechanization more attractive?

RB: Yes, the high cost of worker's compensation also pushes people towards mechanization. We pay a very high rate, about 37% of gross wages. That's a big hit.

JH: Why are workers compensation rates so high?

RB: Because we have a terrible loss record. And until we improve our loss records, our worker's compensation costs will be high. Unfortunately, the high cost of worker's compensation means that our money goes out for premiums and is not invested in training to improve the loss record. We're caught in a vicious cycle. We can't get better until we have more training. And we're not going to get more training until we have more money to spend on it.

JH: You're trying to organize loggers to lower workers compensation rates by forming a safety group.

RB: I'm trying to organize loggers to create a safety group and ultimately a self-insurance group where the premiums will come down based on an improved safety record. The idea is to get losses under control. A safety or self-insurance group would have mandatory training for members and on-site safety inspections.

JH: Do you think there's an interest in this among loggers?

RB: Well, I think the interest is there. In New York State, there's a self-insurance group that has lowered their worker's comp rate to 13 to 14% of payroll. So, I think a 20% savings would be of interest. But, it doesn't come easy. It requires some work. And, the only way it can happen is through some sort of organization. Loggers need to work together as professionals to get this

done. It can't be a bunch of rugged individuals.

JH: The next area I want to talk about is regulation. In light of your concerns about over-harvesting, high-grading and other practices, do you think there needs to be more regulation in New Hampshire and Vermont?

RB: I don't think that you can effectively regulate logging or prevent high-grading through regulation. I think a lot of it's being done and people don't know that they're doing it. We think we're doing selective cuts, or we're doing partial cuts, but the net effect is still a form of high-grading.

JH: How about regulation in other areas?

RB: Well, we don't have regulation. We don't have any standards yet for judging a good job from a bad job. We may not need regulation, but we do need some standards. There's no accountability. A consulting forester is only accountable to his landowner, to his client. And the client depends on the consulting forester to determine the quality of the work. There's a conflict of interest there. There's no outside accountability to a logging job. No one comes and checks afterwards.

JH: There's no state agencies that check?

RB: There's no checking and there's no standards. Whether it's consulting forestry or logging. There's nothing to say you did a good job or a bad job. The only thing people notice is an outrageous job. But no one ever notices a good job of high-grading.

JH: So do you think there might be a role for some sort of state involvement?

RB: No, I think that's what professional organizations need to do. They need to



Example of residual stand damage from rutting. Not a Russell Barnes job.

be accountable. They need to say what they're going to do and then do it. It's not necessarily a role for government, though government has some role, and that is: to enforce already existing regulations. They don't enforce the regulations that exist. And, mainly I'm thinking about employment laws.

JH: What laws are being broken?

RB: We have a lot of contractors who are working with so called 'subcontractors' who have no workers compensation. And the health and safety rules are not enforced. There's no one out there to really enforce them. There's only five or six OSHA inspectors for every business in the whole state of Vermont. The only time a logging contractor has to worry about an OSHA inspector showing up is if there's been a fatality or a very serious accident. Or a complaint. But they're never going to show up on their own.

JH: What was your response to the recent Vermont cutting bill?

RB: I don't have a problem with it one way or the other. It's probably not going to solve the problem that people wanted it to solve. But I also think that it's not going to negatively impact too many loggers. The smart loggers aren't worried about it; they're just figuring out a way to live with it and make money. Adapt. It's a big emotional issue, but, I think the smart ones aren't wasting their time on it.

JH: It doesn't affect you.

RB: It has no affect on me, whatsoever. I have never been involved in that type of a cut.

JH: I want to talk lastly about your vision for forestry. Mitch Lansky, a NARP activist in Maine, has been promoting what he calls "low impact" forestry. He challenges the idea that jobs depend on highly mechanized industrial forestry. And he argues that mechanization, and industrial forestry have had a serious impact on the forest and have resulted in the loss of many jobs. First of all, what is your view of technology in forestry?

RB: The trend will be towards more machines. We need to be more productive as people—whether it's through machines, more knowledge, or better use of computers in managing our businesses.

JH: Is there a point, though, when greater efficiencies end up taking something away? You were talking before about losing contact with the forest. Is there a point where we should back off?

RB: Well, in Sweden the harvesting crews also have the forester's role of laying out the sale. They take the measurements, do the inventory, and are responsible for costs. So, they're not just a bunch of machine operators. They operate a machine, but they also do ground work. The follow up with measurements on spacing and stand damage. So, there's less specialization. And that's what will happen here with a more professional work force. They will blend the role of the field forester and the logger into one. That's what's going to happen.

JH: Right. You envision more mechanization but less specialization on the individual level?

RB: Yes, less specialization for individuals. Running a machine every day, day after day, is boring and also physically dangerous. These machines are stressful and create some really serious problems—back problems and muscle problems. So we need to get the people out of the machines for a certain portion of the day. If the person is only qualified to run the machine, then he's going to be stuck in that machine. In the future, the logger is going to have more input in forest management.

JH: That sounds like a new vision for logging and forestry.

RB: That's where it's headed. I think we're going to get to that point where loggers and foresters will be making decisions together. The logger will make the more detailed decisions, and the forester will make the more general decisions.

Agronomist Win Way's View of Forest Practices

Clear-cutting, hardwood spraying and whole tree harvest of forests do irreparable damage to Vermont's most precious asset. The leaching of potassium as well as other plant nutrients can never be compensated. Bare soil areas suffer great losses.

Potassium is especially vulnerable to leaching and its loss is damaging to future growth. Being found mostly in leaves, bark, buds and twigs, it is a nutrient best conserved by continuous cover of trees, especially hardwoods.

Vermont soils were first vandalized when virgin forests, many already marginal in potassium, were sacrificed to clear land. Millions of pounds of potash were exported to Europe for the soap and glass industries. Much of the remaining potassium was subsequently lost to leaching, runoff and crop removal. . . .

Potassium deficiencies are common in abandoned farmland, much of which is now what we call forest. Remember that 80% of Vermont forests were denuded by the mid 1800s, primarily for sheep. I have observed deficiencies on mountain soils, in Christmas tree plantations, on many farm crops, on home lawns and in gardens.

Potassium is a nutrient used in large quantities by most plants. It is essential to sugar production, winter hardiness and disease resistance. I believe it is related to the success of Vermont's maple industry, roadside beauty and so-called acid rain damage to mountain forests. It is of paramount importance for the return of productive hardwood and conifer forests to our landscape.

Vermont soils have given up their potassium several times already. Whole tree harvest and clear-cutting can only aggravate a problem that will become progressively worse. . . .

Win Way
North Hero, VT

From a letter to the editor of the Burlington Free Press, 2-2-97.

NWF Opposes OSHA Snag Rule

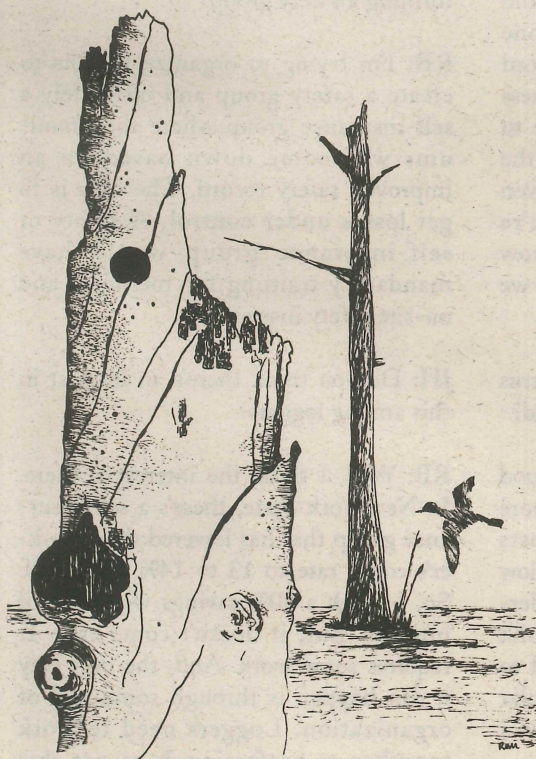
Montpelier, VT June 9— The National Wildlife Federation (NWF), the Wildlife Management Institute, the Society for the Protection of New Hampshire Forests, and the Forest Trust are petitioning OSHA (U.S.

Occupational Safety and Health Administration) to change a rule involving standing dead trees—snags. The rule requires that for all logging jobs nationwide, every "danger tree" must be "felled, removed or avoided."

"On the face of it, this seems like common sense," said Mark Lorenzo, researcher at NWF's Northeast office. However, the OSHA danger-tree rule mandates no-work zones around snags, irrespective of the actual danger involved.

"This inflexible rule stands in the way of constructive forest practices that benefit people, the economy, and wildlife at the same time," said Lorenzo. The ecosystem role of standing snags are well known to forest observers. Snag and cavity dependent species in northern New England include the black-backed woodpecker, hermit thrush and pine marten.

—From a NWF press release



Forest Resource Advisory Council's Work Group on Rural Economy

by Andrew Whittaker

Vermont's Forest Resource Advisory Council held the last meeting of its current mandate in June. The report of its work group on rural economic development was the feature topic of discussion. Spraying of herbicide and clearcutting had hitherto dominated FRAC's agenda, but the report on economic development reflects a wide-ranging and detailed information gathering process.

Work group members agreed on recommendations addressing log exports from Vermont's public lands and promoting sustainable harvest practices. The work group was chaired by Eric Palola of National Wildlife Federation and Nancy Brock, a financial consultant; members included sawmill operators Fred Burnett, Walter Malmquist and Gary Carrier. Members hope that the report will do more than gather dust, and assist groups focussing on rural development assess priorities.

The report found that the forest products sector is Vermont's second largest source of manufacturing jobs, and has experienced considerable growth during a period in which log exports have grown significantly as well. Timely timber inventory and well-trained high school graduates were ranked as top priorities, as was a regulatory approach emphasizing assisting rather than punishing mills and workshops toward compliance with pollution and safety standards.

Workmen's compensation rates were predictably found to be burdensome. While recent re-entry into Vermont by a private insurance carrier and the linkage of logger training to reduced rates are encouraging, the Rural Development group recommended that, in the absence of improved rates, Vermont follow Maine's lead in creating a state-sponsored insurance pool with a tiered-rate structure reflecting safety training and records.

In the area of low impact forestry, the Rural Development group recommended:

- a Vermont Department of Forests and Parks technology transfer program promoting the benefits of low impact systems
- research into timber value losses from residual stand damage; capital and operating costs of low impact systems; impacts of differing harvesting systems

Vermont's Family Forests & Amphibians, Too

On Tuesday, September 16, 1997, at Shelburne Farms in Shelburne, Vt, the Addison County group Vermont Family Forests will conduct a workshop that "will provide family forest owners and local wood product manufacturers with a chance to learn more about green 'certification' as a link between local family forests and wood product manufacturers." The meeting begins at 4:30 pm.

Vermont Family Forests is promoting sustainable forestry and financial returns by fostering local economy and developing an affordable model for green certification for Vermont woodlot owners. The effort is funded in part by a grant from the Vermont Sustainable Jobs Fund. For more

information or to register please contact David Brynn, Addison County forester at RR4 Box 1308, Middlebury, VT 05753; e-mail: dbrynn@sover.net. Tel. 802-388-4969.

Vermont Family Forests and others also host on Saturday, September 27 at Howden Hall in Bristol a morning slide show and field trip on reptile and amphibian life. Jim Andrews, research supervisor in biology at Middlebury College and chair of the Scientific Advisory Group for Reptiles and Amphibians, will address identification, natural history and minimization of impacts on these venerable critters. To register please contact UVM Extension RR4 Box 1308 Middlebury, VT 05753 Tel. 802-388-4969.



- the blending of vocational with forest ecology education
- using state forests as the locus of research and demonstration of low impact harvesting systems.

The work group also looked at current use taxation, non-timber forest products and wood energy. Among its recommendations:

- Non-timber products should become an active part of University and Extension research and information dissemination
- While "strongly" urging that wood energy be part of any renewables portfolio required by the Legislature under restructuring, the report also noted that Vermont lacks adequate timber inventory to determine whether expanded capacity is sustainable. The conventional wisdom is that another 200 MW from wood is possible
- Substantial opportunities exist for small scale wood gasification heating systems and 6-10 MW power plants.

Highlights from the Forest Resource Advisory Council's Rural Economic Development Work Group's Letter of Inquiry to Senators Leahy and Jeffords Requesting that the Congressional Research Service Answer

Key Questions on Log Exports

- What rights do states possess to develop and promulgate log export policies?
- What are the relative policy and legal merits of a state-imposed raw log export quota or cap, compared to outright bans or other more restrictive regulation?
- What is the status of data collection on log export flow? Are there data gaps which prevent full understanding of the scale and impact of unprocessed-log exports?
- What other mechanisms exist for achieving reciprocity with countries such as Canada that restrict exports?

The Rural Economic Development work group also recommended three steps that Vermont can take to discourage exports:

- State economic officials should discourage assistance for raw log exporting businesses, which is the policy in New Hampshire;
- Legislators should require domestic (U.S.) processing of timber harvested

on Vermont state lands;

- Legislators should join New Hampshire in passing a resolution calling on Congress to extend the ban on raw log exports from federal forests east of its current 100th meridian boundary.

The work group's discussion of the domestic processing clause sparked some debate between Gary Carrier of Cersosimo Lumber and Conrad Motyka, Commissioner of Forests and Parks. Carrier commented in support of the recommendation, "If you want to enhance the industry, you've got to save the resource, it's that simple." Commissioner Motyka expressed concern over "the unintended consequences of interfering with the marketplace." He also questioned the state's ability to enforce such stipulations. "[This recommendation] is a significant shift of focus—we can't take it lightly," concluded Motyka.

Andrew Whittaker was a member of the Rural Development work group.

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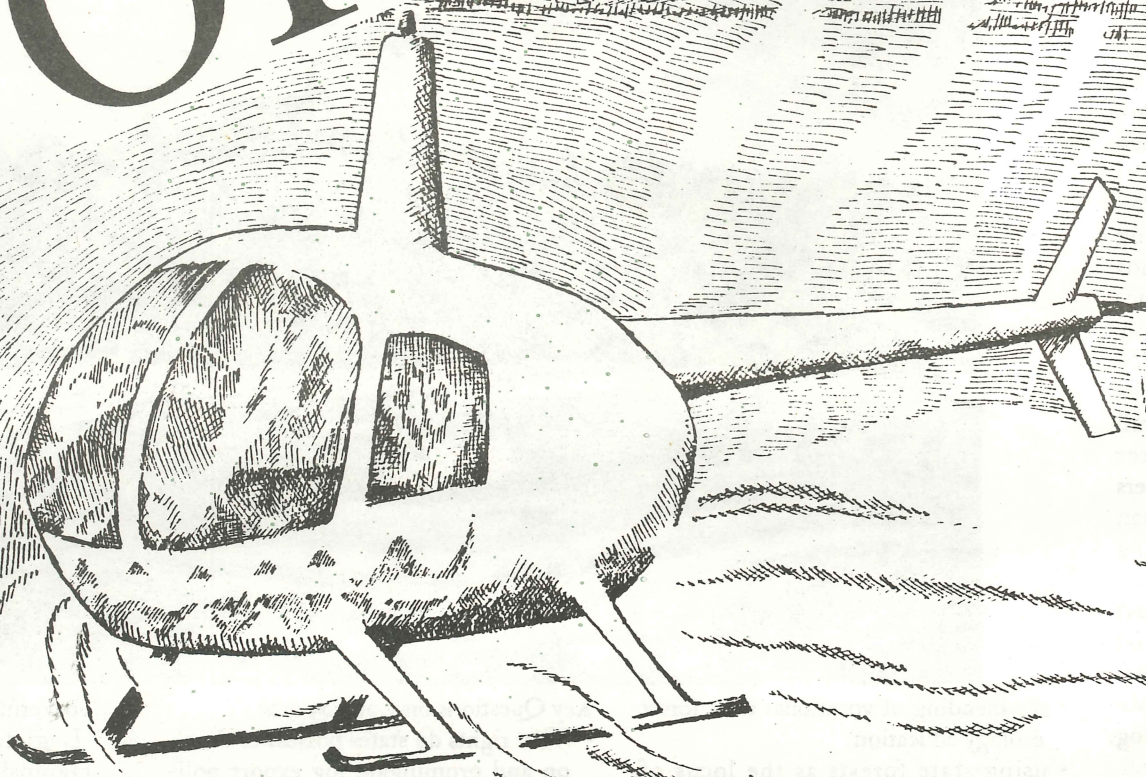
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