

THE NORTHERN FOREST
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THE NORTHERN FOREST FORUM

WORKING FOR SUSTAINABLE NATURAL & HUMAN COMMUNITIES
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GLOBALISM

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THE NORTHERN FOREST FORUM

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NARP is a non-profit organization and network of grassroots activists dedicated to restoring sustainable natural and human communities across the Northern Forest Region of northern New England, New York, and adjoining regions.

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Editorial Policy

Views expressed herein are those of the writer and not necessarily those of other contributors or other NARP projects. We welcome diverse submissions on the Northern forest and related topics. All material to the address above. Please address letters for publication specifically to the editor.
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We Like Letters!

editorial

EUSTIS TILLEY & HIS FRIENDS

THE REACTIONS of established commentators to the WTO/IMF/World Bank protests in Seattle and Washington have been fairly consistent: Come to the table and behave children! scold such voices as that of former Labor secretary Robert Reich and *New York Times* columnist Thomas Friedman. "Don't these holdovers from the 1960s understand, are they not with it, hellooo, this is the 21st century, we need MORE global trade, not LESS," hector the sheep-herds for the New World Order.

The dismissive tenor of such criticism can also be found in the pages of *The New Yorker* these days. A November 22, 1999 profile of Kierán Suckling and the Center for Biological Diversity by Nicholas Lemann arrives at a most peculiar conclusion after a sanitary examination of this outfit of crusaders against mega-development projects in the American Southwest (Governor Angus King is rumored to have read the article and added it to his battery of criticisms of radical environmentalists.) The article concludes that the Center's obdurate defense of Nature has moved policy in its direction: "This isn't quite the same thing as ushering in an era of biodiversity, though. Another metaphor, more appropriate to the history of the region, captures better what Kierán Suckling and his mates have done. They're outlaws. Outlaws cause trouble, alter the established order, and make authority figures angry. And, in the end, they get dealt with." Hmmm . . .

RESISTANCE TO THE INCREASING SHEEPISHNESS OF THE CONSUMER

Ecologically speaking, the pot is on the boil. Globalism might be characterized as a system that turns humans into consumers and separates the act of consumption from knowledge of the impact of consumption. We eat fish; we have no knowledge of the ocean. We use paper, we don't know the forest. We burn gas, we feel a vague sympathy for the environment. What has all that to do with us in our pursuit of happiness? The system works so incredibly well we are on the verge of consuming significant pieces of the Earth, once and for all. Assent in this and you are sane, resist, and you are — an outlaw!

At a recent (well, April) EnviroFair in Brewer, Maine, a woman born and raised in Maine engaged me in conversation about what she, having returned to her home state after a career elsewhere, sees as the complete cowering and demoralization of the people she grew up with. Maine, she said, is run by and for outsiders. Another woman, from Minnesota originally, concurred: Maine is like Alabama, she said. Both were noting the triumph of economics, the economics of serfdom and individualism in the extreme. Eat your food, spend your wages, pay no attention to the man behind the curtain.

It is conveniently assumed, often, that the working class and environmentalists are at odds; or, that environmentalism arises out of affluence and urbane disconnection with Nature. This may be, insofar as environmentalism is equated with recreational initiatives, or divorced from questions of social justice and economic scale. A radical environmentalism, on the other hand, one that addresses root problems and poses the goal of placing Nature beyond the control of humanity, has much common ground with the disenfranchised. Nature is disenfranchised, too.

By no means does this issue of *The Forum* bring you all the news, regional and global, that inspires this line of thought. In particular, we failed this issue to bring you the exemplary story of Nova Scotian long liners, the fishermen caught between an over-capitalized, resource-exhausting segment of industry and a government that refuses to treat the issue of sustainability of the ocean ecosystem seriously — indeed, a government that fails to view the ocean as anything other than a resource, and a resource less and less available to the sustainable, small scale fisherman.

True, many gaps and gulfs remain between those who articulate for preservation, and those who

would like to make a living from natural resources. But there is a greater and ineluctable gap in values between both of these and the mega-capitalized who are busy using the instruments of globalism to hammer down the sovereignty of Nations and localities over matters environmental and social. Those who know the issues of world trade know the threat is real. Ralph Nader challenged members of Congress to actually read the Marrakech Agreement which established the WTO. Hank Brown, the Colorado Republican senator who was the only one to take up the challenge reversed his earlier support and voted against its ratification. Paul Hawken, who supplied this anecdote in a story run by *Whole Earth* (Spring 2000) and *Orion Afield* (Spring 2000) concludes his observations of the Seattle protests with this:

"Commerce requires the governance of politics, art, culture, and nature to slow it down, make it heedful, to make it pay attention to people and place. It has never done this on its own. The extirpation of languages, cultures, forests, and fisheries is occurring worldwide in the name of speeding up business. Business itself is stressed by rapid change. The rate of change is unnerving to all, even to those who are benefiting. To those who are not benefiting, it is devastating."

So, who is benefiting? And, what is being devastated? Read on! Hope you enjoy this issue of the paper!



A WORLDWIDE ASSAULT ON FORESTS — & RELATED STORIES

BOISE CASCADE PROCEEDS WITH PLANS TO LOG MEXICAN OLD GROWTH

ACTIVISTS WAGED PROTESTS both inside and outside the April 20th Boise Cascade shareholders meeting in Boise, Idaho. Outside, protesters chanted in support of jailed Mexican eco-activist Rodolfo Montiel. Montiel has been actively campaigning against Boise's old-growth logging in Guerrero, Mexico.

His activities earned him arrest by the Mexican military, electric-shock torture, and the Goldman Environmental Prize. While the prize may be small consolation, it is drawing international attention to Montiel's case and on-going detention, as well as forest destruction, both in Mexico and Chile.

Boise protesters also attended the shareholders meeting and managed to pass a corporate responsibility resolution that Boise CEO George Harad has said will have no bearing on Boise activities. The resolution was pointed at Boise activities in Guerrero as well as Chile's Puerto Montt, where Boise has built the world's largest chip mill. Chilean activists fear for forests, salmon and water quality should Boise's plans proceed. The Central Bank of Chile predicts destruction of Chile's native forests in just twenty years if logging is not curbed. Harad also claimed to have not heard of Montiel.

For more information contact Patricia Rasmussen of the American Lands Alliance 509-548-7640 (WA state); email patr@crwnet.com

RAINFORREST DESTRUCTION REPORT SUPPRESSED

A REPORT DETAILING rainforest destruction and the complicity of Western nations and financial institutions has been suppressed for three years, the British newspaper the Guardian reports in a May 29 article by Paul Brown. The European Commission and World Wildlife Fund authorized the report, and then forced several revisions fearing reprisals in countries named. The pace of logging in 11 countries in the Pacific, Africa, and Caribbean threatens to destroy all remaining virgin forests within five to ten years. The authors of a report urged an end to European aid to the countries involved, citing rampant corruption and ineffectual enforcement of standards, as well as further ecological harm and violence against indigents in the wake of logging operations.

IRVING BOYCOTT

REGIONAL ACTIVISTS are calling for a boycott of Irving gas stations (see note below) pending the New Brunswick giant's adoption of fair labor and environmental practices. The company now owns lands both sides of the international border, having picked up Great Northern acreage inside the proposed Maine Woods National Park boundary. Irving sprays its clearcuts with herbicides, favors plantations, and is part of the wider industrial forest pattern in Maine that sees wood shipped to Canada and American wage rates undercut by Canadian bond labor. Boycott organizers point out that spruce/fir stands that could employ American loggers sustainably are being quickly cleared by feller-bunchers brought in from Canada — all on land enjoying Tree Growth tax

subsidy. Domestic processing of exported logs has also been undermined by corporate control of the log supply. Organizers also are protesting gate fees at border crossings in the Allagash region that apply to even local townspeople. Irving operations in Maine are now green certified.

NOTE: Boycott organizers are targeting only Irving Mainway gas stations, not Mom & Pop/ convenience stores which also peddle Irving products. The boycott is being organized by Native Forest Network: boycottirving@justice.com

WELCOME TO MY PARLOR SAY US SENATORS TO GUESTWORKERS

BEVERLY BROWN, writing in the newsletter *PRACTITIONER*, house organ of the National Network of Forest Practitioners, draws attention to two Senate bills that would "diminish the already paltry worker protections" for guestworkers, who are largely brought into the United States by "agricultural and forestry employers facing local labor shortages" (hmp). Senators Gordon Smith and Bob Graham propose changes to the 1986 Immigration Reform and Control Act of 1986 in Senate bills 1814 & 1815.

Guestworkers are employed by timber companies to plant trees after clearcutting (in areas usually subjected to herbicide). Brown's article concludes, "Community forestry activists should be directly challenging guestworker program [s] and proposed amendments before they find the perverse effects of guestworker programs nipping at their heels."

A query to Maine's Department

of Labor drew this information concerning Maine employment of temporary foreign workers: "So far this year Maine has received request [s] for 941 forestry workers to do tree planting and brush saw work. This is for 11 different companies who contract with the landowners. In addition Maine has received request for 243 workers in a variety [sic] agricultural work and this number will increase with the upcoming apple harvest." The California Rural Legal Assistance Foundation monitors these issues. Their website: www.crlaf.org/workers.htm.

MOTHER JONES PROFILES SOUTHEAST PLANTATION FORESTRY

TED WILLIAMS MEANWHILE has written a piece in the current (May/June 2000) *MOTHER JONES* profiling the aggressive institution of tree plantations across the rural Southeast. Champion International is featured in the article, as it is the subject of at least one lawsuit by an abutter disturbed by a "sedimentation event". Pine plantations may cover 70% of the South by 2020, according to the U.S. Forest Service. Private landowners are encouraged to clearcut, spray, and plant, too. 156 chip mills dot the South, busy grinding trees into chips for export in barges on public waterways such as the Tennessee-Tombigbee, a \$2 billion dollar project.

Other tax subsidies encourage intensive company practices, as does a lax-to non-existent regulatory structure. Arrayed in opposition is the cast of characters familiar to forest activists everywhere: ecologists witnessing ram-

pant ecosystem destruction, traditional loggers and foresters concerned about loss of productive forests, sawmill owners, and everyday citizens who are not bamboozled by elected leaders who vilify "extreme environmentalists."

The longer such politicians operate, the stronger and more national will activist networks become, perhaps to stir up the mainstream enviros, too. (Williams article does not refer to foreign temporary workers, but Beverly Brown (see above) states, "In the South, a large portion of reforestation-related workers are H2 [guestworkers] forest workers from Mexico." Given the prevalence of rural poverty in Mexico, the South — as well as Aroostook County — it is too bad that quality work and quality wages are not a social priority.)

CLERGY OF MEXICO'S SIERRA TARAHUMARA DENOUNCE FOREST DESTRUCTION

CITING THE DEMANDS of their Christian faith and concern for the people of northern Mexico, leaders of several denominations issued a declaration on March 29 denouncing forest destruction in the Sierra of Chihuahua.

Bishop of the Tarahumara, José Luis Dibildox Martínez and other signers of the declaration stated that the pace of forest destruction has accelerated since the passage of NAFTA, the North American Free Trade Agreement, while local employment and other measures of community well-being have not risen. The letter states in part: "The lack of local employment is a serious problem. Because it is one of the main sources of jobs in the Sierra, the forest must be treated and worked in a sensible manner in order to preserve it for future generations. We are obliged to express our reflections publicly because the avarice and racism that have been part of forest exploitation are destroying God's creation and undermining its fraternal destiny."

Saying also that "The life that the forest used to nourish has virtually been annihilated," the clergy enumerated ecological changes related to forest destruction that are also disrupting traditional cultural ties to the land. The only economic opportunities in the region seem to be related to the drug trade, they noted. Lawlessness also has extended to timber companies, which are ineffectively regulated. "Corruption is what has kept the people of the Sierra from taking control of their own forest resources and learning how to manage them," the letter states.

In addition to calling for local community education, management and control of the forest — as well as restoration of its ecological integrity — the declaration disparaged both tourism and reforestation projects as ineffective in the face of governmental corruption and economic power. "Legal reforms have facilitated the flight of unimaginable wealth from our forests, in contrast to the extreme poverty in which our people live."

The letter appealed to urged "all Christians to take responsibility for preserving life on this planet that God entrusted to our care."



NO ACT 250 REPRIEVE

Sheffield, VT—"This quarry will destroy a lovely, remote, rural forested wetlands called Sheffield Square, at the headwaters of the Lamoille watershed. It is part of a regionally significant deer wintering yard, a bear production zone, and home to a rich diversity of nesting songbirds, gamebirds, moose, coyote, bobcat, snowshoe hare, beaver, porcupine, fisher, fox, weasel, bats, etc. a breeding population of amphibians, including the spotted salamander and rare mosses and orchids. It is also home to a number of families, who moved to Sheffield Square because of its remoteness, wild beauty and quiet, and to the E Sha N Center, which teaches Native and traditional wilderness and life skills, and provides sanctuary to all plants, animals, people and Spirit." Barre Granite Quarries is a South African based company which has promised 40 jobs and thus far delivered three, while also dividing the community and selectively bought out opposed parties. The selectboard signed away the town's ability to address neighbors' concerns early in the process. The regional Act 250 Board has approved operations here while the state board, now reviewing the case, has denied motions to stay operations. If allowed to go forward, the quarry will generate between 800,000 & 1,200,000 cubic feet of slag annually, piles of which will be visible for miles around.

More News →

Continued from page previous CREE TRAVEL TO DC

IN A FOLLOW-UP to their uncertain victory in Quebec court, members of the Cree tribal government have traveled to Washington, DC to lobby U.S. trade representatives on what they term violations to the treaty governing logging in Eeyou Astchee, the Cree homeland.

While the ruling by Judge Croteau of Quebec Superior Court that found the Province of Quebec to be dispensing logging contracts without proper environmental review is in doubt following his removal from the case, the Grand Council of the Crees presented its case to the Office of the U.S. Trade Representative in April. The Cree are saying that 60% of Quebec's softwood lumber comes from the James Bay Cree territory and that, therefore, the U.S. should attend to Cree concerns in considering any further free trade agreements.

A document summarizing their case reiterates the widespread ecological harm that have resulted from logging in the Cree territory, where companies hold licenses to over 27,000 square miles of forest. The Cree argue that Quebec law has virtually exempted companies from regulation, while logging companies still refer Cree complaints to provincial authority — a vicious circle of non-accountability that has undercut guarantees of traditional use contained in the James Bay and Northern Quebec Agreement of 1975.

The Cree report correlates increased rates of clearcutting with free trade agreements. Subsequent to the latest, signed in 1995, clearcutting in Eeyou Astchee has increased from 193 sq. miles to last year's 308 sq. miles. Since 1975, companies have cleared an area the size of Delaware. The Cree document regeneration failures, sedimentation, collapse of wildlife populations including moose, and various disruptions to native way of life. Employment of Cree in the industry is less than 1% of the workforce. Mechanization and concentration have rapidly replaced what Cree term a formerly sustainable forest industry.

The Cree call on American political representatives and trade officials "to pressure the Government of Canada for the elimination of unsustainable forestry management policies in Canada, and in particular Quebec. . . Only when both of our nations follow a socially and environmentally sustainable forestry regime will there be a level playing field for trade."

For more info: www.gcc.ca



PUT YOUR JOHN HANCOCK ON KOALA HABITAT

THE NATIVE FOREST NETWORK reports that New England's Hancock Timber Resource Group, subsidiary of the insurance giant John Hancock, owns and is logging koala habitat in southeast Australia's Strzelecki mountain range (Victoria). Logging is apparently proceeding without preliminary ecological audits and as part of Hancock's ongoing conversion of native forest to plantation, a practice denied by the company but alleged by activists. The koala is now regarded by the United States as an endangered species throughout its range under the Endangered Species Act; the Strzelecki region is the only area in Victoria to which the eucalyptus-munching marsupial is endemic.

PAUL REVERE RIDES AGAIN!

VTCAN IS AN anti-nuclear group targeting Vermont Yankee in Vernon for complete shutdown. They recently caravaned through Vermont, stopping in major towns and cities to alert the citizenry to the proposed sale of the aging nuke to AmerGen, a British bargain shopper with a shoddy safety record and labor-slashing practices. VTCAN activists warn that AmerGen is out to make money however it can, including raids on the decommissioning fund and a probable strategy of leaving the public with the ultimate responsibility for safeguarding nuclear waste being stored on site.

VTCAN activists have networked with a poor, largely African-American, South Carolina community currently absorbing low-level waste from Vt Yankee — as well as with opponents to proposed high level waste sites in Sierra Blanca, Texas and Nevada. They point out that Northeast Congressional reps have been very supportive of blocking these disposal plans — with the notable exception of Vermont's entire delegation. Caravan members included activists working to decommission nuke plants near Syracuse, NY, on Long Island Sound and elsewhere. They put on a highly informative, entertaining and chilling road show. Contact them at: can@shaysnet.com or 413-339-5781.

THE MAINE SUN

DISCUSSION OF ENERGY alternatives at the St. Johnsbury meeting was enlivened by the presence of former H-Q utility contract opponents who mentioned the disheartening task of confronting short-term greed for cheaper monthly electric bills with a full discussion of the costs of various energy alternatives.

How about that big reactor in the sky so high? To keep up with sunny developments, subscribe to The Maine Sun, newsletter of the Maine Solar Energy Association, MESEA, RR1, Box 7751, Jonesport, ME 04649. They can put you in touch with the Northeast chapter of the Sustainable Energy Association as well. Editorial material can be sent to The Maine Sun editor, Malcolm Sanders, at RR 2, Box 56, Ellsworth, Maine 04605 or mms@aretha.jax.org

US FOREST SERVICE FEES RIDER AGAIN

(from Scott Silver of Wild Wilderness)

"This morning [May 17], Rep. Ralph Regula's House Interior Appropriations Subcommittee voted to recommend PERMANENT Recreation Fee Authority. There was no debate.

"This recommendation will now go to the full committee who will place it as a rider upon this year's House Interior Appropriations Bill. Unless this rider is removed, PERMANENT

Recreation Fees authority will be authorized when the budget is passed later in the year.

"This has got to stop. Fee Demonstration Program was originally passed as a rider. It was extended (twice) as riders and is about to be made permanent as yet another rider. This program never was a test.... it was only a DEMONSTRATION of Congress' utter arrogance and contempt for the American Public a Congress bought and paid for by special interests such as the American Recreation Coalition!

"If there is any doubt that the Fee Demonstration program is anything other than an attempt to Disneyfy the Wild, and is part of the Corporate Takeover of Nature, I would ask that you please read the following quoted passage. It is brand new and comes directly from the US Forest Service's former Chief Operating Officer."

APPLYING PRINCIPLES OF SOUND PRIVATE SECTOR MARKETING — TO PUBLIC LAND

By: Francis Pandolfi
United States Forest Service
Washington, D.C.

"... a product or brand could be defined as "Hiking", "Fishing", "Camping," "Skiing," and other activities. Thinking of outdoor recreation activities as products or brands, of course, suggests applying the principles of sound, private-sector marketing as an approach for meeting recreation demands and providing satisfying outdoor recreation products and services.

"Have we fully explored our gold mine of recreation opportunities in this country and managed it as if it were consumer product brands? How could it be done? As federal agencies and others transition from providing outdoor recreation at no cost to the consumer to charging for access and services, we can expect to see many changes in the way we operate. Selling a product, even to an eager customer, is very different from giving it away. In an increasing-demand environment, additional funding or investment will be required for both the public and private sectors if we are to improve the quality and amount of opportunities in the years ahead.

"As the level to slow-paced growth of public funding for outdoor recreation continues from year to year, management may need to reorient to a product's mind-set where opportunities are priced, as opposed to free, if supply is to keep pace with demand. To make this transition from free to priced recreational opportunities and services, a number of considerations will be increasingly important."

Note by Scott Silver: Please note that the author of what you just read was the Chairman of the American Recreation Coalition's Recreation Roundtable at the time he was brought into the USFS. The American Recreation Coalition and its Recreation Roundtable TAKE FULL CREDIT for creating the Recreation Fee-Demonstration

<http://www.wildwilderness.org/docs/unicorns.htm> to read the entire text.
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USER FEES ON THE WHITE MOUNTAIN NATIONAL FOREST

(The following letter was sent to several New Hampshire papers by a member of New England Public Forest Advocates, a group opposing recreational user fees on the White

Mountain National Forest, in conjunction with similar groups nationally. The group has worked with members of the New Hampshire House to pass a resolution condemning the fee program.)

TO THE EDITOR,

If you are angered or annoyed by the recreation fees now being charged on our national forests you are not alone. If you are not concerned than you should be. Here's just one reason why, straight from the United States Forest Service's Fee-Demo web site: "Of every \$1 in the federal budget, only .00018 of a penny goes toward the entire Recreation, Heritage and Wilderness Resources budget for the Forest Service." A companion USFS fier entitled: "Your Fees at Work" explains the significance. "This means that a person with an annual income of \$40,000 pays less than \$.03 per year to recreate on Forest Service lands, nationwide."

It must be noted that these stats refer to the current situation AFTER congress slashed the FS's budget by 26% between 1993 and 1998. This means that a person with an annual income of \$40,000 now saves ALMOST ONE CENT in taxes every year as a result of Congress intentionally starving the USFS recreation budget.

Back before the FS was experiencing budget problems, back when we didn't have to pay to walk on our public lands and stare at ugly and intrusive fee collection stations at every trailhead, back before our once proud forest rangers were reduced to parking lot attendants, the average American paid 4 cents a year in taxes to enjoy free and equitable access to his or her national forests and the system worked wonderfully for over fifty years.

Fee Demo is more big government on our backs, it has been shown to have a "significant exclusionary impact" on the low income, it is misguided, inefficient and totally unnecessary.

To learn more about it visit: <http://sites.netscape.net/nepfa/home> page or call (603)726-3538.

Chris Buckley

AQUACULTURE LAWSUIT

(Press Release of US PIRG)

An environmental group and four of its members announced on April 26 that they intend to sue three major owners and operators of Atlantic salmon farms in Maine for illegally discharging pollutants — including fish waste, a chemical used to control sea lice, and escaped captive-bred fish — without federally required Clean Water Act permits.

The escape of farm-raised fish into Maine's few remaining salmon streams has been identified as one of the factors leading the federal government to propose that the wild Atlantic salmon be listed as endangered under the Endangered Species Act.

In a formal notice letter sent to Atlantic Salmon of Maine, Connors Aquaculture, and Stolt Sea Farm, the U.S. Public Interest Research Group (U.S. PIRG) and four Maine residents allege that each of these companies has violated the federal Clean Water Act every day that they have operated their salmon farms.

An individual salmon farm confines hundreds of thousands of fish, which swim in circles in floating net pens. Clusters of pens are typically anchored in protected ocean bays, on sites leased from the State of Maine. According to a 1999 State of Maine inventory, Atlantic Salmon operates seven farms in Machias and Pleasant Bays, located in "downeast" Maine; Connors (six) and Stolt (three) operate a total of nine salmon farms in Cobscook Bay, just this side of the Canadian border. These bays lie at the mouths of several rivers in which wild salmon populations are threatened with extinction (the Dennys, Machias, East Machias, Narraguagus and

Pleasant Rivers).

"A crucial feature of the Clean Water Act is that it requires companies to obtain discharge permits, which limit water pollution and require companies to publicly disclose what they put in the water. Citizens can then monitor a company's environmental-compliance. Since the salmon farms are operating without discharge permits, the public does not have full information about the environmental consequences of their operations," said David Nicholas, Senior Attorney with the National Environmental Law Center, which sent the notice letter on behalf of U.S. PIRG and local residents.

For instance, Nicholas explained, the public knows little about the salmon farms' use of the chemical cypermethrin, an active ingredient in many pesticides used on land. According to Sea Grant, a program of the National Oceanic and Atmospheric Administration, the salmon farms use a product containing cypermethrin to control sea louse infestations in their net pens. The product is considered by the federal Food and Drug Administration, however, to be a "non-disclosable Investigational New Animal Drug," and the FDA has not yet formally approved it for general marine use. It is FDA policy not to even admit the existence of a non-disclosable Investigational New Animal Drug.

Also, according to the Maine Department of Marine Resources, the salmon growers refuse to reveal to the public the number of fish that escape from their net pens. When captured in the wild, these escaped fish are often recognizable by distinctive features, including deformed fins. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service have determined that escaped farm fish pose a threat to the wild Atlantic salmon, through competition, interbreeding and the potential spread of disease and parasites. The Services have proposed including Atlantic salmon living in eight Maine rivers - including the five listed above - on the endangered species list.

Salmon farms also discharge fish feces and excess food, which can be pigmented in order to give the flesh of farmed salmon a "natural"-looking pink color for consumers.

Under the Clean Water Act, citizens must provide formal notice of their intent to sue sixty days before filing suit. According to NELC attorney Josh Kratka, the citizens will ask the United States District Court in Bangor to ensure that legally enforceable pollutant discharge limits are imposed on the salmon farms, and to impose

appropriate monetary penalties against the companies for violations of the law. The Clean Water Act provides for penalties of up to \$27,500 for each day of violation.

Atlantic Salmon of Maine is owned in part by ContiSea and, according to a company official, produces 40% of Maine's farmed salmon. Connors Aquaculture is owned by a division of George Weston Ltd., a Canadian food processing and distribution company operating throughout North America. Stolt Sea Farm is a subsidiary of the Norwegian firm Stolt-Nielsen S.A., which is involved in worldwide transport of bulk liquids and fish farming.

U.S. PIRG is a non-profit, non-partisan consumer and environmental watchdog organization, based in Washington, D.C., with members across the country, including more than 1,000 in Maine. The National Environmental Law Center (NELC) is a non-profit organization, based in Boston, which brings lawsuits nationwide to enforce environmental laws. The four individual plaintiffs are Nancy Oden, who lives in Jonesboro; Stephen Crawford, of Eastport; Donald Shields, of Bangor; and Charles Fitzgerald, who owns land in Machias.

SCOTLAND'S BARREN RIVERS

AN ARTICLE in the June edition of The Field details the deadening impact of salmon aquaculture on the native Atlantic salmon runs of Scotland. One scientist concludes: "From our researches we have now come to expect that any river under three miles long flowing into a sea loch with a salmon farm in it will be dead as far as migratory fish are concerned."

Aquaculture was first viewed as a panacea, says article author Michael Wigan, a solution to over-fishing of native salmon and under-employment in the West Highlands. Frankensalmon, genetically modified salmon being developed in Canada, threaten to further erode the integrity of native stocks if put in use. Natives have been impacted by pen salmon effluent and genetic pollution from escapees. The article concludes: "Until salmon farms are governed by an independent regulator and moved from the estuaries and out to sea, or into recycled systems on land, it seems that the industry will remain, in the most physical sense, unmanageable. It is a grim dawn to the 21st century. The seaboard that has made a million postcards glow conceals a horrible reality: many of those sparkling rivers are dead, their most charismatic inhabitants gone forever."

FIGHTING GENETIC ENGINEERING

LEGISLATION REQUIRING labelling of Genetically Engineered Foods went down to defeat in both Maine and Vermont this year, even as news of their pervasiveness in foodstuffs (stuff you stuff) grows. A list of websites distributing information and news of anti-GMO campaigns is available at www.ppagef.org/links.htm Maine Right to Know is coordinating the campaign for legislation in that state. Contact them at HC 35 Box 205 South Gouldsboro, Maine 04607 or telephone them at 207-963-2012 or 207-963-7016 email: mainerighttoknow@acadia.net. Vermonters should contact NERAGE at 802-454-9925 or visit www.biodev.org.

CONGRESS FIDDLES WHILE ACID RAINS

A REPORT FROM the Ecological Society of America on the proceedings of a 1999 conference details the national



Small, Significant Piece of Backcountry Core & Connecting Corridor to be Protected by Gift to Vermont

Bald Mtn — the domical peak in the hazy distance — occupies and defines a considerable wildland between the Nulhegan Basin to the east and Lake Willoughby to the west; this view is from Barton. Contrary to opinion formed in Vermont's cosmopolitan precincts, many Northeast Kingdom residents support the idea of wildlands that are reserved from logging and noisome forms of recreation. 200 acres on Bald Mtn. are being conveyed to the state. Local support for a high degree of protection has been demonstrated. The land in question was a gift of the survivors of Dr. Sturtevant

A landscape approach to re-wilding might someday allow the considerable private and public lands of the wider area to support populations of now-extirpated predators such as the lynx, pine marten, mountain lion and wolf. A comprehensive inventory of state lands between the northern Green Mountain National Forest and the former Champion/St. Regis lands could help pinpoint key, critical areas between two of the region's big backcountry cores.

Backcountry cores affording remote habitat must be preserved and where owned by the public managed with remoteness in mind. Such lands will be a gift to inspire future Vermonters' woodcraft & a true guarantor of devotion to life, liberty and the pursuit of decent socks.

Photo by Wilmott Culpepper.

scope of damage from acid rain. In announcing the findings, the Adirondack Council has called for swift action from Congress while noting that the EPA cut cloud monitoring funds in January of this year. The ESA report had called for cutbacks in emissions, particularly of nitrogen oxides, as well as increased monitoring and research.

Damage from acid rain is now reported in the mountains of California and parts of Maine and New Hampshire, as well as the Adirondacks, Catskills, Hudson Highlands, Taconic and eastern Long Island. Last fall, Vermont and Quebec researchers were reporting small improvements in acid deposition, too small to improve the situation in many waterbodies where fish can no longer live.

New York's retiring Senator Moynihan and recently elected Charles Shumer have co-sponsored a bill addressing nitrogen emissions but the legislation seems to be lost in the maw of Congress. EPA and several states have meanwhile sued coal-fired generating plants in the Mid West, source of much of the Northeast's problem. Local sources, including automobile traffic, are also contributing factors. (See Related Story on page 26, in ADIRONDACK PARK REPORT)

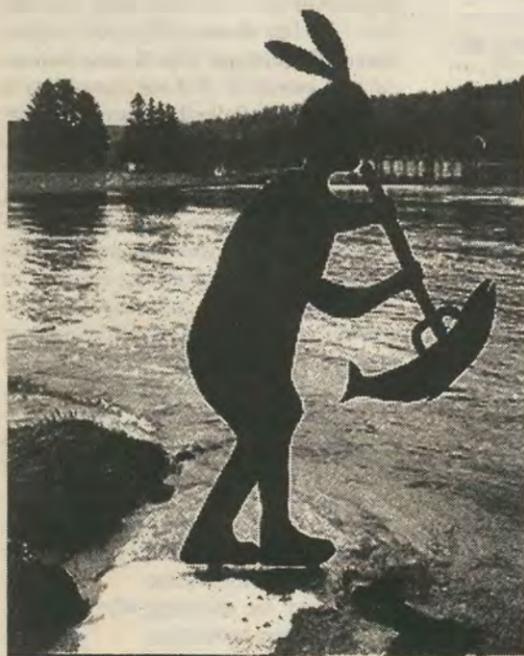
WOLVES FOR THE CATSKILLS

UNITED STATES Congressional Rep Mike Simpson, R-Idaho, has proposed legislation that could pave the way, in a manner of speaking, for eastern wolf restoration. While some of those familiar with Simpson's voting record suggest a cautious approach to Trojans bearing gifts, and suggest this is his way of thanking Eastern Congressmen for environmental legislation that has impacted Idaho, Simpson's aides insist it is sincere legislation. The bill targets the restoration of the wolf to New York's Catskills.

GLOBAL ACTION NETWORKS FORMING

CROSS ISSUE ORGANIZATION and joint mobilization on actions is the goal of the Maine Global Action Network. The mission: "To organize and mobilize opposition to top-down, anti-democratic, corporate, financial, and military power and cooperate to do together what we cannot do separately." MeGAN urges participation from across New England from labor, environmental and peace activists. For more info., write, MeGAN, 170 Park St., ME, 04401.

—FINIS



INTERNATIONAL PAPER TAKES OVER CHAMPION INTERNATIONAL, PAYS \$7.3 BILLION

Fate of Champion Lands in Northern New Hampshire and Eastern Maine Uncertain

by Jamie Sayen

ON MAY 12 International Paper bought out Champion International with a \$7.3 billion stock and cash purchase of Champion stock. IP won the bidding war for Champion with the Finnish paper giant UPM-Kymmene which had announced in February that it was "merging" with Champion. UPM-Kymmene had initially offered \$6.5 billion in stock for Champion, but in the spring its stock value dropped, thereby reducing the value of its offer. On April 24, IP offered \$64 a share. In the ensuing bidding war, IP's winning bid was \$75 a share. At that point the Finnish conglomerate dropped out, but Wall Street analysts speculate that it will continue to pursue a mid-sized paper company in the United States. Mead Corporation is the most likely candidate at this time.

IP, the world's largest paper company, owns a paper mill in Jay, Maine and about 500,000 acres in Maine, as well as the Phillips Brook watershed in northern New Hampshire. In the past couple of years it has sold off over 400,000 acres in northern Maine in the Allagash and St. John watersheds.

IP especially covets Champion's pulp production in Brazil, where costs (read wages and environmental regulations) are lower. Over the next 18 months, IP plans to sell off \$3 billion in assets as part of the consolidation of the Champion assets and to help pay off the purchase of Champion. There is speculation it will sell off timberlands in Texas and Washington. At this time, its plans for Champion's northern Forest assets are unclear.

In 1998 Champion sold all its holdings in New York and Vermont and 18,600 acres in New Hampshire. It retained 171,000 acres in northernmost New Hampshire, mostly in Pittsburg in the headwaters of the Connecticut River. It also owns a pulp and paper mill in Bucksport, Maine and over 700,000 acres in eastern Maine.

The fate of the Pittsburg lands had been uncertain even before the bidding war began. At the time the proposed merger with UPM-Kymmene was announced, Champion's office in West Stewartstown announced plans to charge access to a limited access ATV trail network, and to charge for snowmobile and motor vehicle access to its lands in the northern tip of the state. (See *Forum*, Spring 2000, page 4) The reason for these efforts to generate supplemental income, Champion foresters freely admitted, was because they could no longer manage these lands profitably for timber alone. The local Champion foresters realized that their NH lands were likely to be sold by corporate headquarters unless they could generate more income from them pronto.

At the same time, Champion began to explore the possibility of applying for Forest Legacy money in NH for its 171,000 acres in Pittsburg for approximately \$15 million, or \$90 an acre. The campaign for an easement was the second part of a last-ditch effort by Champion and its supporters to bail out the floundering NH operations.

Champion's foresters in northern New Hampshire believed that UPM-Kymmene would approve of the access fees and easement application. However, with IP now in control, all bets are off. It will probably be sometime before IP decides what it plans for the Pittsburg lands. Thus far, IP has not been interested in selling easements, and if it does decide to pursue Legacy funding in New Hampshire, it will have to submit an application. Champion had expressed interest in Legacy funding, but had not submitted a formal application. At the May 31 meeting of the NH Forest Legacy Board, we were told that Champion/IP is still planning to proceed with the application for a Legacy easement.

What will IP do with the Pittsburg lands? These lands abut IP holdings in western Maine which service IP's mill in Jay, Maine. IP may decide that these lands are a "strategic fit" with its holdings. On the other hand, Champion has so overcut the Connecticut Lakes lands that it could no longer turn a profit from timber management. Will IP decide to follow up on Champion's access fees and easement, or will it decide to sell off the Northern New Hampshire lands as part of its consolidation and debt repayment plan? If IP decides to hold these lands, expect it to increase the overcutting as part of the debt repayment strategy.

HEADWATERS OF CONNECTICUT AND ANDROSCOGGIN RIVERS
The northern New Hampshire lands are not just run of the mill "plain vanilla" timberlands, to borrow an especially appalling phrase in vogue with industrial foresters. These lands are the headwaters of two of the great rivers of the entire region: the Connecticut and the Androscoggin. Most of the land is in the headwaters of the Connecticut. The four Connecticut Lakes are there. The NH Rivers Protection Project gave the Connecticut River headwaters the highest possible score for critical ecological significance. The region contains black spruce swamps, quaking bogs, softwood flats, and winter habitat for bald eagles. It is important habitat for pine martens, moose, and there have been a few sightings of wolves. They are critical for any strategy to protect the ecological integrity of northern New Hampshire.



CHAMPION PURSUIT OF FOREST LEGACY MONEY IN NH EXPOSES MISUSE OF EASEMENTS

State uses Legacy \$\$ to Prevent Acquisition by Public or 'Forever Wild' Easements

Clearcutting, Herbicide Spraying Would Continue

by Jamie Sayen

ALTHOUGH THE status of the Champion lands in Pittsburg, Clarksville and West Stewartstown, NH is now in doubt following the acquisition of Champion by International Paper in mid May, Champion's effort to secure Forest Legacy money for these lands in the months preceding the IP takeover have exposed a serious rift in NH timber politics and the forest conservation community. Apparently, preservation has become the enemy of conservation in certain circles.

Champion never formally applied to the NH Forest Legacy board to sell a conservation easement on its Connecticut Lakes lands, but it did submit a letter of interest. The

future.

The stated goal of Forest Legacy is "to identify and keep (intact), important forest acres that are threatened by conversion to non-forest uses" usually via purchase of easements. Legacy funds can be used for full fee acquisition, but rarely are. At the April 5 meeting I stated that since land must be threatened by development to qualify for Legacy money, most of the 171,000 acres of would be ineligible because they were under no threat of development. NH State Forester Phil Bryce responded that Legacy was designed to deal with threats of conversion posed by development and "Forever Wild" easements as well as full fee public acquisition for preservation! "We are worried that there are organizations that have a lot of money in New York City" that want to preserve these lands from logging.

Bryce told the audience of a conversation he had had with the



If IP decides to hold these lands, expect it to increase the overcutting as part of the debt repayment strategy. Champion clearcuts in the Connecticut Lakes region. Photo © Alex Maclean, Landslides.

response from the Society for the Protection of NH Forests, the NH Timberland Owners Association, and the Division of Forests and Lands was swift and enthusiastic. The Legacy Board convened a public meeting in Pittsburg, NH on April 5, 2000.

APRIL 5 MEETING OF NH FOREST LEGACY BOARD

Forest Legacy is a program funded by the US Forest Service, but largely administered by individual states that determine which projects in their state will be funded. It was established in 1991 by legislation introduced by Senator Patrick Leahy. Until recently, the state boards have enjoyed pretty much free rein, but as the size of Legacy Appropriations have increased to \$25 million, and competition between states has grown (and, perhaps because the Forest Service has reason to believe that state legacy boards are not always abiding by the spirit of the program), the Forest Service intends to play a more active role in state legacy deliberations in the

Wyoming State Forester recently. The western states hate all federal conservation programs, including Legacy. Bryce assured the Wyoming forester that NH has successfully used Legacy money to prevent federal acquisition. At one point in the meeting, Bryce said, "We look at Legacy as an alternative to federal ownership."

Bryce's interpretation of the Legacy Program is most troubling. I believe it reflects how Legacy is actually used, although this was not Senator Leahy's intent in passing Legacy in 1991. According to aides of the Senator with whom I have spoken over the years, the intent of Legacy was to complement acquisition, not thwart it. Legacy was also conceived of as a way to assist responsible landowners, not to bail out landowners from decades of unsustainable harvesting.

Phil Bryce's impolitic admission that the forestry industry and their allies in the conservation community are misusing scarce conservation

funds to subvert efforts to acquire land for the public was refreshingly candid. He is the first proponent of the Legacy Program to publicly acknowledge what supporters of full fee public acquisition have maintained for years: Legacy is being misused to benefit large, absentee landowners who engage in the worst forestry practices and to subvert full fee acquisition.

The response of the conservation community to Bryce's comments about thwarting forever wild protections and federal acquisition has been predictable. Conservationists who have been snookered to support Legacy and to downplay ambitious full fee acquisition and wilderness protection were furious with Bryce. They realized that they have been used. The timber industry likewise was furious. Bryce may have spoken the truth, but it was impolitic. I think both camps are off-base. Although I disagree with Phil Bryce's anti-preservationist view of the value of Forest Legacy, I salute him for his honesty. So long as the conservation community views preservation as its enemy, so long as it relies on Legacy and easements (and "green certification") to do the job of full fee acquisition and ecological reserves, the forests of the Northern Appalachians will continue to be degraded and scarce conservation funds will continue to line the pockets of the timber liquidators.

HERBICIDE SPRAYING,



International Paper clearcut in western Maine. Easements as currently devised are a poor defense against practices like these. Photo © Conrad Heeschen.

LIQUIDATION CLEARCUTS, ATV NETWORKS

In response to a question about herbicide spraying, Paul Doscher of the Society for the Protection of NH Forests replied that so long as the spraying was part of a "sustainable management" plan, spraying would be permitted by the easement. He also stated that clearcuts conducted every 150 years were sustainable. Without debating the merits of that dubious claim, it should be noted that his defense of clearcutting is not relevant to the case at hand. Champion conducts its clearcuts every 35-40 years. It should also be noted that Mr. Doscher did not object to Commissioner Bryce's statements about using Legacy to thwart federal acquisition and Forever Wild easements. Neither Bryce nor Doscher objected to Champion's proposal to develop an ATV trail network. Doscher also stated that there are now 98 hunting camps on the Champion lands and that the easement might permit the development of 50 more such camps. So much for stopping development.

Easements have been the favored "conservation" tool in New Hampshire for a couple of decades now, and we are beginning to learn how effective they are at protecting biological

integrity and overall forest health. Throughout the state, easement holders are discovering that conventionally-drafted easements, such as those generally used by the Society for the Protection of NH Forests, may be effective at preventing development, but they are just about worthless at protecting forests. A 1300 acre tract of former Diamond International land that abuts the southwest corner of the newly protected "Bunnell Tract" in Stratford and Columbia (see "The Nature Conservancy Acquires 18,600 Acre Bunnell Tract; Will Establish 10,000 Acre Reserve") offers a cautionary tale about easements. In 1992 a standard conservation easement was placed on these lands and then they were sold to a notorious Coos County contractor who promptly liquidated the timber value of the tract. (I live about a mile south of this tract.) Either the easement holders were derelict in monitoring the terms of the easement, or the easement language secured no protection from liquidation logging. Either way, the liquidator got a fat subsidy, and the landscape got clobbered. (See "The Trouble with Easements")



3rd Connecticut Lake Area — Headwater to New England's Great River & also an aerial herbicide spray site. The logging road was the intended spray boundary. Photo © Alex Maclean, Landslides.

would support easements that require the landowner to restore much of the ecological integrity of the pre-settlement forest, then these controversial easements might have some conservation value. Researchers have determined that the pre-settlement forest of this region was dominated by old trees and that openings from natural disturbance were almost (but not) always very small (less than one-half acre in size). As much as 60 percent of the trees of the pre-settlement forest canopy were older than 150 years, and 27 percent were older than 300 years. Should not the Alliance and SPNHF require easements that guarantee that the landowner restore at least two-thirds of those age cohorts? But the landowner will never agree to those terms, they'll reply. Precisely. Landowners such as Champion aren't interested in socially responsible behavior in return for public funds; they want a subsidy.

FUNDING

Where would \$15 million come from for this deal? New Hampshire's share of the Legacy pot is unlikely to exceed \$1-2 million a year for all projects. New Hampshire has done quite well with Legacy in recent years. In fact, John Cavanaugh, the natural resources staffer of NH Senator Judd Gregg told the April 5 meeting that "New Hampshire has gotten more than its fair share" of Legacy money in recent

projects such as the Champion easement. No doubt, promoters of this deal are also eyeing Federal Land and Water Conservation Funds that ought to go to full fee acquisition. Perhaps they are also looking to hijack some of the \$3 million of the fledgling New Hampshire Land and Community Heritage Program that passed the NH Legislature in May.

Although the proponents of the Champion easement covet federal funds, they are not so keen on the federal government. Throughout the April 5 meeting, several statements hostile to federal acquisition were made by representatives of the Forest Legacy Committee, a clear effort to pander to perceived anti-federal attitudes of local citizens. The local citizens did not express anti-federal sentiments. They were too worried about possible curtailment of snowmobiling activities under the easement.

In response to the anti-Fed statements, I suggested that Legacy money comes from all federal taxpayers and accordingly they are all entitled to input on any proposed Legacy project. I suggested that it would be unlikely that most citizens of the US would be enthusiastic about using scarce conservation funds to subsidize continued clearcutting, herbicide spraying, ATV trail development, an additional 50 new hunting camps, or the unsustainable logging practices of Champion.

FOREVER LOGGING

PROponents of the Champion easement are also seeking to incorporate language used by Vermont in the sale by the Conservation Fund of about 80,000 acres of former Champion lands to Essex Timber Company that mandates logging 50 percent of annual growth after the year 2040. This outrageous amendment, cooked up by the Vermont Land Trust and Conservation Fund to appease the timber industry, has zero ecological legitimacy, and will severely undermine the ecological recovery of these battered lands. That an organization such as the Society for the Protection of NH Forests would flirt with such ecologically benighted policy speaks volumes! That the Northern Forest Alliance, headquartered a few blocks from the Vermont State House, permitted the Vermont Legislature to adopt such an amendment without protest also speaks volumes!

It is also shocking that organizations that purport to support preservation of biological integrity so often support conservation deals such as this one without attempting to require responsible forestry. If the Northern Forest Alliance or the Society for the Protection of New Hampshire Forests



International Paper Plantation in Maine. Photo © Conrad Heeschen

years. A few days after the meeting, Congressman Charles Bass, who represents northern New Hampshire, appeared before the House Subcommittee on Interior Appropriations to urge them to increase the Legacy funding for 2001 to \$60 million so that it could fund

WHY CAN'T CHAMPION TURN A PROFIT MANAGING THESE LANDS FOR TIMBER?

Is Champion's fiscal crisis due to unreasonably low stumpage rates? Is it due to the consequences of decades of unsustainable timber harvesting?  

FOREST LEGACY PROGRAM BLOCKS FOREST PRESERVATION (from previous page)

The 1997 USFS Forest Inventory for NH reveals that of all landowner types, the forest industry lands had the lowest volume per acre, the lowest percentage of sawtimber, the highest percentage of seedlings and saplings, and the poorest stocking in the entire state. The Forest Inventory found that statewide, NH cut about 80 percent of growth from 1982-1997. However, in Coos County, which is dominated by paper company and pension fund owners, cut was 150 percent of growth, and, it is not unreasonable to suspect that on Champion's lands the rate of cut was even higher than the County average—closer to twice the rate of growth.

Champion's management of these lands over the years has been ugly. In 1993 one of their clearcuts sent a 70-mile plume of silt down the river. In 1995 on one of their annual herbicide spraying operations, the sprayer accidentally sprayed lands in Maine belonging to International Paper. Their clearcuts regularly exceed 100 and even 200 acres in size.

Should the public bail out a company that has mismanaged its lands?

ARE THE CHAMPION LANDS ESSENTIAL TO LOCAL ECONOMY?

On the surface, the answer is yes, of course. But, as one examines the current situation, the answer becomes less clear. Champion has so badly mismanaged these lands that there are few trees over 75 years of age, and most of those are in beauty strips along streams and ponds. To restore a healthy, functioning forest ecosystem will require a minimum of 50-100 years of minimal cutting, or no cutting, thanks to Champion's corporate decision to lock up the future value of its lands by liquidating these lands over the past two decades. *In other words, whether you choose to manage these lands according to the principles of sustainability developed by the group that produced "Good Forestry in the Granite State" in 1997, or if you prefer to manage them as wilderness, there will be no serious logging for the better part of the next century.* Any commercial logging on these lands over the next few decades will seriously degrade the integrity of these already degraded lands.

Because Champion has liquidated the timber value from these lands for decades to come, claims by politicians or conservation groups that they are saving the economy of the region by preserving the working forest are false, or at best, deluded. Only an irresponsible landowner would conduct commercial logging operations on these lands anytime soon. I cannot imagine that the venerable Society for the Protection of NH Forests would promote that. Therefore, the region's economy is going to have to "thrive" without the timber from the 171,000 acres in the Connecticut Lakes region for some time to come regardless of whether it is forever wild or working forest.

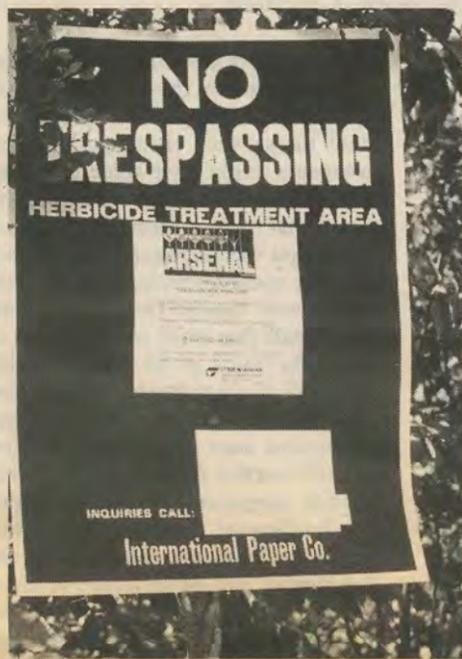
Actually, this does not represent as severe a blow to the local jobs situation as one might at first think. Although Champion does not disclose how many logging jobs are sustained by these lands, some simple arithmetic suggests that one logger is sustained by about 4,000-5,000 acres a year, and that since industrial operations utilize the largest machines (and hence, require fewer loggers), the 5,000 acre figure seems quite reasonable. At this rate, Champion has been employing about 35 loggers on these lands annually, if that. Since there are 40 bonded Canadian loggers imported to New Hampshire this year, it is not unreasonable to assume that many of them are employed by contractors cutting Champion lands. So, we may be talking about 15-20 logging jobs by US loggers on the Champion lands, if that.

But that's not all. Champion exports 80 percent of its softwood sawlogs to Quebec mills. That's a lot of value-added jobs riding out on every truckload of raw logs. Many of the drivers of those trucks are also Canadian citizens. Interestingly, critics of raw log

exports have been railing against the practice for over a century. In 1888 Albert Barker wrote an essay for the *History of Coos County* in which he criticized the practice of Connecticut River Lumber Company (the 19th century precursor of St. Regis and later Champion) for driving northern NH logs down the Connecticut River instead of adding value to them locally and thereby developing a thriving, diverse local economy.

Why would we want to sustain such an economic system? Why do local politicians rail that the local economy has been destroyed by evil environmentalists; do nothing to stop the export of raw logs and the import of bonded Canadian loggers to depress the wages of local loggers; and support Champion's program of spraying herbicides over 1,000-2,000 acres of liquidated clearcut land every year?

If the politicians and conservation groups pushing this deal were sincere in protecting forest health and the local economy, why not support public acquisition of the 171,000 acres for ecological reserves and wildlife refuges. The increase in tourist rev-



International Paper sprays its clearcuts, too, as indicated by this sign in western Maine. Photo © Conrad Heeschen

enue would more than offset the loss of 15-20 logging jobs. And, of course, if they are worried that preserved lands encourage undesired development, they could support existing use zoning to limit or squelch development.

WHY NOT REAL PROTECTION FOR CONNECTICUT RIVER HEADWATERS?
The Headwaters of Connecticut River and Androscoggin are sacred lands of enormous ecological significance and deserve real protection, not the expensive non-protection strategy outlined by the Forest Legacy Board on April 5. With the takeover of Champion by International Paper, we have a unique opportunity to rescue and restore these lands. The region's conservation community must:

- oppose the proposed bailout easement, and the use of easements to thwart acquisition,
- mount a campaign to preserve these wonderful lands while working with residents of the region to develop complementary strategies for converting the local economy to a more ecologically sustainable, regionally controlled economy that finally benefits locals.



Problems with Easements

CONSERVATION EASEMENTS are a form of partial land acquisition, or less than fee acquisition. Although they can be fashioned in many ways, the standard format is for the public or a private conservation organization to acquire the development and public access rights to a tract of land, while the private landowner retains all other rights. Applied to the Northern Forest region, this often means that a landowner with a tract of land with development potential would sell off the right to develop. Few of the easements contain language seriously restricting timber harvesting practices, so a conservation easement usually permits clearcutting, herbicide spraying, road building, sometimes even an air strip and other commercial activities.

The Northern Forest Lands Study (NFLS) of 1990 acknowledged that easements are of limited value in protecting biodiversity. It noted the cost ranges between 40 and 90 percent of full fee. It also stated that development rights for land near a real estate market that is very active would cost a greater percentage of full fee than lands remote from an active real estate market. Translation: easements on lands relatively accessible to interstate highways and resort areas were likely to cost between 75 and 90 percent of full fee; whereas lands remote from roads and settlement, with scant development potential, would cost closer to 40 percent of full fee. If you are going to pay 75-90 percent of full fee, why not pay the remainder and acquire the land outright so that the public can decide appropriate protection and management strategies? The notion of paying three-quarters or more of the price of an acre of land that is then clearcut and sprayed with herbicides is repugnant to all but the landowner and the most diehard true believer in easements.

The NFLS suggested that the average price of an acre of a conservation easement ranged from \$100 to \$120 an acre, yet elsewhere, it had calculated that the average price per acre of full fee acquisition would be \$175 to \$350 an acre. But 90 percent of \$350 is \$315. Over the years, many deals for easements have been struck in the region and, few, if any cost as little as \$120 an acre, except where the potential for development was practically non-existent.

These problems with easements are troubling enough, but the real problem is that a legitimate conservation tool in specific circumstances has been embraced as the cure-all to the region's conservation problems. The Governors' Task Force Report (that accompanied the NFLS final report) stated: "In all cases, consideration should be given to the benefits of conservation easements over fee purchases where appropriate." (GTF, p. 4) The Northern Forest Lands Council (NFLC) "Mission Statement" stated a preference of easements over full fee acquisition, without offering any analysis to justify this bias.

Neither the NFLS nor the NFLC provided useful information so that an informed public could determine where easements were "appropriate." Easements are nearly useless in areas where development is not a threat, but industrial-scale forestry is. They are of value in a region such as the Adirondack Park in which 48 percent of its land base is already protected as "forever wild." There, an easement may help to link to wilderness areas or to buffer a wilderness area from other threats. But, even in the Adirondacks, easements are no substitute for full fee acquisition of lands of critical ecological importance. Easements can help fill in small gaps in an otherwise relatively well-protected landscape; they cannot serve as a substitute for core reserve areas.

In northern New England, where, except for the White Mountain National Forest and Baxter State Park, there is scant public land, easements are an unacceptable substitute for full fee acquisition. They can play a role in buffering core reserve areas, but you need to protect the core areas first.

In a coherent strategy to protect biological diversity and prevent further mismanagement of timberlands in northern New England, easements would play a supporting role only. Primary focus would be upon Existing Use Zoning to deal with the threat of development; meaningful forest practices regulations to limit unsustainable forestry practices; and full fee acquisition of large tracts of lands to protect threatened species, natural communities, and ecosystem integrity.

Also, easements are hard to monitor and are proving to be vulnerable to law suits when ownerships change hands. But the main objection is that they are an inadequate tool for biodiversity conservation and they are an expensive way to thwart development. — JS

Related Stories on Pages 10-11

The Nature Conservancy Acquires 18,600 Acre Bunnell Tract; Will Establish 10,000 Acre Reserve

NHTOA Attempts to Block Legacy Funding for Reserves

By Jamie Sayen

ON MAY 17 The Nature Conservancy of New Hampshire announced it will acquire the 18,600 acre "Bunnell Tract" in Stratford and Columbia, NH from The Conservation Fund which had acquired the land from Champion International in 1998. TNC will pay \$3.8 million, about \$204 an acre.

This is the largest private conservation purchase in New Hampshire's history. The tract includes 13 mountains about 3,000 feet in elevation, including the 3,723 foot Bunnell Mountain, named after Judge Vickie Bunnell who was slain by a loner who believed the town of Columbia had violated his property rights. Judge Bunnell had been a selectwoman in Columbia. She was an avid outdoorswoman and lived just north of the tract. It was one of her favorite places to hike and hunt.

The Bunnell Tract extends from just east of the Connecticut River in the northwest corner of Stratford eastward to the northwestern tip of the Nash Stream State Forest. A quarter of the tract is high elevation spruce-fir forest, a rare habitat type in New Hampshire which provides habitat for gray jay, boreal chickadee, spruce grouse, blackpoll warbler, white-winged crossbill, yellow-bellied flycatcher and Bicknell's thrush. There is a reliable report of a lynx sighting in the area a couple of years ago. The lower elevation forests are composed of mixed hardwoods, which have been severely overcut by Champion.

The Bunnell Tract provides critical connections between the Nash Stream and the White Mountain National Forest and the Northeast Kingdom of Vermont. The value of this tract in connecting protected lands in northern Vermont and New Hampshire cannot be overestimated.

The Nature Conservancy plans to conduct ecological assessments of the land this summer after which it will determine the boundaries of a 10,000-acre reserve. The higher elevation lands will be included in the reserve. It will be important for TNC to include as much of the lower elevation lands in the reserve as possible for a number of reasons. Lower elevation lands (which are also most coveted by timber interests) are generally more biologically rich than higher elevation lands, and they are much more poorly represented in existing conservation lands. These lands are critical for wildlife migration corridors, and for overall connectivity of the landscape. TNC will probably protect some lower elevation lands that have not been heavily logged (if such exist) as a control study. I hope they will also protect some of the overcut lands so as to foster natural ecological restoration. The ecological inventory this summer should assess both plant and wildlife ecology. Before designating its reserve boundaries, TNC must locate critical wildlife habitat and migration corridors in the lower elevation stands.

The remaining 8,600 acres will be sold to an as yet unidentified timber investor who, according to the press release from TNC, "is committed to sustainable and compatible forest management, including allowing heavily cut areas to recover to a productive state." These managed lands will provide a buffer for the protected lands.

If the timber investor is genuinely committed to sustainable forestry, (s)he will have few management options for the next 50-100 years because of the current condition of the land. A friend of mine recently was in the Simms Brook area, and he noted that the logging roads have become streams due to Champion's mismanagement. Currently there are few trees older than 75 years of age, except in beauty strips along streams. To restore the ecological integrity of the tract, the new landowner will have to permit the recovery of an age-class distribution that more closely resembles the presettlement forest. The presettlement forest canopy was dominated by old trees: 60 percent were greater than 150 years and more than a quarter of the canopy was greater than 300 years.

It is heartening to know that the timber investor understands that the land is in no condition for commercial logging for decades to come. However, recovery time for this tract will take several human lifetimes, and the only way to assure the recovery will be through an easement that strictly stipulates permissible logging practices and just as strictly identifies inappropriate activities. Restoration of older age classes in the managed forest stands is essential.

The Nature Conservancy has not yet completed its fundraising for the Bunnell Tract. Thus far, it has raised \$1.25 million, including a \$1 million leadership pledge from the Sweet Water Trust, one of the few funders of land acquisition that is committed to forever wild protection of biological diversity. Emily Bateson of Sweet Water Trust explained her organization's interest in the Bunnell Tract: "The Bunnell Preserve represents a key jigsaw puzzle piece of biodiversity. The last 15 years of conservation science have conclusively documented that our public lands are simply not large enough or connected enough to protect our animals, plant species, or overall ecological health for the long-term. The Conservancy is providing true leadership to benefit the many generations of all species that follow."

TNC still must raise \$3.75 million to complete the purchase and fund immediate and long-term stewardship costs. It hopes the NH Legacy Board will vote to award it \$1.67 million in forest Legacy money that has already been appropriated by the US Congress for the Bunnell Tract, thanks to the efforts of NH Senator Judd Gregg. This would be a great use of Legacy funds. In addition, TNC will realize an unspecified sum from the sale of the 8,600 acre tract to the timber investor.

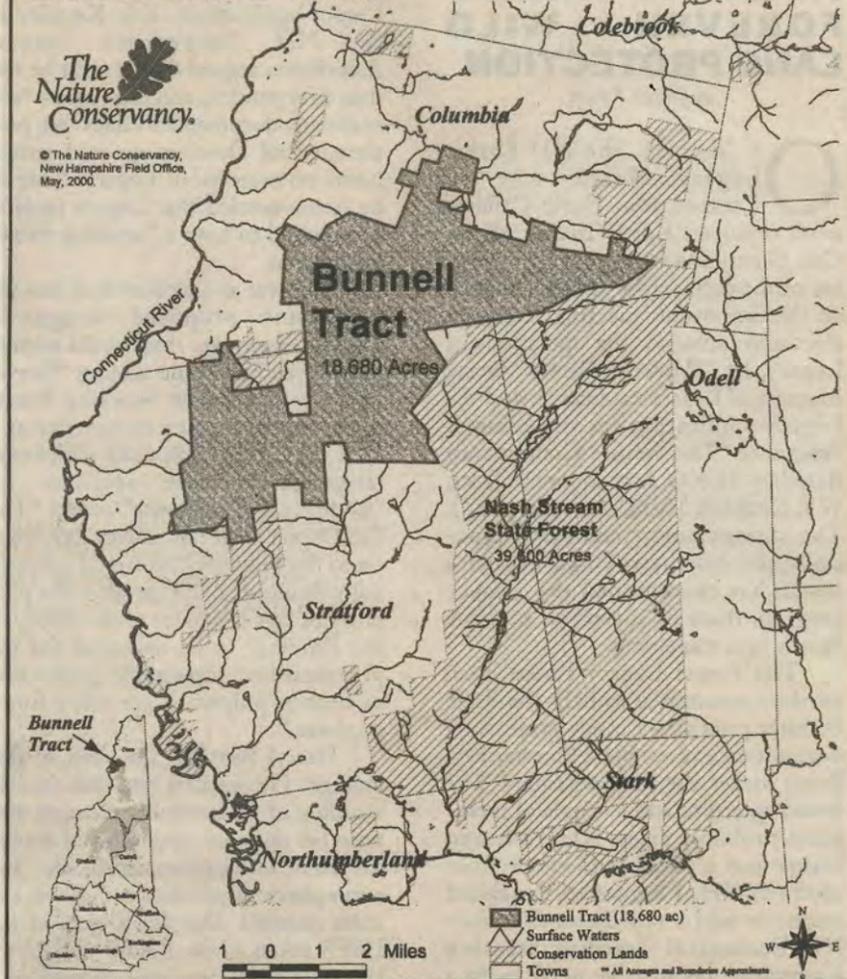
TNC stated at the May 17 press conference announcing the sale that it is eager to be a good neighbor in Stratford and Columbia. It will continue to pay current use taxes on the tract to both towns. Hopefully, TNC will offer occasional workshops and other outreach programs dealing with various aspects of the ecology of the tract as a means of engaging the greater Northern New Hampshire community in a dialogue about the value of biological diversity and the important role that reserved lands can play in developing a more sustainable, diverse, regionally-controlled economy.

The Nature Conservancy has not yet completed its fundraising for the Bunnell Tract. Thus far, it has raised \$1.25 million, including a \$1 million leadership pledge from the Sweet Water Trust, one of the few funders of land acquisition that is committed to forever wild protection of biological diversity. Emily Bateson of Sweet Water Trust explained her organization's interest in the Bunnell Tract: "The Bunnell Preserve represents a key jigsaw puzzle piece of biodiversity. The last 15 years of conservation science have conclusively documented that our public lands are simply not large enough or connected enough to protect our animals, plant species, or overall ecological health for the long-term. The Conservancy is providing true leadership to benefit the many generations of all species that follow."

TNC still must raise \$3.75 million to complete the purchase and fund immediate and long-term stewardship costs. It hopes the NH Legacy Board will vote to award it \$1.675 million in forest Legacy money that has already been appropriated by the US Congress for the Bunnell Tract, thanks to the efforts of NH Senator Judd Gregg. This would be a great use of Legacy funds. In addition, TNC will realize an unspecified sum from the sale of the 8,600 acre tract to the timber investor.

At the May 31 meeting of the NH Forest Legacy Board, the NH Chapter of The Nature Conservancy resubmitted the application for funding that The Conservation Fund had originally submitted earlier.

Bunnell Tract



The only change in the application was that TNC is now listed as "agent" for The Conservation Fund, which continues to own the land until the closing occurs in mid-June. The Legacy Board had earlier approved the application, but on May 31, it backed off somewhat.

When State Forester Phil Bryce asked: "Do we accept this application?" Paul Doscher of the Society for the Protection of New Hampshire Forests replied yes. He reminded the Board that it had already accepted the application from Conservation Fund. A representative of the US Forest Service, the agency that provides funding for Legacy and holds the easement, said: "You already have a grant for this land, so there's no problem with the Forest Service." Peter Helm of the NH Office of State Planning, the agency that administers state easements said: "Yes, the application was already accepted."

But, Eric Kingsley, executive Director of the NH Timberland Owners' Association objected. "I think it is an excellent project," he said. "It ought to happen. But I have concerns about Legacy money being used." He supports Legacy funding for the 8,000 acres of managed forest, but he opposes using Legacy money for lands to be designated "forever wild". It would set a bad precedent, he believes. Also, the timber industry views Legacy money as earmarked for it alone.

Paul Doscher responded that there is a certain amount of money set aside for this project, and the highest development value is in the lower elevation portion of the Bunnell Tract, where logging will continue to be permitted. The least development value is in the higher elevation portion that is to be designated as forever wild. Therefore, Doscher pointed out, for a small additional amount of money we are buying public access and ecological reserve protection. The representative of the Forest Service added: "It's money of the people of the United States."

Phil Bryce worried, "we're setting a precedent by paying for 60 percent reserves. After the meeting, I reminded him that that precedent was set a dozen years ago when the state of New Hampshire accepted \$3.925 million from the US Forest Service for an easement on the Nash Stream State Forest. Half of the Nash Stream is off-limits to logging (due to high elevation and steep slopes). If the Legacy Board refuses to approve the entire application and award all the money that has already been appropriated for the project, New Hampshire ought to return the \$2 million it received for the Forever Wild portions of the Nash Stream to the Forest Service."

At the end of the May 31 meeting, the Legacy Board postponed making a final decision pending a public hearing to be held in Stratford (tentatively scheduled for June 19).

NH LEGACY BOARD WORKS TO THWART FOREVER WILD LAND PROTECTION

by Jamie Sayen

ON MAY 31, the NH Forest Legacy Board met in Concord. One North Country news reporter, Edith Tucker of the *Coos County Democrat*, and one member of the public, (the author), attended this important meeting. Subjects discussed included: the operations of Legacy, its "Working Forest" focus, contents of Legacy easements, and the Legacy application for the Bunnell Tract (see "The Nature Conservancy Acquires 18,600 Acre Bunnell Tract; Will Establish 10,000 Acre Reserve."). The conservation community, especially the Northern Forest Alliance which has championed the Legacy program from its inception nearly a decade ago, was absent.

The Forest Legacy Board is an advisory committee to help the State Forester prioritize Legacy projects. It does not take votes. State Forester Phil Bryce makes the final decisions. The Board agreed to add a couple of members: probably from NH Fish and Game and a small landowner from southern NH. I suggested the Board ought to add a representative from NH Ecological Reserves Steering Committee because we need to do a better job of coordinating land protection work in the state.

WORKING FOREST FOCUS OF FOREST LEGACY

According to the Board, the primary focus of Legacy is to maintain "Working Forest" land and to protect the traditional uses of forest land. Indeed, an application for Legacy money will get nowhere with the Board unless it has a significant "working forest" component and permits pedestrian public access. Other values, such as the dreaded "forever wild," are looked upon with disfavor.

Deirdre Rogers of the US Forest Service read out the language of the Legislation that established Legacy. The purpose of Legacy is to protect land, specifically, its ecological values, wildlife habitat and riparian zones. Timber management is not mentioned in this section. A subsequent section states that timber management is a permitted use for Legacy lands, insofar as it is consistent with the purposes of the law.

Paul Doscher of the Society for the Protection of NH Forests stated that New Hampshire has a right to narrow the focus of Legacy to "working forests", as indeed, it has. Darryl Burnett, the new State Director of the NH Chapter of The Nature Conservancy, asked if the door is "locked" to proposals to Legacy that lack the "working forest" component. No, Paul Doscher replied, the law wouldn't permit that.

The next item of business for the Board was "Content of Legacy

Easements." First there was a lengthy debate over the percentage of reserve land that would be permitted in Legacy applications. Eric Kingsley of the NH Timberland Owners Association argued that it must be less than fifty percent, and only where "scientifically documented values" are protected. Paul Doscher opposed setting limits on reserves in Legacy. Instead, he recommended that Legacy projects be required to have a "working forest" component.

This was an excellent lead into the next topic: proposed changes in Legacy easements that would require logging and preclude adding "forever wild" restrictions on "working forest" lands under Legacy easements at a later date. The proposed additional language to the sections on "Additional Easements" reads: "The Fee Owner shall not convey any interest in the Property that would substantially diminish, limit, or alter the purposes of this easement of the ability of the Property to be managed for the perpetual and sustainable production of timber, pulpwood, or other forest products."

Darryl Burnett objected to this change. He warned that our understanding of sustainability changes over time (as does the condition of forests subjected to clearcuts, herbicides and atmospheric deposition and global climate change). Deirdre Rogers of the USFS asked if the Board had shown the proposed language change to a lawyer. No, Bryce replied. Rogers said the Forest Service is concerned that the proposed change quoted above is not legal. Paul Doscher said he thought it is legal.

When the public was permitted to comment, I exploded. The proposed changes are outrageous. The state is proposing to sell easements that permit clearcutting and herbicide spraying, but not future designation as forever wild. I also objected to the use of the term "working forest" to mean "forests managed for timber extraction." This is a crass economic term, not an ecological term. Old Growth forests are doing a heck of a lot more ecological "work" than monoculture plantations that are sprayed with biocides.

Unfortunately, no members of the region's umbrella environmental group, the Northern Forest Alliance, attended the Legacy Board meeting. The Alliance has been a loyal supporter of the Legacy program for a decade. But it is not monitoring the work it does. Does the Alliance support the hijacking of Legacy by timber interests to the exclusion of protecting ecological values (as called for by the authorizing legislation)? Does the Alliance support treating "Forever Wild" as the enemy of Legacy conservation? Hopefully, the Alliance will inform the NH Legacy Board that it will oppose further funding of Legacy if the proposed changes banning future forever wild protections are enacted.



Maine (except Baxter State Park). The proposed IRP has many good points. However, it does not include the chance to designate wilderness areas on our state lands. Citizens need to tell BPL they want wilderness areas protected on the state public lands in Maine.

A large number of people are expected to attend the public hearings and speak against wilderness. It is crucial to have many people there to speak for wilderness.

Help Save the Allagash

by Jym St. Pierre

The Allagash is one of Maine's most important wilderness areas. For more than a century and a half the river and lakes of the Allagash watershed in northern Maine have attracted wilderness adventurers from across America and beyond. To protect the wilderness experience there, the Allagash Wilderness Waterway (AWW) was created as a partnership between our national government and the State of Maine. Lands along the Allagash were purchased with federal and state funds in the 1960s. In 1970, the AWW was incorporated into the national Wild & Scenic River System.

Even today the distinctive and defining qualities of the Allagash Wilderness Waterway are its wilderness character; the extraordinary, multi-day, remote recreation experience it offers; its historic importance; and its national significance. Indeed, as part of the United States Wild & Scenic River System, the AWW is a national treasure. The Allagash Wilderness Waterway is not just another state park. It is unique in Maine and in the United States. It deserves special attention to preserve its special wilderness qualities.

In recent years, there has been enormous public concern that the AWW is not being managed adequately to preserve its special wilderness qualities. For instance, there have been problems with new access points where increasing numbers of motor vehicles can reach the once remote waterway.

Now the Maine Bureau of Parks & Lands (BPL) wants to develop an unnecessary boat launch in the heart of the Allagash which threatens the wilderness character of the wilderness waterway. The new development will include a parking lot just outside the AWW Restricted Zone, a loop road within the Restricted Zone to within 125 feet of the shore, and a six-foot-wide hardened gravel path from the road to the water.

WHAT YOU CAN DO

Everyone has a stake in protecting the Allagash. Don't miss this opportunity to speak for wilderness in the North Woods!

1. It is most important to send written comments to the Maine Land Use Regulation Commission (LURC) at the address below before July 7, 2000.

You can use information in the key points listed here, but it is best to put comments into your own words.

2. If at all possible, attend one of the public hearings being held:

BANGOR — Wednesday, June 28, 6 PM, Bangor Motor Inn & Conference Center, Hogan Road

PRESQUE ISLE — Thursday, June 29, 6 PM, Northeastland Hotel, Main Street (Route 1)

3. You can get more information about the proposed boat launch from LURC, 22 State House Station, Augusta, Maine 04333, tel (800) 452-

8711.

KEY POINTS

- The proposed boat launch near John's Bridge (officially called Churchill Lake Canoe Access Site) is not consistent with the LURC statute, comprehensive plan, and zoning rules. The site is zoned as an Unusual Area Protection (P-UA) district, one of the most protective of all LURC zones. Developing an unnecessary boat launch in a P-UA zone contradicts the purpose of the zoning.

- The proposed boat launch is not needed. Other public boat launches are available nearby within the Allagash Waterway, including for handicapped users.

- During the writing of the 1999 Allagash Wilderness Waterway management plan, hundreds of people urged that the John's Bridge area remain legally closed to access, as it has been for more than a dozen years. This was reaffirmed by a recent Maine Sportsman's poll which showed that nearly 75% of respondents opposed more vehicular access points in the AWW. BPL staff opposed the boat launch. Despite this the Commissioner of the Department of Conservation overruled his own staff and the public by insisting on a new boat launch near John's Bridge

- The facilities at the proposed boat launch would go beyond even what was contemplated in the new AWW Management Plan. The public and the Allagash Wilderness Waterway Advisory Council were not consulted before the decision was made to exceed the access developments contemplated in the Management Plan. The new boat launch planned near John's Bridge would encourage increased day use and greater conflicts with those using the Allagash for the long-trip wilderness experience.

- How will BPL provide adequate enforcement to ensure that use of the boat launch parking area does not exceed its design limits, that roadside parking does not take place, that boat launching does not occur next to

John's Bridge, and that there will be no camping in the parking lot?

- Native American artifacts at the site could be disturbed by the development of the boat launch.

- This is not just about a single boat launch. This boat launch is symbolic of the unrelenting degradation of the wilderness qualities of the Allagash. It is time to draw the line. It is time to stand up for wilderness. "Remember John's Bridge! Remember the Allagash!" should become the rallying cry of advocates for protecting and restoring wilderness in Maine.

Jym St. Pierre is Maine Director of RESTORE: The North Woods, 9 Union Street, Hallowell, Maine 04347, 207-626-5635.

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Save Wilderness on Maine Public Lands

by Jym St. Pierre

More than two years the Maine Bureau of Parks & Lands (BPL) has been revising its Integrated Resource Policy (IRP) document. The IRP guides management of all activities on the 570,000 acres of state public land units and state parks in

Maine (except Baxter State Park). The proposed IRP has many good points. However, it does not include the chance to designate wilderness areas on our state lands. Citizens need to tell BPL they want wilderness areas protected on the state public lands in Maine.

A large number of people are expected to attend the public hearings and speak against wilderness. It is crucial to have many people there to speak for wilderness.

WHAT YOU CAN DO

1. It is most important to send written comments to the Maine Bureau of Parks & Lands (BPL) at the address below before the deadline. Call BPL for that date.

2. If at all possible, attend one of the public hearings:

AUGUSTA — Monday, June 19, 7:15 - 9:15 PM, University of Maine at Augusta, Library; through the UM interactive TV system citizens can also participate in this hearing by going to UM Machias, Torrey Hall;

UM

Presque Isle, Pullen Hall; UM Farmington, Roberts Learning Center; USM, Portland, Payson Smith Hall

BANGOR — Tuesday, June 27, 6:30 - 9 PM, Bangor Motor Inn & Conference Center, Hogan Road

3. You can get a copy of the draft IRP document from BPL, 22 State House Station, Augusta, Maine 04333, tel (207) 287-3061.

— JSP

George D. Aiken: Father of Eastern Wilderness

Commentary by Jim Northrup

THIS YEAR marks the 25th anniversary of the George D. Aiken Lectures at the University of Vermont and the 25th anniversary of the enactment of the Eastern Wilderness Act, hailed by some as George Aiken's "greatest legacy to environmentalism." This year will also mark the release of a bold U.S. Forest Service proposal to protect the remaining wild, roadless areas on our national forests. It is a fitting time to recall with gratitude, George Aiken's long years of service to Vermont and the nation, and his far-sighted, unflinching advocacy for wilderness.

George Aiken, a farmer and avid horticulturist from Putney, Vermont, entered politics in 1931, a time when society was much more concerned with resource extraction than conservation. He began as Representative to the Vermont Legislature (1931-35), then served as Vermont's Lieutenant Governor (1935-37), Governor (1937-41), and finally as our Senator in the U.S. Congress (1941-75). Throughout his Senate career, Aiken worked tirelessly in the Committee on Agriculture and Forestry to draft laws that promoted land stewardship, and spent his final years there as a champion for wild eastern forests.

When advocating passage of the Eastern Wilderness Act, Aiken spoke of the urgent need to create more wilderness in Vermont and the rest of the east before new roads, houses and other developments erased the few opportunities that existed. "The need for this legislation has been apparent for some time. Citizens in the heavily populated areas east of the Mississippi River need access to areas where they can enjoy the primeval conditions which only wilderness areas can provide," said Senator Aiken. "It is for the purpose of protecting, maintaining, and managing such wilderness-type areas that we have sponsored this legislation...I feel that there is no time to lose if we are to preserve for the future a reasonable amount of undisturbed forest land east of the Mississippi."

In 1974, Senator Herman Talmadge, then Chair of the Agriculture and Forestry Committee, praised Aiken's leadership. "Every major forestry bill that Congress has enacted in the past 34 years has been subject to the imprint and good work of our colleague, the senior Senator from Vermont. Time and again, he has played a key role in shaping good legislation and helping us to avoid



"LET US RESOLVE TO MAKE A TRULY LIVING MONUMENT TO THE SENATOR'S TIRELESS EFFORTS—LET US PROTECT THE EASTERN WILDERNESS."

poor legislation. That is why I wanted to give the credit on the Eastern Wilderness Act of 1974 to the man who deserves it, George Aiken."

"If we, the 99 other Members of the Senate, could get together to design a perpetual monument that would be a faithful reproduction of what George David Aiken has stood for in his personal and public life, we could not pick a better one than this legislation," continued Senator Talmadge.

Senator Henry M. ("Scoop") Jackson, Chairman of the Senate Committee on Interior and Insular Affairs, added another tribute: "No man has worked longer or harder for the cause of eastern wilderness than my esteemed colleague from Vermont (Mr. Aiken). It can truly be said that he is the father of eastern wilderness...Let us resolve to make a truly living monument to the Senator's tireless efforts—let us protect the eastern wilderness."

In May of 1974, the Senate heartily endorsed the wilderness bill introduced by Senator Aiken and 21 co-sponsors. When the law took effect on January 3, 1975, it established 15 new wilderness areas totaling more than 200,000 acres of eastern national forest land, including the Bristol Cliffs and Lye Brook Wildernesses in Vermont. Ten years later, the Vermont Wilderness Act of 1984 created a National Recreation Area and four more national forest wildernesses, including one in southern Vermont named after George D. Aiken.

Although many people scoffed at the notion of establishing wilderness on the once-denuded mountains of the east, Senator Aiken recognized the priceless ecological and social value of these recovering wild forests and convinced the Senate to formally protect them for current and future generations of Americans. For this we are in his debt.

Senator Hubert Humphrey acknowledged George Aiken's vision and leadership on the concept of rewilding eastern forests when supporting passage of Aiken's bill. "The bill we now have before us represents an effort over two Congresses, on the part of the Senior Senator

from Vermont, to assure that examples of wilderness will endure in National Forests in every region of our nation. Beyond this, what the bill does is recognize that while man may have changed an area, man has the capacity to work with nature to erase the traces of man's presence."

"I want to compliment my colleague from Vermont, Senator Aiken, for the constructive and dedicated way he has sought to improve the wilderness concept. This bill's emphasis is a tribute to his leadership," concluded Senator Humphrey. The recovering wild forests now protected as wilderness in Vermont will remain a living testament to Senator Aiken's vision and values. On behalf of present and future generations, thank you Senator George D. Aiken for this rare and precious gift.

Jim Northrup is Executive Director of Forest Watch, a 2,000-member conservation

45B Land Act Passes In House

by Matteo Burani

THE US HOUSE OF REPRESENTATIVES just passed a historic \$45 billion land act that would fully fund the Land and Water Conservation Fund (LWCF) and other important conservation programs. While far from perfect, the House's actions show a unique bipartisan commitment to providing future funds to assist local, state and federal governments in protecting wild areas, wildlife habitat and open space.

CARA managed to unite Representatives Don Young (R-AK) and George Miller (D-CA) who have been known more for their opposition to each other on the House Resources Committee than they have on their cooperation. Given Representative Young's extreme anti-environment and anti-conservation voting record, it may seem odd that he supports a conservation initiative at this time. In return for his support though Mr. Young brought his home state \$87 million for "Impact Assistance and Coastal Conservation", which some environmental groups say could be used for anti-environmental

purposes like building roads. This, along with a Republican anti-environment image at election time, may have convinced Mr. Young and other GOP leaders to take a different position than they are used to taking.

Despite this problem, an issue that the environmental community improved in the House and is looking to continue to address in the Senate, CARA does a lot of good. In a passionate speech to the House, Rep. Sanders (I-VT) said, "Let me be clear, this bill is by no means perfect [however], we must not allow the perfect to be the enemy of the good. For the first time in 25 years, we have the opportunity to provide a permanent and reliable source of funding to protect our environment. This legislation is indeed one of the few bright spots of the 106th Congress, and we must do everything possible to ensure that a final version of this bill is passed and signed into law this year."

Over the next fifteen years the four Northern Forest states would have access to \$2.4 billion to be used for conservation purposes. For example, Maine would have access to \$4.7 million a year from LWCF to help pur-

chase some of the millions of acres of industrial forest land being put up for sale. New Hampshire would have an additional \$5.4 million a year to help fund wildlife habitat conservation and non-game programs. Vermont would receive \$2.3 million for conservation easements and funding for landowner incentives to aid in the recovery of endangered and threatened species.

Without a serious level of financial assistance from the federal government, the Northern Forest will continue to suffer an uncertain future. CARA provides the assistance needed to buy lands surrounding Moosehead Lake, the Nulhegan Basin, Lake Umbagog and in the Adirondacks. Please contact your Senators and ask them to co-sponsor S.2123 (CARA), the greener S.2181, or both. Ask them to support the removal of all current and future anti-environment wording. Senator Jeffords (VT), Snowe (ME) and Collins (ME) especially need to hear from you.

Senator _____
United States Senate
Washington, DC 20510

THE HELENE D. SPOEHR & EDGAR E. CLARKE FOUNDATION is accepting grant applications from grass-roots groups and individuals working for the environment, animal welfare, peace, and social justice. Grant sizes range from \$100-\$5000. Grants are generally limited to projects in Vermont. The Foundation does not fund environmental projects that encourage high impact recreational use, land use, or logging. Groups or individuals who may not be funded by larger, more traditional foundations are encouraged to apply. For more information contact The Helene D. Spoehr and Edgar E. Clarke Foundation, 237 Thaddeus Stevens Rd., Peacham, VT 05862, (802) 592-3130, e-mail: mail@scfdn.org, website: www.scfdn.org.

MAINE'S VOTE ON FOREST PRACTICES

What Will It Decide?

By Pamela Prodan

THIS FALL A NEW forestry referendum will appear on the ballot in Maine. Probably no one would deny that the upcoming referendum is a consequence of the inability of the Maine Legislature to enact meaningful forestry reform legislation. It has been said by legal scholars that the function of the citizens' initiative is to permit enactment of laws which for political reasons the legislature cannot. They would argue that the initiative process is useful on those few occasions when the legislative process does not function properly.

This initiative uses a three-pronged approach. The first limits cutting levels, requiring that "total cutting activities and cutting activities for each species group may not exceed sustainable cutting levels for any rolling 10-year average." This section of the legislation applies only to land receiving a tax subsidy under the state Tree Growth Tax Law. The second requires a permit for clearcutting that can be granted only if there is a silvicultural justification, no reasonable alternatives and no undue adverse ecological damage from the clearcutting activities. The third establishes a public process to implement the law through rule-making.

One important thing to understand is that this referendum contains very little specific language about how the law will actually work. Instead, the law directs a Maine Council on Sustainable Forest Management appointed by the governor to come up with a set of science-based regulations to make the new law work. Because the regulations do not yet exist, it would be pure speculation to project what economic implications the referendum would have. If the referendum passes, the time frame for rules to be established is short - only six months after the effective date of the law.

Since we actively manage our woodlot and have enrolled it in the Tree Growth Tax program, I have wondered how the referendum proposal might affect us. What might the rules look like? Would we be adversely affected? The best approach to thinking about how small woodlot owners like ourselves might be affected is to consider how the referendum language might reasonably be implemented by the Council through rulemaking. From a legal perspective, determining what is reasonable involves not just looking at the language of the referendum, but also understanding how courts interpret or construe laws. I say this because if the Council implements the referendum in one way and someone disagrees with the resulting rules, the law may be challenged in court. Then, particularly if the law's language is ambiguous, the court will construe the law. Courts, including the Maine Law Court, have stated that while it is generally unnecessary to look beyond the language of a law to arrive at its purpose and intent, where different interpretations are urged, a court must look to reasons for the enactment of the law and the purposes to be gained by it and construe the law in the manner that is consistent with the purpose.



Author Pamela Prodan ponders forest policy while skidding softwood logs on her Wilton, Maine homestead

So far, the aspect of the referendum that has provoked the most controversy is the one that limits cutting. The language arguably is vague. Opponents to the referendum, including the Maine Forest Service, have interpreted the language to mean that in any year, a landowner could cut no more than the average of one year's growth for any species occurring on that landowner's land. They also maintain that landowners might have to harvest every year or lose that year's allowable cut. And all landowners would somehow have to prove that they were not overharvesting their wood. Opponents rightly assert that enforcing these types of requirements for the more than 10,000 landowners under the Tree Growth Tax Law would be an administrative nightmare.

On the other side, supporters of the referendum have said that the data shows that small woodlot owners as a whole are not cutting more than growth, and therefore they will not be impacted by the aspect of the referendum that requires sustainable cutting levels. However, they rightly point out that the most recent U.S. Forest Service inventory documented that overall, Maine forests are being cut faster than they are growing back.

REASONABLE VS. UNREASONABLE
If the referendum does pass, whether the law is an administrative nightmare or not will depend on the final regulations. Unlike the opponents, I do not interpret the plain language of the referendum as directed at the total cutting level on any one individual landowner's land. It would be extremely burdensome, from the standpoint of small landowners and from the standpoint of the Maine Forest Service, to have to determine for each small landowner the amount of growth and allowable cut at the ownership or stand level. Regulations requiring this level of bureaucracy would not be reasonable. I think there is a more sensible construction of the law. Since the language contains no directive to individual landowners, the cutting limits referred to in the referendum refer to the sum total of cutting on all lands under the Tree Growth Tax Law statewide.

This interpretation creates a lot of flexibility for the Council in implementing the law. It would allow the Council to craft regulations that address specific problem areas. In construing statutes, most courts, including the Maine Law Court, have held that when one of several possible interpretations of a law produces an unreason-

able result, that is a reason for rejecting that interpretation in favor of another which would produce a reasonable result. The interpretation that the referendum sets an overall goal, leaving how to get there to the rulemaking process, makes more sense.

Given that the regulations have not yet been written, I think opponents unreasonably interpret the referendum to contain a directive for each individual landowner to limit cutting levels for each tree species group. As with total cutting levels, the problem that has been documented regarding the species mix in the forest is the overall statewide decline in the stocking of certain species. Red maple and balsam fir are much more common in the northern forest today than they were in presettlement or colonial times. The frequency of their occurrence today is a direct consequence of the intervention of man in the forest. Should we be "stuck" with the dominance of these less preferable species? I don't believe that such an outcome is required by the referendum's language, which states the overall goal that "...cutting activities for each species group may not exceed sustainable cutting levels..."

The opponents' contention that woodlot owners are directed by the referendum to freeze existing proportions of all tree species is an unreasonable one that would be extremely burdensome and unenforceable. One of the most common principles of statutory construction used by courts is that a statute or rule is construed so as to avoid an unconstitutional, absurd or unachievable result. If the referendum does pass, an effort must be made to ensure that the regulatory system is workable, understandable and not burdensome to administer. It's highly unlikely the Maine Forest Service, as the key law enforcement agency administering the law, will push for any absurd and burdensome interpretation of the law. As a woodlot owner myself, I believe landowners are justified in adjusting the species composition of their woodlots in order to benefit wildlife and improve the existing mix of tree species that has resulted from poor forestry practices of the past like high-grading and clearcutting. The important thing is that such poor practices not continue.

The referendum also requires that rules be based on current scientific research. Perhaps the science will demonstrate that overall cutting levels in the state would be sustainable if cutting levels were based on minimum stocking levels and forestry practices

included those that ensure adequate regeneration of shade intolerant species such as birch. This is certainly a more realistic way of achieving sustainable cutting levels than harvesting a small percentage of every species of wood every year and it is also a more sensible interpretation of what the referendum requires. Maintaining minimum stocking levels would also encourage landowners to retain trees of longer-lived species that are now being over-harvested. Stocking levels would vary according to the composition of the forest, i.e., hardwood, softwood or mixed wood. In any case, the rules would have to recognize the cycles of the forest and acknowledge that past practices should not determine the future forest.

ADMINISTERING THE LAW

One possible way to administer the new law for small woodlot owners would be to work within the existing framework of regulations. Small woodlot owners already must file a Notification of Intent to Harvest Forest Products form with the Maine Forest Service. The form could be expanded to include a Notification of Intent to Comply with the standards considered appropriate to small woodlot owners. Variances, including for clearcuts, could be requested and granted for sites constrained by unusual circumstances, but at least over-harvesting would not be the norm. For large landowners who practice intensive management and already have detailed information about soil productivity and stand composition that is used in computer modeling of tree growth, it would be appropriate to have additional requirements to ensure cutting is not exceeding growth. A variety of recommendations undoubtedly would be forthcoming in the rulemaking process set forth in the referendum.

Techniques that could become more widespread include crop tree release, where a forester determines which trees to select for crop trees that will meet the landowner's objectives and which trees to mark for cutting to release those crop trees. Only trees in direct competition with the crop trees are removed. The Council would also have to consider regulatory tools such as minimum stocking levels, or how many trees should be left after a cut; diameter limits for specific species that are being over-harvested; and increased buffers or protection for sensitive ecological features such as wildlife habitat and riparian zones. In addition, the Council would have something to say about the introduction of non-native species and genetically engineered trees, which could threaten sustainable harvest levels of native species.

It may be possible to incorporate into the regulatory process the efforts that landowners and environmental groups are making in the field of green certification. An examination of the standards being used by the Forest Stewardship Council (FSC) may show that woodlots certified by FSC are being harvested at levels within the requirements set out by the referendum's language. If that is the case, so long as the management plan approved by the certifier is being followed, a landowner could be exempt from the regulatory standards. Oversight would be provided by the certifier, not the State. The ability to develop a detailed management plan with attention to site-specific goals and conditions in conjunction with green certification

might be an incentive for a landowner to go above and beyond the minimum standards developed under the referendum. Other programs that could be incorporated into the regulatory process might include incentives for the creation of set-asides not to be managed for timber production and incentives for forest management techniques that increase carbon sequestration in the forest ecosystem.

The other main aspect of the referendum, the idea of requiring permits for clearcuts, is not new. In its most recent forest practices rulemaking, the Maine Forest Service proposed a permit requirement for clearcuts greater than 75 acres. The timber industry was very much opposed, citing the precedent that would be set by public involvement in the process on a parcel by parcel basis, fearful that environmentalists would abuse the intervention process. To this day, no permit is required for any clearcut and a harvest plan is reviewed by the Forest Service only for clearcuts greater than 75 acres. In addition, at the request of the timber industry during the rulemaking, the regulations now accept as a silvicultural justification for any clearcut over 20 acres the fact that a plantation or forest stand has been previously treated with herbicides or any other precommercial silvicultural activity such as mechanical thinning or timber stand improvement. No reason need exist for a clearcut of 20 acres and under. Clearcuts that are 5 acres and under are not even considered to be clearcuts by the Maine Forest Service regulations.

THE MEANING OF THE REFERENDUM

I admit I still have questions about the wording of the referendum and what it all means. For example, is the tying of cutting levels to "the average annual growth during the past 10 years" intended to disallow overly optimistic estimations of growth as well as projections based on conversion of natural stands to intensively managed plantations? Ultimately, the Council would have to decide whether the 10-year "look-back" period is used to define limitations on future cutting activities or whether it is used to check the progress that is being made toward achieving sustainable cutting levels under the regulations. It does appear that the purpose of a 10-year "look-back" period stems from a motivation to develop a more cautious type of forestry, inclined to maintain the integrity of the forest ecosystem, instead of a forestry driven primarily by the need for an economic return.

Can this referendum address other problems in the forest? Does it result in good management? Is it possible to mandate good management? Or does that require a paradigm shift that is outside the ability of any government to create or to regulate? I don't have good answers to these questions. Will the forest of the future be better off than it is today? I don't know the answer to that either, but I think that if the referendum passes, society may be telling us that should be our goal.

I do think that the forest of the future will be different from the way it is today. It could change as a result of the referendum, but also because of many other human-induced factors: the trend toward forest certification, changing markets for particular forest products, global warming, corporate decisions in a global economy and public land acquisitions. And, of course, natural influences like fire, drought, windthrow and insect mortality always change the forest.

If nothing else, the referendum means the establishment of a new process for forest practices regulation, one that relies on scientists from a number of relevant disciplines. Of course, since the Council is appointed by the Governor, his choices for the panel will have an impact on the outcome of the rulemaking process. However, the establishment of the Council would lay the ground work for ongoing discussions on forest practices, and additional rulemakings that could address problems in the future. If not during this governor's administration, then in subsequent ones, the rules can change.

In conclusion, the ideas I have explored above are just that - ideas. If the referendum does pass, it will be up to the public, the Council and perhaps, ultimately, Maine courts, to decide how to implement it. Until election day, I will continue to listen closely to the debate about the upcoming referendum. At present, though, I must say that I do not believe it is the disaster that many in the timber industry would have small woodlot owners and the voting public believe.

The author is an attorney in Wilton, Maine.

Vermont Perspective *Caveat Emptor*

VERMONT HAS, OF COURSE, passed into law a permitting process for clearcuts. It was passed into law following the recommendation of the Forest Resource Advisory Council, now disbanded, but periodically re-awakened to consider forest policy changes. What has been the result of this law and what lessons may Mainers, considering their referendum, draw from it?

I hear several forms of praise and criticism of the "heavy cutting law." One result was that it was politically fatal to several legislators who supported it in the face of rather strident protest. If one looks closely at the protesters, you can begin to appreciate that they were a mixed bag of skeptics of government, people who believe there is an inherent right to treat land as the owner wishes, and, most tellingly, many of the bosses who are locally powerful in the distribution of pulp tickets and other means of controlling the market for wood. There is indication that some of the protest was leveraged by such economic power. This is usually called the "old boy network."

Small scale loggers who laugh at the law see several problems with it: one, that cutting practices have changed little, and two, that its passage "alienated everybody." Some loggers are also extremely skeptical of the forestry profession and question anything that may require their services. But small independents themselves have been little impacted, one way or another. They continue to see landowner decisions as the key when bad log jobs occur: landowners get greedy and want revenue maximized. Loggers often refer to a frustrating situation: they will cut properly, for growth, only to be followed by an operator who comes in and takes the cream. Large scale operators with big equipment also offer economies of scale to landowners, which may really mean that their equipment is so big, and debtload so great, they must cut wood, even at a loss, to create cash flow. This of course means they also cut when weather and soil conditions may not be appropriate — increasingly true in our mildening winters. It is true that small scale loggers tend to be the ones concerned about the availability of sawtimber, but they do not see Vermont's law as having done much to protect it.

THE HOPE THEN, WAS THAT THERE WOULD BE AN OPEN, HONEST, NON-POLITICAL RULEMAKING. THIS HOPE WAS MISPLACED.

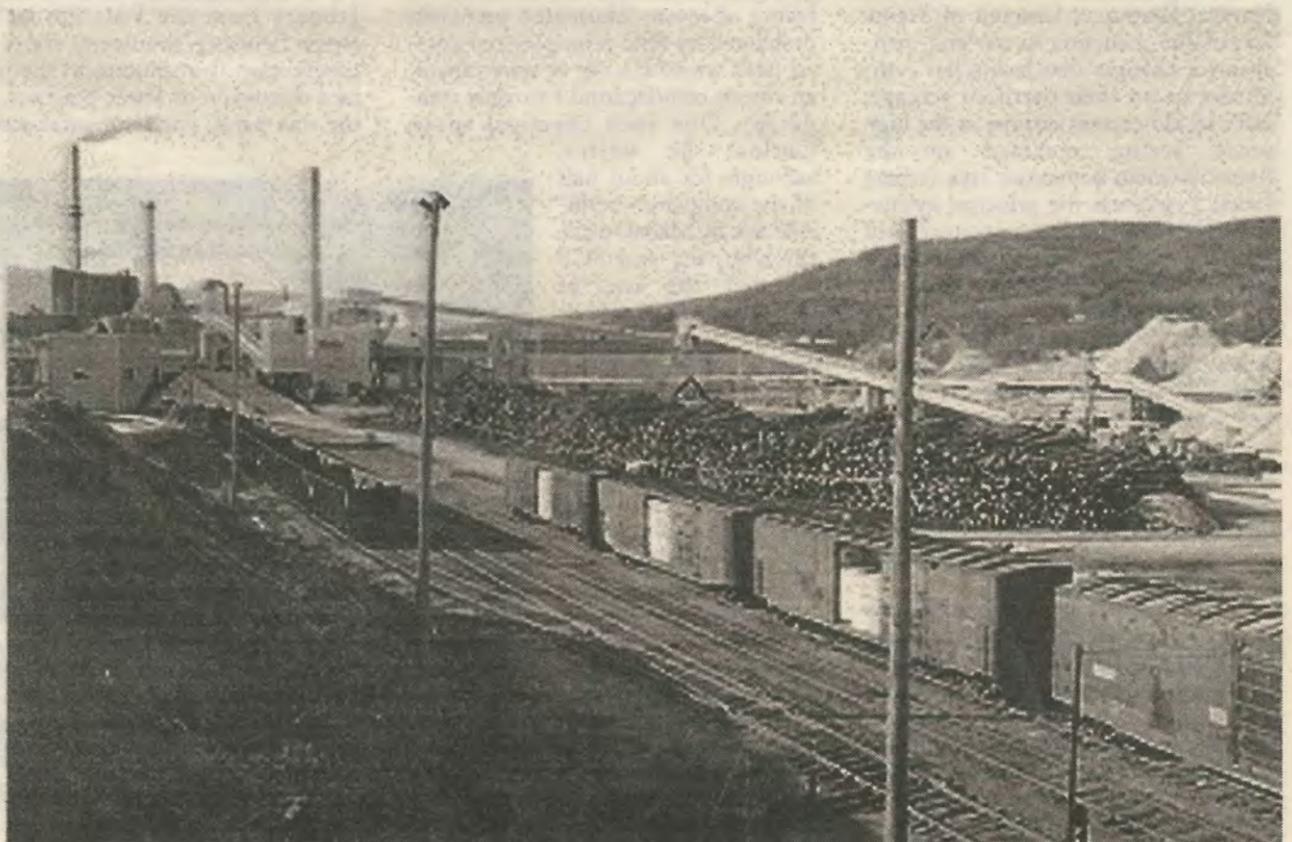
Administratively, the Department of Forests and Parks resisted the cutting law. Their report on its administration notes its cost for which no new funds have been allocated. Individuals within the Department have, over time, expressed dissatisfaction with having to respond to public complaints about cutting, and mystification with why the legislature and members of the public ever supported restricting clearcuts. The inventory numbers for Vermont look good at the coarse scale, although Department officials also express concern about timber quality and species shifts (ie, red maple overtaking sugar maple).

I think this dissatisfaction is the nub problem with the heavy cutting bill, which relied on a politically accomodative, rather than scientifically based, analysis of what problems are caused by clearcutting and which of these can be constituionally redressed by regulation. This is where any effort in Maine will run into problems,

too: the idea that political appointees who are assigned to assure the buttering of their particular interest's toast can emerge with guidelines to improve practices.

I offered this criticism to the rules committee and was asked to define what I meant by science. My answer (whatever it was) was met by the rather sneering (I thought) comment that abstract academics would be devising rules. Not so, I replied, there are academics with dirt under their nails. I will defend my hope: that we could come up with a way to assess long term impacts of clearcutting and devise rules to limit these. This, in turn, opens me to the most telling criticism of any cutting bill: why permit a practice like clearcutting at all?

This, in fact, is the closing of the logical loop that led to the political compromise of Vermont's bill: rather than a banning of clearcuts of a certain size (and the Commissioner of Forests and Parks expressed his belief this was the easiest thing to do) FRAC decided political compromise was best. The hope then, was that there would be an open, honest, non-political rulemaking. This hope was misplaced. Some good things may have emerged from this bill: some believe it has kept out fly-by-night operators or speculators from Maine. — *Andrew Whittaker*



IRVING NOW GREEN CRITICS INCREDULOUS AS MAINSTREAM ENVIROS LAUD FSC/SCS CERTIFICATION

by Andrew Whittaker

ON MAY 31ST, Governor Angus King and other dignitaries gathered at the Pine Tree Arboretum in Augusta to announce with fanfare the certification of Irving International's 750,000 acres of Maine forestland by Scientific Certification Systems in accordance with standards being devised by the Forest Stewardship Council's Northeast Standards Committee.

A three person team consisting of Lloyd Irland, Robert Seymour and Mike of Maine Woodlot Alternatives Thompson reviewed Irving operations against FSC standards in separate categories relating to silvicultural, habitat and social concerns. The operations were graded in all three and had to receive an 80 to pass.

WHAT THE CERTIFIERS SAID
Thompson stressed that certification is an on-going process and that gains must be demonstrated in key areas for the company to retain its status. He emphasized four areas where performance will be evaluated in yearly audits: 1.) Reduction of clearcutting 2.) Development of cover type and age class information 3.) Development of a restoration forestry program with an adequate timeline 4.) An increase in the structural diversity of simplified stands.

Thompson said that Irving has shifted to clearcutting with "variable retention" in which growth formerly cleared or sprayed is now retained. He said planting on the certified acreage is directed toward filling in areas that have failed to regenerate and that, overall, spraying is being reduced through such changes in practice.

As part of the certification process, Maine's Natural Areas Program will conduct an audit of certified lands for rare and exemplary natural communities and Irving will commit their protection through reserves. Thompson declined to name a specific number that reserves could amount to, saying it could, theoretically, be 2% or 35%.

WHAT NRCM SAID
In their press release on the subject, Natural Resources Council of Maine lauded the reduction in cut and management changes that Irving has committed to on their certified acreage. NRCM did express surprise at the high score Irving received in the financial/socio-economic area (where Lloyd Irland was the principal evaluator). NRCM alluded to concerns of contractors being pressured by Irving, a story detailed by Phyllis Austin in the *MAINE TIMES* of May 25-May 31. In "Hard Times in Irving's Woods," Austin paints a picture of a company essentially squeezing contractors in several ways: paying them less, encouraging competition among contractors, and pressuring them in to higher levels of debt. Contractors also spoke of the fear of retribution should they organize or otherwise speak out (see Nancy Galland's story on page 23.)

The FSC regional standards now being reviewed by FSC higher-ups were considered in Irving evaluations and scores based on compliance with them. FSC standards are the basic standards that any independent certifier such as SCS must adhere to. Members of the Northeast standards working group include John McNulty, president of

Seven Islands, the first major company to be certified by SCS/FSC. Members also include Robert Bryan of Maine Audubon, Jane Difley of the Society for the Protection of New Hampshire Forests, Wayne Young of the timber company Domtar (seeking certification in New York) and other industry reps Jameson French (also of the FSC USA board) and Julie Samson with a Maine-based hardwood buyer.

Environmental reps also include Mark Lorenzo of National Wildlife, Alan Calfee of NWF's Smartwood certifier program, Richard Donovan also of Smartwood, Mike DiNunzio of the Adirondack Council, David Publicover of the Appalachian Mountain Club.

MARITIME STANDARDS WEAKENED
In the last issue of *The Northern Forest Forum*, Charles Restino, who represented the Sierra Club on the Maritime Region Standards committee raised serious questions about the integrity of the FSC process. His article (on-line at and also archived in v. 8 #2) relates the story of Irving's desultory participation in the standards process until its final stages, which followed the certification by SCS of the Irving Black Brook operations (188,000 ha) in September 1998.

At that time, Irving began to complain publicly and to FSC officials about the process and substance of the Maritime group. Subsequently, the regional standards, which are subject to scrutiny by the national and international FSC bodies, were revised to drop specific reserve areas; a regional definition of plantations and a proscription on exotics were also dropped; and a ban on biocides replaced by a less stringent mandate for reduced use. Restino concludes: "Having successfully overridden all the standards which supposedly had earlier blocked consensus, Irving has also indicated it has no less than fifteen additional industry-friendly revisions of standards company representatives previously endorsed." A Sierra Club appeal of the changes was denied by the FSC secretariat.

BIOCIDES
Restino also detailed Irving's use of biocides both sides of the border. He noted that government data indicates use by Irving of seven chlorinated pesticides prohibited by FSC principles and criteria (visit www.fscus.org or www.canadian-forests.com/fsc.html) to view standards). One such chemical spray, Garlon, he writes, accounts for about half of the company's herbicide use in Maine, while the company and SCS claimed the use of Garlon in New Brunswick to be experimental, where their use of it expanded 500% in 1996-1998 (1,947 ha in the latter year).

FSC has demanded corrective steps of SCS and Irving in the matter but Restino is not satisfied that both companies have been called to account for overlooking these clear violations of FSC principles. A new Maritime group is to be convened soon to address conflicts.

Mike Thompson of SCS / Woodlot

Alternatives characterized the matter as one of unclear communication from FSC on which chemicals are proscribed and considered as chlorinated.

OTHER CRITICS

Restino's conclusion is that Irving's ability to thwart regional standards calls into question "the credibility of the entire FSC process." An article by Denise DeMoura in the March 2000 *ATLANTIC FORESTRY* magazine also quotes other participants in the process who note the shortcomings of FSC certification while holding hope for incremental gains from the process. Martin von Mirbach, for instance, hopes that standards are stringent enough to represent real gains but open enough to draw in major players and have an impact on the national scale.

Some critics on both sides of the border see Irving's labor practices as hopelessly crooked. Jim Freeman in a *Forest Ecology Network* article (Winter 2000) outlines various ways that Irving is said to squeeze loggers and contractors, including under-scaling. Both Freeman and Austin in her piece relate that contractors routinely overload their trucks past legal limits to make ends meet. Overall, Freeman ties Irving's practices back to its market dominance, or oligopsony.

The religious community at Nova Nada in North Kemptville, New Brunswick recently gave up a long battle against what it termed Irving's distortions and manipulations in attempting to secure a two mile buffer zone around their retreat.

Their statement from last October reads in part,

"We hope that Canadian and New England citizens are courageous enough to resist the coercive and oppressive methods of such self-serving and socially injurious institutions. Therefore we urge the public to support the ongoing boycott of all Irving products."

"We also encourage support of employment-intensive ecoforestry. In contrast to Irving's machinery-intensive logging practices, the environmental community has developed a viable alternative that includes employment-intensive practices and fewer machines, more natural forests and fewer clearcuts, and no pesticide-herbicide spraying which contaminates our earth, air, and water."

[For full text— www.spirituallylifeinstitute.org/PrsOct20.htm

FSC PROMOTES CONSENSUS
Public relations material downloaded in January from the FSC/US website (www.fscus.org/aboutcert) states that certification is a solution to the polarized discussion of forest practices. "On the one hand, environmental activists

often portray bleak images of ecological havoc and destruction by focusing on stark images of clearcutting. On the other hand, forest companies often paint a rosy picture for forestry in the United States through corporate efforts in tree planting, mechanized harvesting, chemical fertilization and genetic engineering."

The website goes on to mention that FSC's board of directors includes Assi Doman, the Swedish forest products giant, and the Natural Resources Defense Council. "The FSC, with its unique marriage of environmental, social and economic interests, has succeeded where regulations, bans, boycotts, lobbying, protests and campaigns have failed — to reach a global consensus on forest management," FSC says.

SUBSTITUTE FOR REAL POLICY?
Meanwhile, in Maine, the Irving certification raises troubling questions as Governor King points to certification as a replacement for effective action by government. At the May 31st, press conference, the Associated Press reported that King spoke of the certification as a stand-in for the "heavy hand" of state regulation such as that proposed by the forestry referendum this fall.

Does this mean that Maine takes no interest in defending the public values inherent in all woodlands, not merely those certified? Do non-certified lands then lack basic protections? Do Governor King and others enthused about certification believe it to be a substitute for large wilderness reserves — and if so, shouldn't environmental organizations supportive of both certification and more wilderness be careful to distinguish the two priorities?

Furthermore, anyone cursorily familiar with the people and affiliations on the FSC Northeast regional standards committee have to be concerned that the standards being devised are not the most progressive and that such standards are being promoted by those they are supposed to govern. The argument will be made that this is as intended, but it seems a tad cozy — like the revolving door between government, industry and ngos that affects virtually every sector of the economy. Critics of industry's SFI point to FSC standards for their independence, but how independent are they really?

International critics of FSC suggest that quotas have begun to drive FSC decisions — and the Maritime experience suggests a certain malleability to the process working in favor of companies seeking certification. As one FSC stakeholder put it to me some time ago, any complaints should be directed to the secretariat in Mexico — a lesson Irving has taken to heart.



Mike Thompson of SCS / Woodlot Vermont Clearcut photographed in May 2000. Photo © Gustav Verdeber

COASTAL WATERS WATCH



DOWNEASTERS BLAST NAVY PCB-BLASTING PLAN

By Ron Huber

DOWNEASTERS REPORT PROGRESS in their efforts to block a US Navy's plan to use high pressure water jets to blast PCB-laden paint from dozens of its radio towers in the NAVCOMTELS-TA communications complex overlooking the intertidal clamflats and fishing grounds of the Cutler Coast of downeast Maine.

The Maine Department of Environmental Protection (MDEP) has agreed to reconsider its earlier tentative approval of the Navy's water-jet paint removal method, which was halted in the late '90s after soil analysis revealed a PCB contamination level of 25,000 - 50,000 ppb in soils near one of the towers. The towers are emplaced as close as 50 yards from the shore.

The towers are surrounded by mudflats that are routinely dug by clambers, who have documented the presence of paint chips on the mudflats, and wetlands used both by migratory birds and as feeding areas for resident redtail hawks, eagles, other birds, foxes, short-tailed shrews, other mammals, and countless insects of which all become food for each other over time.

The Cutler base also hosts one of the Navy's six "Ecological Reserve Areas" around the USA. The Navy defines an Ecological Reserve Area (ERA) as "a physical or biological unit in which current natural conditions are maintained insofar as possible." One cannot imagine PCB deposition as consistent with maintaining "natural conditions."

Cutler Naval Station website: www.norfolk.navy.mil/cutler/index.htm

Oddly, Maine DEP's permit reviewers have chosen to disregard their own regulations that allow for ZERO per cent discharge of PCB's into the environment during cleanups and had given a tentative initially gave the Navy permission to use this technique. Maine DEP also is ignoring its regulations requiring a state permit to carry out any process that creates "point source contamination."

Maine DEP is asserting that no permit is required, as the Navy has promised to return the habitat to the pre-cleaning state after paint removal was finished. The Navy has not informed Maine DEP or area residents how wetlands and intertidal flats on and around the base, which will receive a rain of PCB laden water during the operation, would be cleaned and the habitat restored.

Federal environmental laws also requires 100% containment of PCB contaminated products during clean-

ups. Yet the US EPA too approves of the Navy's claim that "only" 15% of the paint chips atomized by Dod water jets would end up in the ecosystem.

US EPA's Northeast Region supports proceeding with the water jet paint removal, without testing, asserting that removing the paint as fast as possible will end the danger of the chronic leakage of PCBs into this rugged area's natural coastal environment.

But area residents are opposed to this quick fix. They say state and federal regulators are giving too little thought to how much environmental damage the PCB releases would have.

Marine ecology consultant Stephen E. Crawford of Eastport-based International Marine Resources, a leading opponent of the water-blast method, wrote:

"I can think of no better mechanism of introducing PCBs into the environment around Cutler than to reduce the paint chip particle size to 2.5 - 30 microns and jet blast it at 35,000 psi into a mist from towers that are up to 980 ft tall."

Crawford agrees that dealing with the flaking paint is necessary, but asserts that the critical factor is to maximize the amount of PCBs captured and prevented from escaping into the environment.

"The paint particles should be kept as large as possible" Crawford wrote in a recent letter, "so that they can be easily collected: this means hand-scraping."

Has the Navy sampled the areas for PCB's? No. They conducted a "theoretical statistical study" and determined that wind direction and other factors indicated that no contamination would occur. Asked if there was any plan to sample clams, mussels, etc, again the Navy's answer was no.

Re-startup of the paint removal project, initially slated for May 1st, has been delayed until Maine DEP carries out baseline monitoring of the present level of PCBs in the mussels and clams presently residing in the area's intertidal zone.

But Maine DEP cannot conduct the survey until July at the earliest, and Navy officials are in a rush to get the job started. The DEP has partially caved to the federal government and supports having an independent entity monitor the paint removal; if too much escapes, the project would be halted.

The military claims that hand scraping is too costly and may cause damage to the towers' galvanized coating, though it was noted that when the towers were re-painted in 1966-67, they were hand-scraped without harm to the towers.

While a hand scraping effort will add time to the repainting project, Crawford noted, "my position is that this method will be the safest for the

SUPREME COURT THROWS OUT STATE OIL TANKER REGULATIONS

by Ron Huber

(SEARSPORT) — IN A MOVE that could affect the safety of Maine's seafood industry and coastal wildlife, the United States Supreme Court has thrown out many of Washington State's oil tanker safety regulations, holding that international treaties and federal laws supercede that state's right to make oil tankers meet state safety standards.

The March 6, 2000 decision by the high Court found unconstitutional most of that state's oil tanker safety laws, finding that they would either be superceded by federal law, or would continue in effect when an oil tanker was outside of state waters, violating the Commerce Clause of the US constitution.

The decision has required the Maine Department of Environmental Protection to review and revise Maine's own oil tanker rules, which include elements that were struck down in the Washington State vs Intertanko decision.

Calling oil tanker safety regulation "an area where the federal interest has been manifest since the beginning of our Republic" Justice Kennedy wrote that the court has "determined that Washington's regulations regarding general navigation watch procedures, English language skills, training, and casualty reporting are pre-empted." [by federal law]

No. 98-1701 & 98-1706

In the
Supreme Court of the United States

THE INTERNATIONAL ASSOCIATION OF INDEPENDENT
TANKER OWNERS (INTERTANKO),
Petitioner,

and

UNITED STATES OF AMERICA,
Petitioner,

v.

GARY LOCKE, Governor of the State of Washington, et al.,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

**BRIEF ON THE MERITS FOR PETITIONER
INTERTANKO**

C. JONATHAN BENDER
Counsel of Record
THOMAS E. NECKERSON
SEAN T. CONNAUGHTON
LEONARD L. FLEISCH
ECKERT SEAMANS CHERIN
& MELLOTT, LLC
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October 22, 1999

environment. The PCBs are very tightly bonded in the paint chip, with a half life of 50 years. Techniques are available to collect most of the paint chips: these have been developed by contractors removing lead-based paints from bridges."

NOTE: An "environmental defense fund" to defray the cost of keeping PCBs out of the flats has been set up. Send your support to the Quoddy Spill Prevention Group, Inc, c/o Steve Crawford, 130 Water Street, Eastport, Maine 04631

The Coastal Waters Project is very disappointed in this decision. Maine's marine resources are far too precious to leave to the whims of international treaties and a largely indifferent federal government. We are going to be studying the Court's ruling very carefully, and determining which of several options to pursue.

Excerpts from the US Supreme Court decision

(Justice Kennedy wrote the unanimous opinion)

NOTE: words in [brackets] are added by this writer for clarity.

"TODAY WE MUST determine whether these more recent state laws can stand despite the comprehensive federal regulatory scheme governing oil tankers. Relying on the same federal statute that controlled the analysis in *Ray*, we hold that some of the State's regulations are pre-empted; as to the balance of the regulations, we remand the case so their validity may be assessed in light of the considerable federal interest at stake and in conformity with the principles we now discuss.

The State . . . has enacted legislation in an area where the federal interest has been manifest since the beginning of our Republic and is now well established."

"The evident purpose of the saving clauses is to preserve state laws which, rather than imposing substantive regulation of a vessel's primary conduct, establish liability rules and financial requirements relating to oil spills."

.... "The issue is not adequate regulation but political responsibility; and it is, in large measure, for Congress and the Coast Guard to confront whether their regulatory scheme, which demands a high degree of uniformity, is adequate. States, as well as environmental groups and local port authorities, will participate in the process. See 46 U.S.C. § 3703(a) (requiring the Coast Guard to consider the views of "officials of State and local governments," "representative of port and harbor authorities," and "representatives of environmental groups" in arriving at national standards).

The judgment of the Court of Appeals is reversed, and remand for further proceedings consistent with this opinion.

It is so ordered."

FOR MORE INFORMATION:

Copy of the Supreme Court decision:

Full text:

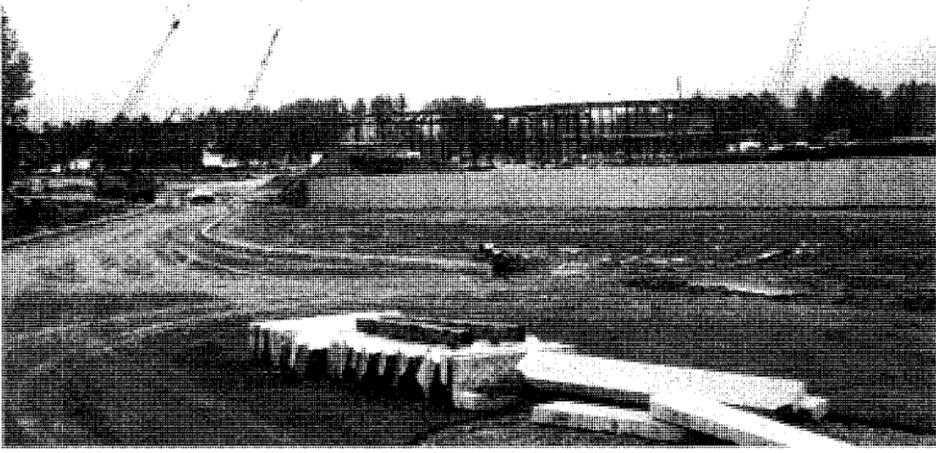
<http://supct.law.cornell.edu/supct/html/98-1701.ZS.html>

"Any financial help you can provide, from \$5 to whatever will make a difference." Please make your check out to Quoddy Spill Prevention Group; indicate in the memo section of the check that the donation is for the Cutler Tower Project.

For updated information on this issue, contact Steve at (207)853-0982 or by email at <phaedrus@telplus.net>

MORE COASTAL WATERS WATCH

PENOBSCOT BAY COAST SMARTING UNDER "DUMB GROWTH"



VICTORY!

CITIZEN OPPOSITION & STATE REGULATORS FEND OFF CONTROVERSIAL COASTAL "SUPER WAL-MART" PLAN.

ROCKLAND — *Downtown* merchants and windjammer captains are breathing a sigh of relief as the Wal-Mart corporation abandons its plans to build a megastore on a heavily forested ridge overlooking Penobscot Bay along this city's scenic US Route 1 corridor. The company would have covered more than 21 acres of Rockland's remaining coastal forests with a 186,000 square foot retail monolith surrounded by 914 parking spaces.

The entire Rockland downtown business community signed a petition calling on the Rockland City Council to reject the Walmart company's request for a zoning exception to carry out their super-blob construction project. The megacomplex would have included a full supermarket, beauty salon, barbershop, gas station, hardware store, pet shop, department store and restaurant under one roof.

The residents of the Pen Bay Acres hamlet, bordering the proposed site for the giant retail outlet, were also united in opposition to the plan as harming their quality of life and depressing the real estate value of their homes. Community opposition, ranging from the schooner fleet to downtown businesses played key roles in marshalling general community opposition to the plan.

"There was a tremendous burst of energy from the community," said Ron Huber, of the oversight group Penobscot Bay Watch, Inc. "Their effort, and that of many others from Rockland and surrounding communities, was critical in ensuring that the state, federal and town authorities took a hard look at the likely impacts to Rockland and Penobscot Bay from this development."

Rockland City Mayor Jim Raye and other supporters of the corporate sprawl plan, including the editor of the absentee-owned Rockland Courier Gazette newspaper, did everything they could to force the development project through against the community's efforts.

Raye and Courier reporter/columnist Steve Betts belittled community concerns and asserted that tax money emanating from the company would offset traffic jams, declines in downtown business revenues, and even visual pollution (the development would have been an eyesore visible miles offshore, angering the Bay's lucrative sailing ecotourism industry).

But, in the end, the Walmart supporters' claims couldn't pass the straight-face test.

He noted that Maine Department of Transportation and other agencies took

the concerns of area residents seriously. A critical event occurred when the Penobscot Bay Medical Center wrote the town with its concerns that the development could cause gridlock on Route One, hindering ambulances from reaching the hospital in emergency situations. The DOT told the developer that it would have to prevent such gridlock from happening. Apparently the company was unwilling to pay the additional costs that this would have required. Then they didn't deserve to build on Route One, in my opinion." Rockland resident Jason Jackie said, "this community victory over Wal-mart is a good sign. Area residents are combatting corporate sprawl all along Penobscot Bay's Route One corridor. This was an important win. May there be many more of them."

PLASTIC INFUSION
MUZZLES MAINE SIERRA
CLUB, AS BAMBI SPARS WITH
SPRAWLZILLA

MBNA CORPORATION continues a relentless attack on the land and wildlife of the western Penobscot Bay coast, expanding its sprawl operations across the Megunticook Coastal Range, and joining with Marriot Corporation and other megadevelopers in "blockbusting" (forced gentrification) the town of Rockland, the bay's historic commercial fishing port, and its surrounding villages.

Grassroots bay advocates armed with fresh Maine Dept of Transportation (MDOT) reports showing a sharp rise in wildlife traffic casualties on US Route One along the Penobscot Shore, and armed as well with the citizen enforcement provisions of a handful of federal and Maine state environmental, fishery and conservation laws and regulations, have begun to stem the sprawl wave.

The credit card peddlers' advance on Ducktrap Mountain and surrounds has been blunted, with the state's top environmental appeals board ordering the company to cease further development of Ducktrap Mountain, the easternmost peak of the Megunticook Range. The Board of Environmental Protection has further responded to the tsunami of criticism levied against the Maine Department of Environmental Protection's near-reflexive rubberstamping of coastal sprawl permits, by ordering that agency to re-examine how it decides whether any particular development proposal would be an excessive cumulative impact to the regional environment, and on how the department decides to honor requests for public hearings.

THE MBNA CORPORATION
EVICTED EIGHTEEN
FAMILIES FROM THEIR
HOMES ON THE
ROCKLAND HARBOR
ADJACENT TO THE
FISHER SNOW PLOW
FACTORY IN ROCKLAND,
MAINE, AND WILL
DEMOLISH THEIR HOMES.

The Maine DEP has the unenviable record during the King Administration of denying every citizen request for a public hearing on a development project and of approving every large scale development project that has crossed its decision making plate. Embittered environmentalists have been forced to carry out 'regulation by appeal' if any protection of the quickly vanishing wild Maine coast is to be gained.

KILLING ZONE

THE MDOT REPORT, prepared at the request of NARP's Coastal Waters Project, shows a 400% rise in deer-vehicle accidents along Route One in Northport, Maine, since the credit giant invaded the Ducktrap Mountain Deeryard and commenced its orgy of clearcutting and development within the top, center and lower end of the deer wintering area.

"At a sequence of appeal hearings brought by NARP's Coastal Waters

Project, bay defenders used this and other data on the harm MBNA's development is having on the area's wildlife to convince the Maine Board of Environmental Protection to The Ducktrap Deeryard (officially DWA 020429) is an area of dense forest cut with streams and springs, on Ducktrap Mountain overlooking Penobscot Bay, and is considered to be the USA's easternmost coastal deeryard.

As it turned out, MBNA's 40 cabin sprawl event was not given the boot. However, the company was ordered by the Maine Board of Environmental Protection to forever cease from building on the rugged Ducktrap Mountain the northernmost peak of the Megunticook Range that overlooks West Penobscot Bay. Most of the mountain is officially labeled by Maine Dept of Inland Fish and Wildlife as Deer Wintering Area 020429.

The permanent no-sprawl condition became final at a BEP meeting on April 5th. Bay defenders are jubilant that an important precedent has now been set by the state of Maine asserting the authority to order landowners to create conservation easements to protect important natural resources that are otherwise not protected by the states Natural Resources Protection Act.

For the first time in Maine history," Huber said, "a corporation has been ORDERED to put land into a conservation easement to permanently protect it from its owner's sprawl proclivities. The Maine Board of Environmental Protection is breaking new ground. Given the accelerated coastal sprawl afflicting the Penobscot Bay coast, this is a much needed step. We anticipate more protective orders like this one to come from the Board of Environmental Protection."

Critics of the controversial development on the thickly forested mountainside overlooking Penobscot Bay had told the Board that MBNA had earlier

promised to "permanently conserve" the heart of the deeryard, a densely forested area halfway up the mountainside, but then reneged on their promise by proceeding with their 40 cabin development in that very area. Critics had told the Board that the area was critical to the survival of the western Penobscot Bay region's deer herd, who overwinter in the dense woodland on the mountainside.

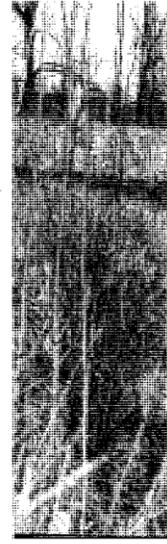
Area residents described to the Board how hundreds of deer had fled the mountain during the harshest months of the past winter once MBNA commenced bulldozing and logging operations in the deeryard. They noted that the Waldo County sheriff's department has reported that the number of deer killed on Route One below the mountain has increased dramatically since early December, when MBNA commenced its land clearing operations there.

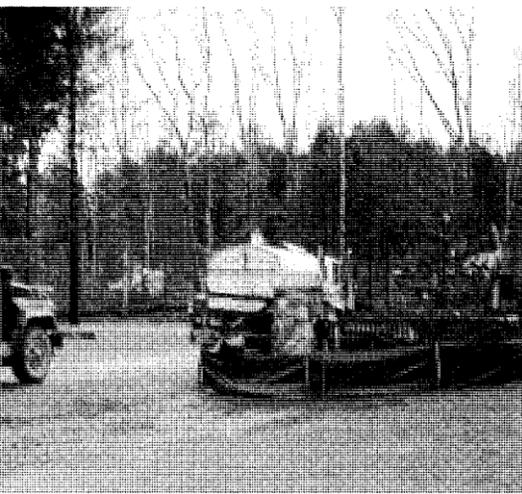
The Board wrote: "The applicant shall, by March 30, 2000, submit to the Department for review, acceptance, and recording a conservation easement in favor of IF&W, or another government or non-government entity, permanently protecting the Management Area and travel corridor described in the final Forest Management and Deer Wintering Area Management Plan dated February, 2000 and accepted by IF&W on March 6, 2000." [The company has since been granted two additional months to finalize the conservation easement, over the protests of environmentalists who challenged the need for the additional time.]

The Board of Environmental Protection order came as a complete surprise to developer MBNA, whose attorney Chip Ahrens of the darth vaderian law firm of Pierce, Atwood, protested that the company was already negotiating with land trusts, and that such an easement would hinder their future development of the land. Ahrens, and a clearly unhappy Shane Flynn, MBNA's top ranking New England official, tried repeatedly, but without success to convince the Board not to require them to protect the land.

Reacting to concerns that Maine DEP's permit reviewer David Silver has also been remarkably stingy in deciding whether to honor citizen requests for public hearings on major development proposals, the Board asked for "discussions on the threshold" that Maine DEP uses to decide when to order public hearings on developments.

The Board also ordered Maine Department of Environmental Protection to acknowledge in MBNA's permit "Finding # 7" that, "in the absence of a specific field investigation, it, [the Maine Natural Heritage Program] could not provide a definitive statement on the presence or absence of unusual natural features." [on Ducktrap Mountain.] The Board was responding to complaints by opponents of the development that the state had relied on a single search of an outdated database in 1996 to make a





claim that "there is no record of any known rare or unusual features on the property".

EARTH DAY MASSACRE
Maine's top environmental official approves 'astro-turfing' of lower Camden Hills deeryard.



Bay watchers were shocked however, when the Maine DEP's permit stampers abruptly okayed a request by the MBNA Corporation to clear and blast a wooded area right on the border of the deer wintering area, only hours before "Earth Day 2000".

"This is a really grotesque Earth Day gift to the Penobscot Bay region," said Ron Huber, co-director of Penobscot Bay Watch. "At the same time that Kirkpatrick is trying to position herself as defender of Maine's environment, she is delivering up the

Bay area's natural resources, and the local business that introduce visitors to them, to a voracious land developer."

Opponents note this latest proposal flies in the face of recent recommendations by Maine's top environmental panel that the DEP hold public hearings and consider broader off-site impacts before approving any further development plans by MBNA International Corp on Ducktrap Mountain.

"MBNA's astroturf is covering up the company's real plans," said Ron Huber, leader of Penobscot Bay Watch. [www.penbay.org] "Everything points to MBNA really proposing to build a private indoor stadium in the deeryard, in two steps. One blast the mountainside flat, install a million dollar drainage system and cover it with astroturf. Step 2: Next year, "amend" the plan to include walls and a ceiling. Can't have company execs exposed to blackflies and lyme disease, for gosh sakes.

In another ominous sign of things to come, the MBNA corporation evicted eighteen families from their homes on the Rockland Harbor adjacent to the Fisher Snow Plow factory in Rockland, Maine, and will demolish their homes. The company proposes building a gigantic corporate complex on Rockland's waterfront.

Rockland's South End neighborhood is about to find out what corporate sprawl is all about: less housing for working families, and a massive rise in property taxes that will force hundreds of town residents to sell their homes and leave Rockland.. MBNA and other real estate

"The awful irony is that the same day that the eviction was ordered , MBNA and Maine Governor Angus

King hosted a press conference in Augusta announcing that MBNA is giving more than a million dollars to a wealthy landowner near Acadia National Park, to purchase the millionaire's island property and take it off the Frenchboro tax rolls."

"It's truly bizarre," one community activist noted, "MBNA will give a million to a millionaire, but not a nickel to the men, women and children the company is about to make homeless in Rockland."

"Some states have 'Smart Growth' programs to control sprawl on their coasts. But Maine seems committed to 'Dumb Growth' along our shores," said Huber. He said of MBNA "You can't imagine a less water-dependent business than telemarketing."

Route One brings more than a million tourists through downtown Rockland every year. As a result, the town has thrived as a small business-dominated, fishing and tourism economy, with one of the lowest unemployment rates in the state.

"Efforts by MBNA, Wal-Mart, Marriot Corporation and other giant absentee corporations to force giant mass-employment facilities on Rockland and its neighbors along the picturesque Penobscot Bay coast could forever change the character of the

Penobscot Bay coast. We don't want another Portland here on Penobscot Bay," said one local.

The Coastal Waters Project is a citizens' association dedicated to protecting and restoring Maine's coastal and nearshore environments. Learn more about their efforts at www.penbay.org or by mail at Coastal Waters Project, 418 Main Street, Rockland ME 04841 telephone 207-594-5717

Is the Maine coast being "Clubbed" to death?

SIERRA CLUB MAINE Chapter's astonishing decision last winter to sacrifice the natural areas along Penobscot Bay coast in exchange for a million dollar-plus payoff by MBNA Corp has outraged Pen Bay residents, who are fighting efforts by MBNA and other venture capitalists who are yearning to subdivide and urbanize this rugged coast.

With heady prospects for more largesse, much more, if they toe the plastic line, the Maine Chapter leaders have apparently decided that they will treat sprawl as a virtual issue, to be debated and discussed at conferences, but not acted upon in the particular such as the beleaguered shore of Penobscot Bay.

Despite numerous requests by area citizens and club members to bring Sierra Club into the permitting fray, Maine Chapter Chair Joan Saxe repeatedly declined requests for assistance in combating the severe increase in large scale coastal development projects that are transforming and urbanizing the western Penobscot Bay coast, from Searsport to Port Clyde. Saxe has refused to return phone calls, letters and/or emails, refused to meet with area residents or even area Sierra Clubbers concerned and frightened by the ongoing loss of coastal natural habitats here, refused to write any sort of letter to state or federal agencies involved in the permit processes that decide whether or not such development projects will occur. Her recalcitrance flies sharply at odds with the "only" conservation group in Maine whose decisions are driven solely by its grassroots membership.

The retreat by Sierra Club's Maine Chapter from actual activism into 'outings' and 'conferences' has greatly weakened the force of the conservation response to the sprawl wannabes presently invading this coast. Before getting onto the MBNA affinity card gravy train, Sierra Club played a key role in helping quash improper development initiatives on Penobscot Bay,

notably the Sears Island Industrial Port proposal.

Remarkably, in the single meeting that chapter leader Saxe attended concerning MBNA's development frenzy on the Penobscot Bay coast, she defended MBNA's mammoth telemarketing complexes and corporate resort construction sprawling over the coastal range mountains as "clean jobs." Worse, Saxe has actively defended MBNA Corporation against area conservationists.

When dozens of citizens barraged Sierra Club's national leadership with complaints about the Club's ongoing financial relationship with the MBNA Corp through its "affinity" credit card with the Sierra Club logo emblazoned on it, the Club's national leaders met and agreed that if the allegations were shown to be true, they would sever their link to MBNA.

Back in November 1999 Bruce Hamilton, the



Club's Nat'l Conservation Director sent a memo to other Club officials stating that:

"After we get a recommendation from the [Maine] chapter the Board may decide to sever its relationship with MBNA, assert oral pressure to seek a change in the project, or take stronger actions... We have a legal contract with MBNA that we need to factor in and discuss internally before we decide on a course of action." What did Saxe do? She pocket vetoed the decision.

Given the request by Sierra Club's leaders in November 1999 Saxe has yet (as of May 2000) to render her decision. She won't return press calls about it. Or calls from conservationists either.

One can only conclude that Saxe's strategy is that by neither affirming or denying the rather blatant ongoing destruction of the Penobscot Coast, the Club can continue to belly up to the Plastic Trough, and the MBNA corporation can continue to sprawl across the Penobscot Coast, sans Club interference. In a remarkable irony, MBNA money helped pay for a recent "Sprawlbusters" conference in Maine. Worse, Saxe and other Maine chapter officials are trying to twist the issue away from the Sierra Club's financial links to the notoriously anti-earth and anti labor MBNA Corp that is carrying out a brutal sprawl campaign on the Penobscot Coast.

Instead, the Maine chapter leaders are publicly tutt-tutting at the bad manners and rudeness of complaining area residents, who, in the Club's analysis, are apparently mere selfish NIMBYs that should be grateful that MBNA is replacing messy, lyme-disease-infested natural forests and unruly small businesses with "clean" telemarketing complexes, and palatial corporate compounds, all gated and guarded against the unwashed public, all coated with the same bile-green paint, MBNA CORP's officially trademarked color.

It is time for the Club to sever the plastic umbilicus that ties it to MBNA.

It may take new leadership at the helm of the Sierra Club's Maine Chapter. Decisiveness is needed, not continuing the Club's present head-in-the-sand approach to sprawl in Maine, which is doing no one any good except debt vendor MBNA Corp.



STARVATION IN THE GULF OF MAINE

by Ron Huber

NOVA SCOTIAN WRITER Debbie MacKenzie has proposed a new theory to account for the persistent decline in offshore finfish and marine mammals - STARVATION.

In her landmark 1998 essay: "How to Rebuild the Fish Stocks? A New Strategy", (co-authored by Douglas Brennan MacKenzie) compared the marine ecosystem system to a vegetable garden, and noted that neither ought to be expected to constantly produce food unless the "harvester" returns organic material to the system. Well understood in terrestrial agriculture, but she found a far different point of view among the fishing and marine science communities:

"The oceans are so large that their ability to "produce" seemed to us to be without limit." she wrote. Noting that fishery managers and others "assumed that some magical force of nature had always worked to, and would continue to, replenish the "stocks" that we removed", MacKenzie examined this "magical" marine cornucopia assumption.

Contemporary marine biology holds that the tonnages of marine life are limited by the amount of "fixed nitrogen" available to planktonic marine algae or phytoplankton. Occupying a fundamental place in the offshore marine foodweb phytoplankton are consumed by zooplankton, in their turn preyed upon by marine animals from baleen whales to herring, whale sharks to oysters, barnacles, clams and deep ocean corals. With fixed nitrogen essential for the formation of proteins, its relative availability in the system exerts a controlling effect on the amount of biomass present in the sea. "This is how the sea plants and sea animals depend on one another -" MacKenzie writes, "they take turns using the protein building blocks."

While acknowledging that blue-green algae, unlike the other diatoms and phytoflagellates, can actually "make" new fixed nitrogen, she differs with both those in the marine scientific community who hold that fixed nitrogen production by blue green algae is likely sufficient on its own to power the offshore foodweb.

In addition, MacKenzie challenges those holding that sewage, air pollution and other industrial discharges supply sufficient nitrates to feed the offshore planktonic center of the marine foodweb. Current models of marine nutrient cycling accept that the "fixed nitrogen/protein" removed

from the sea by fishing is in fact replaced by our known-to-be-large nutrient inputs. The problem with what humanity is currently 'giving back' is its inappropriate nature and its limited area of dispersal.

This "input" is in the form of (a) micronutrients in terrestrial runoff - frequently in an inappropriate FORM (too tiny) and inappropriately LOCATED (coastal waters only with no efficient offshore distribution). It is also frequently too concentrated and actually sickens the coastal waters....and (b) aerial deposition of nitrates - soot from the burning of fossil fuels contains fixed nitrogen; a certain amount ends up in the oceans, though again the FORM & LOCATION are inappropriate. Only the relatively minor amount that drops over the fishing banks has any chance of contributing to nourishing fish; the vast amount that falls into the mid-Atlantic, outside of the coastal and continental shelf currents, basically dodges the food web. For very good reasons, marine lifeforms and nutrients were and are concentrated in very specific areas. We depleted very specific areas (fishing banks) of solid edibles (fish) and are trying to pay back with random amounts of sewage and soot (See Points of Debate) for further discussion of this point).

MacKenzie studied both the scientific literature and fishery harvest reports of the past few centuries. Her newest report, "WAKE UP AND FEED THE FISH, A New Insight into the Causes of the Collapsing Fisheries" notes declining weight-at-age patterns, declining abundance, the relative continued success of micro-plankton feeders, and steeper declines in offshore fish stocks as compared to inshore fishes, and advances the hypothesis that the extraordinary removals of biomass from the offshore marine ecosystem by commercial fisheries has significantly and chronically reduced the abundance and variety of life in that ecosystem. A notable victim of this forced starvation, MacKenzie notes, is the Atlantic coast's Northern Right Whale. The few arriving in Bay of Fundy waters are emaciated, according to the DFO.

Meanwhile, a researcher at the New England Aquarium-sponsored WhaleNet gloomily noted the lack of right whale calving success for this year: "This is the way the world ends / Not with a bang but a whimper...There was no 9th inning rally, no last lap pass to raise our spirits about the season. The EWS team scored its final right whale sighting on 03/01. There wasn't a confirmed sighting by any of the survey teams after 03/08 and nothing to add to the calf count for 2000 - which stands at ONE."

Citing "conclusive evidence that plankton levels in the ocean are now severely depleted from their historic levels" MacKenzie postulates that the most efficient way to restore levels of fixed nitrogen to the offshore environment would be by reversing the removals process and actually ferrying organic matter generated on land (selected food and crop wastes) offshore.

GULF OF MAINE INTERNATIONAL OCEAN WILDERNESS

REWILDING OUR MARINE BORDERS NOW POSSIBLE, SINCE PRESIDENT'S MARINE PROTECTED AREAS ANNOUNCEMENT

By Ron Huber

PRESIDENT CLINTON'S May 26th announcement of a new federal commitment to the establishment of Marine Protected Areas off our nation's coasts is a MAJOR policy decision, one that augurs the re-wilding of major portions of our nation's public marine wildlands.

The US Department of Commerce has long claimed sole federal jurisdiction over all "living marine resources" within US marine waters from Marine Sanctuary management to commercial fishing regulation. Much like the US Forest Service under the Dept of Agriculture, however, NOAA is bound by its host affiliation to be a COMMODITY-oriented agency.

Commerce's, thus NOAA's, point of view is that the living things of the sea are there to be extracted and used in some way - captured, killed, sold and eaten (or, in the case of invertebrates like the lobster, blue mussel, quahog or softshell clam, retailed alive). Under Commerce's regime, all of the sea in US jurisdiction, even the 'National Marine Sanctuaries', are fully open to the same levels of commercial and recreational fish removals as the waters and sea floor outside the "sanctuary". Increasingly, powerful multinational aquaculture interests are gaining lease control over ever larger acreages of New England's coastal waters and now offshore, at fees that might make a rancher running cattle on public rangeland envious.

Management of public marine wildlands as wilderness is simply not to be found within the Dept of Commerce, with its ingrown "consumption as highest best use" outlook.

Wilderness has long been the purview instead of the Department of the Interior. NOAA and Commerce, however, have determinedly and effectively, fought every effort by Interior to

create Parks and Wilderness area within the USA's territorial ocean. Until the President's proclamation, Interior had been restricted to that which is above the high tide line (above the intertidal) Even in the Bird Rocks National Monument offshore California.

Now that has changed . . .

By his announcement, Clinton has expressly broken Commerce's grip on Atlantis. His declaration gives Interior (and other agencies) the authority to now dive in and designate undersea protected areas. Fully protected undersea areas, if the agency has a program to do so.

NOAA must now share the crown of Atlantis with Interior. This duo, however, must, like King John, sign a Magna Carta of sorts, giving all the other federal agencies from NASA to DoD, the authority to propose and have designated Marine Protected Areas.

Specifically the Presidential Proclamation says:

"Each Federal agency whose authorities provide for the establishment or management of MPAs shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs."

"...the Department of Commerce and the Department of the Interior, in consultation with the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent Federal agencies shall develop a national system of MPAs."

Note the proclamation's description of WHERE these MPAs can be designated:

"b) "Marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law."

This clearly includes America's Exclusive Economic Zone out to 200 miles offshore. That area is a place where "the United States exercises jurisdiction, consistent with international law." Can it be done in the waning months of the Clinton Administration? Time will tell.



"We must realize that the ocean has never been able to naturally replenish itself at a rate to match the rate that we have removed fish." she notes. "Primary production is MUCH too slow. We now need to add organic material to the system in greater quantities than we remove it....that is, we must FEED THE FISH!"

Is MacKenzie correct? One tantalizing suggestion that she is may be seen in Maine's and Nova Scotia's lobster trap fishery. The lobster has fared well, despite warnings of over-fishing from all sides.

The notable difference from other marine fisheries, however, is that the lobster industry continuously feeds the wild lobsters from juvenility to adulthood. Every month, millions of pounds of herring are pre-

sented to the lobsters of Maine and Nova Scotia inside hundreds of thousands of lobster traps dotting the coastal seafloor. From early youth to that last fateful day when its size announces its marketability, every lobster has an assured supply of all-you-can-eat herring available. It would be surprising if lobsters in our region were NOT thriving.

Can we mirror this benevolent largesse offshore? MacKenzie thinks so. Check out her extraordinary website: www.fisherycrisis.com to learn more. Other contact info: email: debimack@auracom.com



MARINE PROTECTED AREAS: A HUMAN-CENTRIC CONCEPT

by David Orton

DEPARTMENT OF FISHERIES and Oceans (DFO), under the new 1996 Oceans Act needs to apply deep ecology to an actual environmental issue. The literature that I have seen on MPAs seems to appeal to human economic self-interest, such as how fishers can benefit. Yet fishers seem to feel that they have some proprietary lock on the oceans from which the public is excluded. It seems a stupid strategy to try and mollify fishers while trying to establish MPAs. In order to create fully protected, extensive ocean sanctuaries which are not undercut by fishing or fossil fuel interests there must be a new social base, including more than just fisher people. Conservation must raise an all-species perspective and oppose anthropocentrism. The primary issue in any MPA discussion should be philosophical, trying to change how humans look at the oceans and their life forms.

Choices in life are driven by philosophy, although few of us think about how our actions and philosophies are related. Those who support deep ecology believe that there has to be a fundamental change in consciousness of how humans relate to the natural world. This requires a change from an anthropocentric to an ecocentric perspective-seeing humans as a species with no superior status. All other species have a right to exist, irrespective of their usefulness to the human species. Humans cannot presume dominance over all non-human species of life and see nature as a resource for our utilization. We have to extend the ethical circle outwards, towards the oceans and the Earth. All life is one.

The true conservationist, or Earth-citizen, must be prepared to oppose his/her own self-interest for the benefit of other creatures and their habitats. The justification for MPAs should not be one of self-interest. Protection of marine areas should not be based on which (human) shareholders shout the loudest in opposition. A fundamental question about MPAs is whether to appeal to economic interests or to rise above this, by promoting overall ecological and social interests.

A Marine Protected Area must mean full ecological protection from human exploitive interests, otherwise the term itself becomes debased. Degrees of restriction of the human use of an oceans area could be encompassed, using another term such as Marine Regulated Area, rather than using, and debasing, the term "protected area."

According to the Oceans Act, MPAs rest on an assertion of ownership over the internal waters, the territorial sea and the exclusive economic zone. In a

press release December 19, 1996, the federal fishing minister said the passage of the Oceans Act "reaffirms Canada's sovereign ocean rights..." Supporters of deep ecology believe no one can own the Earth, whether from a state, individual or collective point of view.

Asserted ownership is ultimately a convenient social fiction deriving from a human society bent on enforcing a claim of control over other creatures and the Earth itself.

The Oceans Act is not based on deep ecology. According to this Act, Canada's Ocean Management Strategy (of which MPAs are a part) is to be based on support for the principles of sustainable development. This concept, which sanctifies continuous economic growth and consumerism, should not be accepted. We need to drastically scale back economic growth and consumerism not expand it. Mathis Wackernagel and William Rees, in their 1996 book *Our Ecological Footprint*, though presenting quite a human-centered perspective, point out that to live sustainably, we must ensure

"that we use the essential products and processes of nature no more quickly than they can be renewed, and that we discharge wastes no more quickly than they can be absorbed." Moreover, they point out that if everyone on Earth had the average Canadian or American lifestyle, then three planets would be needed for a sustainable lifestyle for the world's population. The Oceans Act uses the word "resource" to cover non-human creatures living in the oceans. The automatic assumption that nature is a resource for corporate and human use is an indication of our total alienation from the natural world. It implies a human-centered, utilitarian world view and that humans are somehow the pinnacle of evolution.

The word "stakeholder" means anyone interested in MPAs, lumping together those who want to exploit the oceans with people who have ecological and social interests. It makes no distinction between, say, inshore fishers who have a long term personal commitment to living off of the oceans, and oil and gas companies who pack up and move whenever richer fields are found. The concept seems to imply that out of the various competing interests, a lowest common denominator, general good will emerge.

Ultimately, we are all stakeholders in a planetary well-being sense, yet non-human stakeholders are not considered. In terms of MPAs, who has more at stake than the seals, the fish and the algae?

The Oceans Act says that its legislation upholds existing treaty rights of aboriginal peoples as outlined in the Constitution Act of 1982, under section 35. Translated, this means that a MPA can be subject to exploitation by aboriginal peoples. This puts ecology subordinate to human society.

The DFO seems to have replaced Parks Canada

as the leading federal agency in marine protection, yet it has been intimately concerned with promoting corporate exploitive interests in fisheries policies. Put another way, the DFO does not question the assumption that marine ecology should serve the industrial capitalist economy. For Parks Canada, maintenance of ecological integrity was considered the first priority in park zoning and visitor use.

The nature of our capitalist society influences how we think about MPAs. I support protecting marine areas, but free of human exploitation. MPAs need to become a reflection of ecocentric thinking. The question is: Will MPAs be the beginning of a new ecological way of preservation or a subterfuge for the continued industrial exploitation of the oceans using greenwashing?

A step in choosing marine areas to protect is to assess all the stakeholders. Humans are one group-those with a direct economic interest being only a sub-group. After all, the term protected area implies protection from humans. The other stakeholders, who usually remain voiceless at meetings, are the marine animals, plants and other organisms. Their interests have to be given more weight than human concerns. MPAs cannot be just minor set-asides. We cannot have dead zones between them.

MPAs are not about creating wildlife reservations, because the nature of our society influences life inside these areas. Wider phenomena, like global warming, do not stop at MPA boundaries. Therefore a new, global, marine vision is necessary. Why don't we set aside oceans giving them protected status and then have workshops and meetings about which small areas should be opened up for human exploitation, of course, done sustainably?

David Orton, is coordinator of the Green Web environmental research group. He lives on an old hill farm in Nova Scotia, Canada, and engages in developing the left biocentric tendency in deep ecology.

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SALMON FRY RELEASED INTO SHEEPSCOT RIVER. CAPTIVE WILD SALMON ALSO FREED.

IN MAY, VOLUNTEERS organized by the Sheepscot Valley Conservation Association released around 200,000 Atlantic salmon fry in the Sheepscot River Watershed. So young that they still have their yolk-sacs, the inch long or less young salmon were released into selected locations in the Sheepscot river and three tributaries - the West Branch, Trout Brook and Choate. Those fry that survive through three years of parr-dom and smolt-hood will enter the Gulf of Maine, not to be seen again for two to four years when the spawning imperative brings them back to the Sheepscot.

Earlier (January) 49 adult salmon were released from their lengthy incarceration as Sheepscot River captive broodstock back into the Sheepscot River. Welcome home!



Aquaculture fish pens, Blue Hill Bay, Maine. For stories related to aquaculture, see page 5. Environmental activists across the globe are concerned about the impact of salmon aquaculture on native species. In Scotland, for instance, local populations in coastal rivers with fish pen operations have become extinct. Impacts include genetic contamination, fecal wastes and other contaminants. Salmon are fed fish generated from ocean fisheries subject to over-harvest. Large, multi-national corporations operate pens in Canada, the U.S., Scandinavia and Chile. While public officials hold aquaculture up as an economic development tool, local residents see a taking of the public marine commons and a diversion of food sources from starved ocean ecosystems.

A critique of Maine Logging Industry and the Bonded Labor Program: An Economic Analysis

Prepared for MDOL hearing, May 2nd in Presque Isle

By Mitch Lansky

THE PAC AND THE Irland Group study on the bonded labor program for the DOL is an important resource for discussions on logging labor in Maine. Although the study contains valuable research, it does have some flaws. Some of the details (for example, figures on logger wages) have limited value because they were derived from small samples of a complex workforce. Some conclusions in the study are editorial opinions rather than statements of fact.

In some cases, there are alternative opinions that better fit the facts. My general points, based mostly on the research in the study, are that:

There is a major imbalance of political/economic power in the woods industry. This power imbalance has been used to cut costs for landowners and mills at the expense of workers (who have the least power). The study found that landowner profits have gone up 169% since the 1970s, but inflation-adjusted worker wages have gone down 32%.

Despite a surplus of workers displaced by mechanization, employers are claiming that there is a labor shortage. In a "free market," a labor shortage would lead to higher wages and worker recruitment—not declining wages as is the case in Maine. The labor "shortage," used to justify the bond program, is a shortage of American workers who want to work at artificially low wages.

The study's argument, that raising wages will not attract more workers, is flawed. Wages are currently low, given the level of hazard, hard work, hours from home, and necessary skills, and they are not competitive with wages for similar work in other states. The study did not determine what a reasonable wage should be for logging. While the bond program is not the primary cause of low wages, it is a contributing factor.

The key benefit of the bond program to employers is that they can offer a low, take-it-or-leave-it wage. If domestic workers leave it, there are Canadian workers who will take it. This leverage represents an adverse impact to domestic labor. The bond program is a form of government price fixing to deal with an imperfect market. Unfortunately, the government has set minimum wages too low to remedy the problem.

Indeed, logger wages are well below where they would be in a true free market. Government should take a comprehensive approach that benefits loggers, their communities, and the forests as well as owners of land and mills. Young, potential loggers will not enter the logging work force if they see low wages, diminishing timber supply and little opportunity to negotiate for better conditions. The current situation is an opportunity to take positive steps to deal with long-festering problems regarding labor in the Maine woods.

While I will use some general conclusions from the study, some specific numbers are questionable. One interviewee (pg. 228) stated that reliance on the document for policy making is "worrisome" due to small sample sizes and differing interpretations of those being surveyed. To some extent, I agree. For some data, sample sizes are small (pg. 84, for example, only 20 Americans sampled for non-overtime hourly wage). It is not clear that these small samples are truly ran-

dom or a balanced representation of the complexity of the work force.

There could be a bias if some job types or areas represented in sampling are greater than their actual proportion in the work force. No confidence levels are given for the various statistics. The study is not always comparing apples to apples. When talking about loggers, it is not clear who or what a "logger" is. The word "logger" is used differently at different times and may include: loggers on industry land, loggers on small private lots, covered employees, independent contractors on piece-rate, supervisors, contractors, or heavy equipment operators on wage. Bonds also take many jobs besides "all-round logger," including truck driver, heavy equipment operators, or road-building workers (pg. 60). Averages of such disparate jobs are not entirely useful. The study should have stratified samples more by differing jobs and by regions. Some graphs do not show bell curves, but rather patterns that show different peaks indicating mixed populations with overlapping means (pg. 86 for example).

The study emphasizes that bonds and domestics are not always competing for the same job (pg. 184)—thus comparing averages of the two classes as a whole can be misleading. Multiplying the "average" hourly wage times average hours per week and weeks per year does not equal the "average" \$31,505 annual income cited by the study (pg. 14). Some of the results of the opinion surveys are questionable because those interviewed had a strong motivation to be dishonest. Some potential participants did not see the study as harmless or neutral. Some contractors and loggers declined interviews. It is not clear if their omission led to a bias in outcomes. Potential participants were aware that the study could lead to policy changes that could cause negative impacts to them. Contractors who use bonds knew that if they stated that the prime reason for hiring was other than a shortage of domestics, the program could be terminated. The key finding—that there is a serious imbalance of power between landowners, contractors, loggers, and mills—is not a matter of dispute and has been documented repeatedly over many studies. Landowners and mills (sometimes the same entity) have monopsony or oligopsony market power. The study makes a strong case (hypotheses 3 and 4) that mills and landowners have put wood harvesters under a severe cost squeeze.

The region is susceptible to domination due to: Sparse population, Geographic isolation, An underdeveloped economy, Few employers, Limited opportunities, High costs of moving to switch jobs (can't sell house), Little competition between employers. The study refers to "the landowners' ability to transfer profits from contractors..." (pg. 144) "No one has reported to us that contractors have had any ability to retain benefits of lower WC costs or improved productivity for themselves and their workers." (my emphasis).

The study documents how landowners have used their political/economic power to cut labor costs, leading to an increasing disparity of wealth. The study listed long-term changes that have hurt labor's bargaining ability (pg. 145): Ending of company crews; Making unionization more difficult; Getting rid of responsibility for wages, benefits, and WC; Putting these responsibilities on contractors.

The study documents how contractors have little power to negotiate with either landowners or mills (pg. 146)—mostly take it or leave it. Most contractors say profitability is going down. Contractors are in a "double squeeze" from landowners and mills (pg. 144). They pass that squeeze down to labor. Many landowners are going to CLS, where power of contractors to influence prices is even

lower (pg. 149). Contractors have cut labor costs by mechanizing, subcontracting, and fudging. Mechanization makes contractors more vulnerable—they must make payments, so they must cut wood.

While profitability of landowners went up 169% since the 1970s, and productivity per worker went up 74% or more, *real wages for loggers went down 32%* (pg. 138). "The trend in the wood harvesting industry in Maine is far more severe than the national pattern." (my emphasis)

Subcontracting has created a class of workers who are not subject to protections such as WC, OSHA, FICA, or Unionization (pg. 63). "...from the standpoint of US labor law, these workers do not exist." (pg. 64) There are major social impacts from these changes towards reduced wages and reduced power. *The overwhelming majority of loggers and contractors, both domestic and bonds, are telling their children to not get into the logging business. "The intergenerational chain which has produced loggers in the woods for perhaps hundreds of years may be strained to the point of breaking."* (pg. 198) (my emphasis)

The study cites complaints that it is increasingly hard to recruit new loggers—the average age of loggers is rising. The labor "shortage" used to justify importation of bonds is artificial. Despite a surplus of workers (displaced by mechanization), companies who want to hire bonds argue that there is a shortage of labor (pg. 138). The study does not do a good job of explaining this obvious paradox. The study should have emphasized that *there is only a shortage at the employer asking price*. If Americans will not work at that asking price (which is non-negotiable) there are Canadians who will. This has already been demonstrated. Employers don't have to raise wages, so they don't.

When employers were asked if they would raise wages 10% if it would end the labor shortage, 70% said no, 12% were unsure. (pg. 207). The study's argument that raising wages will not attract more workers is flawed. The study argues: "Nor is there any indication that Maine workers require premium wages to work in the woods under remote conditions in jobs with relatively high accident rates" (pg. 77)

The study argues that the logger labor pool is "inelastic" and will not respond to higher wages. (pg. 214). This argument is an example of the fallacy of hasty generalization. Because the average logger has low elasticity does not mean that all loggers have low elasticity.

The study neglects that some loggers have responded to lower wages...by leaving. Some loggers have moved to other jobs or to other states where logging wages are higher. Loggers with less ability to respond to wage price changes are the ones who remain. It is not the average workers who respond first, but the ones on the margin of the elasticity curve.

The study does not ask *what* wage level would bring in more domestic labor. If wages were high enough: Labor would come from a distance. Displaced loggers might decide to come back. New loggers might enter the workforce.

The study argues that a 1% increase in wages will not lead to a 1% increase in worker supply. (Hypothesis 10). *If logging wages in Maine are dramatically lower than in other states, than a 1% increase in wages in Maine would still leave wages too low to be competitive.*

Rates for feller-buncher operators in western states in 1998, for example, were more than twice the rates in Maine (\$28.68 CA, \$20.32 ID, \$23.70 OR, \$10 ME). The study does not assess how a change in wages might impact the cost of making lumber or paper, or the competitiveness of these industries. The study admits that logging wages are higher in other states (pg. 77), but dismisses this as an issue

because wages for construction, heavy equipment operators, and similar occupations in this region are also low. Indeed, the study states that these other wages would be considered "very low" in other states (pg. 77). The study does not entertain the possibility that thousands of displaced loggers might have a depressing impact on these other wages—since these are the jobs that displaced loggers would consider first.

The majority of contractors said there *are* advantages to hiring bonds (pg. 172). The study was weak at explaining what the benefits are. The study rejected health care, exchange rate, or subsidized equipment as significant benefits (pg. 189).

The study did acknowledge that "the exchange-rate differential and the Canadian healthcare system are likely advantages for Canadian workers." (pg. 91) "We are not persuaded that there is merit in viewing these as matters of fairness, nor is it evident to us that their existence has had more than a marginal effect on logging labor markets in northern Maine..." (pg. 189) Yet the study gave very little information to back up this opinion. *The major benefit of the program is that bonds will work for wages and in conditions that many Americans will not.* This is not theoretical, it is established.

Most loggers are aware that the bond program is not the *major cause* of low wages in the region, but that it is a *contributing factor*. Other factors include: geographic remoteness, absentee ownership, export of raw sawlogs (and loss of local value added), and lack of economic diversity. Few apples fall off a cart as it leaves town.

The study admits that the bond program did have an adverse impact in the past and has a limited adverse impact now. (Concerning the 1930s to 1970s) "Very likely the dominance of woods work by Canadian contractors and workers during this period contributed to lack of opportunity and continued population shrinkage in these towns." (pg. 173)

The study admits there is an adverse impact now in some areas (St. John Valley, pg. 185), but dismisses it as "insignificant" compared to the entire economy of Aroostook County or the state. This is argument by dilution—bigger impacts in small areas get drowned by smaller impacts in bigger region. The study is not clear as to the implications of the finding that there is an adverse impact to American workers—even if it is to a limited region.

The study argues by attacking a straw man—the belief that eliminating the bond program alone and taking no other actions would lead to the solving of labor problems. The study discusses possible complex adjustments in mechanization, wages, or price of equipment if the bond program were eliminated. The study quotes a "shrewd" observer that US workers should "be careful of what they wish for..." Because they might get it. (pg. 175)

The study emphasizes a number of times that loss of Canadian jobs would not lead to a 1-to-1 equivalent of American jobs (pg. 184). Because simplistic solutions might not work does not mean there should be no attempt to solve problems or come up with more comprehensive approaches. Because there might not be a 1 to 1 impact from changing or eliminating the program does not mean no benefit at all. Current approaches are simplistic and are not solving the problems.

The study uses weak arguments to justify importation of foreign labor. The study argues that the international boundary is an artificial barrier in a natural labor market (pg. 184). The study argues that the labor pool in Quebec and NB coming in to Maine is little different from "New Hampshire or Massachusetts work-

What Country is This?

DOL Tells Allagash Loggers Why They Can't Make a Living Large Landowners Skip Meeting

MAY 2ND, PRESQUE ISLE — The Maine Dept. of Labor chose the remote town of Presque Isle, on Tuesday May 2nd, to hold what they referred to as a 'forum' to discuss the \$100,000 study they commissioned Pan Atlantic Consulting from Portland and the Irland Group to do on the viability of the now infamous Bonded Labor Program. It was like one of those "what's wrong with this picture" scenes — who is missing?

Looking around the thin crowd, one saw a couple dozen loggers, a handful of union representatives, a dozen or so environmentalists from Native Forest Network, some press people, some community leaders, one state representative and staff from the County field offices of Collins, Snowe, and Baldacci. At the front of the room was a square of tables (putting some backs to the "audience"), designated for the "Logging Subcommittee", a hand-picked group that Alan Hinsey, the director of Labor Statistics, convened. Here, among the three loggers from the Allagash, the Contractors' Representative, three men from US Dept. of Labor and three from the Maine DOL, one saw a collection of unused place cards stacked up and long stretches of empty spaces. Facing the audience were the authors of the Pan Atlantic Study and Mitch Lansky, forestry expert and environmentalist, who was invited to share his critique of the study.

Who was missing? Landowners. Contractors. The guys making profits and depleting the resource. The ones who have nothing to lose.

Things were off to an ominous start when Ray Lopez from the USDOL admitted that he didn't know why they were unable to obtain the percentage of Canadians who belong to the Paper and Chemical Employess (PACE) union (the only local organizing in the Maine woods), a figure that was key in determining whether or not the union had the right to establish wages below prevailing rates, as the union has done.

Hinsey read a letter from the USDOL that contradicted an earlier letter that said that if the union sets a wage below prevailing wage, and it has a majority of Canadians in the union, that wage cannot be paid to American workers — the higher prevailing wage must be paid to them. The new letter not only changed the USDOL's position 180 degrees on this, but also stated that whatever the union determines to be the wage scale will be the prevailing rate for all woodworkers, no matter how low.

Then PACE representative Lucien Deschesne stood up and admitted three counts of great consequence: one, it was he who had withheld the numbers from the DOL because he felt they would misinterpret them. What he seemed reluctant to spell out was that nationally, the union has a very low number of Canadians, but locally it is 80%, a figure that would invalidate the low wage scale that the union supports.

Two, he admitted that for the past 15 years he believed that the union had agreed to a higher

ers coming to work at the Kittery Shipyard, the United Aircraft plant at Berwick, or wood products plants at Bethel. They are simply politicized because of the international boundary. One hears no talk of protests over these cross-border movements of workers."

This argument is more editorial than objective reporting, and reflects a bias. This argument might not be so well accepted in California or Arizona in regard to Mexican labor.

Wage levels, government programs, and laws are different in other countries. International borders are not the same as state borders — except, perhaps, for multinational companies. Citizens pay taxes and expect their government to benefit them, rather than benefit people from other countries at their expense. The bond program is a form of government market intervention in an imperfect market.

The study states that the "H-2 Summer Solstice 2000

program is an effort in government price fixing in a labor market." (my emphasis) The study authors support that role: "We support the idea that employers be required to pay hourly minimum wages or their equivalents..." (pg. 217)

The key problem (not focused on by study) is that *the government is fixing wages at levels that are too low. Real wages are falling. The study argues that free-market prices could be 36% higher (pg. 210), which is still 10% lower than real wages in 1975 — which were low enough so that loggers went on strike then. Even if modest increases in wage were not sufficient to attract enough workers to totally eliminate a labor shortage, an increase in wages is still justified to stop this slide in real income.* Many workers are putting in 60 hours a week or more (plus transportation time). Is this job dedication, or an attempt to make enough to live on?

The ratio of bonds to domestics for covered labor was actually higher

wage scale and he now realizes it has been below the prevailing rate that has been established, a fact the Allagash loggers have been trying to get across for many years now. And three, he admitted that there is no hourly minimum to protect against depressing wages. The prevailing rates are based on prevailing practices, no matter how bad they may be.

The pair who authored the study ran quickly through their paces, reviewing the methodology and findings. They concluded that in fact there is a labor shortage and therefore the Bonded Labor program, which had been created to overcome labor shortages during WWII, should stand. Someone from the audience asked them how they drew that conclusion. They blinked. "Do you really want to know? Well, we used the Bertrand Game and the Cournot Game developing equations based on inverse labor supply elasticity — is that what you wanted to know?"

Mitch Lansky put the spin of simple logic to the question: It is a false labor shortage, caused by wages so low that families have been forced to leave the place they have called home for generations. It is a labor shortage created by and for the dominant landowners. He pointed out, from the study's own findings, that in the past 25 years, the large forest landowners has realized a 169% increase in profits, while Maine loggers have witnessed a decline of 32% in real wages.

At one point in the meeting, when it became obvious that government officials were all passing

the buck on taking responsibility for doing something to help the loggers, some audience members suggested that the answer was for loggers to organize.

The Allagash loggers responded that to the extent that they organize, they get black listed and replaced by Canadians. If Canadians organize, they are not invited back to work in Maine. Sandy Brawders, representing the Professional Logging Contractors of Maine, said that her members can't even talk about certain subjects in public meetings for fear of losing contracts with the big landowners. Lansky responded to this line of talk by asking the audience, "Where are we? What country is this? Is this America?"

At the end of the day, Alan Hinsey announced the formation of subcommittees to deal with some of the issues raised by the general committee. One issue is to come up with prevailing rates for the dominant machinery in the woods, such as grapple skidders and feller bunchers. For all the years of the bond program, the DOL has only set rates for chainsaws and cable skidders. Canadians have been able to bring in the prevailing equipment with no government regulations.

The legislature is forming a committee that will also address import of Canadian labor and export of raw sawlogs: "a Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry." The Allagash loggers have seen studies and committees over many years. The studies collect dust on the shelf. In the mean time communities are in decline and so are the forests that sustain them. — Nancy Galland

in 1998 (.27 to 1) than in 1975 (.19 to 1) despite the program (pg. 176) (though this is going down) The DOL has not set prices for the most widely used equipment — grapple skidders and feller bunchers. This is a serious deficiency of the program. Government should take a comprehensive approach that benefits loggers, their communities, and the forests they depend on, as well as those who own the land and the mills. If the government is going to set prices to correct for a severe market imbalance — it should find out what a fair price would be given levels of skill, hazard, and travel. Loggers don't just need skill in cutting trees with minimal damage. They also need to be: Forest technicians (there is very little marking of trees, so loggers must decide what trees to cut), Mechanics, Businessmen, Aware of all laws, regulations, and BMPs.

Loggers are being asked to do more (such as follow SFI or CLP

guidelines) but are making less. Loggers should make more than burger flippers in Portland—but many do not. Investment in loggers should be seen as an investment in better forest management and increased future revenues. Logging is supposed to be part of forest management (a topic hardly mentioned in the report). Avoiding mention of forest management in a discussion of logging is like avoiding discussions of sex in a high school dealing with an epidemic of teen pregnancy.

Government studies show that over last 15 years, the level and quality of logging has produced some serious problems: A decline in inventory, A shift to lower-valued species, An increase in acreage of seedlings and saplings, A decline in hardwood quali-

Story Continues on Page 23



Missing: Empty chairs at the May 2nd meeting intended for landowner representatives

Greenbacks and Green Goals: Economics & Environmental Forestry

by Mitch Lansky

CAN LANDOWNERS manage for biodiversity and still make a decent economic return? That was the major theme of the May 4th Munsungan conference at the University of Maine and attended by around 150 participants. The conference was sponsored by the Forest Ecosystem Information Exchange, a group formed by John Hagan of the Manomet Bird Observatory after the end of the Maine Forest Biodiversity Project. The goal of these conferences is to answer the following questions:

- What do we know?
- What can we do with what we know?
- What do we still need to know?

Conference speakers represented a mix of landowners—industrial, timber management investors, large family-owned, public, and smaller private. Labor, concerned citizens, and forest community citizens were not represented. This lack of representation made the conference unbalanced, even with the mix of landowner types.

FOREST ECONOMIC PRIMER

David Field, a professor at the University of Maine, started the conference off with a primer on forest economics. He stressed the "four Ps":

- Is it possible? (biologically),
- Is it profitable? (economically),
- Is it permissible (legally), and
- Is it practical?

Dr. Field stressed that forest economics deals with efficiency at accomplishing goals. Some of these goals include intangibles such as aesthetics. He briefly went over basic concepts, such as: returns on investment, the cost of money over time, real (inflation-adjusted) prices, unpriced values, taxation, risk, multipliers, and opportunity costs (the cost of not investing the same money elsewhere).

Unfortunately, conference goers did not have the luxury of learning about or discussing some of the more controversial sides of forest economics. We did not discuss the appropriateness of discounting future benefits that we will never live to see. We did not discuss the problem of externalizing costs to others in the present or future. We did not discuss the market itself—which is dominated in the north landowners who can dictate artificially low prices for labor and paper mills that can set artificially low prices for purchased wood. We did not discuss the perverse incentives that result from tax breaks and subsidies.

These market "imperfections" can have a big influence on prices and, ultimately, on how much wood products people consume. If there is no full cost accounting and commodities are artificially cheap, then labor and forests can be cheapened. Increased consumption (egged on by advertisements) can lead to increased forest degradation.

Only occasionally did we have a glimpse that the market might not be completely "free." Consulting forester, David Parker, had a number of complaints about environmentalists being a major threat to timberland owners in Southern Maine. He also was concerned that the price of pulpwood is so low that it might be better to leave it on the ground than to ship it to the mills. David Field earlier explained such pricing when he rhetorically asked (and then answered), "Why don't paper companies pay more for their pulpwood? Because they don't have to."

RESERVES AND GLOBAL TIMBER SUPPLY

The keynote speaker was Brent Sohngen of Ohio State University. He presented the results of a complex model of the world's forests. He and his colleagues projected timber supply, productivity, and prices over the next 150 years to determine the impacts of taking forests out of production for reserves. His model predicted that there would be some negative impacts, including increased use of plantations in the tropics and increased use of marginal or currently inaccessible forests. Tropical forest plantations, he contended, were the most productive and the best investment.

A questioner from the floor wondered why, if environmentalists were powerful enough to get 10% of the world's forests into protected reserves, would they be so weak as to allow the negative impacts that the model was projecting over the next 150 years? Sohngen admitted that the model did not take that

possibility into consideration.

CERTIFIED GREEN

Blake Brunson, chief forester for J.D. Irving (JDI), made the case that certification is necessary and increasingly popular. He surprised and disarmed the audience with his admission that there is a lot of room for improvement in industrial forestry, including the need for more openness to concerns of other stakeholders. When asked if woodlot owners could see a premium for wood delivered to mills he responded, "Not from us."

When asked how his company could justify increased costs from certification when the market gives no premium, he said that JDI would have done these practices anyway because, "it's the right thing to do." He implied that (besides the costs of the audit) there were no real extra costs. Other landowners (Chip Bessey and Roger Milliken), however, could



not justify the increased costs, and are not currently pursuing certification. Brunson's insistence that JDI would be doing this anyway contrasts with the company's resistance to accept the guidelines of the regional Forest Stewardship Council's Maritime standards committee. The committee recommended that certified landowners wear themselves from biocides. JDI, instead, has been playing hardball with the committee to make it back down from recommendations that Irving does not want to follow.

FAMILY LEGACIES

Chip Bessey and Roger Milliken gave the perspectives of families owning large acreages. In both cases, the lands they own got hammered earlier in the 20th century. Bessey is managing by selection and not seeing very good returns. Costs are going up faster than revenues. His value is on the land, but, unless he sells off parcels, he won't have that value in his pocket.

No one mentioned an economic analysis done by the U.S. Forest Service of a range of cutting methods done on the Penobscot Experimental Forest in Bradley over the last 40 years. This study, by Paul Sendak, showed that both productivity per acre per year and managed forest value are highest for shorter-cycle selection cuts. The key assumption of this study is that the forest will be managed in perpetuity. Maybe if the Bessey's persist and value improves so will revenues.

In response to a question from the audience concerning the risk of having too much inventory, Milliken made the point that the forest is both the product and the factory producing the product. If he wants more value in his product, he has to ensure that the forest is intact. His method of managing his fam-

ily's 100,000 acres is to use shelterwood on 80 year rotations, cutting in small blocks (15-25 acres). In 80 years, one wonders where large blocks of late-successional forest (older than 100 years) will be on his land.

Both Milliken and Bessey stressed the importance of passing on the land ethic to the next generation. Without this ethic, the next generation might decide to cash out. They jokingly suggested that they instill this ethic through brainwashing.

PUBLIC LANDS

On public lands, maximizing returns on investment is not the dominant goal. Government agencies have to manage for many public values, and, to some degree, they have to set the example of good forestry.

In the case of Jensen Bissell, who is managing the Baxter State Park Scientific Management Area, exemplary forestry is a prime mandate. He ensures that his workers are well paid so that they do excellent work with minimal damage. Bissell says he knows his costs, but he does not know yet what the benefits will be in the future.

Managers for the White Mountain National Forest and Maine public reserved lands have additional mandates for managing for wildlife and recreation. On these state and federal lands, there are areas set aside (or will be set aside) for reserves. Bissell has Baxter State Park abutting his management area.

Unlike Bissell, these other state and federal land managers are currently not paying premium wages to workers, but are putting most of their cutting areas up for bids. For both state reserved forests and White Mountain National Forest land, new plans are in process, and policies on labor and export of logs may change.

TIMBER MANAGEMENT INVESTORS

One of the most detailed presentations came from Steve Mongan, of Landvest. Mongan represents a wide array of forest land investors. Most try to make a minimum of 7-10% returns on their investments with a time horizon of 10-15 years (or when the market is right). He also mentioned "wholesalers" who look for much quicker turn arounds with higher returns. Most people call these "wholesalers" "liquidators." Mongan attributed environmental values to all his clients, including wholesalers who, he added, are benefiting society by offering house lots to those seeking land.

Mongan showed that returns on investment come from more than just timber growth. Investors look also at grade changes, price improvement (sawlogs are increasing in value faster than inflation), and "buying smart." Investors also learn to take advantage of tax breaks and easements. Indeed, some recent investors have had a good percent of their purchase price paid back in publicly-funded easements (mostly around beauty strips) that allow them to do whatever they were going to do anyway. He suggested that smart investors can get good returns and still do environmentally sensitive management. He cited the Lowell investment at Attean Pond as an example, but neglected to mention that Lowell sold most of the land to a logging contractor from northern Maine. Sustainable forestry should be for more than just 10 years.

ENVIRONMENTAL INVESTORS

The Nature Conservancy (TNC) recently purchased 185,000 acres from International Paper, and Barbara Vickery and her colleagues are not sure what to do with it. Vickery showed slides of some areas that have been heavily clearcut. She called these clearcuts, "openings," much to the amusement of industry foresters. She mentioned that there is evidence of lots of fires in the region and wondered if clearcutting might be an appropriate mimic of such natural processes. Industry foresters smiled even more.

The Nature Conservancy has a big debt that it must pay off in five years. While some of this money is coming from fund raising, some will come from cutting timber. Only 20% of the land is targeted as reserves for now. Ms. Vickery did not discuss whether the TNC will use Canadian labor to cut the wood or whether the company will export raw sawlogs to Quebec. It certainly would be ironic if Maine loggers blockaded the border to Quebec to protest management practices of an environmental group like The Nature Conservancy, along with green-certified companies like J.D. Irving.

INDUSTRIAL FORESTRY

Industrial landowners are making money for their shareholders and managing sustainably—and if you don't believe it, ask them. Si Balch of Mead said he is shooting for a 5-15% return after taxes. Traditionally, mills have used their lands to "stabilize prices" for purchased wood. Some mills, lately, have been getting rid of their timberlands and buying all their wood. He noted that investments in forestry take a long time for payoff and also showed charts indicating very low proportions of sawlogs, especially in hardwoods.

DOL Study — Flaws & Biases

(continued from page 21)

ty, and Unacceptable levels of logging damage and poor stocking.

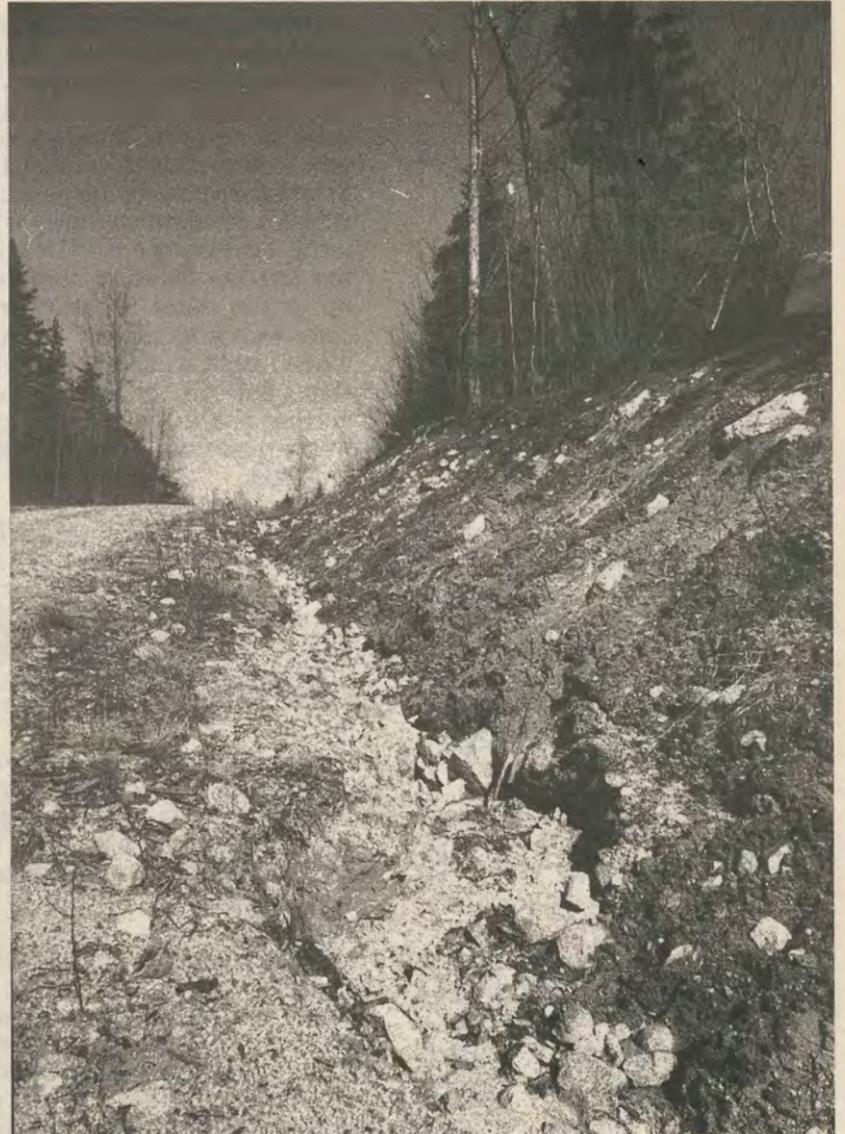
Forest management can increase the economic value of forests over the long term — making increased costs for logging justifiable. Rather than cut costs for labor and be satisfied with low-quality work, it would be better to increase long-term revenues from better management. The study did acknowledge that “shoddy skidding will damage residual trees, and unnecessarily destroy established regeneration...” (pg. 133)

Investment in good management requires an investment in skilled, trained, labor — labor that is worth its cost. Payment has to take into account real cost of machinery and labor based on cutting conditions (stocking, size, terrain, removal rate, skidding distance). Examples: Scandinavia and LIFP

Maine can start by setting examples on public lands. Training alone is not sufficient to fix the problem of attracting new workers if trained workers face falling wages, diminishing power, and a declining timber inventory. In Sweden, logging is a well paid, well respected profession requiring serious training (not just 4 day class). In contrast to Maine, Sweden's labor is organized and the government is respected by all parties as an impartial negotiator. Loggers (and potential loggers) in Maine need to know that future prospects for logging are better than what we have today. Young people are wise to avoid a job with poor wages, low status, and an unsure future.

The solution is not public relations, but action. The government can recognize that “implicit contracts” (pg 132) with large landowners are in reality employer-employee relationships. Loggers should be paid wages, given benefits and get paid vacations like other workers in the 21st century. Loggers should have better chances to organize for better wages and conditions — so that relationships with landowners and mills are not so one sided in terms of bargaining power. Loggers should not have to work 50, 60, or more hours a week to make enough to live on.

The government needs to deal with market imperfections and the imbalance of power. To what extent is current policy encouraging this? To what extent can policy be changed to make a more favorable market environment? The current situation is an opportunity to do something positive for workers and their communities. The solution we seek should be one that benefits the industry as a whole — including landowners, mills, workers, communities, and the forest — not just one interest at the expense of another. The issue is complex, but the first step is a no-brainer — pay loggers more money. — M. Lansky



Champion Forester Testifies on Erosion

On the following pages, we offer a mix of information and opinion that may or may not be sufficient for you to evaluate where the truth lies in Clean Water Act rule changes proposed by the Environmental Protection Agency. Here is a portion of the written testimony to the EPA of Champion forester Joel Swanton. We selected those portions of his testimony that go best with the photos above and on following pages that illustrate some of the conditions on Champion lands now held by the state of Vermont. Pictures are of course a selection from reality, so I also urge your own hiking boot evaluations this summer in northern New England, particularly on those corporate lands open to day use. Decide for yourself. Thanks to Apricot Brandy for these photos.

“We, and the communities we live in, depend directly on the health and productivity of our forests for our livelihood. One of the core values and responsibilities of forestland ownership is water quality. We take our responsibility for water quality seriously. Our ownership in New Hampshire, 170,000 acres just north of here, includes the headwaters for the Connecticut and Androscoggin Rivers. Both important bodies of water in this region.”

“In our region, silviculture is not a significant threat to water quality. . . Champion's forest management activities in the northeast region include harvesting, forest management road construction, and other silvicultural activities to improve the health and productivity of our forests (planting, thinning of young stands, herbicide treatment to control competing vegetation, etc.). All of these activities have planning and monitoring components that address water quality.”

“In Maine, we abide by state regulations which govern the amount of wood we can remove in a streamside management zone. Best Management Practices developed with the state govern, for example, how we build roads, how we build culverts, and how a logger can drive a skidder through the woods during harvest so that it does not create a channel that might cause soil erosion into a stream.”

“Ongoing monitoring of our property by state natural resources agencies and informal monitoring by members of the public also assures that if a water quality concern arises, we are aware of it.”

“SFI [The Sustainable Forestry Initiative] requires that we establish riparian protection measures for all streams and lakes.”

“In Maine and New Hampshire, we participate in an SFI process for the public to raise concerns about forest practices that appear to be inconsistent with SFI principles. By calling 1-888-SFI-GOAL, people can identify a site-specific area of concern, such as water quality, and be assured of follow up on that operation by a forester that will focus on education and change in behavior, if necessary.”

CONFERENCE . . .

He neglected to mention that timber quality has declined after half a century or more of industry management.

He, like Dave Parker, saw the biggest risk in forestry coming from environmentalists and regulatory changes. “It's OK to want things,” he told the group, “but not OK to take them.” He made a strange argument that acknowledged that the public did have rights to clean water and wildlife, but somehow this got turned around to mean that when the public tried to protect these rights it was somehow taking without compensation. He said, “Give us incentives,” instead of laws or mandates. This argument, to some, is akin to asking for incentives to not speed or beat one's wife. Organized crime calls it “protection.”

Balch also suggested (in questions to other speakers) that holding a lot of inventory leads to higher risk. This contradicted Milliken's analogy of the factory, but, perhaps, explains why, following this risk aversion philosophy, inventories on industry land dropped precipitously from 1982 to 1995. Growth rates on industry land have also been very low. After all, the companies removed the factory along with the product.

Risk is an important topic for forestry investment. It is not clear how ineffectual regulations that only stop the most egregious practices increase risk. Heavy cutting that leads to poorly-stocked stands does increase the risk of windthrow. Excessive residual stand damage increases the risk of lowered productivity and lowered future values. Diameter-limit cutting that removes larger, more windfirm, more vigorous trees, increases the risk of windthrow, insects, diseases, and lowered productivity.

Depleting “natural capital,” such as habitats, species, or soil productivity, should not be computed as “income.” Ironically, shoddy forestry not only increases risks to the residual forest, but also increases the risk that the public will get more serious about more effective regulations.

Plum Creek recently bought a million acres of former Scott/Sappi lands. The company is now one of the biggest

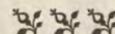
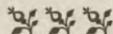
forest landowners in the US. Most of its revenues come from milling lumber. According to James Lehner, only 3% of revenues come from land sales. The company does not have mills in Maine and is trying to do smarter marketing.

Lehner told the group about all the company's environmental principles and its adherence to SFI (industry's Sustainable Forestry Initiative). After he talked about their internal audit by Price Waterhouse Coopers, a questioner in the audience wondered about some news he heard recently about conflicts of interest in that company. Another audience member stated that some executives at Price Waterhouse got caught investing in the companies they were auditing. Lehner assured the audience that this was not related to forestry audits.

Steve Young, a biologist for Fraser, talked about his company's attempts to monitor for and protect wildlife habitat. When industrial foresters were asked if we know enough to take action to protect biodiversity, Si Balch said no, and asked biologists to give managers more information. Young, however said we'll never know everything, but we do know enough now to do something.

CONCLUSION

The conference, unfortunately, was not adequate to give a rounded picture of forestry economics. Too much time was taken up with public relations and too little discussing key issues. One of the key issues should have been past performance, rather than future promises. In the past, short-term forestry became the long-term mode of behavior. We are left, in many cases, with poor stocking, poor quality, shifts to lower-valued, shorter-lived species, millions of acres of seedlings and saplings, and many damaged trees. It will take time to fix this mess. Stand damage, high grading, and habitat destruction are a cost that this and future generations will have to pay for one way or another. But who pays the costs and who gets the benefits? That was not the topic of the conference.



Fiction Vs. Fact

How EPA's TMDL and NDPES Regulations Pertain to the Timber Industry

from the Clean Water Action Project

On August 23, 1999, the Environmental Protection Agency proposed changes to its National Pollutant Discharge Elimination System (NPDES) program (40 CFR 122). The proposed changes have been misrepresented by industry and others as an attempt to regulate non-point sources of pollution from the timber industry. It's time to set the record straight.

FICTION: EPA's proposed revisions to the NPDES regulations remove a Clean Water Act exemption for forestry activities.

FACT: When Congress wrote the Clean Water Act 28 years ago, it did not include an exemption for silvicultural activities from the definition of "point source." In 1983, EPA decided to explicitly require NPDES permits for some components of forestry operations, while giving most silviculture activities a special regulatory exemption from point source controls. The Agency has now wisely decided that an automatic exemption is no longer appropriate. In only a limited set of circumstances, EPA would consider requiring silviculture activities that meet the statutory definition of a point source, such as those with pipes, ditches or other conveyances, to get NPDES permits. Those circumstances are described below.

FICTION: EPA's proposed revisions would mean that all forestry activities would require pollution control permits.

FACT: While EPA's proposal would remove the automatic regulatory exemption for forestry point source activities, it does not require permits for any forestry activities or even authorize permits for more than a limited set of forestry activities. In fact, the proposal lays out a series of tests that would have to be met before EPA would consider requiring a permit on a case-by-case basis. First, the waterbody receiving the discharge has to fail to meet water quality standards. Then the forestry operation in question has to be a serious source of the pollutant causing the impairment. Thirdly, the state has to completely walk away from the TMDL process for that particular water – either by failing or refusing to develop an adequate TMDL that will meet water quality standards, thus shifting the duty to prepare an adequate TMDL to EPA. Then, EPA has to find that the activity in fact includes a "point source" under the Act (defined as a pipe, ditch

or other discrete conveyance from which pollutants may be discharged). As you can see, this is a provision that can only be used in severe circumstances – where point source discharges are significantly impairing a waterbody. And in cases where states develop the TMDL, EPA has left the decision completely up to the states to whether the state wants to require a permit. The simple truth is that where states and timber operations are getting the job done to protect water quality, no permit will be required.

FICTION: Existing Best Management Practices are adequate for reducing pollution, therefore silviculture activities that contribute to pollution in an impaired waterway shouldn't be subject to TMDL regulations.

FACT: EPA's proposed changes to the NDPES regulations only apply to forestry point sources of pollution. See first and second fiction/fact discussion above.

For non-point sources of pollution, where BMPs are demonstrated as successful in restoring and maintaining water quality, nothing more would be required under the TMDL program. But let's face it: polluted runoff is the largest remaining source of pollution today. Forty percent of recently surveyed waters are unfit for fishing, swimming, aquatic habitat or other uses and 60 percent of that pollution is from non-point sources of pollution. BMPs and the backstop of the TMDL process are the only programs in the Clean Water Act for reducing non-point source pollution. The federal government provides millions of dollars in grants a year to help implement BMPs. While these programs should be better funded, a TMDL process is the fairest and most efficient way to allocate responsibility for reducing pollution among all sources of pollution. A TMDL would outline what voluntary BMPs were needed for non-point sources, in addition to enforceable requirements for point sources, in order to meet water quality standards.

FICTION: The TMDL program requires non-point sources of pollution to be permitted.

FACT: Non-point sources of pollution are NOT required to obtain federal permits. The TMDL program does NOT allow EPA to require NPDES permits, or any other kind of permits, for non-point sources of pollution such as runoff. Instead, the power of the TMDL program lies in the fact that it requires states to draw together all the programs of the Act and coordinate them to clean up waters. States develop TMDLs for impaired waters, using watershed specific data to determine sources of pollu-

tion and a fair way to divide up responsibility among polluters for lowering water pollution levels.

The program requires that if a state decides to allocate pollutant reductions to a non-point source, there must be a plan put in place to assure the reductions will be made. The plans can be made up of voluntary programs, state regulatory programs or many other means allowed by law. A state could decide to target grant money and staff expertise of the Act's 319 program, state Best Management Practices (BMPS) programs, and other approaches to reduce pollution.

A recent court decision emphatically supported the fact that the Clean Water Act requires the TMDL program to address non-point source pollution, outside of permits. In *Pronsolino vs. Marcus*, the United States District Court found "...as to whether TMDLs were authorized in the first place for all substandard rivers and waters, there is no doubt. They plainly were and remain so today – without regard to the sources of pollution." However, the TMDL program address point and non-point sources of pollution differently – with NPDES permits for point sources and through planning and coordination of existing voluntary programs for non-point sources.

For more information on the TMDL program and forestry and water quality, contact the Network at 202-289-2392 or visit our web site at www.cwn.org.

ATLAS OF AMERICA'S
POLLUTED WATERS
<http://www.epa.gov/owow/tmdl/atlas/index.html>

A NEW REPORT from EPA that includes maps showing waters within each state that do not meet state water quality standards. States listed these waters in their most recent submission to EPA, generally, in 1998, as required by section 303(d) of the Clean Water Act. This provision of the Clean Water Act requires a "total maximum daily load" or TMDL for each listed water. Over 20,000 waterbodies across the country are identified as not meeting water quality standards. These waterbodies include more than 300,000 miles of rivers and streams and more than 5 million lake acres. The overwhelming majority of Americans – 218 million – live within 10 miles of a polluted waterbody.

A key feature of the 1998 lists of polluted waters is that, for the first time, all states provided computer-based "geo-referencing" data that allow consistent mapping of these polluted waters. In order to better illustrate the extent and seriousness of water pollution problems around the country, EPA prepared this Atlas of state maps that identify the polluted waters in each state. The maps are color coded to indicate the type of pollutant causing the pollution problem. And, bar charts show the types of pollutants impairing stream/river/coastal miles, and lakes/estuary/wetland acres.

Source:
<http://www.epa.gov/OW/new.html>

NEW HAMPSHIRE COMMENTARIES ON EPA'S PROPOSED TMDL RULE CHANGE

As Prepared & Circulated By New Hampshire Timberland Owners Association 54
Portsmouth Street Concord, NH 03301

"Additional federal regulation of [forestry] activities would only add an unnecessary regulatory burden to the forestry industry without any clear environmental benefit." — Harry Stewart, Director of the NH Department of Environmental Service's Water Division in a January 20, 2000 letter to the EPA Comment Clerk

"The proposed rule is misguided. It creates an ominous and uncertain federal regulation over silviculture and forest management. . . The regulation of these activities on private lands belongs with the states, not the federal government." — Phillip Bryce, Director of the NH Department of Resources & Economic Development's Division of Forest and Lands in a January 20, 2000 letter to the EPA Comment Clerk

"We believe that the proposed rule changes are onerous in scope and could force land out of productive forestry and into development. Forcing landowners to choose between healthy forests and selling for development is not good for New Hampshire's environment, or for the nation's." — Susan Slack, Policy Specialist for the Society for the Protection of NH Forests in a January 19, 2000 letter to the EPA Comment Clerk

"Regrettably we have a few people in our town and surrounding communities who do not believe a tree should ever be cut . . . These individuals will welcome your proposed rule, especially the opportunity to bring legal action against landowners for perceived violations. It would only take a couple of well-publicized cases not only to curtail logging on private lands, but also to end good and active stewardship on such lands. More private land now open to the public will likely be posted against trespassing." — Whitefield Tree Farmers, in a January 17, 2000 letter to the EPA Comment Clerk

Should the EPA Be Regulating Logging is not the same Question as, Should the Clean Water Act Regulate Non-Point Pollution, is not the same Question as, Will Anything Get Done?

by Andrew Whittaker

The Environmental Protection Agency has exempted from regulation agricultural & forestry operations under the Clean Water Act, terming pollution from these sources "non-point." Under proposed rule changes, the EPA will grant states the authority to require permits of operations discharging pollutants in watersheds deemed to be of impaired water quality.

Industry has whipped up an army of opposition in rural states, informing people that forestry operations will all soon require permits, and that the way is now paved for citizen lawsuits. Meanwhile, some environmentalists question whether these rule changes will get to the heart of the matter, and actually restore water quality on the some 22,000 miles of waters considered to be impaired in the United States. The writer has attempted to arrive at some conclusions after following the story in the microcosm of northern New Hampshire this spring. (Note: TMDL refers to Total Maximum Daily Load)

I ATTENDED THE MAY 6 field hearing in Whitefield, NH out of curiosity after a spate of alarmist articles in local papers on the prospect of the feds regulating logging operations in northern New England. I noticed the articles based on press releases from the New Hampshire Timberland Owners Association so I wanted to know more.

But for the readers' sake, here are my own biases: I am not in favor of good soil washing into streams anymore than I am in favor of good water being fouled by soil. I have seen reports showing that, in Vermont, logging operations tend not to be a major source of sedimentation, in say, the Champlain Basin. Agriculture seems to pose the greater challenge to water quality as does urban run-off. On the other hand, even a cursory tour of logging operations in the Northeast Kingdom demonstrates some problems. Many people within Vermont's state government also seem to feel that Vermont's Acceptable Management Practices are not adequately enforced (usually stated as an argument against further regulation, ie, we don't do adequate enforcement of existing regulations, why add more?)

There also seems to be a history of pressure from the EPA on the separate states to do better enforcement and to also improve water flow — ie, improve watershed health. In Vermont, this pressure is exerted on a state water resources board, which is politically appointed and also subject to pressure from the governor, who is said to have at least once threatened it with a purge if it got too aggressive in its mission. Other mandarins have likewise spoken for the logging constituency in opposing, for instance, changing the voluntary compliance nature of AMPs.

The real question, of course, that most fair-minded members of the public might have, in trying to evaluate the hoo-ha from industry and only dimly aware of inside machinations where all the elbowing occurs, is whether there are real problems with logging and water quality, and whether we can do anything about it. Enter the EPA, the Clean Water Act, and the proposal to establish a permitting procedure for logging operations in

impaired watersheds.

We can be justly dubious of regulation. USDA seems intent on regulating bacteria out of the food system by clamping down on small farms (requiring levels of sanitation that only the capitalized can afford) and promoting irradiation and other forms of dead food. Any permitting system on the other hand can become just that: a permit is obtained for an offending behavior by those who can afford the lawyers or equipment. Hopefully conditions can be imposed that mitigate, but perhaps the offending behavior should not occur at all — thus the nature of compromise. The man-in-the-street argument is that regulation falls on the heads of the small while the offenders go scot-free. I tend to



agree, in that the weight of our system is definitely behind the large, and that we have no political organization that articulates for the small scale.

Instead, we have the phenomenon of corporate giants effectively using the fears of small scale land and business owners to ward off government. The Whitefield hearing was little different, to my mind. I sat near the Champion representative, whose written testimony I procured, and whose pieties compare oddly with those practices on the ground I am familiar with. Champion has added great value to much of its North Country land, much of it now sold: streams run in old skid trails, small ponds sit in skidder walls.

But Champion was only one voice at the field hearing; more numerous were the small landowners who, whipped up by the New Hampshire Timberland Owners Association's spate of disinformative releases, attacked the idea of federal regulation of forestry operations. Forest commissioners Ron Lovaglio and Phil Bryce of Maine and New Hampshire were there, and the usual suspects from Vermont who routinely denounce attempts to regulate logging (while usually being well-positioned to influence the outcome of any regs that do sneak through— thus the nature of compromise.)

I was surprised by the EPA's Charles Fox, and his stout defense of the proposed rules changes. I think

others in the audience were also expecting a lamer, weak defense. Instead, albeit in the language of diplomacy, with Senator Bob Smith seated to his left, he attacked the "blatant misleading statements" that preceded the hearing and colored people's understanding of the proposal. Permits for forestry operations, he said, would be required only from offending operators in impaired watersheds, all under the auspices of the different states' water quality program. Senator Smith's rejoinders continued to strike the theme of responsible, noble landowners presumed guilty before the bar of a towering federal presence, with questionable motives, and water quality not improved in any case. State Senator Fred King threw in his observation that people in Washington (DC) are opposed to the cutting of trees, period, and that further regulation threatens the industry with terminal financial burden. Further comments from the floor indicated that the state of New Hampshire is under siege from tree huggers.

A few people defended the TMDL revisions on the grounds that it won't affect New Hampshire and other New England states, because, in the EPA's own estimation, there are no watersheds impaired in the region. Others roundly dismissed any such defense because the mere existence of these rules would open the prospect of citizen lawsuits. Fox said there would be little chance of frivolous lawsuits, but we only had his word for it. Only recently had a group of citizens in eastern Maine sued aquaculture operations under the Clean Water Act— for, in my view, good reason, including a failure by the state of Maine to adequately regulate and address environmental impacts from salmon pens.

So, what if, indeed, citizens sued states for failure to enforce the Clean Water Act and address non-point pollution from logging? I couldn't see whether these proposed revisions would increase the prospect, and I wondered if they might in fact lessen it. In any case, the whole hearing seemed to me to be a show orchestrated by the good Senator and the small landowner representatives for the benefit of the bigger operators who might actually be impacted— ie, the Champions of the world, which, elsewhere in this country, are being sued for sedimentation events that cross property lines.

And is this show being repeated elsewhere in the country? How about this op-ed from the Raleigh, *North Carolina News Observer* [read it in full at <http://www.newsobserver.com/content/thursday/news/editorials/4502.html>] by Environmental Defense attorney Daniel J. Whittle: he reports a similar pattern in his state, with hordes of fearful little guys duly whipped up by the lobbies, attending a field hearing, probably presided over by a U.S. Senator saying the same things as Senator Bob Smith about his concern for the little guy, while the big operators wax pious about their riparian protection zones. Whittle says of the small landowners, "The fright has been brought on mainly by the shrill outcries of such rule opponents as the timber companies, agribusiness councils and forestry trade groups."

Whittle also alludes to concern by some environmentalists that these proposed rule changes do not go far enough. My own enquiries to grassroots activists raised the concern that many watersheds are under-monitored



(how about Maine?) and that impaired watersheds tend to correlate with good monitoring. I recall Janet Cormier's talk on her BMP survey work, shortly before her untimely death, and her observation that the power of water to do damage is "consistently underestimated in our topography." All of this raises the perennial observation of sapient moderates: since extremists on both ends oppose a solution, it must be good, right?

Well, no. The attacks by extremists often raise real problems that we have to deal with (or the fantasies of ideologies we can dispense with). If small landowners have a confidence problem with governmental regulation, that ought to be addressed— and given the prevalence of small landowners on the boards of governmental bodies disbursing conservation monies (often to themselves) it would seem the mechanism for proactive, cooperative steps exists. If environmentalists are saying we need greater monitoring, and more effectiveness of enforcement, I do not think we are well-served by those who say envoiros should "moderate their demands." Sometimes the extremes are looking at the same problem. In the case of the Clean Water Act, the common thread does appear to be that the big boys are getting off scot free. Meanwhile, the apparatus to keep rural people misinformed is founded on trade groups funded by big industry and buttressed by a local press that too often faithfully prints half-truths as fact, while editorializing in heroic defense of the little guy.

So, two cheers for these TMDL rule revisions, but more to the point, let's get out in the field and start making changes where we need to — and where we can't be duped by press releases.

ECOLOGICAL IMPACTS OF ROADS

from the American Lands Alliance
"REPORT FROM WASHINGTON"

THE FEB. 2000 issue of *Conservation Biology* includes 8 articles focused on the ecological effects of roads. Copies can be obtained through Blackwell Science Inc., 888/661-5800 or online at <http://www.conbio.rice.edu/scb> Go to the Journal section and scroll down to the Blackwell online journal website.

Several papers discuss the "road effect zone." The consensus of these articles is that there are noticeable ecological effects from roads that extend at least 100 meters into the forest. These effects include influences on soil organisms, large mammals, alien plants, amphibians, hydrology, fish, wetlands, understory species distributions, etc.

ADIRONDACK PARK REPORT

by Peter Bauer

THE ADIRONDACK PARK is a model for people living amidst wild areas in a way that's usually mutually beneficial to both. At six-million acres in size—bigger than the State of Vermont—the Adirondack Park contains a checkerboard of publicly owned Forest Preserve lands (2.5 million acres), which is managed as wilderness, and 3.5 million acres of private lands, 2.5 million of which is commercially managed forests. The Forest Preserve is protected as lands "to be forever kept as wild forest" in the state constitution.

This is the tightest wilderness protection in the U.S.; no timber harvesting, strictly limited use of motor vehicles. Created in 1885, lands in the Forest Preserve represent 85 percent of the total wilderness lands in the eleven Northeast states. 130,000 people make their homes and livelihoods in the Adirondacks spread throughout better than 100 communities.

All land uses in the Adirondack Park are managed jointly by the State of New York through various agencies and departments and local governments. While there are many complaints all around, the Adirondack Park works extremely well and is not only a place where people and wilderness systems coexist, but represents a successful model for large-scale landscape protection. Each issue the "Adirondack Park Report" details the most pressing recent issues facing the Adirondack Park.



PATAKI SIGNS LANDMARK ACID RAIN LEGISLATION

ON MAY 24, 2000 Governor George Pataki signed the Acid Rain Pollution Credits Trading Bill, which sets into law punitive roadblocks for New York electric utilities that sell excess sulfur dioxide pollution allowances to companies that use them in 14 states upwind of New York. This law was developed as a response to the frustration of New York political leaders and the environmental community about the failure of the 1990 Amendments to the Clean Air Act to decrease acid rain. While sulfur levels have fallen sharply across the U.S. as a result of the 1990 Clean Air Act, higher levels of sulfur continue to fall on Adirondack waters and forests. Nitrogen oxide and mercury levels have also increased in the Adirondacks over the last 10 years.

This legislation sets into law fines against any utility operating in New York that sells a pollution credit that are used and in effect sent up the smokestacks in 14 states upwind of New York. These states are Virginia, North Carolina, Tennessee, West Virginia, Ohio, Michigan, Illinois, Kentucky, Indiana, Wisconsin, New Jersey, Delaware, Maryland, and Pennsylvania. Pollution credits are allocated to utilities for each ton they reduce sulfur emissions below federal standards. These credits are then sold on the open market to older power plants that find it cheaper to buy credits than to switch to cleaner fuels or modernize energy producing or pollution abatement equipment. Pollution credits are sold on the Chicago Commodities Market and have recently been an area attracting investors. Marine Midland Bank, which owns no utilities, recently purchased 100,000 tons of pollution credits.

Under this new law, the State of New York will seize all proceeds that a New York utility gains from sale of credits to a company that uses them in one of the 14 designated states. Fines would be imposed equal to the amount

of the sale (monies would be used to promote development on non-polluting energy sources). Each pollution credit is assigned a serial number when released and this law creates mechanism through which credits would be tracked through the initial sale, and any subsequent resales, until the credit is used. The law begins immediately. There are currently over 700,000 tons of pollution credits being held by New York utilities and more are released every year.

As a state, New York is a net exporter of pollution credits. The Midwest states — Michigan, Illinois, Ohio, Indiana, Kentucky and Wisconsin — all import credits. It's also interesting to note that as a state, New Hampshire imports credits. Of the more than 20 power utilities in New York, all but three meet federal emission standards and are thereby awarded credits to sell on the open market.

This law by itself will not reduce the amount of sulfur dioxide that hits Adirondack lakes and forests each year. But it will make it a little harder for utilities that rely on pollution credits to obtain them. This law is significant, perhaps the most significant action in the fight against acid rain, since the 1990 Clean Air Act, because it changes how the federal clean air act works. In essence, New York has acted unilaterally to force changes to the federal act by designating where a specific pool of credits can and can't be sold. Lawmakers in Vermont, Connecticut, and Massachusetts have made inquiries to New York lawmakers about enacting similar measures in those states.

GOVERNOR SIGNS BILL TO STOP USE OF MTBE

GOVERNOR PATAKI also signed new legislation to ban the use of MTBE (methyl tertiary butyl ether). California has also banned MTBE, which was authorized for use under the 1990 Clean Air Act. The Act forced companies to reformulate gasoline to increase the oxygen content so that it burned

more cleanly. While MTBE is an effective gasoline oxygenate, it is a suspected carcinogen and is responsible for polluting groundwater supplies. MTBE is blamed for contaminating water supplies in many urban areas in New York because it leaks from underground gasoline storage tanks. Combined New York and California actions may lead to a national ban on MTBE.

LANDS UP FOR SALE IN THE ADIRONDACKS

A HALF DOZEN PROJECTS totaling over 200,000 acres are up for sale across the Adirondack Park. The Pataki Administration has slowed its pursuit of land acquisition in the Adirondacks after the 139,000-acre purchase of lands and conservation easements from Champion International Corporation. After this purchase the Administration was sued by the Property Rights Foundation of America and several of the hunting clubs on the Champion lands. Several counties in the Adirondacks also passed resolution condemning this purchase. The Champion deal had followed closely on the heels of the 15,000-acre Whitney Little Tupper Lake purchase, the 19,000-acre Long Pond easement, and the 12,000-acre Niagara Mohawk deal. While the Pataki Administration is taking some "time off" from the Adirondacks, important opportunities are being squandered.

Foremost among these is an opportunity to purchase a conservation easement over the 105,000-acre Domtar tract in Clinton and Franklin counties, in the northern Adirondacks. Domtar has owned these lands since the 1960s, and these lands have been in continuous forest management for more than 100 years. In the late 19th Century these lands, like much of Clinton County, were heavily harvested for the charcoal industry. It was clearcut and torn up. Pictures from that era show a landscape that looks like the surface of the moon. In the early 20th Century, these lands were consolidated by mining interests with speculative interests

in these lands that operated mines in Lyon Mountain and Dannemora. In the first several decades of this century the clearcut lands regenerated and in the 1960s the Domtar purchased the lands from Republic Steel.

Domtar, based in Cornwall, manages extensive holdings of Crown Lands in Canada and has a number of mills on the St. Lawrence River in Canada. Domtar is currently in the final stages of completing a Forest Stewardship Council (FSC) sustainable forestry certification and will be the first industrial landowner to do so in New York, and one of just a handful in the Northeast.

Domtar has long been interested in selling a conservation easement to the State, but has been frustrated that its lands don't possess highly valuable lakes, like Little Tupper Lake, or wild rivers, like the St. Regis and Grasse Rivers on the Champion lands, that make for a visible public advocacy campaign. The environmental community hasn't helped by unwisely, and inaccurately, referring to these lands as "plain vanilla woods". Well-managed forests and maintaining huge swaths of lands in perpetual open space make this attractive deal. The property, spread across six towns, is intermixed with Forest Preserve inholdings (to which there is no public access), but has relatively few waterbodies and no rivers. It's dominated by northern hardwood upland forests and about half the property is leased for recreational hunting camps.

The hunting camp issue was a major factor in the controversy after the Champion deal. With the Champion deal, hunting clubs were grandfathered in for 15 years on lands where the state purchased conservation easements that included both the recreation and development rights. The clubs leasing from Domtar organized among themselves and deployed a delegation to meet with Domtar representatives and local political leaders (one club member has

manned the district office for nearly three decades for 34-year incumbent Senator Ron Stafford). Only half of the Domtar lands are leased and the clubs are pushing the company to sell a conservation easement that includes only the development rights and forestry conditions on areas that are leased and easements that include public access on non-leased lands.

If the hunting club issue can be worked out this deal enjoys strong support from local governments. All of the Domtar lands are in one of the Preferential Forest Tax Law Programs, 480 or 480-a, which provides about a 75 percent reduction in all local taxes. The State cannot give itself its own reduction, so if the state were to buy an easement, full taxes would be paid on the Domtar lands, split according to values on rights held between Domtar and the State. This deal should start to take shape by the end of 2000.

Two other deals for conservation easements involving much smaller tracts are also being negotiated by the Adirondack Nature Conservancy. The first involves a 5,000-acre tract in Long Lake owned by the Boy Scouts and called Cedarlands. This tract surrounds McRorie Lake, a large undeveloped lake, which connects with Mud Lake and Big Brook. Big Brook connects Slim Pond, part of the 36,000-acre Whitney Tract, with Long Lake, and was a main artery in a popular canoe route 100 years ago. McRorie Lake, via a short portage and paddle through Mud Ponds, offers a great new camping opportunity for this canoe trail.

The Cedarlands deal has the support of local government because the lands are currently tax exempt because they are owned by the Boy Scouts. If the state purchases the development and recreational rights, which would constitute about 75 percent of the land's value, the Town of Long Lake stands to receive a windfall in local tax revenues. The deal would also open up the property for public access 10 months of the year. While the central core of the property, some 200 acres, where the Boy Scout buildings, ball fields, and barracks are located would remain an exclusive area for the Scouts, the remaining 5,000 acres would be open for public use during the months, September through June, when the Scouts are not in residence. This tract also borders Forest Preserve and International Paper Company Lands.

The second tract is in the Town of Duane. It involves a mixture of fee lands for the Forest Preserve and purchase of a conservation easement over a 5,000-acre tract owned by the pension fund of the Clerical-Medical Company. This tract has extensive river frontage on the Middle Branch of the St. Regis River, from where it passes under state Route 30, on the outlet of Meecham Lake. This lands borders the lands recently purchased from Champion International Corporation on the St. Regis in the Town of Santa Clara. This deal matches up similarly: the river corridor would be protected as fee lands; the upland areas by conservation easement. This deal should also move ahead by the end of the year.

STATE FUNDING FOR LAND ACQUISITION

THE LEGISLATURE PASSED a budget just about a month late, which for New York is close to on-time. Land acquisition funding was allocated at over \$60 million. The land list of eligible projects is extensive and its total costs could eat up the \$60 allocated many times over.

After this year, there will only be \$5 million remaining from the \$150 million for land acquisition in the 1996 Bond Act. Each year, between \$30 - \$35 million is allocated as part of the Environmental Protection Fund (EPF) for land acquisition. With the Bond Act spent, the New York environmental community searches for ways to expand the EPF next year.

COMMUNITY DEVELOPMENT THROUGH BEAUTIFICATION

Two years ago Senator Ron Stafford addressed a conference on Adirondack tourism and complained about the rampant ugliness of Adirondack hamlets. He talked about the need to clean up and make more attractive Adirondack hamlets. Local government officials responded that they weren't going to pass ordinances to force either businesses or residential landowners to clear away the junk cars, put up attractive signs, maintain fences, among many other issues. But they said that they would welcome funding to undertake a range of projects. Stafford responded to the challenge to, in short, make the most developed areas of the Adirondack Park, its hamlets, more hospitable and welcoming. Using his muscle as head of the Senate Finance Committee, Stafford established a \$2 million fund to provide grants of up to \$25,000 for beautification projects in the Adirondacks. Adirondack communities have queued with projects.

Peter Bauer is the Executive Director of the Residents' Committee to Protect the Adirondacks based in North Creek, in the central Adirondacks.

PEW FORMS OCEAN COMMISSION (from a Press Release of the Pew Oceans Commission)

"GOVERNOR CHRISTINE Todd Whitman of New Jersey and former California Congressman and White House Chief of Staff Leon Panetta will lead an independent commission to assess the condition of America's oceans and living marine resources, and set national priorities to restore and protect them for future generations. The bipartisan group made up principally of leaders from business, science and government also includes fishermen and conservationists and is to be known as the Pew Oceans Commission. The commission was created by The Pew Charitable Trusts, one of the nation's largest philanthropies." The Commission will meet over 18 months starting this July. Members include Patten White, president of the Maine Lobstermen's Association.

HERBICIDE WEBSITE

OVER THE YEARS OF FIGHTING forestry herbicide applications, the Herbicide Project has received numerous requests for information about herbicide (and pesticide) use in general. This has caused us to consider what is the most effective way to provide information to communities interested in researching and eliminating herbicide use. We are putting together a web-site which will provide up to date information and resources for local organizing efforts and would appreciate your feedback and help!

Our current list of links include:

- Commonly used herbicide products- status of current research; inert ingredients
- Legislative/legal updates
- Forestry herbicides- products used; status of current research;
- Regulatory climate and use in ME and NH;
- Aerial photos taken one year post-spray;
- Status of bio-monitoring (or lack thereof) in spray areas
- Aquatic applications- products used;
- Status of regulation and use in ME, VT and NH
- Right of Way applications- products used;
- Status of regulation and use in ME, NH and VT

We'll be contacting people who are doing this work individually for any information they'd like to share, and permission to use them as contact people. In the meantime, please e-mail us @ bomoseen@ncia.net, or fax/call (603)922-5544 with your helpful suggestions or information.

THANK YOU!

Daisy Goodman/Tom Obomsawin Herbicide Project

VERMONT LOGGERS' GUILD ANNOUNCES SUMMER WORKSHOP SCHEDULE

The Vermont Loggers' Guild announces the following events from June through October. These workshops will afford both Guild members and anyone interested in participating the opportunity to exchange ideas about local forest-related issues in Northeastern Vermont. Please call Barbara Alexander at 802-586-2494 or email baforest@sover.net for further information. All events by donation; bring a brown bag lunch. See you there!

JUNE 14 — URBAN FORESTRY in Greensboro at the Town Hall with logger and dendrologist Tracy St. Louis. General care of residential trees and related issues.

JULY 22 — WOODLOT TOUR from 1-4 pm in Greensboro with logger Kerry Smith. Topics include long-term management strategies regarding future site productivity, wildlife habitat protection and species diversity.

AUGUST 19 — MANAGEMENT OF WOODLOTS before and after major wind events, with loggers Chris Katzenbach & Steve Moffatt. Morning and afternoon tours of two woodlots, 10-2.

SEPTEMBER 9 — TWO SAWMILL OWNERS, Joel Currier and John Hancock, discuss value-added sawmilling and certification at Hancock Lumber Co. in Morrisville 9am-1pm.

SEPTEMBER 30 — MANAGING A HEALTHY sugarbush, with Adam Parke, sugarer, and Scott Bailey, Hubbard Brook soil scientist. Tour of 3 different bushes in the Barton area, 10 am - 3pm.

OCTOBER 14 — ANNUAL RED HOT CORN Roast & Guitar Picking Shindig, bonfire, etc., 6 pm on in Wheelock.

THE GUILD IS ALSO CO-SPONSORING on the weekend of October 21-22 a regional conference on Water Quality & Forestry. Other sponsors include the Vermont Leadership Center and the Northern Appalachian Restoration Project. Details to follow in the next issue of *The Northern Forest Forum*.

THE USDA FOREST SERVICE TIMBER INVENTORY OF NEW HAMPSHIRE

by Mitch Lansky

LATE LAST YEAR, the USDA Forest Service and New Hampshire's Division of Forests and Lands released preliminary data from the 1997 timber inventory of New Hampshire's forest. Phil Bryce, New Hampshire's State Forester, found the results, "encouraging," in part because cut is less than growth and the inventory is increasing. "This indicates that we do have a real opportunity to manage our forests sustainably into the future."

The Forest Inventory and Analysis (FIA), however, also shows that there is reason for concern in some regions of the state and some landowners. In particular, forest industry lands appear to have been poorly managed, leaving poorly stocked lands with low volumes. Since a certain percentage of private woodlands owners do no cutting at all on their lands, the cut/growth ratio for the lands that are actually managed may not be as favorable as it appears.

NEW HAMPSHIRE'S FOREST

New Hampshire is the second most forested state (by percentage), after Maine. Fifty eight percent of all tree volume is in hardwoods, but the most abundant tree, by volume, is the white pine. New Hampshire, rather than Maine, could be called the "Pine Tree State." In Maine, pine isn't even in the list of top four softwoods.

Top trees by volume in New Hampshire

Hardwoods	Softwoods		
Red maple	25%	White pine	49%
Red oak	16%	Hemlock	22%
Sugar maple	15%	Red spruce	13%
Paper birch	9%	Balsam fir	13%

Nearly half of New Hampshire's forest area is in the northern hardwood type. Less abundant, but still important are white/red pine, spruce/fir, and oak hickory types. New Hampshire's forest industry has a different distribution of forest types than the rest of the state. It has almost no oak or hickory types and very little pine. It mostly has northern hardwoods and spruce/fir. (see chart 1). These forest types have changed in distribution since the last survey (in 1983). Spruce/fir and aspen/birch have declined, while pine and oak types have increased.

The forest in New Hampshire is maturing. Fifty-two percent of timberland area is in sawtimber stands—an increase of over 15% since the last inventory. The area of seedling/sapling stands has also increased — by nearly 54%. This is an indication of heavy cutting or other forms of disturbance.

Forest ownership has shifted since the last survey. Forest industry land declined by 200,100 acres. In contrast, state public forest increased by 164,500 acres and National Forest by 53,900 acres. Private forests declined by 321,800, leading to a total net loss of forest land of 290,000. Despite the loss of forested acreage, there was an increase of total volume of 6% since the last inventory.

In contrast to Maine, which barely has around 5% of its land in public ownership and a little more than 1% of its land in "reserved forest" or "wilderness," 20% of New Hampshire's forest is publicly owned (12% is in National Forest), but actual "wilderness" is still small — only around 3% of forest. New Hampshire's 149,000 acres of reserved forest is barely more than its 114,000 acres of rights-of-way.

PROBLEMS WITH DATA

Numbers on a page have the aura of "science" and "truth." New Hampshire's forest inventory, is a statistical construction based on a limited number of samples. On finer levels (such as the county level, landowners types, forest types, or species), the reliability of the numbers diminishes.

The FIA data represent a snapshot of a forest that is continually changing. To be truly useful, it would be good to have data stretching back many years to chart the direction of change. Unfortunately, there is little such data available. The current inventory does have some measures of change (cut and growth figures), but some of these figures are suspect as to their accuracy.

For example, according to the FIA, landowners cut white birch at nearly 13 times the rate of net growth. According to the data, the National Forest cut of hardwood at a rate nearly 5 times the growth (even though cut of softwoods was well below growth). The FIA lists only 4,000 acres of clearcuts in the entire state of New Hampshire between 1983 and 1997. All of these clearcuts, according to the data, were in the aspen/birch type. I talked to a manager of Champion who assured me that most of their clearcuts were in mixedwoods or spruce-fir — and statewide there were obviously more than a few hundred acres of clearcut per year as implied by the FIA data. Besides the questionable data, there are also mislabeled charts, that further erode confidence.

NEW HAMPSHIRE'S FOREST INDUSTRY

Despite the above mentioned problems, the data are consistent in showing problems with Forest industry land in New Hampshire. For example, of all landowner types, the forest industry had the lowest volume per acre (chart 2), the lowest percentage of sawtimber, the highest percentage of seedlings and saplings (chart 3), and the poorest stocking (chart 4). The forest industry was the only landowner type that cut more than growth. The only county in New Hampshire where cut is greater than growth is Coos, which has the highest concentration of industry lands.

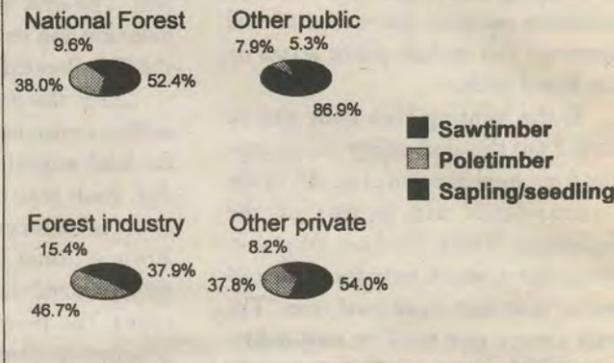
It seems odd to have the forest industry, which overcut its forests and left many stands understocked, promote itself as being an exemplar of sustainable forestry. It is possible that these statistics are from the bad old days, and the industry has turned over a new leaf. We won't know until the next survey, however.

CONCLUSIONS

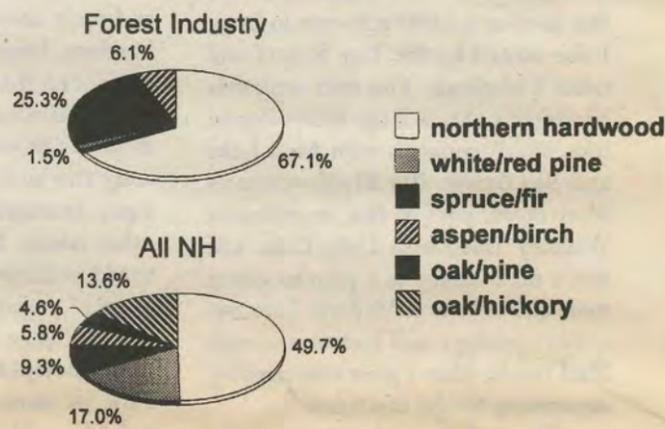
New Hampshire's forest is, in general, in better shape than Maine's. There is more wood, and thus more potential for management. There are some problem areas in Coos County and on industry land. There are also problems, apparently, with liquidation. The many thousands of acres that were converted from timberlands do not show up in forest statistics. New Hampshire, with its higher level of public ownership than Maine, has greater potential to set up a representative array of ecosystem reserves.

This potential is like the two roads diverged in a yellow wood, that Robert Frost alludes to. New Hampshire can look down one path (Maine's) and see an unworkable future. Maine's timber inventory has declined; there are no restraints to stop overcutting, understocking, or liquidation; and it has a small percentage of land publicly protected as "reserve." New Hampshire could take the path less traveled by and make a difference.

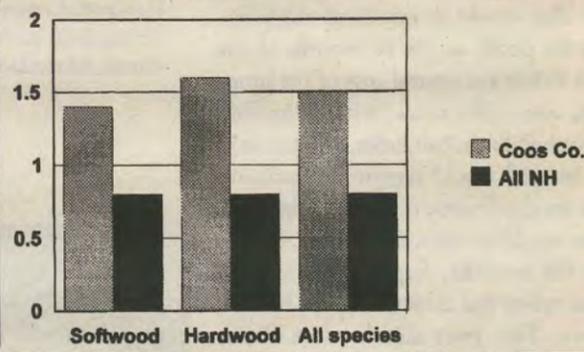
Area of timberlands by stand size and ownership class



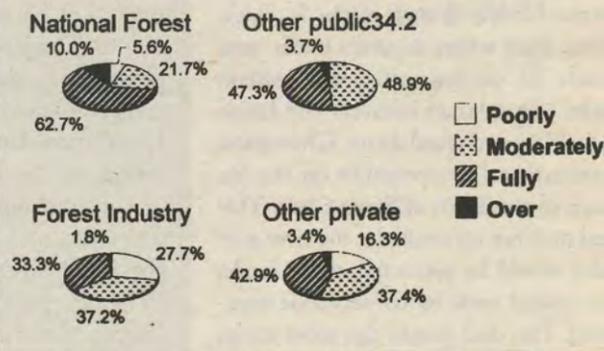
% Area by Forest Type Forest Industry and All NH



Cut/Net Growth Ratios Coos County and all New Hampshire



Area of timberland by stocking and ownership class



Silvicultural Practices of the Past

Excerpted from *Company Forests; Large Private Holdings in the Northeast*, by Hardy L. Shirley, which appeared in *The Yearbook of Agriculture, Trees, 1949*. Shirley was assistant dean of the New York State College of Forestry at Syracuse University.

OWNERSHIP OF LARGE FOREST holdings in the North is distributed among individual owners, families, investment companies, pulp and paper companies, lumber companies, mining companies, and some others.

The large private holdings are concentrated in Maine, which has 31 owners who control more than half the total area in large holdings in the North. Protection of forests against fire is good in almost all cases. The exception are forests owned by coal-mining companies, where hazards are high, local interest low and public cooperation meager. The degree of protection attained, however, is determined more by the work of the State fire-control organizations than by special effort of individual owners. The companies that have their own fire-control organizations are the exception in the North.

The cutting practices currently applied over most of the large holdings leave much to be desired. Many properties that are operated on essentially a sustained-yield basis have cutting standards best designated as "chopper's choice." Some companies attempt to apply diameter limits and a few mark trees before cutting. Where only extensive management is practiced, marking of individual trees is not always essential — particularly in areas and stands that are subject to windthrow and among tree species such as aspen and jack pine, that have relatively short lives. Yellow birch, although subject neither to windfall nor early decadence in a closed forest, declines in vigor on areas selectively logged. Over much of northern Maine, where roads are lacking, hardwoods are still unmerchantable. Serious losses are occurring from birch dieback and beech scale. The death of old trees will, however, release spruce and balsam fir that will produce a valuable crop.

Case studies of a few owners will be presented. Those selected are not the only ones with good forestry programs, nor have they necessarily the best programs. Some were selected because they have some distinctive feature in their program. Information has been gained from published articles, letters, interviews with company foresters, and conversations with other persons familiar with the programs.

The first group of examples includes the individual, family and investment holdings.

That type of large forest holdings is found primarily in the unorganized towns of Maine, where the remoteness and lack of transportation restrict opera-

tions to extensive, rather than intensive, forestry.

The Coe and Pingree estate, built up in the late nineteenth century, at one time included more than a million acres. The founder, David Pingree, insisted on restricting cutting of spruce to trees 14 inches in diameter and larger. The practice was abandoned soon after the turn of the century, when pulpwood cutting came to the fore. The heirs still own a large area of the land. Management practices today are on an extensive basis, but the property continues to yield periodically a substantial income to its owners.

Gifford Pinchot and Henry S. Graves, among the first Americans to be trained scientifically as foresters, drew up management plans in 1898 for Nehasane Park and the Whitney Preserve, two Adirondack properties that were held primarily for recreation. The owners, however, early became interested in scientific forestry as a means of making the properties self-supporting.

Careful timber estimates were made, type maps were prepared, and contracts for cutting spruce trees to a 10-inch diameter limit were drawn up. The white pine, considered overmature, and cherry were cut without restrictions. Other hardwoods were not merchantable. Yield studies indicated that a cut of the same intensity could be had at the end of 36 years. Nehasane

Park was logged first in 1898 and 1899 and again in 1915 to 1930. A third cutting is now under way. It is difficult to make an accurate comparison between

actual and anticipated yields. In the first place, the management plan as prepared by Mr. Graves was not fully carried out. The cutting intervals were shorter than he had expected and the diameter limits were lowered. Furthermore, defective hardwoods were not removed and they expanded following the removal of merchantable trees. The volume of softwood and the quality of hardwood declined because of logging practices.

Operations on the Whitney Preserve have always been somewhat more conservative, and the forest is somewhat better in quality. On the whole, both properties have fared better than average Adirondack land. Cutting policies have varied with markets, however, and [with] the economic requirements of the owners more than they have with the silvicultural requirements of the forest. Neither property can be considered an ideal example of applied forest management, but the properties have returned substantial incomes in the past and give every promise of continuing to do so in the years ahead. Because much of the hardwood timber is now merchantable for pulpwood and because prices of timber have increased decidedly during the 50 years, today's cash income from the property equals that of the past, even though the volumes being harvested now are considerably less.

The Dead River Co. and the Eastern Corp., manufacturers of paper, recently concluded a 10-year renewable management agreement on a size-

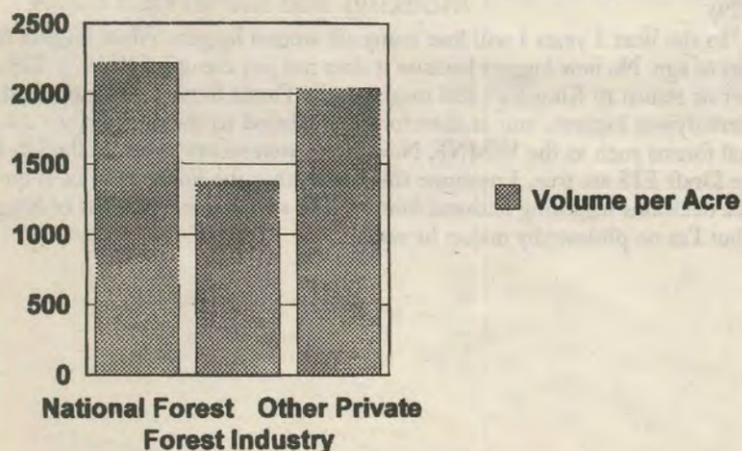
able acreage of land. It requires diameter cutting limits as follows: Balsam fir, 6 inches; spruce and hemlock, 10 inches; pine, 10 inches for pulpwood and 12 inches for sawlogs. Large pine and large hardwoods suitable for saw timber, veneer, and novelties are reserved by the Dead River Co. Cutting may not exceed three-fourths of the calculated growth over any 5-year period. Areas are selected for cutting with regard to maturity, protection of forests against fire, insects, and disease, and in a manner that will insure reasonable silvicultural control. Past management of the Dead River Co. holdings has been conservative, so that properties cut over now contain more timber than when acquired.

The properties are to be developed intensively by building all-year gravel roads and encouraging industries that are necessary to get higher returns from the properties. Complete utilization from the land is possible through markets for all commercial species that are growing on the land.

"THE CUTTING PRACTICES CURRENTLY APPLIED OVER MOST OF THE LARGE HOLDINGS LEAVE MUCH TO BE DESIRED."



Volume per acre by landowner type in cubic feet



Will NHTOA Also Demand Apologies from Lloyd, Lansky, Loggers & Land Study?

By Jamie Sayen

I'm always intrigued when a hired lobbyist presumes to speak for a group of people he does not represent. What is going on here, I wonder? Is Eric Kingsley of the NHTOA genuinely outraged over slanders towards loggers? Or, is the May 30 NHTOA press release really a smokescreen for that organization's campaign against the Clinton Roadless Area initiative?

Kingsley operates out of Concord, NH as a lobbyist for the timberland owners. He spends his working days with the solons of the NH legislature, not cutting timber and pulp in the woods. His press release fails to note that landowners and mills have a built in tension in their relations with loggers: the less the landowner or mill has to pay the logger, the more profit they receive. Ergo, the interests of the logger are not necessarily identical to the landowners or their Concord lobbyists.

And, given the final three paragraphs of the TOA press release, clearly the concern of TOA is with the Clinton Roadless initiative, not the plight (or stereotyping) of loggers. The NHTOA hates the Clinton Roadless initiative, and it will use any pretext to defeat it. At the same time that TOA was sulking over the alleged insults to the loggers, NH Senator Judd Gregg (the fellow who single-handedly held up funding for ongoing peace-keeping operations in late May) was introducing a bill in Congress to exempt the White Mountain National Forest from the Roadless initiative. Only NH should determine the management of National forests in NH, Gregg and TOA say. And, the alleged insults, we are told, justify such a violation of national public lands policy.

Are there others out there who also owe Kingsley (on behalf of his non-client logger friends) an apology? Or, are the statements regarding loggers and logging communities true?

Here are some of the folks Kingsley should be demanding apologies from over written or spoken comments that cast an unhappy light on logger poverty and the instability of logging communities.

The Northern Forest Lands Study. Critics of this 1990 study by the USFS and the states of Maine, NH, Vermont, and New York, have long argued that the timber industry representatives were able to exert unfair control over the agenda of the NFLS, citing its unwillingness to examine forest practices in the region (as but one example of bias). Nevertheless, the NFLS found that per capita income in timber dependent communities of the Northern Forest region was substantially lower than average per capita income throughout the United States. Unemployment was higher in these communities than in the rest of the Northeastern US. The only exception was Coos County in NH, where unemployment was higher than the NH state average. (see NFLS, p. 35) The authors of the Northern Forest Lands Study owe Eric Kingsley an apology.

Hilton Hafford, logger from Allagash, Maine. In an interview with me in the Autumn Equinox 1999 issue of The Northern Forest Forum, Hafford spoke with eloquence about the abuse of loggers by the large landowners in Maine and the unwillingness of the state of Maine or the Federal government to address logger grievances. The school in Allagash had to close because almost all the loggers had left the community (and state) to find work elsewhere. Those who remained behind can't make ends meet on the "high paying" jobs Kingsley crows about. "Don't talk to me about the future," Hilton said. "There's no present for me. I can't make a living here now. What do I care about the future?" Clearly Hilton Hafford owes Eric Kingsley an apology.

Mitch Lansky, author of "Department of Labor Study: Wrong Questions, Wrong Answers". Mitch examined the study done for the Maine Department of Labor to examine the criticisms raised by Hilton Hafford and his fellow loggers of Northern Maine. Lansky concluded, based on careful examination of the study "Maine Logging Industry and the Bonded Labor Program: An Economic Analysis" written by Pan Atlantic Group and the Irland Group, that "Landowners and contractors do not pay loggers more because they don't have to." (The Northern Forest Forum, New Years Day 1900, vol. 8, # 1, pp. 6-7) Clearly Mitch owes Eric Kingsley an apology.

Lloyd Irland, former Maine State Economist, is one of the main authors of the Department of Labor Study cited above. This study has been criticized by loggers (and Mitch Lansky, among others) as biased against the loggers. Nevertheless, the more than 250 page study contains a wealth of documented information that is pertinent to the NHTOA's press release about high paying, stable, flourishing timber-dependent communities. It also sheds some light on the tension between the interests of Kingsley's clients, the timberland owners, and loggers. (It is true this study was about Maine, not NH. However, NH and Maine border each other, and many of the same large landowners in Maine own large tracts of land in northern New

NH TIMBERLAND OWNERS ASSOCIATION OUTRAGED OVER TIMBER INDUSTRY INSULTS

(From a Press Release from NHTOA, May 30, 2000)

The NH TOA today applauded Forest Service Chief Mike Dombeck for apologizing for the insulting stereotypes of loggers and timber dependent communities found in the Roadless Area Conservation Draft Environmental Impact Statement (DEIS).

A section of the statement reads, "Logging and millwork are not an inter-generational way of life for all participants..." and "timber communities have been noted for their instability for over a century. The statement went on to say, "Even reasonably prosperous timber-dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of population turnover, high divorce rates, and poor housing, social services and community infrastructures."

According to the Forest Service, "Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available these individuals would be happy to take advantage of them."

In a May 15th letter, Dombeck said that he has "a great deal of respect and admiration" for those who make their living in the forest products industry. "If there is anything in the roadless DEIS that implies otherwise, I apologize and will ensure it is corrected in the final roadless area environmental impact statement."

"No ifs, ands, or buts about it, this was an insult to the hard-working men and women of the forest products industry, an industry that contributes \$3.9 Billion to New Hampshire's economy every year," said NHTOA's Executive Director Eric Kingsley. "It is this type of arrogance that illustrates why New Hampshire citizens—through the congressionally mandated forest planning process—and not Washington bureaucrats should be deciding what the future of the White Mountain National Forest will be," said Kingsley.

"If the Forest Service's Washington headquarters needs to have it pointed out to them that the people who work in New Hampshire's woods may be offended by their sentiment, then they should not have unilateral control of the future of logging on the White Mountain National Forest," Kingsley continued.

"Many of the harvesters who work on the Whites are third and fourth generation loggers. They take pride in doing their job well, and their grandparents supported the creation of the National Forest to assure that their (sic) would be good paying jobs, and a sustainable timber base in the future," Kingsley pointed out.

Hampshire. Besides, the allegedly insulting comments from the Forest Service applied to timber communities all across the nation, not just NH.)

Below are a few of the most pertinent items culled from the DOL study.

o Unemployment in timber communities in Maine is 1.5 to 2 times higher than the state of Maine average. (pp. 54-55)

o Loggers are rooted in their communities, but are forced to leave their communities to find work. (p. 66)

o 68 percent of the Maine loggers who responded to a survey from the DOL study "said they would not encourage their children to enter logging..." (p. 72)

o Loggers receive half the wages of mill workers. (graph on p. 81)

o "Our survey reveals that twice as many US workers as Canadians receive health insurance benefits as their employers. (Nevertheless, the overall number receiving such benefits is low.)" (p. 90)

o "In one of our interviews, a logging contractor noted that his workers are working for the same wages in current dollars as they were 20 years ago." (p. 124)

o "The market power shifts to whomever controls the scarce resource. This is the landowner. One hint that the land and timber are the scarce resource is the emergence of pools of capital and individual investors willing to undertake independent ownership of these resources for the first time... [T]here is no bargaining power for workers." (p. 132. The study repeats this point over and over again. The mills and landowners put the screws to the contractors who then squeeze the loggers.

o Wages in Maine for "lumber and wood products (including wood harvesting), [fell] 12.3 %" between 1973 and 1997. (p. 137) "... [B]etween 1973 and 1997, the real wage of wood harvesters (loggers) declined by 31.8%" in Maine. "This occurred despite a productivity gain of 74.4%." (p. 138)

o "... [L]andowners exploited their control over the supply of logs through large increases in stumpage rates (285%). In addition, the landowners' ability to transfer profits from contractors was further

facilitated by the transition to a new (CLS) ["Contract Logging Services" between landowners and mills] contracting system. As a result, the landowners' mark-ups / profitability increased by as much as 169%." (A footnote to this statement adds: "... most contractors argue that the cost savings from lower workman compensation rates were ultimately transferred to landowners through increased stumpage rates and lower CLS payments.") (p. 144)

o There are many other interesting statements in this study showing that the Canadian bond program (importing bonded Canadian loggers) does depress wages in areas such as the Allagash region, near the Canadian border. (pp. 176, 184-185, for instance) NH imports 40 bonded Canadian Loggers to Northern NH, because, industry apologists maintain, you can't get Americans to take these logging jobs. Is it because American loggers are lazy? Or is that the wages paid to them are insufficient to keep a family alive?

o "... [W]hen asked if firms (n = 74) would be willing to raise wages by 10% to alleviate such a shortage [of loggers], 70% responded "no", 18 % "yes" and 12% were unsure." (p. 207)

o "Workers running mechanical forestry equipment should be earning \$14.00 - \$16.00 per hour instead of the \$8.00 - \$10.00 they now earn. Landowners have colluded to depress prices contractors and loggers receive." (Comment from the "Contractor Survey" and the "Worker Survey" done by the DOL study, see pages 228-229)

o "In the next 5 years I will lose many all-around loggers. Most loggers stop at 60 years of age. No new loggers because it does not pay enough." (Ibid. p. 229)

Let us return to Kingsley's real message: the Forest Service has indeed insulted and stereotyped loggers, and is therefore unqualified to make decisions affecting national forests such as the WMNF. Now, if the statements made by the US Forest Service Draft EIS are true, I presume this means that the Forest Service is qualified to make decisions regarding national forests. This seems to be the drift of Kingsley's logic, but I'm no philosophy major; he was.

We Have An Opportunity

for Wilderness

for Restoration Forestry

for Sustainable Communities

What it will take is your support

The Northern Appalachian Restoration Project, a 501 (c) 3 not-for-profit educational organization, proudly publishes *The Northern Forest Forum* six times a year. We are also proud to have supported the activism of some of the region's outstanding grassroots activists over the past 8 years.

Collectively, they have helped shape a progressive environmental agenda for the region, kept pressing issues on the front burner, and acted as important resources for other community activists concerned with forest practices, biodiversity protection, and sustainable communities. Pamela Prodan, Mitch Lansky, Ron Huber, Barbara Alexander, Daisy Goodman, Jamie Sayen: diligent, tireless workers who see the big picture & have brought to the community level their initiative on the promotion of an ecological reserve network, marine wilderness, low impact forestry, and the elimination of herbicides from forestry. The Coastal Waters Project and the Vermont Loggers' Guild are only two projects associated with this collection of activists.

With your support we can keep these folks going. We can ONLY do it with your support!

HOW YOU CAN SUPPORT

We Welcome All Support. Your subscription to the *Northern Forest Forum*, \$15/year, defrays postage and printing. Membership in The Northern Appalachian Restoration Project can be had for any sum over \$15; and that portion is tax deductible (contributions over \$250 will receive a receipt). BECOME A RESTORATION PROJECT SPONSOR: Consider sponsoring one of our projects for one month, with a basic contribution of \$1500 or more. We can put you in touch with any of our activists if you would like to learn more about what they do. Members will be invited to our next general meeting this fall. PLEASE LOOK FOR THE RETURN ENVELOPE IN THIS NEWSPAPER & MAIL IT WITH YOUR CONTRIBUTION TO — NFF POB 6 LANCASTER, NH 03584

BECOME A MEMBER OF THE NORTHERN FOREST'S LOWEST SOCIETY: Contributors of \$200 or more will receive a T-shirt emblazoned with the emblem of the Mycorrhizal Society, founded by Barbara Alexander and other forest activists. It is your opportunity to articulate the virtues of mycorrhizae to curious members of the public. And the shirts are handsome, too! IF YOU WOULD LIKE A T SHIRT, please send \$22 and specify Small, Medium, Large or Extra Large. Hats are available for \$15. You will get many questions about mycorrhizae, so we send an info. sheet, too.

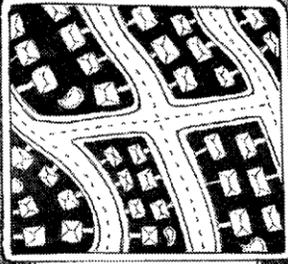
Buy BEYOND THE BEAUTY STRIP: We have a few copies of Mitch Lansky's encyclopedic dismantling of industrial forestry myths. These are signed copies and several are in the rare edition that contain typos that drive Mitch simply crazy. Send your check or money order for 20 dollars and specify that you wish to buy a copy of BEYOND THE BEAUTY STRIP.

This is our only major fundraising advertisement in *The Forum* this year. Please consider a donation. Thank you!

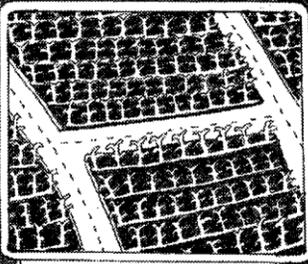


Northeast Kingdom Clearcut Photo © Gustav Verdeber

have you noticed things looking the same wherever you go?
DOES THE HOMOGENIZATION OF CULTURE DISTURB YOU?



SUBURBIA



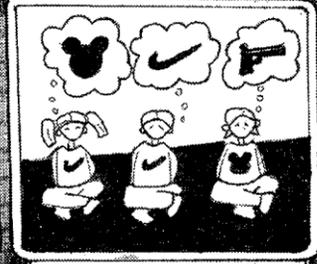
MONOCULTURE CROPS



CAR CULTURE

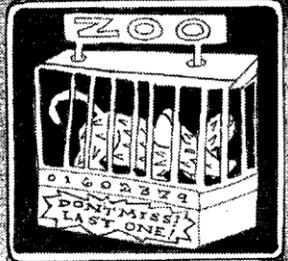


CHAIN STORES



MANUFACTURED DESIRE

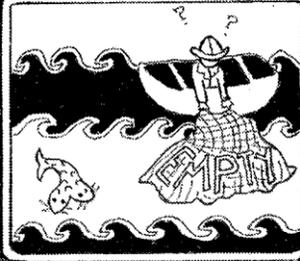
...Something missing?



NATURE AS MUSEUM



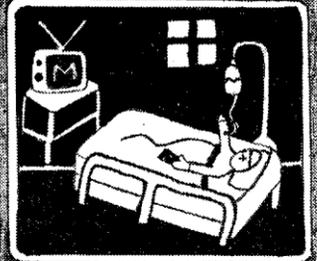
CLEARCUTS



POLLUTION & OVERUSE



MORE MINIMUM WAGE JOBS

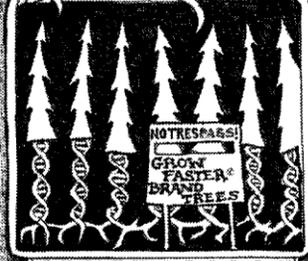


POOR HEALTH & DEPRESSION

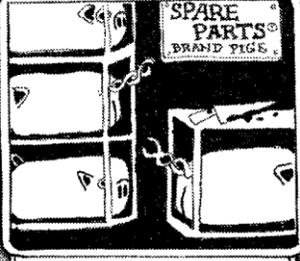
SO WHAT ABOUT BIOTECHNOLOGY?



GENETICALLY ENGINEERED FOOD



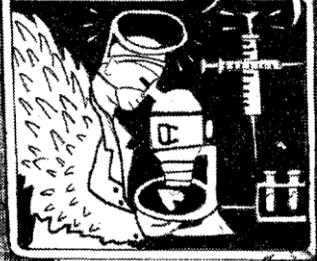
GENETICALLY ENGINEERED TREES



GENETICALLY ENGINEERED ANIMALS



CLONING & DESIGNER BABIES



SCIENCE AS GOD

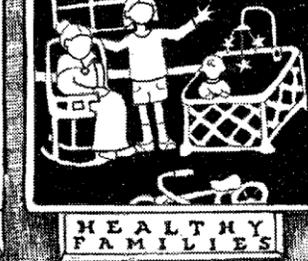
but is this the kind of world we want?

CORPORATE CONTROL OF LIFE ITSELF IS GOING TOO FAR

BIODIVERSITY IS NOT FOR SALE



HEALTHY ECOSYSTEMS



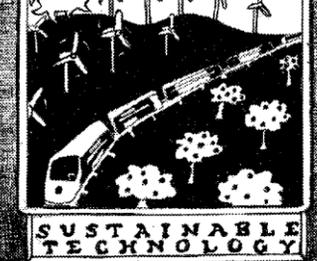
HEALTHY FAMILIES



HEALTHY FOOD



HEALTHY COMMUNITIES



SUSTAINABLE TECHNOLOGY

let them know you dream of a different future

RESIST THE COMMODIFICATION OF LIFE

RESIST BIOTECHNOLOGY

FOR MORE INFORMATION ABOUT GENETICALLY MODIFIED ORGANISMS COMING TO A PLANET NEAR YOU:
 HERAGE: 802-454-9925 OR WWW.BIODEV.ORG
 MAINE RIGHT TO KNOW: NC 35 BX 205 SOUTH GOULDSBORO, ME 04607 TEL. 207-963-2012 E-MAIL: MAINERIGHTTOKNOW@ACADIA.NET
 ORGANIC CONSUMERS ASSOCIATION/BIODEMOCRACY CAMPAIGN 6114 HWY 61 LITTLE MARAIS, MN 55614 TEL.: 218-726-1443 EMAIL:
 CAMPAIGN@ORGANICCONSUMERS.ORG WEBSITE: WWW.PUREFOOD.ORG