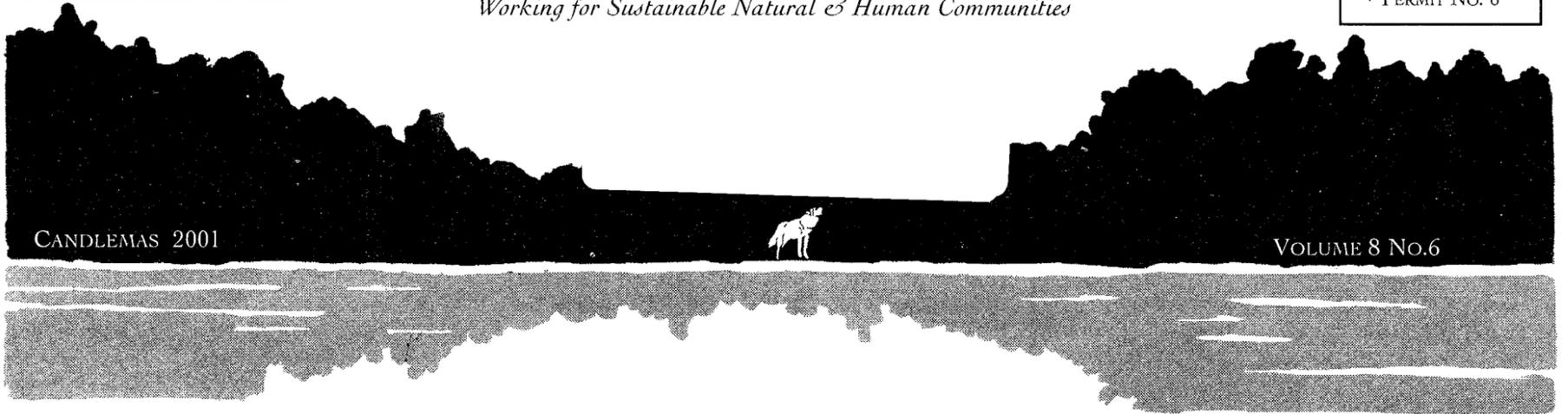


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Working for Sustainable Natural & Human Communities



MANAGING THE ALLAGASH WILDERNESS WATERWAY

A PEER Review

**Crucible of
Wilderness
Debate**

**Will the Wild
Remain in
Wilderness?**

**(Stories Start
Page 14)**

**Also:
Making FSC
Standards
Credible
p. 6**

**Biodiversity,
Pedogenesis,
Fire, & Ice
pp. 27-29**



Plus: Wilderness Wades Off-Shore — see page 20

Wilderness, Economy & Moral Choice

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.

Please send all material to the address above. Please address letters for publication specifically to the editor.

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ONCE I DROVE AN uneconomic distance to procure a truckload of BTUs in the form of red maple, relics of a landscaping job. The house was way up in the woods, almost in Maine. The driveway was tarred, and twisted its way steeply up past sand barrels placed for icy conditions in winter. The homeowner and I chatted briefly in the yard. We were surveying a clearcut in the distance. He, retired from lucrative work in telecommunications elsewhere in the world, viewed the clearcut and said disgustedly, "Someday we will have to go back to the old way of doing things."

Although I could not disagree, the incongruence of the scene has remained with me as emblematic of the economic dilemma of what we have been calling sustainability. The cycle of wealth seems to begin and terminate in the myth of pastoralism — the object of accumulating wealth is to insulate oneself from the realities of money-making. A person leaves the farm so that their grandchildren can raise sheep on the Elizabeth Islands. Humanity has left hunting-gathering so that we can collect trophy heads on the walls of our sophisticated dens.

I HAVE SUBSCRIBED to the idea that those economies which remain closely tied to their resource base are less likely to over-shoot that base, whereas those that choose the path of higher techno-trophic levels are bound to over-shoot that base but at a far grosser level — having raised the population levels which can temporarily feed off Nature. But there are a great number of difficulties with that view.

Students of Adam Smith point out that advocates of laissez-faire economics using Smith's Invisible Hand as justification of the excesses of the marketplace conveniently leave out the context of Smith's world — that of moral economy, with businesses arrayed about a Commons, and workers enjoying equal access to information.

In these days of Capitalism triumphant, we presumptively over-look earlier insight into the alienation of the worker from his and her labor. A thoroughly commercialized world attaches no moral content to work — work is simply a means to morally uninformed consumption. It is immaterial whether the paper you read these words on is produced more by machine or by craft, who the profits accrue to, what the impact on the land, the air; there is no dimension to this paper other than its tangibility in your hands. (You can compost this

paper, by the way, or leave it at your library or a laundromat, to increase its utility.)

OF COURSE, THIS is not so. Work is actually an end, as well as a means to creature comfort. Whether it is paper-making or milking or editing, there are choices to be made. Belonging as we do to the vast apparatus of a technological society, the impact of individual decisions is obscured, as is the process of societal decision-making. We have grown to defer to technology as a force, rather than as an entity we inform with the force of moral decision-making.

Here in the Northern Forest, some perceive a conflict between the imperative to preserve land in large blocks of Wilderness, and the region's economic needs. *The Northern Forest Forum* has always taken an especial delight in linking the effort on behalf of restoring true Wilderness to our landscape, and the effort to shift to a forestry that actually employs people, fosters secondary and tertiary manufacturing, and, overall, is the basis of a morally, ecologically-informed society.

Advocates of the Working Forest who view Wilderness as foe must be held to the standard they hold Wilderness to — will the money that we are using to shore up the traditional patterns of ownership actually result in the desired effect of more employment and community stability from the forest? Isn't that goal equally dependent on the moral choices we make along the way? Underpaying loggers, deciding what debt level we are willing to sustain to purchase which machine which demands this much wood to service its debt; choosing silvicultural system over art; slipping inexorably toward fiber plantation with herbicides, genetically modified trees and short rotation: all of this is a matter of choice, and further means of eroding our stated goal, which is the active linking of our human communities to the land.

Correctly, people like Garrett Conover (see page 12) point to development as the common foe about which conservation and preservation efforts can unite. But, in answering the critics of Wilderness who are compelled to portray it as the enemy of traditionalism and human tenure on the land, really, now, aren't there greater forces of alienation at work than the effort to restore the full expression of Nature to our landscape? — A.W.

"TECHNOLOGICAL INNOVATION WILL SAVE US" — A CONSUMER'S GUIDE TO MORAL CHOICE
 ADAPTED FROM MITCH LANSKY'S BEYOND THE BEAUTY STRIP

Industrially Appropriate Technological Innovations Expensive, complex, & Time-consuming to develop

- Ownership & Control limited to few
- Increases power of industry
- Increases public dependence on industry
- Professionals needed for maintenance & repair
- Requires centralized bureaucracy to run & protect technology
- Ecological disruption OK if within legal limits
- Increases worker "productivity" (i.e., eliminates jobs)
- Workers become cogs in machine
- Communities must adapt to needs of technology
- Causes rapid social/ecological change requiring more techno-fixes

Socially Appropriate Technological Innovations Easily developed at local level

- Ownership & Control available to many
- Reduces social inequities
- Increases self-reliance of individuals & communities
- Maintenance & repair can be done locally by owner
- Allows de-centralized, self-regulating communities
- Produces little or no ecological disruption or pollution
- Improves employment opportunities
- Enhances worker craftsmanship
- Technology fits into needs of community
- Helps maintain social/ecological stability

WEST BRANCH PROJECT

AN INEFFICIENT USE OF CONSERVATION FUNDS

by David Lewis

THE FEDERAL AND STATE governments are preparing to allocate over \$30 million to purchase conservation easements north of Maine's Moosehead Lake, thereby clearing the stage to complete phase II of the West Branch project. Conservation easements are commonly used to protect land from development in areas where there is a threat. While project supporters claim that the West Branch easements provide "permanent protection of conservation values" to Maine citizens, there are many questions regarding this project that remain unanswered.

What development pressures really exist north of Moosehead?
How do easements fit into the tree growth tax program?
Exactly what conservation values are being provided by these easements?
How will the Maine Bureau of Parks and Lands obtain funding for recreation management if they don't hold the timber rights to this land?
What effect will these easements have on future environmental policy in Maine?

A conservation easement is a partial interest in land, as opposed to full fee ownership, and can be an effective tool for regions attempting to preserve small parcels of undeveloped land in the face of high growth. In Orono, the local land trust has successfully and cost-effectively utilized easements to preserve a trail system in a town with constant development pressures.

If conservation easements are to be applied to the region north of Moosehead Lake, the natural question concerns the extent of development pressure in that area. The recent story of John Malone's purchase of Spencer Lake implies a threat to Maine's north woods. But the focus of Mr. Malone's purchase was on shorefront property. While Phase II of the West Branch project protects some valuable shoreline around Ragged Lake and Fifth St. John Pond, the majority of the land contains no such water bodies. What is the development value in townships such as T6 R18 or T5 R15? This is good-old fashioned timberland with no shoreline that is far from any paved road and any development threat.

A second question concerns the tree-growth tax program. We've heard a great deal about this program recently, particularly about how it protects against devel-

opment and is "one of the most effective anti-sprawl tools." Obviously our public officials don't feel too comfortable about its anti-development capabilities if we now have to go ahead and pay forest landowners additional money not to develop their land. Do we still give the West Branch landowners a tree-growth tax break even though we're planning on paying them \$30 million not to develop timberland? How many times should we pay a landowner for the same public benefit?

A third question regards the additional "conservation

you just buy the land? The cost of drafting easements and maintaining recreation may actually be greater than the difference between the easement price and the full fee price.

The final, and perhaps most important question regarding the West Branch project concerns the project's impact on future environmental policy in Maine. Some supporters claim that timber harvest restrictions will be written into these easements to ensure good forestry. If indeed there are harvest guidelines written into the easements, then this sets an interesting precedent by paying a landowner to harvest responsibly. This has important property rights implications as it essentially says that a landowner has the right to harvest unsustainably and the public must pay the landowner to change their behavior. This is akin to paying a polluter not to pollute. What is to stop other landowners from demanding conservation or timber easements for sustainable harvesting on their lands? It will be very difficult to set future timber regulations regarding sustainability if this sort of precedent is set.

If the government just wants to protect threatened wildlands against development, why not focus the attention on lands with a real threat? Several highly accessible and threatened wildlands come to mind, such as the Rangeley lakes, the Down-East lakes and the Appalachian Trail corridor. These

are but a few examples of scenic wildlands close to public roads and electric utilities that have a much more imminent threat from development than the West Branch lands.

To focus so much attention purchasing development rights in a region with relatively little development pressure is an inefficient usage of public funds. The uncertainties regarding management costs and unintended policy consequences far outweigh any potential benefits awarded by this project. The West Branch project is a waste of valuable conservation dollars to benefit only a few large landowners.

David Lewis is a graduate student of economics at the University of Maine at Orono. An earlier version of this op-ed which ran in the Bangor Daily News prompted some response to which Mr. Lewis has here added further reply.



values" project supporters refer to. Do easements really provide for additional values such as one might find in true public lands? Landowners will still be able to harvest timber unsustainably, spray with herbicides and generally continue the declining forestry trends of recent years. Easements preserve the status quo in the Maine woods. They do not offer additional ecosystem protection or conservation values; rather they assure large landowners an even bigger paycheck.

A fourth question concerns the Maine Bureau of Parks and Lands' management of recreation on the West Branch lands. Most of BPL's recreation funding on Maine Public Reserve Lands come from timber receipts sold on existing public lands. Where will the funding come from to manage the West Branch lands if BPL doesn't hold the timber rights? Will they increase harvests on existing public lands to make up the difference? At some point, the question must be asked; why don't

trucking into their burgeoning area. One opponent to the highway stated on December 13 that Rutland needs to take a step back from its plans for growth of business infrastructure — big box retail — which is projected to greatly outpace population growth in Rutland. Impact cannot be limited to Rutland itself, as the East-West project suggests.

On the other hand, another person noted the ease of being in opposition to a clearly outsized, expensive and unpopular project. Willingness to engage and support solutions to real problems is also necessary, he said. Highway upgrades to existing routes (US 4 or State) are a likely alternative; bypasses are also proposed although not supported for some towns like Woodstock that favor the tourist trade but not trucks.

Debate on by-passes cropped up at a

December 8 conference at the Vermont Law School on the subject of green taxation. A panel which included Vermont Public Radio commentator Peg Devlin and Jericho legislator Gail Symington debated the merits of Chittenden County's Circumferential Highway and seemed to agree it was a mistake to ever have started the project.

These two disagreed however whether it ought to be completed or terminated. Completion will inevitably bring sprawl to the outer burbs, said Symington, but solve air pollution and housing problems, said Devlin. Schlemelmilch, a visiting member of the German Green Party and federal government, chimed in: don't throw good money after bad, don't complete misconceived projects, don't build one by-pass, you end up with three.

"You cannot build your way out of

traffic congestion," concurred one monkey in the gallery, while others noted the cost-attractiveness of developing corn fields and forest in comparison to even vacant downtown space.

Schlemelmilch's perspective on the range of issues brought up during the day-long conference was interesting for its depth of development — as if the years in a minority role has sharpened the application of Green principles to policy. Global warming and the recently collapsed Kyoto talks provided context and background to Schlemelmilch's remarks — the over-arching policy challenge where green taxes could take hold in the United States.

Germany, says Schlemelmilch, has achieved a 1:1 balance between spending on highways and rail. — A.W.

A Major Obstacle to Connectivity — The Other East-West Highway

Opposition to a major new limited access highway across the spine of the Green Mountains between Interstate 91 and Route 7 has coalesced, much before the project's support has materialized or organized. Over 100 opponents met in Mount Holly on December 13, and took an inventory of resolutions from select and planning boards, businesses, civic groups, environmental organizations, hunting and other outdoor clubs either already on or willing to go on record opposing the scheme. A preliminary report to the legislature is expected in January.

Support for the highway is nebulous, based in the Rutland business community's perceived need for greater ease of

Roadless Policy to Protect Millions of Acres

Vermont Needs Wilderness Designation

by Jim Northrup

FOLLOWING SEVERAL YEARS of study and an immense effort to involve the public, President Clinton and Michael Dombeck, Chief of the U.S. Forest Service, announced approval of a final "rule" (a federal regulation with the force of law) on national forest roadless area conservation on January 5, 2001. Environmentalists and editors from major newspapers across the nation praised Clinton's decision as one of the most profound and visionary acts of land protection since Teddy Roosevelt carved the nation's original forest reserves out of the public domain to keep them from being acquired and exploited by private businesses and individuals.

The final rule is much stronger than what was proposed in the Draft Environmental Impact Statement (EIS) early last year and slightly better than the proposal contained in the Final EIS released last fall. Almost two million public comments, the vast majority of which supported strong roadless area protection, were received by the agency in response to the EIS's. This unprecedented showing of public support for wild, roadless forests undoubtedly stiffened Clinton's and the agency's backbones and helped shape the final rule.

Many thanks to all who took the time to write a letter or testify at a hearing, voicing support for wild forest protection. Our efforts resulted in almost 60 million acres—an area five times the size of Vermont and New Hampshire combined—of protected roadless areas. That's a legacy we can feel great about.

Unfortunately, the work is not done. The recommended policy is not permanent (President Bush or the Forest Service could reverse the decision in the future), and although it temporarily benefits New Hampshire, it does almost nothing for Vermont. If we want to see wild, unroaded areas permanently protected on the White and Green Mountain National Forests, Congress will have to enact new Wilderness bills.

The final rule on roadless area protection was scheduled to take effect on March 13, 2001, but President George W. Bush has suspended implementation of it and other executive actions taken during Clinton's last weeks in office, directing that these actions be reviewed for possible reversal. The final rule is posted at <http://roadless.fs.fed.us/>. A brief summary of it is outlined below.

INVENTORIED ROADLESS AREAS AND UNROADED AREAS

THE FINAL RULE BANS most roadbuilding and logging in "Inventoried Roadless Areas," but it provides no protection for other "Unroaded Areas" (areas without permanent roads that were not inventoried as part of the Roadless Area Review and Evaluation [RARE] or other official inventory).

The final rule protects 119,000 acres of Inventoried Roadless Area on the 778,000-acre White Mountain National Forest, but only 10,000 acres of

Inventoried Roadless Areas on the 392,000-acre Green Mountain National Forest. U.S. Forest Service data indicates the Green Mountain NF has between 60,000 and 80,000 acres of Unroaded Area in blocks of 1,000 acres or larger. The amount of Unroaded Area on the White Mountain NF is unknown at this time, but will be determined during the forest planning process.

INCREASED ACREAGE PROTECTED

THE TOTAL AMOUNT of Inventoried Roadless Area receiving immediate protection has grown from 42.2 million acres in the draft policy to 49.2 million acres (not including the 9.3 million acres in the Tongass National Forest) in the final rule. The increased acreage is largely due to the inclusion of two categories of land excluded from the draft policy: (1) roadless areas within "specially designated areas," such as National Recreation Areas, and (2) "roaded portions of Inventoried Roadless Areas," totaling approximately 2.8 million acres. A total of 58.5 million acres of inventoried roadless land will be protected from road building and logging once the approved and extant timber sales on the Tongass NF are completed.

"STEWARDSHIP" LOGGING ALLOWED

THE FINAL RULE PROHIBITS logging except for "stewardship" purposes. The ban on commodity-purpose logging will immediately reduce the amount of timber offered for sale in Roadless Areas from 220 million board feet (mmbf) per year to 140 mmbf—a 36 percent reduction. After commercial timber sales on the Tongass are completed, annual stewardship logging in Roadless Areas across the nation will amount to only 32 mmbf.

The allowance for stewardship logging could be a significant loophole for environmentally destructive logging. For example, salvage logging is commonly classified as stewardship, even though Forest Service scientists acknowledge it is often detrimental to forest and stream ecosystems. Indeed, the Forest Service considers most of its current timber sales to be primarily for stewardship purposes. The final EIS states that stewardship logging must "maintain or improve roadless characteristics" and also satisfy at least one of three conditions: (1) improve endangered or sensitive species habitat, (2) reduce the risk of uncharacteristically intense fire, or (3) restore ecological structure, function, processes, or composition.

TONGASS NATIONAL FOREST BETTER PROTECTED

IN A BOLD and surprising move, Clinton's final rule included the 9.3 million acres of roadless areas in Alaska's Tongass National Forest in the immediate ban on road building and logging. The final rule, however, exempts Tongass timber sales for which the Forest Service has already completed a draft environmental impact statement. This exemption could allow up to 386 million board feet (mmbf) of new roadless area timber sales plus another 261 mmbf of roadless area sales already under contract, but not yet logged.

Together with the 204 mmbf of tim-

ber sales in roaded areas of the Tongass, there will be sufficient timber to supply likely market demand in southeast Alaska for the next seven years. During this time, the Forest Service will implement an economic transition program for timber-dependent communities in southeast Alaska and elsewhere that will be affected by roadless area protection.

OFF-ROAD VEHICLES AND ACCESS

THE FINAL RULE does not close any roads or trails or otherwise restrict existing access to Roadless Areas for snowmobiles, off-road vehicles or other recreational uses. Access to state and private land inholdings will also not be affected. Maintenance of any classified roads, built since the Roadless Areas were inventoried decades ago, can continue.

UNROADED AREAS UNPROTECTED—WILDERNESS DESIGNATION NEEDED

THE FINAL POLICY provides no protection to Unroaded Areas on our national forests. Instead, the Forest Service has decided to study these areas during the regular forest planning process pursuant to federal regulations promulgated on November 9, 2000 (65 Fed. Reg. 67513, 36 C.F.R. 219.9(b)(8)). The planning regulations direct agency officials to identify, evaluate, and consider protecting Roadless and Unroaded areas while revising forest plans.

Preliminary analysis of the U.S. Forest Service data indicates there are almost 80,000 acres of Unroaded Areas, in blocks of 1,000 acres or larger, on the Green Mountain National Forest. Three very large blocks, 5,000 to 35,000 acres in size, emerge as suitable candidates for Wilderness designation: (1) Romance Mountain, including much of the land Joseph Battell bequeathed to be forever wild; (2) Glastenbury Mountain; and (3) Lamb Brook. Other sites that should be protected as wild, unlogged forest have also been identified.

EPILOGUE

A NEWSPAPER PHOTOGRAPH appeared recently showing an inauguration day protester in Burlington, VT holding up a sign saying "Hail to the Thief!" Of course, the sign referred to the questionable electoral practices and judicial decisions that resulted in George W. Bush's stealing of the recent U.S. Presidential election. President Bush's cabinet nominations and actions during his first week in office show that he is likely to continue stealing from the poor to give to the rich—sort of like a bizarre Robin Hood.

All preliminary indications are that nothing is safe from Bush's reach — not abortion rights, not endangered species, not the Alaska National Wildlife Refuge, and certainly not the 60 million acres of roadless areas that President Clinton left as a legacy for future generations.

Forest Watch and other environmental organizations will be working hard to defend Clinton's roadless area decision and to establish new, permanently protected wildernesses in New Hampshire and Vermont. Please get in touch with us and join these campaigns. We need your help.

FOREST WATCH CONTACT INFORMATION:
SEE PAGE 28

CONGRESSIONAL REVIEW OF ROADLESS AREA RULE UNDER THE SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT (SBREFA)

Summary

The Small Business Regulatory Enforcement Fairness Act (SBREFA) could play an important role in determining the ultimate fate of the U.S. Forest Service's roadless area conservation rule. The Act allows Congress to review and nullify federal administrative rules for a 60-day period after a rule is adopted, using expedited legislative procedures. Congress has never used the SBREFA process to overturn a federal rule.

BACKGROUND

CONGRESS ENACTED THE SBREFA (commonly pronounced "sub ree' fa") in 1996 as part of the Contract With America Advancement Act. The overall purpose of the SBREFA was to reduce the burden of federal regulations on the small business sector. The congressional review section of the SBREFA applies to all federal rules, regardless of their impact on small businesses.

On January 5, 2001, the Forest Service adopted a final rule that will protect 58.5 million acres of national forest roadless areas from road building and logging. During the year-long rulemaking process, the Forest Service received a record 1.7 million public comments, overwhelmingly supportive of roadless area protection. Some congressional opponents of the roadless area rule have threatened to overturn the rule through the expedited review process established by the SBREFA.

Few people are familiar with the SBREFA review procedures because it still has never been used to revoke a rule. On several occasions, members of Congress have threatened to invoke the SBREFA, but the expedited procedures established by the Act remain untested.

SBREFA'S REVIEW AND DISAPPROVAL PROCEDURES

RULES AND MAJOR RULES. The SBREFA review process potentially applies to any federal administrative rule. If the Office of Management and Budget (OMB) determines that the rule will have more than a \$100 million annual impact, it is classified as a "major rule" and cannot go into effect until 60 days after the agency submits a report on the final rule to Congress. In addition, the agency adopting a major rule must provide the OMB a cost-benefit analysis of the rule. The OMB has determined that the roadless area rule is a major rule. Since the Forest Service submitted the report to Congress on January 12, the roadless rule will not take effect until March 13. If one House of Congress votes against a resolution of disapproval

Mountain Birdwatch: Monitoring Threatened Birds in the Northeast's High Country

FROM THE CATSKILLS to Katahdin, high-elevation forests crown the Northeastern landscape with a thick mix of balsam fir, red spruce, paper birch and mountain ash. This tenacious forest community has endured thousands of years of severe weather, plus landslides powerful enough to make toothpicks out of timber. Though resilient to climatic extremes and natural disturbance, our mountain forests have not evolved defenses against acid rain, ski area development, communications tower construction, and global warming. These and other twenty-first century threats jeopardize our oldest surviving forest type. Its inhabitants are likewise imperiled.

At greatest risk is Bicknell's Thrush, the only bird species endemic to the Northeast and adjacent portions of Canada. The breeding habitat of Bicknell's Thrush is limited to montane forests of New York and northern New England, and spruce-fir highlands of Quebec, New Brunswick, and Nova Scotia. Its wintering range is even more restrictive, consisting largely of disappearing, broadleaf forests of the



Mountain Birdwatch is monitoring the high country. Photo © Kent MacFarland

Dominican Republic. To provide information that will guide conservation of this vulnerable population and improve stewardship of its breeding and wintering habitats, the Vermont Institute of Natural Science launched Mountain Birdwatch in June of 2000.

Mountain Birdwatch is a long-term monitoring program for Bicknell's Thrush and four other montane forest songbirds: Blackpoll Warbler, Swainson's Thrush, White-throated Sparrow, and Winter Wren. Volunteers from New York, Vermont, New Hampshire, and Maine are trained to survey this suite of species along some of the region's most spectacular mountain trails. Counts are conducted between 4:30 and 6:30 a.m.

on one or two mornings each June. While some participants camp overnight near their 1-km survey routes, others watch the sun rise during an early morning ascent.

Participants in the project's pilot year reported invigorating hikes, breathtaking scenery, and close encounters with wildlife, avian and otherwise. Although the density of Bicknell's Thrush was greatest in large blocks of high-elevation habitat, a number of small, isolated peaks also supported one or more individuals. Overall, the four other monitored species occurred in higher numbers and over a broader range of elevations. When not counting songbirds, Mountain Birdwatchers enjoyed glimpses of moose, fisher, snowshoe hare, and owls.

Dozens of volunteers have seized this opportunity to learn bird identification skills and experience nature in a new way, all the while contributing to the conservation of mountain ecosystems. The group of Mountain Birdwatchers already includes foresters, amateur naturalists, trail maintenance volunteers, Appalachian Trail "thru-hikers", retirees, and home-schooling families.

If you would like to participate in Mountain Birdwatch or learn more about the project, please visit www.vinsweb.org/conservation/citizen-science/mtnbirdwatch.html or contact Dan Lambert at (802) 457-2779 or dlambert@vinsweb.org.



The rare Bicknell's Thrush © Dan Busby

A SBREFA THREAT TO ROADLESS POLICY, *continued*

(see below), the rule will go into effect immediately thereafter.

Timing of Congressional Review. The SBREFA review period begins once the agency submits the final rule and a brief report to each House of Congress. The SBREFA review process lasts for 60 days, excluding any days in which Congress is not in session for more than three consecutive days. Since the Forest Service submitted the final rule to Congress on January 12 and Congress plans to be in recess for several days in the next two months, the SBREFA review will likely continue until the latter half of March.

RESOLUTION OF DISAPPROVAL.

THE LEGISLATIVE vehicle for a SBREFA review is called a joint resolution of disapproval,

which declares that a particular rule "shall have no force or effect." Any member of Congress can introduce a SBREFA resolution of disapproval. The resolution is referred to the committees in the Senate and House with jurisdiction over the subject matter of the particular rule.

EXPEDITED REVIEW. THE SBREFA expedites Congressional consideration of resolutions of disapproval in several ways, primarily by shortcutting normal Senate procedures such as the opportunity to filibuster.

If a Senate committee has not reported a resolution of disapproval for floor action within 20 days after a rule has been submitted, the resolution can still be discharged from the committee if 30 Senators sign a petition requesting such dis-

charge.

Once a Senate resolution of disapproval has been reported or discharged, the resolution is not subject to a point of order, amendment, motion to postpone, or motion to consider other business.

Once the Senate agrees to begin considering a resolution of disapproval, debate on the resolution and any related matters is limited to a maximum of 10 hours.

Once the Senate concludes debate on a resolution of disapproval, the vote on final passage must occur immediately.

If the House of Representatives or Senate passes a resolution of disapproval, the resolution is not referred to committee in the other House. The other House can only vote on the version of the resolution origi-

nally passed by the first House, thus eliminating the potential need for a House-Senate conference committee.

EFFECT OF CONGRESSIONAL PASSAGE.

IF A MAJORITY of both Houses of Congress passes the resolution of disapproval, it goes to the President to sign or veto, like any other legislation. Once signed by the President, the rule is nullified. Further, the agency cannot subsequently adopt a rule that is "substantially the same" as the nullified rule.

Prepared by Mike Anderson, The Wilderness Society, 1/22/01, with assistance from Tim Preso, Earthjustice Legal Defense Fund

CONSERVATION ACTION PROJECT FILES SUIT TO PROTECT ENDAN- GERED CANADA LYNX

NASHUA, NH — The Conservation Action Project, Defenders of Wildlife, and 10 other organizations today filed suit in U.S. District Court in order to gain full protection for the imperiled Canada lynx by correcting fundamental flaws in the U.S. Fish and Wildlife Service (FWS) final rule that lists the species under the Endangered Species Act (ESA).

The suit charges that the FWS's final rule illegally ignores several threats to the lynx, ignores three regions in the lower 48 states where lynx are found, and fails to designate habitat areas essential for the species' survival. FWS gave limited protection to Canada lynx after a court found that the agency had violated federal law by ignoring its own experts. Federal biologist believed lynx are threatened with the possibility of extinction in the lower 48 states.

"The scientific and legal record shows that lynx are threatened with possible extinction," said David Carle, executive director of the Conservation Action Project. "By filing this lawsuit, we hope to gain the necessary protection for lynx here in New England."

"What is very unfortunate is if FWS would obey the law in the first place, we could avoid this horrible waste of energy and money," added Carle.

The lawsuit makes four main charges:

First, FWS failed to recognize the importance of Northeast, Great Lakes, Southern Rockies, Northern Rockies, and Cascades regions to lynx conservation and cripples efforts to protect and restore the species to these areas.

Second, the service ignores the multiple threats to endangered lynx populations. FWS has stated that the species is threatened by intensive logging, roads, clearing of forests for development, ski areas, agriculture, effects of past overexploitation, fire suppression, expansion of competing predators and increasing human disturbance. It failed to acknowledge these issues in the final listing decision.

Third, FWS ignored the clear language of the ESA and research of its own experts when it listed the lynx as "threatened."

Finally, the plaintiffs charge that FWS failed to designate legally-required "critical habitat" for the species, offering instead to identify that habitat at some undefined point in the distant future.

"We are very concerned that the FWS has ignored a number of well-established threats to the species and has apparently made a conscious decision to write-off lynx in the Northeast, Great Lakes and southern Rockies, and on non-federal lands everywhere in the lower 48 states," said Carle. "By filing this lawsuit, we hope to correct the shortsightedness of the FWS, and stop the lynx from sliding to extinction."

Co-plaintiffs on the suit include Conservation Action Project, Defenders of Wildlife, Biodiversity Legal Foundation, Northwest Ecosystem Alliance, Superior Wilderness Action Network, The Fund for Animals, Restore: The North Woods, Predator Conservation Alliance, Kettle Range Conservation Group, Oregon Natural Resources Fund, American Lands Alliance, and Mark Skatrud. The groups are represented in this action by Eric Glitzenstein of the law firm Meyer & Glitzenstein, which specializes in wildlife and animal law.

Recommendation to FSC-US: Make Forestry Certification More Credible

by Mitch Lansky

INTRODUCTION

MANY ENVIRONMENTAL GROUPS think that forest certification is the best way to encourage companies to practice good forestry. Certification uses market carrots, rather than regulatory sticks. Of the array of forestry certification programs available, most environmental groups favor the collaborative-based Forest Stewardship Council (FSC), rather than an industry-based system, such as the Sustainable Forestry Initiative (SFI).

Even though FSC standards are derived through lengthy collaborations from a broad spectrum of interest groups, there have been a number of certifications lately — both world-wide and in the U.S. and Canada — that some environmental groups, native groups, and labor groups have protested. These protests seem to be an odd response to practices that are declared by certifying experts to be ecologically sound and socially responsible.

In November of 2000, FSC-US sent out a draft of its National Indicators. I reviewed these indicators, at the request of the Maine Sierra Club (which is appealing a recent FSC certification in the state) to see what was present or missing that would allow certifications that are so controversial. How could standards be changed to lead to more credible results? The following is an edited version of my comments to FSC.

TIME

FOR A FORESTRY CERTIFICATION system to be successful, it must have credible standards that are transparent to both landowners and the public. There should not be a major disconnect between what the landowners are supposed to be doing and what members of the public see if they go on the landowners' operations.

One key factor, that was not emphasized in the latest Indicators Draft, is the concept of time. Some organic farming standards, such as those in Maine, require that the land be managed without chemicals for three years and that there be a certain measurable level of organic matter in the soil before the farm can be certified.

Forests, in contrast, have much bigger time horizons than annual crops on farms. One cannot get desirable forest composition or stand structures over a landscape in one, two, or three years. This suggests that there be a two-tiered approach to time:

Some standards can be, and thus should be, in practice for a time before certification is granted. This includes such items as: cutting less than growth, minimizing damage in logging, paying loggers a "living wage," or avoiding pesticide use. Indeed, most of the standards, with the below exceptions, should have a history of practice by the landowner (for a minimum time period to be designated by the Regional Standards Committee) before the landownership can be certified.

For those elements that would take decades to develop — such as desirable landscape composition, stand structures, or

age class balance — the landowner should have management plans in place that would reasonably lead to the desired outcomes.

At the time of certification, if a company, for example:

- is cutting more than growth;
- is relying primarily on logging technologies that leave a big footprint in the woods;
- overworks its foresters so that they have no time to mark trees in partial cuts;
- tends to dominate local economies and sets a regional standard for squeezing logging contractors;
- uses more clearcutting, herbicides, or plantations than the regional average;

or only the year before certification, uses herbicides questionable under FSC standards, some people would, rightfully, be confused as to the integrity of the process and would wonder what is being certified — practices or promises? Having measurable targets over some reasonable time period would avoid such confusion.

MEASURABLE TARGETS

SOME OF THE DRAFT indicators are unclear as to what particular result is required of the forest manager. The provisions are broadly stated and open to a wide range of interpretation. For example, 5.3.b states that "Harvest is implemented in a way that protects the integrity of the residual stand. Provisions concerning acceptable levels of residual damage are included in operational contracts." In 6.5.d, the standards state that "Logging damage to regeneration and residual trees is minimized during harvest operations." But what is "acceptable" and what is "minimized"? This is up to interpretation of certifiers who may be looking more at local general practices than at measurable, desirable outcomes.

The monitoring section, 8.1, does not even suggest monitoring for these very important outcomes. Monitoring for logging impacts without some sort of measurable target would generate data without specifying any way to determine if the operation is in the ballpark or not.

For all the importance of management plans, it is the actual logging operation that leads to results on the ground that are either examples of a well-managed forest or not. The following are areas where regional committees can set scientifically-based, measurable targets that can be used (with flexibility according to terrain, stand type, and stand conditions) to measure performance:

BY FOREST TYPE, and adjusted for terrain, targets for maximum allowable percentage of land put in roads, trails, and yards (or landings). Roads, yards, and trails not only have impacts on soil and water, they also can: lower productivity, by lowering the percent of land that is actually growing trees; fragment closed-canopy, interior forests; and reduce the number of

crop trees suitable for long-term management. Scandinavian countries have measurable standards for this, and there is no reason why FSC cannot do the same.

BY FOREST TYPE, targets for reducing level of undesirable soil disturbance over logging operations (such as compaction or rutting). For an example of how this can be done, see <http://www.acadia.net/hcpc/lifnewssummer99.html>.

BY FOREST TYPE, targets for percent of moderate to severe logging damage to residual trees and regeneration from a logging operation. For an example of how this can be done, see <http://www.acadia.net/hcpc/lifnewsfall98.html>. In Sweden, the goal is to reduce such damage to less than 5% of crop trees. Logging damage can affect tree health, and long-term tree quality.

BY FOREST TYPE and habitat, stocking targets for partial cuts. Stocking can influence productivity and quality. Poorly-stocked stands can lead to higher rates of blowdown, undesirable branching in trees, and a shift in regeneration to earlier successional stages. Poor stocking can also degrade a closed-canopy, interior forest habitat. For the northeast, for example, US Forest Service has stocking guides by forest type for A-, B-, and C- line stocking. Stocking guidelines for riparian areas, or other special habitats, might be different than stocking only for productivity (this was recognized by the Maine Council on Sustainable Forest Management appointed by the governor). The FSC draft indicators, for some reason, neglected to focus attention on stocking.

BY FOREST CONDITIONS and management objectives, targets for % marking by foresters (or forest technicians) of areas to be logged. Some companies leave the decision of what trees to cut up to loggers. These loggers may not be trained as foresters or ecologists to make the best decisions. They might also have an incentive to highgrade. They might, even if well-intentioned, not be able to see all sides of the tree or tree crowns, especially if they are in a machine cab and working on a night shift.

While in some circumstances, cutting decisions do not require tree marking (clearcuts or overstory removals, for example), for many types of partial cuts, silvicultural and ecological decisions are better left to foresters than to loggers, who may be more concerned with productivity than quality.

TARGETS FOR ACCEPTABILITY of whole-tree harvesting. I would not suggest that FSC ban any particular type of machinery, but I see a need for cautions on some types of logging systems that may make meeting FSC goals difficult. In Maine, feller-buncher/ grapple skidder/ delimeter systems typically require trails 14 or more feet wide and separated by 40 or so feet. This can put 25% of logging area in trails alone. Removing whole trees (boles with tops and branches still attached) in bunches increases likelihood of damage to residual trees along trails. Yards, for storing whole trees to be delimiting, are often relatively large. Slash, even when it is taken from the yard back to the trails, is not evenly distributed back in the forest from whence it came.

When a company does the majority of its logging with such a system, this weakens certification credibility. The claim that other landowners in the region are doing

Companies doing intensive management are setting up conditions where pesticide use is more likely over the long term.

these practices does not justify them as certifiable—if such practices do not meet the ecological or social goals of FSC.

Measurable targets can also be extended to management plan goals (ones that, as mentioned earlier, take decades to achieve). For example:

BY FOREST REGION, long-term management targets for percent of forest in key ecological conditions important to biodiversity. Examples of this include closed-canopy, late-successional forests, or old-growth-like structures. The regional committee would have to define their terms to ensure that the results have true ecological integrity.

While 6.3.a.2, for example, calls for landowners to maintain or restore a range of age-classes, this call has no clear goals attached. Some landowners have made up their own standards defining what is "old" and what is acceptable for the shape or size of such stands. In Maine, for example, some companies think that is acceptable to use riparian zones that are only 250 feet wide to meet these requirements, even though such stands might be considered more "edge" than "interior." Regional committees will have to make an attempt at setting targets, otherwise such indicators will be up to the discretion of certifiers.

ACE (the allowable cut effect). Indicator 5.6 states that rate of harvest shall not exceed levels which can be permanently sustained. There is a degree of latitude as to how this can be determined. The draft indicators have little to say about companies who are cutting more than average growth rates, based on expectations of higher growth rates in future from intensive management.

This strategy is controversial. Cutting more than growth lowers the immediate inventory. It can, in the short term, lower the percentage of older stands and sawtimber stands, shifting growth to younger age-classes. Basing current cuts on projected future growth assumes that an even-aged system dependent on pre-commercial thinning, herbicides, and short rotations of stands that are relatively uniform (compared to natural stands) will work in reality the way it works in the computer. The stands will not be subject to problems of drought, windthrow, insects, diseases, or lack of adaptation to microsites in the landscape over the coming decades. Such assumptions may not be very realistic.

The intensive management systems also seem to violate the intent of having landownerships that do forestry that is ecologically sound (see following discussion on plantations). These systems also violate indicator 6.6 — to use environmentally friendly non-chemical methods of pest management and strive to avoid the use of chemical pesticides. Companies doing intensive management are setting up conditions where pesticide use is more likely over the long term.

Even-aged systems that create large enough openings also create habitat for pioneer species or stump sprouts that landowners might feel obliged to spray with herbicides. In Maine, herbicide spraying and pre-commercial thinning of black spruce stands have made stands more susceptible to the yellow-headed spruce saw fly, which some landowners

It should not be the purpose of FSC to allow landowners to meet ever-rising short-term demand of wood products by allowing intensive management practices that go against ecological principles.

have sprayed with broad-spectrum chemical pesticides. Using herbicides to encourage fir-dominated overstories can also encourage increased spruce budworm damage.

The term "avoid" can be interpreted in a way that allows a company to spray, for example, more herbicides than the regional average. The company might claim that it is "avoiding unnecessary use." That raises the question of whether any company would intentionally spray money away on an unnecessary use. It does not change the fact that even reducing use from the recent past, the company is still spraying more than its neighbors who are not doing intensive management.

FSC's lack of attention to this controversial issue has meant that certifiers can, and have, certified companies that are cutting more than growth based on ACE and are spraying more herbicides than is average for the state. This behavior has not helped the cause of transparency or credibility.

PLANTATIONS

THERE IS A REASON why plantations are controversial. Some types of plantations violate basic principles of ecological management. Unfortunately, the FSC draft document does not define "plantation." One company in my region, and its certifier, have claimed that a stand that has been clearcut, sprayed with herbicides, and planted to a single species of tree that would not normally dominate the site is not a "plantation," but a "planted forest." They argue that the tree species planted are either found in the region or are related to trees found in the region and the stands have some of the characteristics of a natural forest. This argument fails the straight-face test and does not help the credibility of certification.

FSC recognizes an array of acceptability of various types of plantations (indicators looking at stand diversity, exotic species, or scale and layout of plantation blocks, for example), but it did not organize this array in a way that enables regional committees to make more clear assessments of acceptability. Certifiers, who have an interest to attract paying clients, can thus come up with their own standards.

Here is an example of how to arrange an array of acceptability for plantations (items under bullets go from less acceptable to more acceptable). FSC should recognize that it is possible to manage natural regeneration into plantation-like stands through use of herbicides, pre-commercial thinning and shortened rotations. Such stands should be judged under the same criteria.

The array recognizes gray areas. It can be turned into a rating system that helps committees decide what is more or less acceptable in planted or intensively-managed stands.

Plantation Array

Purpose of Plantation

- grow fiber fast;
- fill in gaps;
- restore long-term forest ecosystem.

Vegetation Control

- broadcast aerial herbicides;
- spot herbicides;
- thinning by hand that allows retention of good examples of all species.

Species Diversity

- monoculture of exotic species;
- monoculture of a regionally native species that would not normally dominate site;
- monoculture of native species that would normally dominate site;
- diversity of native species adapted to site.

Stand Structure Diversity

- dead standing and down trees removed, slash removed, uniform, even-aged stands;
- some retention of dead and larger living trees, but still tends towards uniformity;
- mimics diversity of natural stand.

Planned Rotations

- a fraction of biological maturity;
- trees big enough for small sawlogs, but still biologically immature (mostly juvenile wood);
- trees large enough for larger sawlogs, stand develops some older characteristics;
- some trees allowed to get old, stand allowed to develop uneven-aged characteristics.

Landscape Context

- dominates forest landscape;
- dominates certain forest types;
- intrudes and/or fragments natural interior forest;
- on margins of natural forest and used only rarely;
- (restoration) enhances natural forest.

A plantation to restore a forest on former agricultural land may indeed meet the goal of 10.2 to "promote the protection, restoration, and conservation of natural forests, and not increase pressures on natural forests." Attempts to cut down natural forests and convert to plantations are highly questionable on these grounds, however. The exception would be a highly degraded forest that is planted to restore native species and diversity. If the landowner is clearcutting a natural forest, spraying herbicides, and planting species that would not naturally dominate the site, certification of such practices would lead to legitimization of a type of forestry long protested by local citizens and environmentalists.

It should not be the purpose of FSC to allow landowners to meet ever-rising short-term demand of wood products by allowing intensive management practices that go against ecological principles. Many of these demands are for wasteful and frivolous uses, hardly justifying the sacrifice of forest ecosystems. It might be more fruitful to call on society to reduce such wasteful and frivolous demands, rather than call on landowners to meet them with ques-



tionable practices.

No matter how intensively forests are managed, there are limits to what they can produce. Since it is a given that forests have limits, this implies that society will have to eventually live within those limits. It is far better for society to live within limits that are based on sustainable management of more whole ecosystems than on management systems that hurt ecosystem integrity and may be much harder to sustain over many rotations.

SOCIAL RED FLAGS

WHILE THE INDICATORS are, rightfully, stated as positives, there are some social negatives that certifiers might note as "red flags" indicating a need for closer attention. When an independent observer sees a number of these, it is difficult to take certification as being "socially responsible" seriously.

Some companies, due to their size and location, can have a major influence over local economies (monopoly, oligopoly, monopsony, oligopsony) and political systems (donations, lobbying, and use of economic leverage). Companies with this degree of power have an added obligation to use it in constructive ways. Large companies competing in global markets have a temptation to use their clout to reduce costs in ways that can hurt local communities. Certifiers therefore need to ask the following questions:

↳ Does the company use this power to depress wages (are wages in this region less than in other forest regions for similar work and is the company setting the industry standard for wages)?

↳ Does the company (if it has mills) use its power to reduce payments to wood-

lot owners for purchased wood?

↳ Does the company leverage its work force to work long hours or have contractors work equipment on night-shifts?

↳ Does the company make use of imported labor working at wages unacceptable to local workers?

↳ Does the landowner export a large portion of its raw sawlogs to foreign export markets rather than support local mills?

↳ Does the company use its power to influence public policy to assure its ability to lower its taxes (shifting taxes to others), ensure cheap labor, protect against reasonable forest policy changes, or prevent regulations that might protect the environment?

↳ Does the company use its influence over the standards-making process to weaken certification standards and make them more "industry-friendly"?

Some of the above concerns were mentioned under 4.1, yet there are FSC certified companies in Maine whose practices have raised these red flags for years and have contributed to the decline of local communities. Perhaps FSC needs to find a way to state the positive goals of supporting local economies and paying a fair wage more forcefully so that it is unambiguous to certifiers what this means.

WHO ARE THE CERTIFIERS?

WHILE CERTIFICATION IS touted to be an objective process done by third party "independent" certifiers, the reality may be different. Indeed, there are pressures within the certification system that can, if not checked, lead to weakened standards and

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Making Certification Standards Credible

Continued from page previous

lax interpretations of these standards.

Some certification companies are for-profit operations that make more money as they certify more acres. FSC itself has the temptation to encourage rapid growth of certification to increase market power, increase prestige of the organization, and increase the power of those within the organization's bureaucracy. To some extent such rapid growth is restrained if the credibility of the organization falls, due to increased controversy.

While FSC is a multi-stakeholder organization, some stakeholders can have a powerful influence due to economic clout. One of these influences is funders. Funding is supposed to be done with no strings attached. In 1998, however, major funders (including Rockefeller Brothers Fund, Global Wallace Foundation, MacArthur Foundation, and Ford Foundation), suggested in a letter (not available to FSC membership) that forest products industry membership be better represented on the FSC board. Such a demand surely sounds like "strings" and does put pressure on FSC to change policies.

The biggest clients of certifiers are large landownerships — indeed 96% of land certified worldwide has been industrial and governmental holdings. These large landholdings give an immediate huge boost in certified acreage. In Maine, just two landowners under certification (or in the process of being certified) represent nearly 2.5 million acres of certified land (1.5 million acres of these lands have already been certified).

Some landowners being certified have representatives on the regional committees that make the regional standards. To the extent that the committees operate by consensus, these companies have veto power over standards that might restrict their certifiability. One of these landowners, who owns land in neighboring New Brunswick, dropped its Canadian certification when the regional committee passed standards to which it objected concerning the use of pesticides and exotic species. This landowner objected that there was not enough industrial representation on the standards committee.

Although ecosystems do not operate by different standards when owned by industrial landowners as opposed to woodlot owners, certifiers are tempted to be more lenient with industrial landowners because large landownerships represent such a monetary and prestige boost to certification.

To the extent that certification standards are vague or without measurable performance standards, this puts the power of interpretation in the hands of certifiers. This raises the question of the true independence of the certifiers. How are they chosen? Do the landowners have any influence or any veto power over who might certify them—ensuring that the certifiers are not antagonistic to industrial practices?

To what extent have the certifiers had a history of consulting for or working for companies in the forest industry? If they are consultants, to what extent is there a financial benefit to them to accept the clients' practices—because this might lead to more contracts with these or other industrial clients? To what extent have

Certification should be based on a proven track record of meeting measurable outcomes, not based on promises of future performance.

they promoted the use of controversial industrial practices such as herbicide spraying or plantations? To what extent does FSC have oversight over certifiers—who have so much power to interpret FSC standards and influence FSC credibility?

While it may not be considered polite to question the motivation or credentials of certifiers, it is hard to deny that there is a potential for conflicts and a need for some kind of oversight. Righteous indignation over such questions does not address this need.

RAPID GROWTH OR STRONG FOUNDATION?

I HAD THE OPPORTUNITY a number of years ago to witness a debate in the organic farming movement over certification in Maine. Very few farms in Maine were certified. One faction claimed that certification standards were too strict. They claimed that there should be an attempt to make it easier for large farms to make the transition by allowing certain chemicals at certain times. I, and some others, countered that the guidelines for chemical use suggested were too confusing, both to consumers and to farmers. I suggested that the reason few farms were certified was due to markets—there were no major market or market advantages at the time.

The next year a company manufacturing organic baby food came to Maine. Suddenly there was a big market with a financial incentive for certification. Within a short time, organic certification mushroomed. It has been growing ever since. There was no need to water down the standards. The controversy ended.

Certification for forests should be transparent and understandable to both public and landowners. The key is to make certification so compelling that there is a market premium for certified products. If there are numerous controversies swirling around certified companies the credibility will not come.

Certification should be based on a proven track record of meeting measurable outcomes, not based on promises of future performance. Creating clear standards now that meet FSC goals is a far better strategy than getting companies on board who have questionable practices now in the hopes of changing them later. This strategy, enunciated in the musical *Guys and Dolls* as "Marry the man today, change his ways tomorrow," is subject to the complaint by industry that FSC keeps moving the goal posts. Women who have tried this strategy with their husbands have had very mixed results.

Note: All of these were true at the time of the certification of J.D. Irving's Allagash Timberlands



TROUT UNLIMITED CALLS ON STATE, FEDERAL & LOCAL OFFICIALS TO ENSURE THAT LISTING EFFORT IS SUCCESSFUL FOR SALMON AND MAINE RESIDENTS

[Brunswick, Maine] — TROUT UNLIMITED (TU) applauded the US Fish and Wildlife Service and National Marine Fisheries Service today [November 13, 2000] for listing Maine's Atlantic salmon under the Endangered Species Act. "This is the right decision. Today's endangered listing substantiates the dire biological status of Maine's salmon populations and meets the legal requirements of the ESA," said Charles Gauvin, TU's president.

The Services announced an "endangered" listing for the Gulf of Maine Distinct Population Segment of Atlantic salmon, and gave formal protection to salmon in eight Maine rivers. This year, only 27 wild, adult salmon returned to three of those rivers with counting facilities. TU cautioned that listing will not be enough to save salmon.

"Endangered status gives salmon the recognition and legal protection they need, but it won't do anything by itself," said Jeff Reardon, TU's New England Conservation Director. "We need to continue to work together to address the threats that last year's federal Status Review identified." Those threats include escaped fish from salmon farms and water withdrawals for irrigation. TU praised state and federal government officials for progress in funding and implementing Maine's voluntary Salmon Conservation Plan. Maine recently stepped up local efforts on salmon rivers, and President Clinton recently signed a \$5 million appropriation for salmon conservation, a measure that was spearheaded by Senators Snowe and Collins. The purpose of the \$5 million is to support "on the ground" proj-

ects like land or easement acquisition, fish passage, and habitat restoration.

"The State of Maine, the Watershed Councils, and those who fought for the \$5 million appropriation — including Governor King and Senators Snow and Collins — should be applauded for their efforts, said Reardon. Legal protection under the ESA will ensure that those efforts are extended and continued for the long term.

Maine residents and Atlantic salmon supporters have traveled a long, hard road to secure these protections. It is essential, no matter which side of the argument you were on prior to today's decision, that we all pull together and make life after listing a success for both the salmon and the residents of Maine. We only have one shot to make this work," said Gauvin.

TU expressed concerns about recent efforts by the State of Maine to delay a listing decision. Citing concerns about the effects of listing on Maine's blueberry and salmon farming industries, Governor King recently requested a six-month delay of the listing decision for the state to conduct new studies on salmon genetics. "We're already at the 11th hour," said Dick Walthers of TU's Maine Council. "Maine's efforts would be better spent working on solutions that protect both salmon and Maine businesses than on another effort to delay listing."

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State Appeals Endangered Atlantic salmon Listing A Day Which Will Indeed Live in Infamy

(Press Release from the office of Governor Angus King)

(DECEMBER 7, 2000) AUGUSTA — The State has appealed the Federal Government's decision to list Atlantic salmon in eight Maine rivers on the Endangered Species Act list.

The appeal, filed by the Attorney General's Office Thursday morning (December 7) in U.S. District Court in Portland, cited a number of reasons the State believe the listing was unjustified. Among the arguments:

• Less than two years after determining that salmon was "not likely to become endangered in the foreseeable future," two federal agencies abruptly changed course and decided to list salmon under the Endangered Species Act. The State argues the reversal in policy was arbitrary and an abuse of discretion.

• The Federal Government's contention that the salmon in the eight Maine rivers listed constitute a "distinct population segment" is not supported by sound science.

• Many of the fundamental reasons the Federal Government offered to support the listing conflict with positions it has taken in this and other cases.

"This is certainly not how government is supposed to work, and I truly wish

we had an option other than court," Gov. Angus S. King Jr. said. "However, we feel very strongly that Maine's restoration program is on the right track, and the Federal agencies simply aren't listening."

King also said that the Federal Government appears to agree that the current restoration effort may well prove successful: in its listing in the Federal Register, the agencies noted that significant returns of adult salmon are likely to appear within the next several years.

In its complaint, the State said that the Federal Government failed to consider the fact that during the past century millions of salmon have been stocked into the rivers included in the listing, thereby diluting any original genetic strains.

"I completely agree that Atlantic salmon in Maine need to be restored," the Governor said, "but precedent, science, and common sense dictate that the Endangered Species Act simply doesn't apply in this case."

Among other things, the State asks the court to declare the listing unlawful and prevent the implementation of the federal plan. A copy of the complaint is available on the governor's web page at <http://www.state.me.us/governor>.

Maine's Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry

by Mitch Lansky

THE NORTHERN Forest Lands Council punted on key labor and economic issues relating to forested communities. It assumed that the "the large landowners have served the region well," and focused on solutions that benefited these large landowners, such as tax reductions and easements. By NFLC logic, what's good for the large landowners must be good for the region. Therefore, benefiting the large landowners will cause additional benefits to trickle down.

Next came the Maine Council on Sustainable Forest Management. It too punted on these issues, but at least gave an extended statement on the subject:

"At its meetings and in public comments, the council heard many people express concerns about economic and labor issues. Chief among these concerns were:

Raw log exports, labor imports, workers compensation issues, mechanization of timber harvesting, and their impacts on logging employment;

Regional shortages of timber harvesting work for loggers;

Piecework pay rates and their impact on loggers' safety and incomes; and

The impact of current forest practices and corporate decisions on the stability of local, forest-dependent communities.

The council heard these — and many other — concerns loud and clear. It has discussed these issues at length but has come to the conclusion that they lie beyond the council's mission as given by the Governor, and outside the areas of expertise represented on the council.

In choosing not to deal with these issues at this time, the council does not dismiss them. They are serious issues that must be debated, and, where possible, resolved in the public policy arena. While current economic trends do not offer much solace to out-of-work loggers or declining

rural communities, Maine's quality of life, the future of rural communities, and the future direction of Maine's economic policy hinge on the outcome of such a debate. This debate should bring to the table as wide a representation of affected stakeholders as possible. It should attempt, at a minimum, to establish a common understanding of the problems, challenges, and barriers to rural prosperity; and, beyond that, general agreement on the policy steps that need to take place."

In 1997, Representative Paul Volenik introduced a bill, LD 2005, that would do all of the above. The bill was lost in the shuffle of other post-referendum forestry bills and was repeatedly tabled. In 1999, loggers had blockaded the Canadian border, bringing these issues to the forefront. Logging contractors also publicly expressed their discomfort over a continued squeeze from landowners. The rate paid per cord of wood had hardly changed for more than a decade.

The Maine Forest Products Council (MFPC) represents large landowners and paper mills, but it also represents logging contractors and sawmills. It could not oppose LD 2005, because some constituents supported it. So instead, the MFPC engaged the bill, turning what it perceived as negative statements into positives, refining what would be studied, and adjusting some elements concerning who would be on the Round Table and who would appoint these members. The bill, which could potentially help the industry

and Maine's rural economy, passed.

The mission of the Round Table, as passed, is to "Study key economic and labor issues related to the forest products industry with the goals of helping to keep more value-added wood processing in the State and make logging a more respected and more attractive profession, thus benefiting the rural Maine economy. Issues studied must include:

A. An assessment of the import and export of roundwood and other wood products as determined by the round table; the market forces and government policies in Maine, the United States and other countries that impact this trade; the status of value-added manufacturing; and the relationship of these issues to employment in Maine;

B. An evaluation of trends in logging, including changes in mechanization, logger training and education, workers' compensation and insurance, employment relationships, types of wood measurement and means of payment; and

C. An assessment of regional variation in and seasonal capacity of the logging labor force in Maine, policies both within Maine and in nearby Canadian provinces and factors, including current and projected resource availability, transportation costs, market forces and imperfections and geographic locations, that might impact wage and employment opportunities for Maine workers."

The Round Table consists of 19 members:

a representative of a landowner with more than 1000 acres of woodlands (John Cashwell, Seven Islands); an owner of less than 1000 acres of woodlands (Ancyl Thurston); a rural sociologist (Roger Merchant); a forest economist (David Field, UM); a large sawmill representative (Ked Coffin, Irving); a small sawmill owner (Bill Dauphinee); an independent logger from a region impacted by the bonded labor program (Hilton Hafford); a town manager from a town dominated by land under Tree Growth (Steve Brown, Dixfield); a paper company representative (Tom Howard, G-P); a logging contractor from northern Maine (Steve Wales); a representative of an environmental group working on forestry issues (Mitch Lansky, LIF); a representative of the Department of Labor (Michael Frett, Bureau of Labor Standards); a representative of the Maine Forest Service (Tom Doak); four legislators (John Nutting, Roland Sampson, David Trahan, Vinton Cassidy); the dean of the College of Natural Sciences, Forestry and Agriculture at the University of Maine (Bruce Wiersma).

Because of the tremendous scope of the Round Table and the size of the group, the Round Table staff, Christopher Spruce and Todd Jorgensen, recommended that we set up three subcommittees looking at market forces, logging trends, and logging labor force. Members can be on more than one subcommittee—there is a lot of common material to each.

So far we have been gathering information. We already have accumulated a pile of documents closing in on half a foot deep. We have also had numerous guests (and even a tour or two). And every meeting we have informative and thought provoking discussions. These will continue until the legislature begins its work in earnest, taking up time from staff and legislative members. We will start up again when legislative action slows down again, in the summer.

The mood, so far, as been cooperative, rather than antagonistic. All members seem to realize that there are serious problems out there, that there is a potential to benefit the whole system, and that this will benefit the constituent parts. Coming up with solutions, however, will not be easy. We have the examples of past commissions and task forces that have studies sitting on the shelf, but little concrete action. We also have examples of actions that may have benefited a small segment of, but not the whole, industry, and not the whole economy.

We have a challenge to deal with the complexities of forests, workers, companies, communities, and global market forces and come up with realistic options for the Maine legislature. At a minimum, we will certainly inform the public about what we are finding as we delve into the complexities of forestry labor and economic issues.

NH to Assess Moose Mortality & Habitat

THE NEW HAMPSHIRE press is reporting on plans of the NH Department of Fish and Game to radio collar moose in a project starting next summer that will attempt to assess unusually high rates of mortality in the herd. The study area will be north of Berlin, NH and utilize helicopters to capture and collar the animals.

The 4 year study will attempt to identify cutting practices that benefit the moose. Preliminary study has demonstrated the utilization by moose of mature hardwood stands, prompting some concern that clearcutting may be depleting habitat. Such area may be critical habitat for calving and shelter.

Study participants however are looking at a range of environmental factors that may be contributing to high mortality rates. These range from parasites and heavy metals to collateral damage from traffic and hunting.



Managing Your Back 40

Woodlands for Profit and Pleasure, by Reginald D. Forbes, The American Forestry Association, 1976.

Working with Your Woodland: A Landowner's Guide, by Mollie Beattie, Charles Thompson and Lynn Levine, University Press of New England, revised edition, 1993.

The Woodlot Management Handbook, by Stewart Hilts and Peter Mitchell, Firefly Books, Ltd., 1999.

by Pamela Prodan

THE VALUE OF A reference manual for the small woodlot owner lies in its ability to help the owner understand more about his or her woodland and to set the tone for subsequent decisions about caring for the forest. Woodlot manuals have evolved considerably over the past quarter century as the science of forest management has changed. It is now nearly universally agreed that management goals should go beyond the production of wood products and that planning should integrate knowledge of forest ecosystems into everyday management decisions. This review examines a recent manual written by two academic researchers who approach the woodland as an ecosystem, but first takes a look at two older manuals written by foresters. The three take fundamentally different approaches. One thing they all have in common though: all three books reviewed for this article emphasize the wisdom of obtaining professional forestry advice, especially before major management decisions are made.

MAKING WOOD PRODUCTS

OVER TWENTY YEARS AGO, we obtained a copy of *Woodlands for Profit and Pleasure* by Reginald D. Forbes. The American Forestry Association, a mainstream organization with the reputation for supporting industrial forestry, published this manual. I'm not sure we got much use out of the book, although it was touted as appealing to small landowners with strong reservations about traditional timber harvesting, a description I admit applies to me. Today, it surprises me to pick up this 1970s-era manual and see so much emphasis placed on the "timber cruise" and diameter limit cuts. With only one page given over to wildlife considerations aimed at hunting and fishing and a two-and-a-half page discussion on ecology, this is truly a book that deals with the forest as a factory for growing trees. And the goal of growing trees is making wood products.

The author reveals his philosophy when he describes a cut he designed in 1947-48 as a consulting forester for a 200-acre arboretum located in the eastern U.S. It contained some trees as large as 50" diameter and some as old as 250 years. The problems described included the fact that many of the oldest trees were dying, many were "wolf trees" and the wind was uprooting some. High-grading had occurred in the past. Goals for the harvest included removing all trees that because of rot or ill-health were unlikely to survive another fifteen or twenty years and encouraging the tallest, straightest, and least branchy trees

of all diameters. Forbes wrote, "The great beauty of huge branches and spreading crowns, which characterizes the widely spaced trees in the arboretum, in the managed forest will be matched by the beauty of crowded, slender shafts, straight and clean of limbs to a great height, such as grips the beholder of the Vienna Woods or the firs of Vallombrosa, Italy." Do I detect an inability to see beyond the goal of a perfect sawlog in every tree?

Forbes laments the fact that, at the time, there was no market available for the wood in the tops of the felled trees and it had to be left to rot. Although not considered a high-grading operation because it left a well-formed crop that would be suitable for future harvest, the cut was heavy and resulted in a forest with fewer than half the original number of timber trees over 14" DBH. Specifically, the number of trees from 15" to 19" diameter went from an average of 12.9 per acre before the cut to an average of 7.0 per after the cut. Trees 20" or greater went from an average of 12.9 per acre before the cut to an average of 5.7 per acre after the cut. It is probably hard for the average reader to translate these numbers into a sense for how the forest changed, but I think many today would take strong issue with the volume of wood removed all at once as well as other aspects of the cut. In fact, Forbes mentions that friends of the arboretum were upset with results of the harvest designed "to put the forest house in order." Unfortunately, his condescending attitude toward the people who objected to the cut has not changed much in some forestry circles. Most industry foresters still claim that the public should leave it all to the experts. Today, this attitude is sometimes articulated as "forestry is not rocket science, it's more complex" or "computer programs that use mathematical models are needed..."

MANAGING STANDS OF TREES

ANOTHER BOOK, one we have utilized, is *Working with Your Woodland: A Landowner's Guide* by the late Mollie Beattie, Charles Thompson and Lynn Levine, first published in 1983 and revised in 1993. The Beattie et al. manual is a practical text that emphasizes forest stewardship and basic management techniques for New England. The authors' philosophy about management is summed up by the following passage: "Woodlot management is largely aimed at assuring that the trees most valuable for a given use gain the competitive advantage, and many techniques work by simply removing the undesirable trees, whose share of the growing space is then inherited by the desirable ones." (P. 107) While emphasizing tree growth for the production of wood, the book also provides guidance for uses other than timber production and allows for a wide spectrum of compatible management objectives.

This comprehensive book is directed at the small woodlot owner who plans to participate in the management of the forest and the harvesting and selling of forest products. The importance of stand-level management and all it involves is emphasized. How to do a woodland inventory with stand and soils descriptions, including the use of site indexes, is included. (Site index is an indicator of the quality of a site for growing trees and is available from the USDA Soil Conservation Service for a particular property along with information on other soil characteristics.) These details help in

understanding a site's inherent capability to produce wood. In addition, Beattie et al. include sample contract clauses for hiring a forester, selling and harvesting trees and selling sap as well as information about financial and tax aspects of forest management and New England state forestry laws.

Although they offer much technical detail, Beattie et al. presume that professional foresters will conduct the timber inventory and make the stand recommendations (after all, the authors were foresters when they wrote the book). Consequently, they give no information on how to do a timber inventory. In addition, even though it includes an excellent history of the New England forest, the book leaves a gap in the reader's understanding of the changes occurring in the forests of New England over a wide spacial and temporal scale, which is key in formulating management strategies. Perhaps because of their own recognition of these changes, by the time the second edition was published in 1993, the authors acknowledged that stewardship is more than observing forestry laws and textbook practices. They wrote in a postscript to the second edition that stewardship is an ethic that requires the inclusion of legal protections that insure the perpetration of sound forest management and the location of future development where it will not impact woodland values.

ECOSYSTEM MANAGEMENT

TAKING A REFRESHING approach, *The Woodlot Management Handbook* by Stewart Hilts and Peter Mitchell emphasizes observation and understanding as the most important steps in managing the forest. The book is permeated with a strong ecological perspective, the emphasis being on managing ecosystems rather than managing trees. Hilts teaches in the Department of Land Resource Science at Ontario Agricultural College and Mitchell is a research associate at the Centre for Land and Water Stewardship, University of Guelph. While they strongly advise the importance of consulting with a professional forester, the authors just as strongly encourage the landowner to take a hands-on approach to learning about the forest.

Hilts and Mitchell contend that most rural landowners use their woodlands for nature appreciation while others seek an economic return or a source of firewood. The authors recommend doing a woodland inventory (distinct from a timber inventory) that is focused on observation of four things: ecological communities (forest stands); physical features (wet or dry, sloping, rocky); special vegetation and wildlife (unusual species, den trees, brush piles); and cultural features (roads, fences, foundations). Such an inventory is useful and informative, even if forest management activities are not planned. Step-by-step directions are provided to help the reader compile this basic woodland inventory.

In order to manage a woodland for firewood or timber production, or even to enhance its old-growth or recreational characteristics, a timber inventory should be conducted. While a professional can be hired to do this, Hilts and Mitchell assume that the landowner will want to add to his or her understanding of the woodland by actually counting, identifying and measuring the size of the trees, for at least some portion of the land. They provide simplified steps that will give the landowner a working estimate of the amount of wood

in the woodland. This is a useful exercise for every landowner to conduct prior to or at the same time as consulting with a forester so that, when it comes time to discuss major management decisions for the woodland, both the landowner and forester are talking the same language. Absent doing the field work, it is still useful for the landowner to understand the process and terminology involved in a timber inventory, and Hilts and Mitchell do a commendable job explaining this.

Perhaps the most useful chapter of the book for the landowner who is interest in management activities is the chapter called *Timber and Firewood Harvest - Principles and Practices*. This chapter presents management concepts applicable to hardwood forests of our region, using a cautious approach that first sets aside areas of environmental sensitivity that will not be managed for timber or firewood production. The authors describe thinning and improvement cuts in even-aged and uneven-aged woodlots. Residual stand stocking recommendations are included as well as rules of thumbs for which trees and how many to cut. Particularly intriguing is the concept of working toward an ideal distribution of tree sizes for the uneven-aged woodland. By comparing present stocking levels (total basal area) for all size classes (usually there are four size classes ranging in size from 5-9" to 20" or greater) to an ideal, the landowner will know where the actual distribution of trees exceeds or falls short of the ideal. In a size class where the number of trees exceeds the ideal, "surplus" trees are available for harvest, while in a size class where the number of trees is below the ideal, no trees should be harvested. As is often the case throughout the book, the authors recommend a forester be consulted for assistance with this approach.

The only drawback I see to the Hilts and Mitchell book is the lack of depth on most subjects. However, keep in mind that the book is aimed not at professionals but landowners, some of whom might be intimidated by a lot of detail and uncertain about the thought of management in the first place. While I like the emphasis on ecological balance and viewing the forest as a whole, I was unable to find enough detail or reference to other resources to answer my current questions on the work of forest soil organisms, which are essential to the whole forest ecosystem. Also, although the authors convey the importance of protecting or restoring old-growth features that represent undisturbed forests, there is no discussion about the concept of stability in the context of ecosystem management. Stability, which at first may seem to be a contradiction when discussing the forest as a dynamic system, is provided by specific components of the forest that allow the forest to retain its capacity for self-renewal. These components are sometimes called "biological legacies." Many ecologists acknowledge the importance of retaining biological legacies like big dead wood, not simply for wildlife habitat, but for other ecological roles, including reserves for microbes and fungi to survive natural or man-made disturbances. Perhaps the authors feel that these subjects are too intangible or arcane to include in a practical, hands-on manual, but I think they deserve mention.

After many years of observation and attempts at management, I believe that the fate of a woodland is determined either by active management or by

"A Dramatic Culmination" Department of Conservation Establishes Maine's First Ecological Reserves

Press Release of the Maine
Department of Conservation

AUGUSTA, MAINE — (January 9, 2001)
The Department of Conservation's Bureau of Parks and Lands designated 13 tracts totaling 68,974 acres today as Maine's first Ecological Reserves. Located statewide on Maine's Public Reserved Lands, the ecological reserves will protect one or more natural ecosystems that are relatively undisturbed, and retain plant and animal communities native to Maine in their natural condition. These ecological reserves will serve as benchmarks for comparison with managed lands, maintain habitats, and provide opportunities for education, monitoring and research.

The Maine Legislature authorized the establishment of ecological reserves last year with the provision that traditional uses including hiking, hunting and fishing continue. Following today's designation, the Maine Natural Areas Program, working with the Department of Inland Fisheries and Wildlife and the state's scientific community, will establish a monitoring plan. Maine is now positioned to protect and study these ecological systems in their natural state, and the research will have applications in a variety of areas including land management and habitat restoration.

"These 13 ecological reserves represent an appropriate use of public lands that will contribute to biological diversity while providing insight into how these ecological systems function," states Maine Bureau of Parks and Lands Director Thomas Morrison.

As part of the Maine Forest Biodiversity Project (MFBP), the natural features within the reserves were identified during a statewide inventory of ecologically significant areas conducted from 1995 to 1998 on public and private conservation

land in Maine. The MFBP brought together a diverse group of landowners, conservationists, sportsmen, scientists, public and private land managers, and educators who shared a common goal to maintain biodiversity in Maine. Assessing the opportunity to establish ecological reserves on public lands was one of the Project's goals, and, in 2000, the Maine State Legislature passed LD 477 that authorized BPL to designate up to 15 percent of Maine's public lands as ecological reserves.

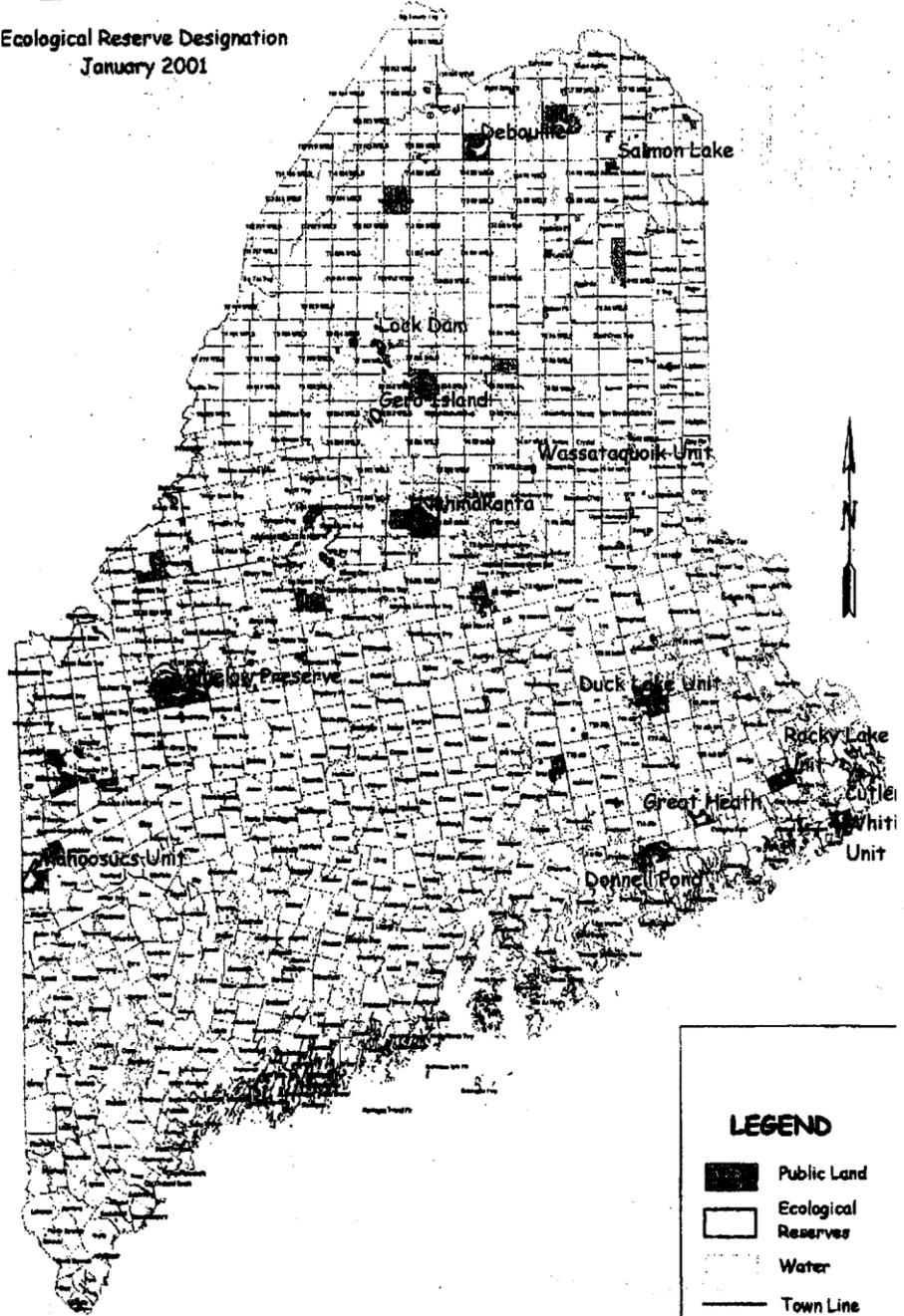
The ecological reserve legislation allows research, education and non-motorized recreation activities to continue, and permits traditional recreational uses including hunting, fishing, hiking and other compatible activities. Use of existing snowmobile and ATV trails may continue if impacts to the ecological values are minimal. Commercial mining, timber harvesting, and commercial sand and gravel excavation are uses that the legislation deemed incompatible with the purposes of the ecological reserves and are not allowed. However, 69% of the reserve areas being designated are not capable of sustained timber harvesting because of elevation, slope or wetlands and water.

"This is a dramatic culmination of years of systematic and thoughtful work to protect Maine's ecological diversity," says Dr. Malcolm Hunter, Professor of Wildlife Ecology at the University of Maine. The Maine Outdoor Heritage Fund and two key proponents of ecological reserves, The Nature Conservancy and Natural Resources Council of Maine, will provide funding for the monitoring effort. "An important next step for these reserves will be the initiation of long-term ecological monitoring," remarks Natural Areas Program Director Molly Docherty. "We are looking forward to this historic endeavor that will enrich our knowledge base of Maine's natural communities."



Department of Conservation
Bureau of Parks and Lands

Ecological Reserve Designation
January 2001



LEGEND

- Public Land
- Ecological Reserves
- Water
- Town Line
- Roads

An electronic version of this map is available on the Department of Conservation's website. The primary source for this information is the Maine Department of Conservation's Geographic Information System. The map is a working product. Other than by the State of Maine, it is not to be used for any other purpose.

Book Reviews...

default (otherwise known as lack of management). Unfortunately, much of the activity occurring in the Northern Forest today seems to fall more into the category of default than management. While we probably can never understand the full impact of our management decisions, I do believe that the better informed the landowner, the better the outcome. The woodland manuals by Beattie et al. and Hiltz and Mitchell provide a wealth of information that all small woodland owners should be aware of. Each provides a unique perspective and either would be a valuable addition to the library of any woodland owner who wants to understand the Northern Forest better.

For a good introduction to the role soils play, see "Interview with Forest Ecologist Dave Perry: Part II," (interview by Barbara Alexander) *Northern Forest Forum*, Volume 6, No. 3, pp. 18-20. Biological legacies are discussed in "Dynamics of Forest Ecology & Ecosystem Management," (Part I of interview of Dave Perry by Barbara Alexander) *Northern Forest Forum*, Volume 6, No. 2, pp. 11-14.

Sierra Club appeals Irving Green Certification

OCTOBER 13, 2000—In response to Governor King's announcement that state owned timber land will be applying for Forest Stewardship Council certification, as well as the Forest Product Industry's Sustainable Forestry Initiative (SFI) certification, Sierra Club calls on Governor King and the State of Maine to look at the all the tools available for protecting Maine Forests.

"The State of Maine needs to have the full box of tools to protect Maine's Forests for future generations," said Carole Haas, Sierra Club conservation chair. "Green certification is just one tool for forest protection. The Sierra Club supports [-ed] both Question 2 and FSC certification."

"While the Sierra Club continues to support FSC certification and views it as a valuable tool for forest protection, we have serious concerns about the recent certification of Irving forest lands in the Allagash," said Haas.

The Sierra Club has initiated the FSC appeal process based on concerns about Irving's labor practices, the rate of

cut exceeding the rate of growth, unwarranted clearcutting, and the use of herbicides.

The state owned lands that the Governor announced would be applying for private "green" certification are not part of Maine's Tree Growth Tax Program. They therefore are unaffected by the current forestry referendum, which seeks to require accountability for those landowners receiving a public tax break.

"Protecting Maine's Forest is too important to leave solely to a consumer based, voluntary program" continued Haas. "We need to look at That's why as a FSC member group we also support new public policies to better protect Maine's forests including the forest referendum and Land acquisition".

The Sierra Club is a founding member and long-term supporter of the Forest Stewardship Council and supports the organization's efforts to offer consumers the opportunity to purchase wood products that meet certain minimal forest practices standards.

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ALLAGASH HASH & REHASH

BY GARRETT CONOVER

MY MAILBOX MUST HAVE a sense of humor, or at least a penchant for ironic twists. I was only gone six days, but in that time a news brief arrived from the Allagash Alliance, Maine Times, and an unmarked folder without a return address containing copies of planning maps and notes from a recent meeting of BPL personnel regarding snowmobile route proposals on the Allagash Waterway.

My absence was spent in the utopian north woods town of Ely, Minnesota while being a presenter at a Traditional Winter Travel Conference. I suppose my mailbox didn't want to allow me the natural excitement generated by visiting an area that successfully manages complex user group issues extraordinarily well. The contrast is dangerous. You either get unrealistically optimistic because of a functioning current example that could be workable here in Maine; or plunged into despair about the hopelessness of ever achieving the best parts of the balance as practiced in Northern Minnesota. After all they have a 75 year head start on the trail to enlightenment, and a full fifty percent of the current wilderness area was pristine to begin with.

IN MAINE

THOSE WHO FAVOR QUIET uses and maximization of an area's wild character find blustery fights going on over the remnant scraps of places that are only slightly wild by contrast with areas of no wilderness. Major rafting companies advertise "Wilderness" trips with a straight face, even though the trips are day trips on dam-controlled rivers next to roads. Heck, although I haven't lied outright, I'm guilty of sleight of semantics myself. My brochure perpetuates the myth of a wild Maine by saying "trips take place in the wildest remaining areas of the Northeast"; when it could just as honestly say "through the pathetic remains of corporate woodlands where even the cosmetic fringe along the waters is a sick joke."

Here, the motor user lobby has the willing ear of a governor and most appointed commissioners. Most recently it wants yet another unnecessary expensive access point to a waterway originally designed to be free of such intrusions. On other related issues, an amazingly disrespectful bunch of hecklers are allowed to waste everyone's time on the floor of hearings where the intent is supposed to be reasonable discourse to solve complex issues, strive for solutions, and be sensibly pro-active in the face of accelerating change coming whether any of us want it or not.

Maine is a puzzling place. We are easily made victims of divide and conquer tactics. We are prone to fight and compete when we would be stronger as allies. Only a few organizations recognize up front that all wild lands issues must be approached as restorative potential since the choice of preserving in advance of loss has largely been squandered. Why do we so willingly re-fight each issue every time when the original legislation is clear as in the cases of Baxter or the Allagash? Why have so few put the interests of both quiet users and the motor lobby temporarily aside to ask why spend \$61,600.00 on anything with so little intrinsic value, and no hope of an economic return on the investment as in the case of John's Bridge, the most recent point of contention on the Allagash?

Are there no limits to the ostensibly ridiculous? Where are the iron fisted moderators at hearings to make bellicose loudmouthed complainers sit down and shut up until they are prepared to present their opinions politely

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and in a manner that might be listened to. And what sort of "Wilderness Waterway" entrusts its own managers to create and legitimize snowmobile access because it is understaffed to manage the infractions of illegal users already in place? Personally, I distrust people who give up in advance of assessing a problematic situation. What might be next, the State Police legalizing drunk driving, drug use, and all forms of mayhem due to understaffing, and the lack of budget for carrying out clearly defined laws?

IN MINNESOTA

THE TOWN OF ELY has died twice, and come back to life both times. Logging crashed at the turn of the century. Iron mining crashed in the early 1980s. 2000 people departed a town of 6000 and local business suffered.

But, the 1.2 million acre Boundary Waters Canoe Area Wilderness is on the edge of town. Canoeists, snowshoers, skiers, dog-sledgers, and hikers willingly put up with some serious regulations because of the guaranty of no motors, no aircraft within 3000 feet of the ground, rangers that travel unobtrusively by canoe and dogsled, and the adjacent 2 million acres of the Quetico Provincial Park on the Ontario side of the Border.

Fifteen year old data reveals that quiet users alone pumped 28 million dollars into the Ely economy in a single year. That was before three entrepreneurs came to town to set up shop in the outdoor products business. Each have become highly regarded community residents with locally made and distributed products that reach out through global mail order catalogs, and attractive storefronts in town. The Pirkais Northwoods Co., Wintergreen, and Steger Mukluks each employ thirty or forty people.

While local schools may be what you'd expect in a northern end of the road community, they graduate the usual mix of citizens. Many of the brightest will leave for greater opportunities elsewhere, but the greatest successes may be those who are smart enough, stubborn enough, and inspired enough to choose to stay.

And if you are a snowmobiler, motorboater, or houseboat enthusiast, then you have full access to the Superior National Forest that buffers the wilderness area, and even parts of nearby Voyageur National Park (not to mention the rest of the State). Not a single merchant in Ely begrudges the presence of incompatible user groups. They all buy gas, food, and stay at the local motels, resorts, lodges, B & Bs, and frequent the restaurants and galleries that serve each interest. Ely succeeds because it can deliver.

Back in Maine the best hope for any significant preserves is for the extremely wealthy to buy their own inviolate retreats on such a scale that habitat is inadvertently protected. For the rest of us, if we have a bent for sustainable quiet uses and token wildness, we'd best support those organizations that lean in the right direction and actually purchase for salvage the best of what's left. History suggests that the State itself will not respond to quiet user interests despite their economic potential. Perhaps the noise generated by our competitors overwhelms our soft voices and perpetual naiveté that reasonable discourse might arrive at solutions. It is not likely that the current generations will benefit directly from a large preserve with Federal Administration that will be immune from the oscillating whims of a state where the history of legislation seems to thrive on default to the loudest denominators, rather than visionaries interested in proactive planning and a willingness to accept the responsibilities of choice and forethought.

Thus we are stuck with our situation as we find it. As immigrants, we can't all move back to Europe. It is too small, and we might not be welcome since we originally left as malcontents and seekers of something better. Neither can we move to some symbolic Ely-land. Such places are too small, and not where our particular roots

are. Solutions to a "tragedy of the commons" of this sort requires our accepting that too many want a share of too little. Cooperation, giving a little up for the common good, and segregating ourselves to avoid insoluble incompatibilities appears to be the only choice. Motor users and quiet users, have not, will not, and can not share terrain. All the well intentioned multiple use concepts have failed because of this. We needn't reinvent this failure here.

As it is 25,000 miles of road lead to or near every lake, river, brook, pond, and puddle in northern Maine. While Maine does nothing, and the motor lobby wants more access and fewer regulations, the Winnepesaukee Effect moves ever northward, posed to colonize Maine with the ruination of its waterway heritage. The inevitable result would see every shoreline developed, and the roar of motorboats, jet skis, ATVs, and snowmobiles an ever-present feature.

Quiet users in search of a quality experience will then very happily spend their money in Labrador and Quebec, Ontario, Minnesota, Alaska. Anywhere but Maine. It can't deliver now, and will be more impoverished in the future.

Yet with equitably divided preserves, an important chunk of the tourism market could be retained, improved, and promoted. Not to mention some significant cultural heritage, habitat, and largeness of scale where in time a restored ecosystem could thrive again.

Like most areas with a large land base and low population, Maine is experiencing "brain drain" as its true heirs depart for better anything in the urbanized areas to the south. Those who stay by default, lack of gumption, or sheer unfair lack of opportunity, are sure to be overwhelmed eventually by the tide of "good lifers" from away who tend to be possessed of two important perspectives. They know very clearly what they want, and what they do not want. Most, in comparison to the residents of the landscapes that attract them, appear aggressive, driven, educated, and quite willing to superimpose their world views on their new surroundings. Change and community building are seen as goals and opportunities.

Residents of course like things as they were, rarely share the views of newer immigrants, and have many real and compelling fears when faced with wave after wave of outsiders bent on preventing the uncontrolled "progress" that has inspired them to escape the places they are from.

The interface is dramatic. The language of each party is often unintelligible to the other. It is never as simple as a bunch of provincial, narrow-minded people with simplistic black and white views, encountering a bunch of communistic over-educated libertarians who eat well, home school their kids, and never learned to shave.

The issues are complex. The current speed of change, evolution of global economics, various concentrations of power, and increasing diversity of what each group regards as its preferred world, all conspire to keep most of us frustrated and impatient.

Perhaps it is best to remember that the landscape is resilient. It can and will wait. It will endure whatever our escalating population might do. But, geologic time aside, most of us want visible results in our own lives, and for those with children, as far as we can project into the future. It's time to vote. It's time to pitch our strengths to the organizations and individuals who most share our individual goals and may have the power to realize some of them. All fights large and small will continue and evolve, right down to the smaller issues of how to balance and measure the landscapes of our backyards.

With luck the democratic model we work within will provide for an equitable division of the remaining wild lands. A place where motor users can work and recreate, and where quiet users can work and recreate. A place where stability will come through great numbers of diverse small businesses, none of which are dependent on a single resource, but all of which favor sustainability, flexibility, and a land base allowed to return to relative health. The waning years of the

It is never as simple as a bunch of provincial, narrow-minded people with simplistic black and white views, encountering a bunch of communistic over-educated libertarians who eat well, home school their kids, and never learned to shave.

LOSING PARADISE: THE ALLAGASH WILDERNESS WATERWAY UNDER ATTACK



A Special Place—Birth of the Waterway

THE CROWN JEWEL OF MAINE'S NORTH WOODS, THE ALLAGASH WILDERNESS WATERWAY is a 92 mile corridor of rivers, streams, lakes and ponds in the Northwestern corner of the state. The Allagash is hailed as a paradise for canoeists, campers and outdoor adventurers, and draws thousands of visitors every year. Along with Baxter State Park, the Allagash is one of only two state lands in Maine designated to be managed as wilderness, and it is this wilderness designation that makes the Allagash and its surrounding woodlands a unique, pristine and spiritual treasure.

Retreating glaciers carved this biological paradise 12,000 years ago, cleaving out a path for the Allagash River, which winds through the forested hills in a rare northerly sixty-two mile course, dropping more than 300 feet before it meets the St. John River.¹ Today there are eight lakes and four ponds along the Allagash and well over 100 tributary brooks and streams that flow into the watercourse. The otherworldly ice caves on Allagash Lake and the chiseled ledges of Seboomook Slate endure as reminders of the region's dramatic, glacial history.

The Allagash is home to widely different ecosystems. The river mirrors hillsides of northern hardwoods, lowlands of conifers, and flood plains of silver maples. As the river flows northward, the terrain becomes covered by red spruce, and later white and black spruce. Blending with this transitional forest is the boreal spruce fir forest that

from page previous

corporate culture that made logging an extractive process more like mining, instead of the sustainable prospect so favored by public relations propaganda, could well be the opening for just such a venture.

It may not work. It will be difficult beyond belief. It might also be entirely possible. It is definitely better than doing nothing and hoping for the best. The greed of developers, the motor use lobby, and all other short-term profiteers does not wait on hope. Those interest are poised to jump, they are organized, and already have considerable momentum. Their best opportunity is when situations are in flux, and unprepared to deal with the high stakes of sudden irrevocable change.

As such things go, whether a tiny issue on a single watershed, or as a state-wide proposal, so goes the rest of Maine. Perhaps there is even some good to come of Maine's current unwillingness to favor any form of wildness and reserved regions. Maybe the face of accelerated uncontrolled loss of habitat will inspire the most paranoid anti-government forces to eventually see the wisdom of large scale national wilderness areas. The problem with that scenario is that it takes total loss and ruination to make such a prospect understandable and desirable to those who fear it now.

In the meantime, the cancerous spread of soulless suburban sameness threatens to impose its own virtual reality upon formerly unique culture and landscapes. All of us stand to lose the very place we love as home.

Maybe the face of accelerated uncontrolled loss of habitat will inspire the most paranoid anti-government forces to eventually see the wisdom of large scale national wilderness areas.

sweeps across Canada and the northern United States. There are pockets of bog forest, northern swamp and northern riverine forest.

Bald eagles nest in towering eastern white pine while deer, moose and even black bear feed along the water's edge. An osprey's overhead flight is a common sight and loons fill the evening air with haunting cries. The Allagash is home to scores of mammal species, notably rare mid-size carnivores including fisher and pine martin. Bobcat and lynx have been seen in recent years, and there have been reports of wolf and mountain lion sightings as well. Other small mammals such as beaver, ermine, mink, porcupine, red fox, river otter and woodchuck thrive in the remote wilderness.

The Allagash is a birder's nirvana, boasting American Bittern, Canada goose, goldeneye, osprey, bald eagle, golden eagle, broadwing hawk, spruce and ruffed grouse, barred and great horned owl, four species of duck, three types of merganser, several varieties of woodpecker, and many warblers and sparrows.

The waters of the Allagash are cold and well-oxygenated, favoring cold water fish species such as trout and whitefish. Allagash Lake is representative of the aquatic Biodiversity of the region. The north shore of the lake is shallow and sandy, inviting emergent aquatic plants that provide food and habitat for moose, deer and great blue herons. Along the west shore are ledges of rough, colorful volcanic rock. Islands provide nesting opportunities for Bonaparte's gulls and terns. Allagash Stream, the outlet to the lake, flows through Round Pond and drops 20 feet over an outcrop of Seboomook Slate to form Little Allagash Falls.² The Allagash is an enchanted, diverse aquatic paradise, and a cornerstone of Maine's history and culture.

State vs. Federal Tug of War

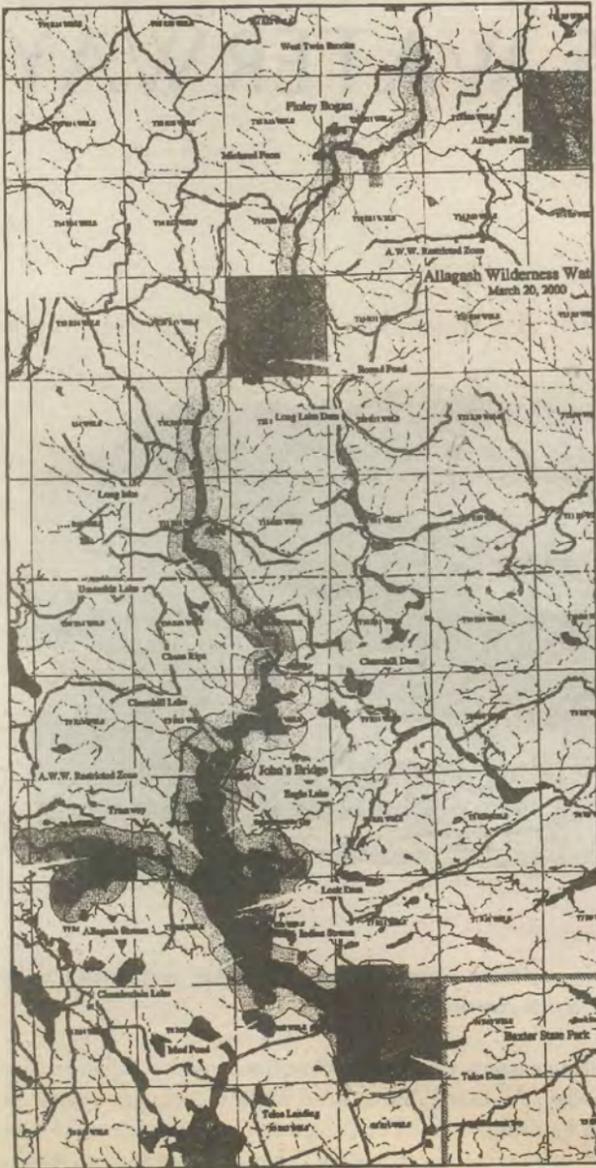
ALTHOUGH QUIET AND REMOTE, the Allagash Wilderness Waterway has had a turbulent history. From the 19th century lumbering era, when waters were dammed and rivers diverted, through the political debates for protection of the 1960s, to the North Woods land sales in the 1990s, the area has undergone a steady but constant evolution toward increased development.

In the 1960s, a movement to permanently protect the wilderness character of the riverway picked up momentum. At this time, the debate was not whether to preserve the area, but rather who the managing entity should be. Those in favor of federal oversight proposed to create the Allagash National Recreation Area, while others envisioned a state-run wilderness area. In a 1965 statement, former Governor and Senator Edmund Muskie expressed his desire simply for preservation. "I have no final commitment to state or federal authority as to the vehicle for preserving the Allagash. My concern is with the basic question of insuring preservation for this unique resource for all time."³

Commercial interest groups in Maine, however, staunchly opposed federal control. The Allagash was then among the most valuable wood pulp areas in the country, and paper companies argued that a national wilderness area would mean an economic loss for northern Maine. Canoeists, conservationists and biologists, on the other hand feared that the natural landscape was disappearing so quickly that without immediate

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Allagash Wilderness Waterway



protections, the Allagash would soon be lost forever.

After months of heated debate it became obvious that public support would result in some sort of protection for the Allagash. Commercial interests indicated they would be willing to accept state oversight of the region. The Natural Resource Council of Maine responded to the industry concession by organizing groups and individuals around the state to advocate for a Maine-run wilderness region. Legislators quickly jumped onto the bandwagon. At the time, Representative John Martin, from Aroostook County voiced his encouragement. "We want to keep this a wilderness area, and I hope that we do."⁴

In 1966, Maine citizens passed a referendum that established the Allagash Wilderness Waterway as a state entity, to be managed by the Maine State Park and Recreation Commission (Later this agency would become the Bureau of Parks and Lands).

The issue of oversight, however, continues to spark discussion. In the four decades since the Waterway was created, there have often been requests that the Allagash be shifted into the hands of the federal government. One prominent New England conservation organization, Restore: The North Woods, believes that the state management has not been sufficient, and is currently working to build support to incorporate parts of the Allagash into a Maine Woods National Park.

Narrow Management Zones

MUCH OF THE LAND within the Waterway remains in private hands. The state only owns 500 feet on each side of the Allagash River. The rest of the Waterway is divided into several management zones which the Bureau regulates.

The state-owned portion of the Waterway is known as the inner, or restricted, zone. It averages 500 feet on either side of the river's high water mark. The 22,840 acres in this zone are statutorily managed by the Bureau of Parks and Lands for maximum wilderness character.

Development and timber operations are prohibited only in the restricted zone.

A quarter-mile zone serves as a buffer from development along the watercourse. The distance is set from the outer boundary of the restricted zone. While most of this land is privately owned, new construction of any type requires approval from the Bureau of Parks and Lands.

In the outer one-mile area landowners are required to notify the Bureau of all planned timber harvests and herbicide treatments. Use restrictions here are limited to designated "visible areas," which make up only 14% of the total one-mile area. Visible areas are certain view corridors north of Churchill Dam selected for aesthetic, rather than biological, values. The Bureau may restrict timber operations in this zone.

A Wild and Scenic River

IN 1970, FOUR YEARS after the Waterway was established, the Allagash joined the national Wild and Scenic River system. This designation is given to only 2% of the rivers in the country. Designated rivers are recognized for their "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values."⁵ The Act forbids dam building and restricts streamside development to protect the natural integrity, or "wildness," of the river.

In April that year the Maine State Parks and Recreation Commission released a report to support the federal designation, declaring that "[t]he intent of this legislation sets forth that this watercourse shall forever be maintained and operated in its wild condition to provide a wilderness canoe experience."⁶ The state agreed to certain conditions which appear in the Notice of Approval of Inclusion. According to the report that accompanied the federal designation "Existing private roads within the waterway which have been developed for logging purposes will be closed to public use. Temporary bridges for short term logging purposes may be authorized by the State. Any such crossing is designed to provide minimum impact on the wilderness character of the Waterway."⁷

The Wild and Scenic Rivers Act however, includes no mechanism to decertify or delist a river when its management does not live up to a wilderness standard, or when its mandates are ignored. Instead, the Act relies on local politicians and watchdogs to advocate for preservation. At the dedication ceremony at Churchill Dam, Governor Curtis assured citizens that the state would be such an advocate. "An entire river has been preserved," he said. "The Allagash will run forever free through a wilderness corridor. ...Land use will be regulated to insure an appropriate quality of life—appropriate in this case for a wilderness river."⁸

The Waterway Loses Political Clout

EVEN WITH FEDERAL DESIGNATION, the AWW is still completely governed by the state of Maine, leaving it vulnerable to state politics and budgets. Originally established as its own division, the status of the Waterway changed significantly in 1972 when it was reassigned to the Bureau of Parks and Recreation's Operations and Maintenance division.

At the time, the Bureau explained that the Director of the State Park and Recreation Commission did not have the time to supervise the Allagash manager, so the duty was shifted down the chain of command. Some employees speculated that the Parks Director was pushing to be named Commissioner of the newly created Department of Conservation, and was simply reassigning his workload accordingly. Whatever the reason, the shift transformed the Allagash from a division within a department, to a region within a division, giving the AWW Manager less authority to make decisions for the Waterway, and setting it up to compete with six other regions for funding and staff.

In 1995 the Allagash Wilderness Waterway was again reduced in stature. For the first time in its history, it became a unit of the state park system, rather than an entity unto itself. The implications were profound. The waterway's \$400,000 annual budget was eliminated. As Bureau Director Tom Morrison wrote, "the Allagash and the other parks in the Northern Region do not have their own individual budgets. Rather, all of the expenses for the Allagash and the other parks in the Northern Region are paid out of the Northern Region's budget."⁹ Staff numbers dropped from 19 to 14 employees, and the Waterway now competed with over 40 other parks for resources.

The Need for a Plan

EVEN MORE SIGNIFICANT than the political de-prioritization of the Allagash was the lack of strong protection for the Waterway. While the Allagash Wilderness Waterway Statute provided a building block for managing the area, it was short on specifics. Without clear direction, staff were uncertain of management priorities, and policies changed with the political climate of the day. From the beginning, officials involved with the Waterway acknowledged that a detailed management plan was necessary to govern the land, and such a plan had been an integral component of the state's proposal to the Land and Water Conservation Fund administrators, when it applied for federal funding for the waterway.

A conceptual management plan was adopted in 1973, six years after the AWW had been created. In the meantime, Bureau officials had regulated each operation within the Allagash on an ad-hoc basis.

This management plan, never enjoyed the support of the Bureau leadership. By the time the time the third Allagash manager came on board in 1981, the plan had been set aside. It would be another *twenty-six years* before the Bureau would provide a new blueprint for management strategies of the Allagash.

After an arduous planning process, including an intensive public comment period and the establishment of a 23-member temporary advisory committee, the Bureau of Parks and Lands finally released an updated Allagash management plan in January, 1999. Literally hundreds of people shared their opinions and personal stories of the Allagash Wilderness Waterway during the process. Once again the voices of Maine citizens were unified: keep the Allagash wild.

In a letter introducing the new Allagash Wilderness Waterway Management Plan, the leaders of the Department of Conservation and the Bureau of Parks and Lands wrote, "the Allagash Wilderness Waterway is one of Maine's most valuable assets. Please join with us as stewards to protect and manage those assets into the next century."¹⁰

II. A Fragile Resource—The Peril of Encroaching Development

THE ALLAGASH WILDERNESS WATERWAY today is a narrow band of protected land surrounded by privately-owned, largely rural tracts of land. As development pressures increase, so does the strain on the Waterway. Systematic disregard for the defining statutes, legislative loopholes, and lack of enforcement continue to subject the remaining protected land to the negative effects of development pressure.

In 1996 the first Waterway Supervisor Leigh Hoar lamented the direction that AWW management was headed. Hoar wrote that "of major concern to me is the sense that the Waterway is drifting from its original purpose. Furthermore there seems to be an objective in parks of making the Waterway adapt to visitor demands, rather than keeping the Waterway to its intended purpose and controlling use so as to minimize conflict."¹¹

Proliferation of Sporting Camps

HISTORICALLY USED FOR hunting and fishing groups along the waterway, sporting camps are unique commercial ventures in the Allagash. While the camps and adjacent lands are owned by the Bureau of Parks and Lands, the lodges themselves are leased out to private corporations and individuals for commercial hunting operations. Strictly speaking, these camps inherently conflict with the Allagash Wilderness Waterway Statute, which states that "all existing structures must be removed except those determined necessary by the Bureau. . ." (1875) The Bureau of Parks and Lands and local legislators simply deemed the recreational camps to be "necessary."

In 1984 Representative, and now Speaker of the House, John Martin legalized these businesses in the waterway by supporting legislation mandating that "the Bureau may not change the existing type of use of Jalbert's Sporting Camps on Round Pond and Nugent's Sporting Camps on Chamberlain Lake or destroy or abandon those camps without legislative approval."¹² Now, not only were the camps legal, it was actually a crime to "abandon" them.

The Waterway's original supervisor disagreed strongly with the decision. Years later in 1996 he wrote, "I maintain that the original objective was to remove the Jalbert's greater Round Pond complex. Regardless of the current legislation position, we should seek to express the need to remove all commercial so-called camps north of Nugent's, then take it to the legislature for enactment."¹³

For their part, some camp operators themselves pursued such "necessary" development in the Waterway as jacuzzis for weary sportsmen. In 1990 Jalbert's Sporting Camps in T13R12 installed a hot tub on its site near Round Pond. In order to avoid a dispute, Jalbert, Inc. chose to not inform the Bureau of the installation and subsequently skipped the permitting process altogether. When word got out, the AWW manager ordered Jalbert to remove the hot tub but was cut off by Speaker Martin. Martin sought to retroactively approve a permit for the tub. In a letter to the Land Use Regulatory Commission, Martin instructed the regulators to amend the permit rules to accommodate the violation.¹⁴

A second camp had traditionally been leased by the University of Maine at Fort Kent for their environmental studies program. Located on Long Lake, in T11R13, Page Camp fell into disrepair in the early 1990's as the environmental studies program faded. In 1997, the University tried to reinvigorate the program and contracted with John Martin, who at this point was between terms as a legislator, after a term limits statute forced him out of office.

The costs of repair at Page Camp continued to climb, finally ballooning to three times the original estimates by the summer of 1997. In the fall, with repairs almost completed, the Page camp was destroyed by fire. Martin and his friends in the Bureau leadership immediately used the opportunity to replace it with a newer, modern structure that was closer to his headquarters on the Allagash: Jalbert's Sporting Camps. The new location was to be less than 1000 feet of the state ownership in T13R12, well within the Allagash one-mile zone, and a short walk from the remote Back Channel campsite on Round Pond.

The Bureau immediately approved the new location. The former House Speaker pushed a funding bill through the legislature, a whopping \$100,000, without a public review. As the *Maine Times* put it, "[a]pproval for camp construction came in an 11th hour deal with the majority Democrats on the Appropriations Committee; the proposal was not submitted as legislation and received no public hearing." State Senator Rick Bennet even charged the former Speaker with *Candlemas 2001*

"unfair tactics" during the appropriation process.¹⁵

A local citizen group, the Allagash Alliance, led the opposition to the new Page Camp development site, and they took their case directly to University President Charles Lyons and the University of Maine Trustees. According to the *Maine Times*, "Lyons already had a lease from the Bureau sitting on his desk to sign, but said the decision became a no brainer after hearing from the opponents."¹⁶ Only through the strength of this citizen-based effort, a new camp location was selected outside of the AWW mile zone.

Not all camps have been trying to chip away at the wilderness character of the AWW. It should be noted that the current owners of Nugent's Camp, among others, have been active proponents of keeping the Allagash wild.

A 'Balanced' Waterway

DEVELOPMENT WITHIN THE Waterway became a central concern again in 1998, as the Bureau of Parks and Lands began to formulate a new management plan for the AWW. Industry groups backed proposals to increase motorized access and development in the AWW. They seemed to have gotten their wish when State Conservation Commissioner Ron Lovaglio introduced the concept of "balanced development" inside the protected Waterway. Lovaglio, a former employee of International Paper Company, oversaw the planning process, and ultimately had the authority to approve the final plan.

To defend his position, Lovaglio explained that the AWW was never intended to be a wilderness in the first place. "Wilderness is not defined in the (1966) statute," he wrote. "In reality one could conclude it is not a wilderness."¹⁷

They Took Paradise and Put in a Parking Lot — John's Bridge

AMONG THE "BALANCED" proposals to develop the Wilderness, Lovaglio supported a plan that would allow vehicular access to a closed bridge within the AWW. Conservationists and some state officials feared that opening John's Bridge would be precedent-setting in the ever-fluctuating definition of state wilderness. It was one more skirmish in the ongoing battle over motorized crossings in the Waterway. The original AWW plan allowed for only two such access points. However, the statute has periodically been changed to allow "just one

more" motorized access point to be developed. There are currently four legal access points, and John's Bridge would be the fifth.

John's Bridge had been closed to traffic until 1981, when removal of a gate at Woodman Pond allowed motorized access to a part of Eagle Lake. Until then, the lake had been among the most remote parts of the Allagash Wilderness Waterway.

Despite forceful public opposition, and contrary to the recommendations of his own staff, Commissioner Lovaglio instructed the Bureau of Parks and Lands to open John's Bridge to vehicular access. Further, he directed the Bureau to fund construction of a parking lot and a lakeside foot trail in the management plan. He went so far as to propose that a ranger's cabin be built in the protected area "to monitor use" of the bridge.¹⁸

Maine citizens were vocal in their opposition to opening up the bridge. As one letter to Governor Angus King pointed out, the development decision was made without an environmental evaluation. "At no time during the past months of debate has the bureau initiated or developed a comprehensive impact study that addresses such issues as management of sediment and run off from the loop road and parking area, impact on fishery, overuse of existing facilities, impact on camping parties versus day use or even the management of the parking lot area and the enforcement of the rules and policies associated with the Waterway. In fact, at the same time, the Bureau is attempting to shirk its enforcement responsibilities onto other agencies."¹⁹ Another citizen expressed his "disappointment over Commissioner Lovaglio's unexplained reversal of the staff decision to keep John's Bridge closed to access."

Despite my disappointment, however, I was willing to take a wait and see approach to let the Bureau prove me wrong that access could be compatible with the AWW Management Plan. However, at the [legislative] work session the other day I heard a description of access that is completely inappropriate and inconsistent with the management plan.²⁰

Timber Bridges

THE CONTROVERSY OVER crossings does not stop with John's Bridge. Landowners within the Waterway continue to push for increased vehicular access and even

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The Northern Forest Forum

Losing Paradise...

more bridges over the river.

According to the *Maine Times*, Irving Forest Products met with the Bureau of Parks and Lands in early 2000 to discuss the construction of a 7th bridge over the Allagash. The company argues that the current bridges are not strong enough to carry the timber volume they expect to haul to sawmills in Ashland.²¹

Although the bridge would be built in the restricted zone, Deputy Director Herb Hartman implies that the Bureau may not fight the Irving construction. He goes on to explain that the state may not have authority to stop a new bridge because the corporation owns the land on both sides of the corridor.²² In other words, the Bureau may cease regulating activity within the publicly-owned restricted zone if the adjacent corporate landowners oppose the regulation.

A Septic Tank Too Far—the Struggle to Develop Churchill Dam

AFTER RETURNING TO THE Legislature, Representative Martin became Chair of the Natural Resource Committee. From this position, he introduced two bills in early 1999 in apparent retribution against the AWW Manager, the only person in the Bureau to disagree with Martin's development interests with the Page Camp. LD 294 would make the AWW Manager a direct political appointment under the governor, therefore more susceptible to political control; LD 855 would move the year round administrative office for the Allagash to remote Churchill Dam, several hours away from publicly maintained roads. The move would separate the manager not only from the visitors to the AWW, but also from his family. The *Bangor Daily News* termed this political strategy, "Reward your friends and punish your enemies."²³

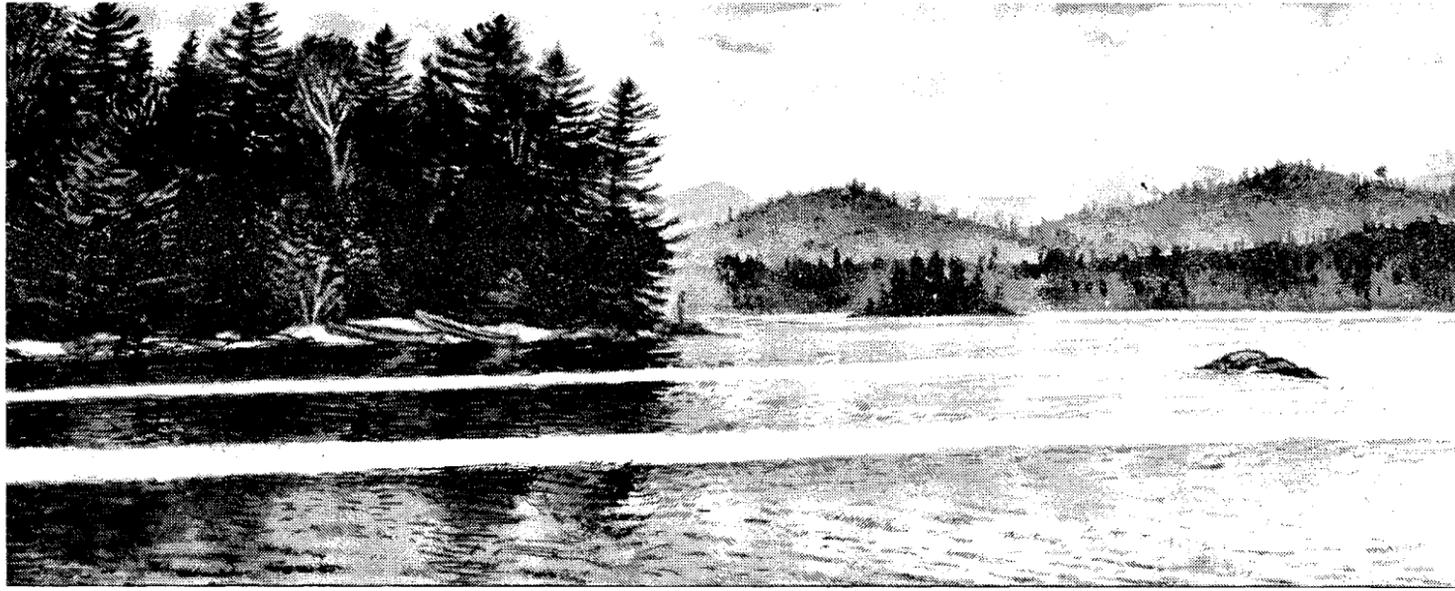
The Allagash Manager, supported by a coalition of environmental groups in Maine, opposed the legislation both because it was a personal, retaliatory attack, and also because it was environmentally unsound. When the remote residence was built in 1985, LURC approved a septic system only under the stipulation that it be occupied for six months a year, citing poor soil quality and wetlands concerns.

The legislation was supported, on the other hand, by Representative Martin's friends at the Bureau of Parks and Lands.

In October of 1999 Bureau Director Tom Morrison sent an amendment request to LURC which would allow year round use of the Churchill Dam headquarters, and LURC eventually approved the Bureau's request.²⁴

On January 24, 2000, the Bureau of Parks and Lands announced that they had voluntarily moved the manager and the office of the Allagash Wilderness Waterway into the remote region year round, pre-empting legislative action.

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Having had his work done for him, Representative Martin killed his bill in committee.

Undermining the Management Plan

WITH THE CREATION of the 1999 Allagash Management Plan, The Bureau of Parks and Lands has, for the first time in a quarter of a century, clear guidelines to regulate land use within the waterway. Unfortunately, it already appears that Bureau leaders are determined to turn the plan into a paper tiger, with little real management change on the ground. In fact, one year after the plan was put into effect, staff had not yet been trained to implement it.

The management plan established the Allagash Advisory Council, made up of twelve representatives of groups that have a stake in the future of the Allagash, including environmental groups, nearby landowners and sporting associations. The plan clearly gives the Advisory Council authority over management policy, stating that when "... substantial changes to the plan are warranted, they will be made only after providing an opportunity for Advisory Council participation and, if appropriate, public review."²⁵ But even before the first advisory meeting, Bureau Director Tom Morrison made it clear that he would not grant the Council any decision-making authority. In an E-mail message to Council member and Allagash Alliance Director Dave Hubley, Morrison wrote "The function of the council is to provide perspective to the Bureau regarding the implementation of the many strategies presented in the management plan.

Ultimately, the Bureau is responsible for all decisions. The Council does not have any administrative or executive powers; nor can it bind the bureau to any particular course of action,"²⁶

Then, at the first advisory meeting, Morrison expressed his reluctance to even consult with the council on development issues within the Allagash. When a committee member requested that the Bureau keep the advisory committee posted on any development in the quarter mile zone, Director Morrison simply stated that he was unwilling to make that commitment.

In the year since the management plan was finalized, the Bureau, under Director Morrison's guidance, has consistently made operational decisions that violate the plan, and has done so without considering the advise of the Council, including such controversial decisions as:

- Petitioning Land Use Regulatory Commission to allow year-round use of the Manager's headquarters at Churchill Dam;
- Increasing the amount of development at John's Bridge from the original design;
- Initiating construction without proper permits; and
- Refusing to provide citizens with direct phone number or mailing address for the AWW manager.

Throughout the summer of 1999, the Bureau of Parks and Lands continued to push development in the AWW so strenuously that they not only violated their

own management plan, but they completely ignored the permitting process of other agencies. AWW employees have documented the most egregious violations:

- Staff did not monitor timber harvesting operations—and in most instances the employees were not even informed of the operations in advance.
- The Bureau installed a parking lot without the required mitigation plan.
- Building construction occurred, and permits were applied for after the fact.
- Waterway staff overlooked siltation to the watercourse
- The Bureau installed privies without plumbing permits.

III. Wilderness is in the Eye of the Beholder: Harvesting the Allagash

While development remains the preeminent threat to the Allagash, extractive businesses also jeopardize the health of this fragile system. Timber harvest is allowed on private lands within the Waterway, but the Allagash Wilderness Waterway Statute regulates the practice. Section 1880 of the Statute establishes guidelines for the Bureau to monitor and manage harvests within the one-mile zone according to specific guidelines, and timber landowners within the Waterway are required to give notice to the Bureau of Parks and Lands when they are set to begin harvesting.

According to waterway employees, however, Bureau Regional Managers create roadblocks to enforcing these guidelines.





Therefore, timber harvests are not monitored or regulated within the one-mile area. The resulting improper harvest operations damage the fragile Waterway and further degrade the wilderness character.

In a January 6, 1998 memo to Regional Manager Tim Hall, the AWW Manager expressed concerns with a new policy to turn over the tracking ability of harvest operations the Allagash Wilderness Waterway to the regional office in Bangor. Caverly warned that "[t]he Bureau has been down this road before. I am troubled that this procedure will lead to a less responsive handling of the notifications, delay processing, be more cumbersome and lead to a poor relationship between ourselves and the landowners."²⁷ His pleas, however, were ignored.

After a landowner sends the Bureau notice of intent to harvest, Bureau officials have 30 days to respond. If the Bureau does not respond in that time frame, the landowner may go ahead with harvest plans without supervision. Over the years, AWW has stopped responding altogether, thus logging in the area is approved by default.

Further, when harvest plans are reviewed, it is often done by a Bureau forester living in Augusta, five hours away from the center of the Waterway. These officials do not have the intimate knowledge of the region, nor are they experts in potential environmental damage.

The Bureau's intent to control the Allagash and to disregard the wilderness charter continued, and it was supported by the political micromanagement of Representative John Martin. As Martin

commented in the *Maine Times*, "Wilderness isn't what you say it is. It's in the mind of the beholder."²⁸

Opportunities Lost

OVERDEVELOPED SPORTING camps, bridge construction, and timber harvests were never a part of the vision of the Allagash Wilderness Waterway. The thin band of restricted area surrounding the river was actually supposed to grow over time.

The Allagash Wilderness Waterway Statute explicitly mandates that state land "adjacent to the Waterway shall become part of the Waterway." (1877), but this statute has rarely been enforced. Today there are 32,255 acres of state-owned Reserve Land that abut the restricted zone, but this land is managed by the Lands Division within the Bureau of Parks and Lands. Far from being managed for wilderness character, much of the land is contracted out to timber corporations for logging. The waterway does not receive revenue from the timber sales, even though it bears the environmental brunt of these nearby extractive operations. In ignoring the defining Allagash Statute, the Bureau is effectively magnifying the effects of development.

The Bureau of Parks and Lands has even turned down land giveaways from private owners in the waterway. In 1997, the East Branch Improvement Company offered to hand over Telos and Lock dams to the Bureau of Parks and Lands, including 40 acres of land adjacent to Telos. Located near Chamberlain Lake, this is the heart of the region to be managed for maximum wilderness character. The company felt that the dams, built in 1841 to provide water for log booms,

were no longer profitable. When the Bureau expressed fear that the cost to manage the properties would be costly, the company suggested that they might donate up to \$20,000 for maintenance. Further, the federal Natural Resource Conservation Service offered to provide \$2.5 million for renovations and repairs. Still, the Bureau balked at the proposal. Three years later the land deal is still up in the air, and an East Branch Co. subsidiary has decided to hold on to at least 30 of the 40 acres outside Lock Dam. Through stalling and indecision, the Bureau has allowed a generous giveaway to slip away.

IV. Troubled Waters

THE SUREST SIGN OF the health of the Allagash ecosystem is the health of the river itself, as well as that of its tributaries and the lakes that it feeds. Keeping track of aquatic quality is the bare minimum monitoring procedure for a watershed-based wilderness. The AWW Management Plan acknowledges this and requires the Bureau to "assist the Department of Environmental Protection with continued monitoring of the water quality of the watercourse." This can be done in a couple of ways: through monitoring of siltation and by taking secchi disk transparency readings. Unfortunately, it appears that the Bureau would rather assume the health of the system, rather than actually check for it, and basic monitoring measures are often neglected.

By the end of the 1999 season, there had been five siltation complaints submitted to the Land Use Regulatory Commission. Yet a letter to PEER from Bureau Director Tom Morrison demonstrates his choice to ignore the criteria in his own

management plan. "To the best of my knowledge," Morrison wrote, "there were no incidents (siltation) reports filed by staff. I am not aware of a specific agreement for monitoring and reporting siltation events."²⁹

Siltation levels are a major mark of a watershed's health. Increased development results in high levels of sediment build-up, which can be deadly for fish populations. To properly assess the effects of the ever-growing development in the AWW, the Bureau is required to address siltation problems, and prevent "erosion, droughts, freshets and the filling up of waters" in the Waterway (1871). Unfortunately, it has ignored major siltation buildup in the upper Allagash Stream, McCluskey Brook, Glazier Brook and Musquacook Stream. In the February 18 letter, Bureau Director Tom Morrison wrote, "Our files do not show any staff training on the subject of monitoring for siltation for 1999 or previous years."³⁰

Even the most basic monitoring procedures were often ignored. In 1999 staff were not instructed to conduct Secchi disk transparency readings for water quality monitoring, nor were these readings taken from Umsaskis Lake, Round Pond and Long Lake. These basins represent 37% of the lakes normally sampled. Without these samples, the health of the Allagash remains unknown.

Not only has this monitoring been erratic and often ignored, but the Bureau initiated the most basic procedures only under pressure from outside groups. Effective April 30, 2000 Morrison finally implemented a siltation monitoring plan for the

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Losing Paradise...

Waterway, but there are still no written procedures in place for taking water transparency readings.

It remains to be seen how aggressively the Bureau pursues this responsibility. Without information on both water quality and siltation, the Bureau must base development decisions on assumptions rather than science.

V. Rules are Meant to be Broken

MONITORING ENVIRONMENTAL degradation in the Allagash is only one part of the regulatory mandate. Enforcement of environmental, safety, and criminal violations is another. Park Rangers are currently charged with enforcing the law in the Waterway, but they are doing so without adequate training or encouragement from the Bureau. The Bureau seems to be caving to pressure from commercial interests to relax restrictions in the waterway.

Bureaucrats receive requests for exemptions to rules and regulations, and in the interest of political expediency, the exemptions get rubber-stamped. Many commercial ventures couch their profit interests in altruistic arguments—tour groups charge that the 12-person limit prevents underprivileged children from enjoying a wilderness experience; development companies fight to increase motorized access points for the benefit of the handicapped. Both groups advocate for an ever-increasing number of developed campgrounds within the AWW. Of course, once these requests have been met and the new sites also become overcrowded, the process starts over again. In an effort to avoid conflict with commercial interests at all costs, the Bureau caves to virtually every rule exemption demand that comes down the pike.

Once agency heads start giving exemptions, the corporations then challenge the need for the environmental rules in the first place—even the need for rangers to conduct enforcement activities. Over the past decade, the Bureau has been silently phasing out its law enforcement program altogether.

In a February 19, 1999 letter from Bureau Director Tom Morrison to state law enforcement agencies, the director admits that while rangers had attended a Conservation Law Academy in 1989 and 1990, in the subsequent 10 years “employees have had very little follow up training and transfers and new employees have not been designated or attended the academy.” 31

Throughout the 1990s law enforcement was simply not a priority, and the neglect shows on the ground. There are many aspects of the Allagash Wilderness Waterway Statute that are continuously ignored or openly violated. Some violations stem from a lack of training, while others appear to be a symptom of a larger culture of neglect. For example, the AWW Statute strictly regulates the use of power watercraft in the AWW (1875). The Bureau consistently violates this section by approving the use of power boats on Eagle and other lakes specifically designated to be canoe-only.

In 1998, a reporter from the *Maine Times* toured the Allagash with a ranger. The ranger spoke openly about refusing to enforce access rules at John’s Bridge. The article described how “[a] rogue Ranger dismisses his responsibility to uphold the law” and does so “with his superiors’ support.” 32

In the wake of such bad publicity, the Bureau of Parks and Lands had the opportunity to jump-start its commitment to law enforcement training. But Director Tom Morrison, against the advice of the rangers themselves, has been actively working to *take away* law enforcement designation from all Park Rangers in the state. In an internal document released by *Maine PEER*, dated April 4, 1999, Director Tom Morrison ordered that by May 1—less than one month later—Bureau employees will no longer be designated as law enforcement officers. The policy change would mean that not a single employee in any state park would have legal authority to enforce environmental regulations, including oversized groups, illegal fires, and vandalism, not to mention a host of criminal activities, from public drunkenness to assault and theft, that occasionally occur. Confronted with criminal behavior, Rangers would only have the authority to do what any visitor could do: call the police who may be miles away. As a *Maine Times* editorial dryly put it, “it’s an odd plan.” 33

After challenges from *Maine PEER* and several managers, Director Morrison quickly backed down and the question of law enforcement status was put on hold. A subsequent legislative oversight committee advised Morrison to consider the view of park managers, resource protection agencies and others before implementing policies. To date, no final decision has been made.

In March, 2000, *Maine PEER* surveyed seasonal and year-round park managers to solicit their opinion on, among other things, Director Morrison’s law enforcement proposal. The results showed that rangers have very definite opinions on law enforcement designation. Eighty-seven percent of all respondents, and a full 100% of the year-round respondents, believe that “law enforcement is a necessary part of [their] work.” At the same time, fewer than 20% of the respondents felt that they receive “clear guidance from the Bureau about how to handle law enforcement problems.” Perhaps most tellingly, nearly two out of three feel unsupported or are unsure of support from the Bureau of Parks & Lands “in conducting law enforcement activities.” Not only does the Morrison proposal create serious environmental and safety issues in Maine Parks, but it is not even supported by the rangers themselves. 34

Results of Maine PEER’s Survey of State Park Managers and Rangers April, 2000

Do you feel there is potential for significant law enforcement problems in Maine State Parks?

(87%) yes (13%) no(0%) no opinion

Do you feel that law enforcement is a necessary part of your work?

(87%) yes (13%) no(0%) no opinion

When was the last time you had law enforcement training? Within:

(0%) the past year (0%) the past two years (0%) past three years (0%) past four or five years (73%) more than five years ago(27%) I have never had training

Do you have clear guidance from the Bureau about how to handle law enforcement issues?

(19%) yes (75%) no(6%) don’t know

Do you think that it would be practical for other agencies, such as the Maine Forest Service Rangers and Game Wardens, to do parks law enforcement work in Maine State Parks?

(25%) yes (69%) no(6%) no opinion

In my opinion, visitor safety is well protected in Maine State Parks.

(53%) yes (33%) no(13%) no opinion

VI. Turbulent Management

THIS IS NOT THE FIRST time directives from the state capitol have been a frustration for field managers trying to do their jobs. In the Allagash Wilderness Waterway, this is just the latest in a long pattern of management disputes that has caused each of the three AWW managers to leave under fire since the conception of the waterway. Each complained that their efforts to protect the Allagash had been stymied by their bosses in Augusta.

The first AWW Supervisor, Leigh Hoar, was dismissed in 1972, after six years on the job. His discharge was attributed to staff complaints and disagreements over operational issues. 35 One ongoing dispute concerned Hoar and a politically-connected commercial guide who was continuously violating the Allagash statutes by creating illegal campsites and taking a chainsaw to trees within the Wilderness. When Hoar attempted to enforce the law, his superiors would overrule his authority. In 1996, Hoar wrote, “there seems to be an objective in Parks of making the Waterway adapt to visitor demands, rather than keeping the Waterway to its intended purpose and controlling use so as to minimize conflict.” 36

Myrle Scott, a former Regional Supervisor with Parks and Recreation, was hired on as supervisor that year, but the controversy and morale issues did not stop. Field staff continued to protest that they were prevented from enforcing the law, and that the impediments were coming from Augusta, not from the Supervisor. They were frustrated with what they considered inadequate monitoring of timber harvesting, continuing problems with renegade commercial guides, and the frequency of harvesting trespasses across the AWW boundary line. To top it off, the Supervisor’s headquarters within the Waterway was repeatedly vandalized. After nine years the second supervisor resigned in frustration. He transferred out of the Allagash Wilderness Waterway in 1981 hoping that at least the vandalism would stop. 37

Later that year, a third Supervisor was hired. Tim Caverly would become the longest tenured manager of the AWW, and a staunch supporter of preserving the wilderness character of the waterway. The Director of the Bureau started Caverly off with three initial assignments:

manage staff complaints, resolve issues with guides and straighten out problems of illegal oversize groups.

For a short time operations ran smoothly and complaints were minimal, but soon the acts of vandalism reoccurred. At first the damage to Caverly’s equipment and residence appeared to be random acts. Then as the summer went on the destruction intensified. Broken windows, flat tires and sabotaged outboard motors were common occurrences. On September 12, 1982 the AWW headquarters was burnt to the ground. Arson was suspected, but never proved.

From 1981 to 1995 there was a rash of staff complaints and investigations, touching on a number of issues. Primarily, staff felt they were not supported in their effort to enforce resource protection issues and that personnel numbers were too low to carry out the job tasks. Also, field employees complained that communication with the Augusta office was poor, and that their goals and objectives were unclear. These factors pooled to feed a growing distrust among staff toward the management hierarchy.

Some employees believed that when they tried to enforce environmental regulations, they would be threatened with layoffs or reductions in the number of weeks they worked. In an extreme example, a seasonal ranger was forcibly transferred out of the Waterway in 1993. 38 The ranger had vocal in supporting Manager Caverly’s efforts to preserve the Allagash, and had himself advocated for consistent enforcement within the Waterway. The decision to arbitrarily transfer a top staff position out of the Allagash Wilderness Waterway surprised and disheartened the remaining employees. The message was clear: employees who support field management and preservation of the Allagash would be punished.

The hostile climate escalated in the spring of 1998, when the Bureau was holding public hearings for the AWW’s new management plan. Allagash field staff believed that the Bureau’s plan would undermine the unique wilderness character of the Waterway. Indeed, Bureau Director Herb Hartman told the *Maine Times*, “I guess we see the Allagash as another State Park.” 39

On May 19, Manager Caverly presented his public testimony, praising the wild value of the Allagash Wilderness Waterway at the third and final public hearing. He called for a plan “that not only applauds a wildness which can be left as a legacy to others, but for one that also preserves the spirit and the dream.” This position was supported by the AWW statutes but contrasted deeply with the development pressure and the opinion of Representative John Martin. On June 8th, Caverly was officially reprimanded by the Bureau for his opinion.

Over the course of the next year the Bureau issued numerous other reprimands and investigations against Caverly. Some were based on hearsay, and were immediately withdrawn when challenged. Others were simply attempts to undermine his authority, or to simply annoy him. For example, Caverly was advised that he would need to present a

doctor's note in order to have a sick day approved. Finally on June 10, 1999 Caverly was officially dismissed for "insubordination and mismanagement constituting misconduct."⁴⁰ He had become the third manager to leave the AWW in frustration after standing up to political pressures from Augusta.

Both the Bureau of Parks and Lands and Department of Conservation have clearly demonstrated a disinterest in the spirit and letter of Allagash Wilderness Waterway Statutes. After 26 years without a management plan, it is offensive that the final product would be so carelessly disregarded. They have failed to be fiscally accountable, or to be stewards of the land. They have violated a doctrine of Public Trust, and have turned their back on mandated responsibilities.

Last year *Portland Press Herald* Editor George Neavoll wrote an essay titled, "Whatever Became of the Wild Allagash." Neavoll called for the agencies to "redeem the promise the state made in 1966 to Maine and the Nation to cherish and protect the incredible national treasure known as the Allagash Wilderness Waterway."⁴¹

The Bureau and the Department have broken their vow to the citizens of Maine, and have shattered the vision from 1966 and today of a Wild Allagash.

Loosing Paradise was first published in booklet form by Maine PEER — Public Employees for Environmental Responsibility. Tim Caverly, formerly Manager of the Allagash Wilderness Waterway, now directs Maine PEER. *Loosing Paradise* was written with the input and support of current and past employees of the Maine Bureau of Parks and Lands.

FOOT NOTES

1. 1999 AWW Management Plan
2. *Allagash: Maine's Wild and Scenic River*. Dean Bennet. Down East Books, 1994.
3. "Senator Muskie's comments on the Allagash." Natural Resource Council of Maine Conservation Bulletin. March 1965.
4. L.D. 1730, Representative John Martin, February 4, 1966.
5. Federal Register Vol. 35, No. 130 July 17, 1970: The Allagash Wilderness Waterway, Maine State Park Commission, April 1970.
6. Allagash Report by Maine State Parks and Recreation Commission. April 1970.
7. Ibid
8. Introductory Remarks of Governor Kenneth Curtis, prepared for the Allagash Wilderness Waterway Dedication July 19, 1970.
9. Report from Bureau of Parks and Lands Director Tom Morrison. March 12, 1998.
10. Memo from former AWW Supervisor Leigh Hoare to Bureau of Parks and Lands planner Tom Cieslinski. February 1, 1996.
11. Letter from Director Morrison to recipients of AWW management plan, January 28, 1999.
12. AWW Statutes, 1876, Section 3.
13. Letter from former Supervisor Hoare to AWW Manager Tim Caverly. May 7, 1997
14. Letter from Speaker Martin to LURC, July 10, 1990
15. *Maine Times*, May 7, 1998
16. Ibid
17. *Maine Times*, February 4, 1999
18. Ibid
19. Letter to Governor Angus King from Terry Harper December 20, 1999
20. Letter from John Sowles to Director Tom Morrison, February 10, 2000
21. *Maine Times*, February 10, 2000
22. Ibid.
23. *Bangor Daily News*, November 21-22, 1998
24. Memo from Director Morrison to LURC Project Analyst Catherine Varney. October 5, 1999.
25. Bureau of Parks and Lands 1999 Management Plan for the Allagash Wilderness Waterway. Page 3.
26. E-mail from Director Morrison to Dave Hubley, December 1, 1999
27. Memo from Supervisor Tim Caverly to Regional Manager Tim Hall, January 6, 1998
28. *Maine Times* December 18, 1997
29. Letter from Director Morrison to Maine

A Summary of Citizen & Conservation Group Actions on the Allagash

CITIZENS FILE LAWSUIT CHARGING MAINE WITH FAILING TO PROTECT ALLAGASH WILDERNESS WATERWAY

(NOVEMBER 30, 2000)

BANGOR — Today, a broad-based coalition of citizens and conservation groups announced that they are filing a lawsuit to appeal a decision by Maine's Land Use Regulation Commission (LURC) which would allow a new boat launch to be built near John's Bridge between Churchill and Eagle Lakes on the Allagash Wilderness Waterway (AWW).

"We are filing a lawsuit today because the ill-conceived boat launch at John's Bridge violates the very purpose for which the Allagash Wilderness Waterway was established," said Cathy Johnson, North Woods project director for the Natural Resources Council of Maine. "Poor management by the State threatens to rob the Allagash Wilderness Waterway of its wilderness, its reason for existence."

"We believe that Maine law, state regulations and LURC policy forbid construction of the John's Bridge boat launch," said Johnson. "And we intend to prove that point in court."

The Maine Department of Conservation is seeking to build the new boat launch near John's Bridge on the Waterway's Churchill Lake despite the fact that there already are 11 boat launches on the Waterway, including one on Churchill Lake. There are also 40 boat launches on other lakes within 10 miles of the AWW.

In a preliminary vote on August 17, LURC directed its staff to prepare a memorandum of denial for the boat launch permit. But in early November, LURC reversed its position without any valid justification.

In 1966, the people of Maine overwhelmingly approved a \$1.5 million bond to "develop the maximum wilderness character" of the Allagash Wilderness Waterway. At that time, road building, forestry operations, and two major hydro-electric dam projects threatened to destroy the Allagash.

In 1970, the waterway was designated as a National Wild and Scenic River,

PEER, February 18, 2000.

30. Ibid
31. Letter from Director Morrison to Law Enforcement Agencies, February 19, 1999
32. *Maine Times*, June 11, 1998
33. *Maine Times*, June 3, 1999
34. *Maine PEER* 2000 Survey of Maine Department of Conservation.
35. *Bangor Daily News*, "River of Controversy," August 9, 1999.
36. Memo from Former Supervisor Hoar to BPL Planner Tom Cieslinski, February 1, 1996.
37. *Bangor Daily News*, "River of Controversy," August 9, 1999.
38. Report from Tim Caverly to Northern Regional Manager Tim Hall, January 6, 1997
39. *Maine Times*, July 31, 1997
40. Notice to Dismissal to Supervisor Caverly from the Dept. Of Conservation, June 3, 1999.
41. *Portland Press Herald* Editorial by George Neavoll. 1999.

in response to an application from Maine Governor Kenneth Curtis.

"Extended canoe trips, the oldest recreational tradition on the Allagash, began a century before motorized access and day use became possible," said Warren Cochrane of Allagash Canoe Trips, a three-generation Greenville business he and his father started nearly fifty years ago. "Survival of the traditional canoe trip experience depends upon a resource managed to preserve its remoteness.

Turning the Allagash into 'Saco River North' by providing more and easier access will destroy that remote experience forever, and enterprises such as ours will be forced to move to Canada or go out of business." Cochrane said that the Department of Conservation and Governor King have turned deaf ears to the pleas of guides and organizations that run trips on the river, who have begged them to help preserve the canoe trip heritage on the Allagash.

"The John's Bridge proposal violates the letter and the spirit of the Allagash Wilderness Waterway Act," said co-plaintiff Sheila Bennett of Augusta. "Not only is there a legal obligation, but a moral one as well. There is the obligation to preserve what Senator Edmund S. Muskie intended when he wrote that the Waterway should be 'irrevocably dedicated to its maintenance in a wilderness state,' and what he intended when he amended the federal bill to allow for state administered wild rivers."

Dave Hubley, a co-plaintiff and director of the citizens' group the Allagash Alliance Group, believes that the 1966 promise of a wilderness waterway has not been kept. "A promise was made to the citizens of Maine. They were promised that if they approved the Allagash bond the money would be used to develop the maximum wilderness character of the Allagash River," said Hubley.

"They believed that promise and approved what would ultimately become the world famous Allagash Wilderness Waterway."

"This permit is bad public policy, bad for the visitor's experience and, most of all bad for the Allagash," said Tim Caverly, a co-plaintiff and director of Maine's Public Employees for Environmental Responsibility. Caverly was also supervisor of the Allagash Wilderness Waterway for 18 years. "We have filed this lawsuit to put the 'wilderness' back into the Allagash Wilderness Waterway."

Plaintiffs in the lawsuit include: Warren Cochrane of Allagash Canoe Trips, Greenville; Natural Resources Council of Maine, Sheila Bennett, Mt. Vernon; Allagash Alliance Group; Maine Public Employees for Environmental Responsibility, Millinocket, Hurricane Island Outward Bound School, The Wilderness Society.

Challenging Federal Wild & Scenic Status of the Allagash

AT THE BEHEST OF Friends of Acadia president W. Kent Olson of Bass Harbor, Maine, the National Park Service will be investigating changes along the Allagash Wilderness Waterway to determine whether they amount to a violation of the

river's status.

Olson, in an op-ed piece appearing in the *Bangor Daily News* before the John's Bridge decision, suggested that the state — specifically LURC and the Department of Environmental Conservation — has opened itself to litigation by a series of actions that have effectively downgraded the Allagash from "Wild" to the lesser "Scenic" or "Recreational" standards.

It is not clear what remedies the feds might pursue. In the case of the dam that was re-built at Churchill Lake without review by the Park Service or a permit from the Army Corps of Engineers, rebuilding of the dam to resemble the original structure or complete removal is possible — in addition to fines from the EPA under the authority of the Clean Water Act.

SAM Authoring Legislation to Control Allagash Access & Management

MEANWHILE, BACK AT the statehouse, legislation has been written that would grandfather existing points of access along the Allagash — the same access points that Olson is contending violate the Waterway's federal designation. George Smith of the Sportsman's Alliance of Maine and Senator John Martin of Eagle Lake are teaming up in an effort that would, at the same time, remove LURC authority in river management decisions and replace its voice with that of a new citizen board reporting directly to the Bureau of Parks and Lands.

These issues have also crossed the renomination of Steve Wight to the LURC board; Smith has said that Wight, who voted against John's Bridge, is out of touch with the people of Maine.

Another *BDN* op-ed piece, by Peter Hilton appearing Dec. 29, expressed the belief that protest over the loss of wilderness character is misplaced: "With regard to the Allagash, these qualities come from within the person based on a complete interaction with the waterway itself — wood, wind, water. It appears the outfitters and guides view the waterway as a commodity for potential customers who are led to a certain expectation (reinforced by too many Disney movies) which is calculated not to bring clients to the waterway but rather to bring the waterway to the clients on a carefully crafted platter." Hilton also pointed out that the Allagash Waterway is an artificial creation of dams and that the 1966 bond issue creating a management entity was supported by many in the spirit of anti-federalism.

To keep abreast of these developments and learn how to get involved, contact:

The Allagash Alliance Group
10 Sanctuary Drive
Buxton, ME 04093
Contact: David Hubley
hubley@sacoriver.net
207-929-8245

Friends of Acadia
W. Kent Olson, exec.dir.
POB 341
Bar Harbor, ME 04609

Wilderness Wades Off-Shore

Justice Department okays US Park Service running undersea federal wildlands. But will the party of Teddy Roosevelt rise to the bait? Or will the Commerce Department maintain its bloodthirsty grip on wild Atlantis?

By Ron Huber, Task Force Atlantis
www.atlantisforce.org

THANKS TO A SEPTEMBER 15, 2000 ruling by the US Justice Department, the federal government can now commence treating our saltwater-breathing brethren, a.k.a. the fishes, shellfishes, plankton, sea cukes, starfish and other marine creatures, as if they are WILDLIFE.

It can start to treat some of the sunken canyons, sheer cliffs, submerged plateaus, broad basins, and all the other spectacular underseascapes of the Gulf of Maine, as if they are WILDLANDS.

A no-brainer? Guess again! When it comes to our territorial seas, public land ethics go out the scupper. Full protection of ANY of the immense rugged marine public land areas we so blandly call our continental shelves remains largely verboten. Only now is it even beginning to be considered seriously.

It won't happen for decades, either, if the increasingly corporatized marine eco-yuppy community sells out to BIG FISHSTICK as completely as many of the big ten forest conservation NGOs have to BIG PAPER.

Our existing "protected" marine areas, called National Marine Sanctuaries, are all under the thumb of the US Commerce Department, which has made sure that the industrial fishcatching industry has unfettered access to every square mile of these public lands. "Wilderness" is not a concept that the Commerce Dept really groks. The fishing industrial, large and small, by and large want to keep it that way.

But the Justice Department opinion on September 15, 2000 forces Commerce to share its dominion over wild Atlantis with the Interior Department. This finally opens the door to genuine wildlands management of places within the nation's vast marine public lands area (larger than the entire continental United States!)

Interior's Park Service is the nation's steward of National Parks, National Wilderness areas, National Monuments, National Wildlife Refuges, National Natural Landmarks and other protective programs on federal lands above the low tide line. It can now undertake protective jurisdiction over places in America's vast array of federally-controlled undersea public lands, even in the millions of acres of marine wildlands within the US Exclusive Economic Zone.

CLEARCUTTING ATLANTIS

THE NOTION OF MARINE wilderness is causing a great shriek to arise from the National Marine Fisheries Service, which regulates the fishing industry pretty much like the US Forest Service regulates the forest-cutting industry: Both agencies mottoes seem to be: Is it wild? Kill it. Sell it. Replace it with mono-crops.

The US Forest Service and its state-level clones facilitate the biocleansing of our wild forest lands, and their recolonization with "super-trees". Commerce's fishery managers similarly facilitate the rubbing out of the Great Schools that inhabit our continental shelf wildlands, and their replacement with marine feedlots, where mutant ocean hogfish, (fruit of an unnatural union between Atlantic Salmon and non-consanguineous eel pouts), are fed the pelletized remains of their rapidly vanishing wild kin.

But whine as Commerce might, the Justice Department ruling, that the Park Service's protective regulations would "trump inconsistent fishery management plans" approved by the National Marine Fisheries Service, brings to an end the US Commerce Department's historic and disastrous hegemony over marine life in US waters.

Not a moment too soon. For the window of opportunity for protecting natural areas in our marine public lands is closing quickly, as corporate interests, in a move eerily reminiscent of the 19th and 20th century public land grabs throughout the United States by the livestock, mining and logging industries, hatch plans to gain permanent control over vast swathes of our marine public lands.

This time, aquaculture corporations and fish processing /catching interests have joined the mining & petroleum industries and a bevy of Big Green conservation sycophants in a drive to use the 'stakeholder' process to firmly establish corporate property rights over thousands of square miles of our offshore public natural areas, and the wild animals, plants and algae that live within them. If we're going to protect marine wildlands for natural biodiversity, we need to move fast, before Big Industry and the corporate green apologists can sink their stakes into Neptune's and Aphrodite's hapless bodies.

First, a bit of background to this revolutionary change in how we as a nation protect natural marine ecosystems within our political turf.

WHERE ARE OUR MARINE PUBLIC WILDLANDS?

JURISDICTION OVER THE waters and submerged public lands paralleling the US coast splits into three broad bands: one state and two federal.

States control over undersea lands, waters and wildlife from the low tide line to three miles from land's edge. The state of Maine, for example, has jurisdiction over 2,800 square miles of public marine lands - about 9% of Maine's total land area.

The US government maintains full control over its "Territorial Sea"—the submerged lands and seas paralleling the coast between three miles offshore and 24 miles (formerly 12 miles) offshore.

The US Government also administers, the 3 million square mile US Exclusive Economic Zone, which extends from the outer edge of the Territorial Sea up to 200 miles offshore of the United States' many coasts. This salty public wilderness is bigger than the total dryland-mass of the continental United States.

MARINE SANCTUARIES — NOT!

THE COMMERCE DEPARTMENT's much-ballyhooed designation of 13 National Marine Sanctuaries in federal waters around the United States has regrettably had little if any effect on slowing the decline of America's wild marine ecology, thanks to the exemption of industrial and 'sport' fishing from the list of activities that may be regulated within the bounds of a "sanctuary".

There is more habitat-destructive scallop dredging and otter trawling taking place within the Stellwagen Bank National Marine Sanctuary off Massachusetts, for example, than in the waters and sea floors outside it.

This curious state of affairs was agreed to by such ocean conservation heavyweights as the Center for Marine Conservation and the Environmental Defense Fund which in the 1980s and 90s struck deadly deals with the commercial fishing industry: CMC/EDF would support 'sanctuary' designations that precluded protecting marine life, if the fishing industry would support barring petroleum and mineral exploitation from these areas.

In the wake of rising public demand for genuine protection of America's marine ecology, the two conservation groups' are now regretting this Faustian bargain and are belatedly beginning to promote "no-take" areas within these national marine sanctuaries — enraging their former fishing industry allies in the process.

CALL OF THE (OCEAN) WILD

WITH CONGRESS POISED to block creation of further National Marine Sanctuaries for the foreseeable future, and a jilted fishing industry likely to block the moderates' efforts to reform National Marine Sanctuaries; conservationists and scientists are opting to look elsewhere than the Commerce Department for marine wildlife and habitat protection.

Thanks to efforts by two radically different US Presidents — Ronald Reagan and Bill Clinton — they don't need to look very far.

PROTECT ONE FOR THE GIPPER

GENERALLY NOT PERCEIVED as an icon of ecological awareness, President Ronald Reagan nonetheless laid the groundwork for offshore marine habitat protection in 1983, when he first asserted American jurisdiction over the three million square mile US EEZ expanse.

In Presidential Proclamation # 5030, Reagan declared that within this EEZ area, the United States had "sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters."

Reagan's assertion that America could conserve the wild fishes within 200 miles

of our coasts came in response to the move by foreign fishing fleets to scour away the wild fishes on the inner continental shelf off the United States. Since that time, that area has been off limits to fish catching and fish processing vessels from other nations, unless special permission was granted.

While, as the ongoing collapse of fish and shellfish populations in the Gulf of Maine shows, Congress and the Commerce Department subsequently flubbed the potential for intelligent management of the American fishing industry within the EEZ by making that industry largely self-regulatory, and by prohibiting fish protection within National Marine Sanctuaries, the precedent was set for future conservation measures within our enormous marine public land region — bigger than the total landmass of the continental United States.

[Editor's Note: Recent editorials note that the United States government, by loaning millions to fishermen in the aftermath of the 200 mile limit, encouraged the over-capitalization of the industry and hastened the collapse of the ecosystem. One local editorial on the subject simply scoffed at this waste of taxpayer dollars while another went further and acknowledged that without an ecologically-informed marine reserve strategy, other policies are doomed to failure.]

Nearly fifteen years later, and President Clinton took Reagan's expansion of American sovereign rights over the EEZ forward to the next vital step. One that should bring real ocean wilderness protection under future presidents, be they Republicrats or Dem-icans

CLINTON AT SEA On May 26th. Bill Clinton made an appearance on Assateague Island, a coastal barrier island shared by Maryland and Virginia, and signed an Executive Order on Marine Protection. The Order directed federal agencies to:

"Strengthen the management, protection and conservation of existing marine protected areas;

Establish new or expanded marine protected areas;"

Develop a "scientifically based and comprehensive national system of marine protected areas, representing all of the very diverse U.S. marine ecosystems and our cultural resources"; and

Avoid harm to marine protected areas through federally conducted, approved or funded activities.

Establish a marine protected area center to help develop a framework for a national system of these protected areas.

The Department of Commerce was ordered to share lead authority with the Department of Interior to carry out these directives.

But as the Case of the Disappearing Ocean Wilderness illustrates, implementing a Presidential Executive Order is sometimes harder than first meets the eye.

OCEAN WILDERNESS IN THE GULF OF MAINE?

IN 1994 DALHOUSIE University (Nova Scotia) ecologist J. H. Martin Willison released a proposal for a transboundary marine wildlands reserve straddling the US/Canada border across the Gulf of

Wilderness Wades Off-Shore

financially rewarding lotus land where the eco yuppies, at the urging of their peers in the oil industry, the gas industry, the fishing industry, the mining industry and the aquaculture industry, collectively comb ever-finer conceptual wool in a kind of mass suspended animation, musing over the mysterious and entirely fraudulent question of how to designate the PERFECT Marine Protected Area that protects all life while simultaneously slaking the hunger of the industrialists.

Needless to say, while the eco-yuppies dream away on their self-imposed ten year moratorium on protecting Neptune's children, the aqua-farming, industrial fishing, mining and drilling industries do not feel so constrained, and are plunging ahead full bore in their effort to drain every bit of sellable life or ex-life from Wild Atlantis

STAKE-FREE WILDERNESS

AS THE JUSTICE DEPARTMENT notes, however, any President can ignore all the stakeholder folderol and simply take it upon his- or her-self to designate a Park Service-managed marine national monument keyed to protect our friends in Atlantis.

"Nothing in the [Antiquities Act] precludes the President from declaring a national monument on lands that are currently managed by an agency under any other statute or applicable law. Nor have we found any provisions in the MSFCMA [Magnuson Stevens Fishery Conservation and Management Act] that would preclude the President from designating a monument in waters administered under that statute."

Moreover, Justice noted, The MSFCMA provides that "all fishery management plans must be consistent with "national standards,...regulations implementing recommendations by international organizations in which the United States participates, ...and any other applicable law."

On the subject of "whether regulations made applicable to a national monument take precedence over inconsistent MSFCMA regulations", Justice determined that "Because the MSFCMA provides that fishery management plans must be consistent with "any other applicable law", we think that monument regulations would take precedence over inconsistent fishery management plans developed pursuant to the MSFCMA, unless the regulations provide otherwise."

In the view of the US Justice Department, therefore, while the Commerce Department's National Oceanographic and Atmospheric Administration, and the industry-dominated New England Fishery Management Council may continue to have a role in stewardship of commercially exploitable organisms living within these protected areas, that role will likely be limited to those consistent with the overall purpose of the National Monument.

In a natural biodiversity-protecting Gulf of Maine & Georges Bank National Monument, the role of NOAA and NEFMC will likely be restricted to carrying out non-injurious research, not extractive commercial or recreational exploitation.

Commerce Department's authority to permit offshore aquaculture operations in an area designated as a marine national monument would also be curtailed.

While Georges Bank and the Gulf of Maine are the most extensive public land areas on the eastern side of the United States, not one square foot of those two areas are permanently protected from extractive industries

NOAA's National Marine Fisheries Service has announced that it is presently developing a "voluntary code of conduct for responsible aquaculture. The code, when complete, will provide guidance to companies considering aquaculture production in U.S. offshore waters, outside of state boundaries."

With their proven history of producing incredible amounts of pollutants and spreading fish diseases, however, the permitting of marine feedlots within a natural biodiversity-oriented national monument would be unlikely in the extreme.

EPILOG: Eco-yuppies CMC and EDF appear to have succeeded in fending off the Justice Department initiative, evidently convincing Clinton's marine issue gate-keepers to nix any marine national monument designations, in the Gulf of Maine or elsewhere.

Now that its George II's beat, who knows? Will he bring to fruition former President Reagan's dream of "conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters." ? You never knowmight as well ask him.... Write him at:

The President 1600 Pennsylvania Avenue Washington DC 20500

Email: president@whitehouse.gov

Tell George to take marine public land conservation global by naturalizing a ten mile-wide stripe along our offshore marine borders between New England and Atlantic Canada. Between the Pacific NW and British Columbia. Between Texas and Mexico, Florida and Cuba. California and Mexico. Alaska and Russia.

Do something, friends. The marine open range is closing up fast... Learn more about Task Force Atlantis:

WEB:

www.atlantisforce.org

WRITE

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MAINE LOBSTERS AT THE CROSSROADS

By Ron Huber

*AIRPORT VS. LOBSTERS
Fishermen, community, tell
Maine's top environmental
panel of concerns that airport
growth is harming lobstering,
aquaculture and Penobscot Bay
area quality of life.*

OWLS HEAD, MAINE. On January 18th, the Owls Head Transportation museum was packed as the Maine Board of Environmental Protection heard from opponents of a controversial plan to expand the Knox County Regional Airport. The Board, the state's top environmental decisionmaking panel, got an earful. The highlights of the hearing were the presentations by lobster industry leader Dave Cousens of the Maine Lobstermen's Association (MLA), and Dr. Diane F. Cowan of The Lobster Conservancy, a lobster research organization based in Friendship Maine.

The County proposes to divert all stormwater from the airport including machine shops, de-icing areas and runways, away from existing stormwater basins and directly into the Weskeag River, via Ballyhac Cove. The catch basins would then be paved over to make more paved parking areas for aircraft.

In no uncertain terms, however, the MLA's Cousens made it clear that the lobster industry did not want ANY pollution inputs from airport expansion coming into the Weskeag River, which is the sole estuary of the Mussel Ridge Channel, the nation's richest lobster grounds. In response to a questioner, Cousens said that there were 150 lobstermen using the waters close to the river mouth.

"We want to be assured" that there will be no impact to the lobsters, Cousens told the Board.

Cousens was followed by members of local fishing family members and other area residents who described increases in air and water pollution since the airport installed an Instrument Landing System, increasing use of the airport by jet aircraft. From black half-burned jetfuel raining

down on the local school, to grime coating buildings and vessels, to arsenic contamination of the groundwater and increased fuel spills from increased fuel transport throughout the area, community members including Pat Ryan of Owls Head and Ann Dean of South Thomaston, said the area environment has become successively more polluted since the airport began expanding. One speaker complained that testing of her well water, done by a county contractor and cited by Knox County officials as 'proof' that water quality was not being harmed, was so badly and incompetently done that she considered the test data useless.

The highlight of the meeting, however, was the electrifying testimony of Dr. Diane Cowan of The Lobster Conservancy. Cowan, an internationally prominent scientist whose organization carries out research on the ecology and biology of the Maine lobster, emphasized the importance of the Mussel Ridge area of Penobscot Bay as the nation's top source of lobsters.

One third of all lobsters harvested in Maine, Cowan said, come from the waters off the coast of Knox County. She explained how her research into the early life stages of lobsters has revealed that the tasty crustacean prefers to live in close proximity to shore in its early stages, making it highly susceptible to shore-based impacts, including chemical pollution from airport de-icing compounds, pesticides and oil pollution.

Cowan's assessment of the results of contamination of the areas lobstergrounds was grim;

"Contaminants associated with airport operations such as jet fuel, waste oil, lubricants and deicers pose unacceptable threats to lobster survival in critical nursery habitats," she told the Board.

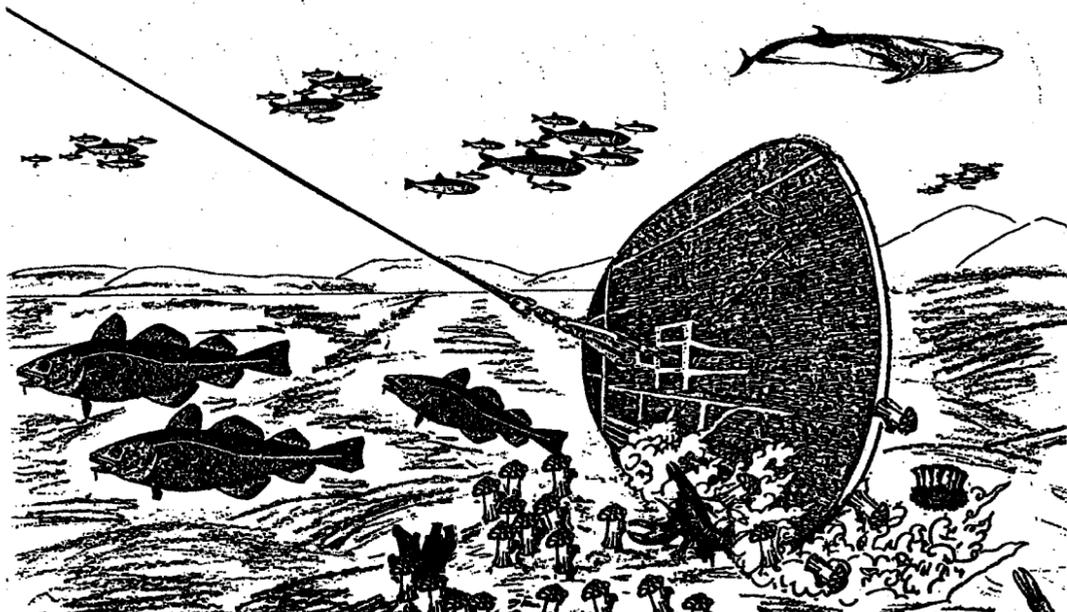
"When jet fuel, waste oils, lubricants and deicers come into contact with critical lobster habitat, they can persist over time," Cowan said. "They are toxic when emulsified in water. They are also toxic in the process of evaporation when they rise to the surface and form concentrated sheens on the surface of the water."

"At all costs," Cowan told the Board of Environmental Protection, "this should be prevented to protect the most valuable commercial fishery in New England."

She detailed how lobsters spend critical parts of their lifecycle as floating surface plankton, at which time even a small oil spill spreads a wide lobster-killing sheen across the water surface.

Research by Cowan discovered that when larval lobsters leave the surface layer and switch to living on the bottom, they first inhabit the shallow intertidal zone, that coastal area that is submerged and then exposed to air twice a day.

"When the tide goes out the surface sheen coats



The Northern Forest Forum

"CONTAMINANTS ASSOCIATED WITH AIRPORT OPERATIONS SUCH AS JET FUEL, WASTE OIL, LUBRICANTS AND DE-ICERS POSE UNACCEPTABLE THREATS TO LOBSTER SURVIVAL IN CRITICAL NURSERY HABITATS." — Dr. Diane Cowan of The Lobster Conservancy

the intertidal zone and its inhabitants." Cowan said. "These physical sheens contaminate and suffocate both the biota and the sediments.

Adult female lobsters carry their eggs clasped to their abdomen for 9 to twelve months. The eggs are exposed to seawater and to any contaminants, such as de-icing compounds, that might be in it

Pointing out the similarity of jet fuel to kerosene, Cowan noted that lobsters are known to be attracted to the scent of kerosene in the water. But lobsters that follow a kerosene scent plume to an area of stronger contamination become paralyzed and then die, unable to escape the plume.

"In other words," Cowan told a wide-eyed audience, "jet fuel has the potential to lure lobsters into a death trap."

Cowan's testimony so electrified the audience and impressed the Board that when it was noted that she had continued well past her allotted 5 minutes nearly a dozen hands shot up in the audience as community members that were on the hearing's speaking list voluntarily surrendered their speaking times to her so that she could continue.

Cowan, who also handed the Board a large stack of information to support her testimony, also urged that an environmental assessment, and if necessary a full environmental impact study, should be done before the county is allowed to move forward on its expansion plan.

"Compromising lobster nursery habitats along the shoreline," Cowan warned the gathering, "could result in a total collapse of our local lobster population."

South Thomaston resident George Hardt was one of the final speakers at the hearing. Hardt told the Board how airport records show that a large underground waste tank built on the site by the Air Force decades ago was apparently never emptied and may be leaking into area groundwater aquifers.

Owls Head resident Marilyn Hotch urged the Board to balance the County's growth needs with the public interest. She also said that the airport advisory committee, set up by the county to facilitate interaction between the community and the airport, was entirely ineffectual.

Because of time constraints, the Board of Environmental protection was unable to hear presentations by shellfish aquaculturist Scott Tilton and three other residents who have formally "intervened" in the application. The Board announced that it would hear their testimony at one of its upcoming regular hearings in Augusta, before making its decision on whether to reject the permit or require special conditions be met.

INFORMATION:
THE LOBSTER CONSERVANCY
WWW.LOBSTERS.ORG
MAINE LOBSTERMEN'S ASSOCIATION
WWW.MAINELOBSTERMEN.ORG
PENOBSCOT BAY WATCH
WWW.PENBAY.ORG

MIDCOAST MAINE LOBSTER DECLINE COMING, TOP LOBSTER SCIENTISTS WARN

On January 22, 2001, three of Maine's top lobster scientists issued a joint statement warning that their research showed a sharp decline in the number of juvenile lobsters existing in the waters off Maine and off Rhode Island.

"SIGNALS OF A WIDESPREAD DECLINE IN LANDINGS ARE NOW EVIDENT."

JANUARY 22, 2001

JOINT STATEMENT BY

Robert S. Steneck, Ph.D. Professor, University of Maine School of Marine Sciences
Richard A. Wahle, Ph.D. Research Scientist, Bigelow Laboratory for Ocean Sciences
Lewis S. Incze, Ph. D. Research Scientist, Bigelow Laboratory for Ocean Sciences

POTENTIAL SLOWDOWN IN LOBSTER LANDINGS

The abundance of juvenile lobsters in key lobster producing regions of mid-coast Maine appears to be declining. We expect landings in those regions and possibly elsewhere to decline sometime during the next two to four years. Given that lobsters are the single most valuable species to Maine's fisheries, we think it is important to alert the lobstering industry, state managers, policy makers and the general public to our findings.

For more than a decade, scientists from the University of Maine and Bigelow Laboratory for Ocean Sciences have been working to develop means of predicting lobster abundance and landings. Our approach differs from those traditionally used in Maine and New England by independently monitoring three different life stages:

- 1) larvae in the water,
- 2) newly settled individuals on the bottom and
- 3) older juvenile lobsters.

Our research measured linkages between each of these three successive stages. Larval lobsters in coastal zones dive down to become the new year-class of lobsters on the bottom, and if these lobsters survive, they will become juvenile lobsters, and eventually comprise our future landings. In concept it's similar to counting the number of seeds you sow in your garden and finding that they correspond to some reduced number of seedlings and eventually the plants you harvest.

Predicting lobster abundances or landings is no easier than predicting the economy or the weather. While local lobster landings may generally reflect local lobster abundance, measuring abundance is fraught with uncertainty. We can never be sure that we "know" the abundance of any phase in a lobster's life.

However, by going to the same locations and using the same methods over many years, we can detect trends. Since any single measure of abundance may be flawed, we monitored abundance of three distinct stages, each requiring a different means of detection.

Censusing different developmental stages in juvenile lobster populations over time is similar to monitoring the total number of students in elementary schools as an indicator of future high school class sizes. If significant changes occur in the abundance of lobster larvae they should immediately translate to changes in that year-class on the bottom. A couple of years later, changes should be evident in the older juvenile lobsters.

Since 1995 newly settled lobsters on the bottom have been declining in the Boothbay monitoring region. Similar trends were detected in larvae in New Hampshire and new settlers in Rhode Island.

The larvae and settlement studies suggest widespread declines at least west of Penobscot Bay (no larval monitoring has been done east of there). Censuses of juvenile lobsters that are 2 to 4 years old (2 to 5 years prior to harvest) have been conducted statewide at nearly 40 sites distributed from York to Jonesport. Most troubling is the consistent decline since 1997 of juvenile lobsters from eastern Muscongus Bay, throughout Penobscot Bay and Hancock County.

This broad swath includes Maine's most-productive lobster-producing regions. While not all of our indicators at all of our study regions are consistent, enough are for us to announce that signals of a widespread decline in landings are now evident.

Many lobstermen will quickly point out that they have seen more egg-bearing lobsters over the past decade than ever before, and we agree. In fact, in the most recent lobster stock assessment there is evidence that the reproductive potential of lobster stocks is currently high. The decrease in larval lobsters and year-classes on the bottom must be the result of other factors, possibly changes in the ocean environment itself which could affect survival or delivery of the larval stages.

However, just as we cannot explain the dramatic increase in lobster abundance and landings over the past two decades throughout the northeast, from Delaware to Newfoundland Canada, we cannot explain the pending decline. Further, larvae and young of the year lobsters in Rhode Island and Maine are showing similar patterns of change despite being two oceanographically and reproductively distinct systems separated by Cape Cod. Thus the environmental factor(s) responsible appear to be very wide-spread.

What should be done? This question is best addressed by the lobstering community and state managers. As scientists we feel it's important to alert the public and stakeholders. No one has prior experience with the type of data we have. So we can't be sure how closely the harvest will follow our findings.

However, if the patterns we see turn out to be accurate predictors of declining harvest and are primarily controlled by the environment, then some traditional management actions such as increasing egg production may do little or nothing to reverse the situation. Nevertheless, steps should be taken to preserve existing broodstock. Certainly, a decline in lobster stocks given the large fishing capacity that exists could threaten the reproductive potential of the stock and reduce chances of recovery.

If lobster landings are to decline, it might be a good idea to wait before making large new financial commitments. Nature may still have more surprises for us and this trend could turn around. However, this is an excellent time for industry and managers to discuss the most appropriate actions so that the stocks and the fishermen both survive the fluctuations inherent in nature.

Robert S. Steneck
Richard A. Wahle
Lewis S. Incze

LINKS

The University of Maine School of Marine Sciences
Bigelow Laboratory for Ocean Sciences

Killing Seals to Restore Fisheries:

Anthropocentrism, Theoretical Fatalism, Plain Arrogance

A Comment on the Terms of Reference of the 'Eminent Panel on Seal Management'

"THE STRENGTH OF THE DEEP ECOLOGY MOVEMENT DEPENDS UPON THE WILLINGNESS AND ABILITY OF ITS SUPPORTERS TO FORCE FACT-DEPENDENT EXPERTS WHO UNDERPIN ENVIRONMENTAL DECISIONS INTO DISCUSSIONS IN TERMS OF VALUES AND PRIORITIES."

Arne Naess, Ecology, community and lifestyle, p.72

Dear 'Eminent Panel' on Seal Management (Ian McLaren, Solange Brault, John Harwood, and David Vardy):

I would like to make some general comments on issues concerning seals and some specific critical comments on the main assumptions of your Panel, as explained in your Terms of Reference and reflected in the Questionnaire on Seal Management in Atlantic Canada, which you have made available. I am responding to the call for input from "stakeholders and interested parties" (deadline November 24, 2000). As pointed out in the terms of reference, the mandate of your Panel is to provide to the Minister of Fisheries, "advice on a long-term strategy for the management of seal populations in Atlantic Canada."

I am writing from the perspective of someone who has felt compelled to speak, as best I may, as a voice for the various seal species in the Atlantic Region since the early 80s. (See for example Green Web Bulletin #31, "The Philosophy And Environmental Politics Of Seal Programs" based on two university talks in March 1992, and other writings on seals listed on our web site: <http://fox.nstn.ca/~greenweb/>) These seal species, whether harbour, grey, harp or hooded, have been under continual assault by humankind, in particular by those who commercially exploit the oceans in our region of Canada. My concern for the well-being of seals has also been part of a more general concern for the overall ecological health of the oceans and the current destructive industrial-capitalist fisheries model which undermines this ecosystem, and within which the attacks on seals need to be situated. (See the 1995 Green Web Bulletin #45 "Fisheries and Aboriginals: The Enclosing Paradigm" and also the critique of the proposed Department of Fisheries and Oceans (DFO) model for Marine Protected Areas "Marine Protected Areas: A Human-Centric Concept," both listed on our web site.)

I have come to certain conclusions from my involvement in seal-related issues, which may be partially summarized as follows:

Seals have beauty and intrinsic value irrespective of how we humans view them. These values are independent of the so-called usefulness of seals for human purposes. This is a deep seated ethical or

philosophical belief. Those who subscribe to such beliefs, although seemingly a minority in public discourse in the Atlantic Region, are helping to change human consciousness away from a taken-for-granted human-centeredness, i.e. which looks at seals as a "resource" to exploit. Conflicts over seal issues are fundamental conflicts over basic value systems in how we are going to relate to the natural world. This fundamental ethical conflict is not reflected in the Terms of Reference of the Seal Management Panel. Instead, the overall unquestioned value orientation is anthropocentric.

I believe that seals play an ecologically complex role in marine ecosystems that is beyond the current reach of human understanding. To attest to such a position does not display ignorance but humility. Aldo Leopold's comments, such as "Education, I fear, is learning to see one thing by going blind to another," and about Homo sapiens not being a conqueror of the land community but a "plain member and citizen," are pertinent here.

For most commentators on seals, they are seen as

"competitors" to humans, because seals eat fish. The basic question becomes, how many to kill (and how to do it so as to not arouse an outcry - which should be avoided solely because there may be some economic fallout).

Anything can be done to seals in the name of "research."

Here the biology department at Dalhousie University in Halifax has played a 'leading' role, e.g. anti-codworm and contraceptive experiments on seals at the university and on Sable Island. The alleged research on Sable Island has also included shooting seal 'specimens', branding and tagging, and has caused the desertion of nursing pups by their mothers. There are various self-serving justifications for such research by the university and the DFO scientists involved. This research is of course done against the interests of the seals themselves.

The state of humankind, that is our ecological footprint, is taken as a given in seal discussions. Thus there are "too many seals," but never "too many people," or "too many fishers," or "too much consumption of seafood." To raise that fishing gear be made "seal friendly" would be considered bizarre in the Atlantic Region, although, in some circles the discussion of bottom-destroying gear or non-selective fishing technologies is considered legitimate.

Greenwash language packages the messages of those who want seals killed. Thus the alleged Fisheries Resource Conservation Council, in the name of "conservation" and because Nature is considered a "resource", wants to reduce seal herds by up to 50 percent of their current levels, and chillingly calls for a number of "seal exclusion" zones, which seem to include the Northumberland Strait, the marine waters off New Brunswick and Prince Edward Island, and other areas. This Council, with its 14 members, we are

told, represents "science" and "industry." It seems you are only eligible to be a stakeholder if you want to exploit the oceans. Non-human life forms have no one speaking for their interests, and the health of the overall marine ecosystem is not represented on this Council. The Council has been a prominent and persistent voice for killing seals.

All the resources of the State become placed at the disposal of those who want to kill seals — DFO enforcement personnel, the Coast Guard, the Royal Canadian Mounted Police, etc. Also, regulations are proclaimed/enforced (the misnamed "Seal Protection Regulations"), to minimize critical public scrutiny.

Seal issues show a crucial test of environmental consciousness, that is, whether an individual or fisheries organization is prepared to oppose their own economic or personal interests for wildlife or environmental concerns. Those who advocate the general killing of seals fail this basic environmental test. Seals do eat fish and other sea life, and this has to be accepted, if someone is going to rise above narrow economic self-interest. The terms of reference of a Panel on Seal Management therefore become important. Are such terms going to continue anthropocentric assumptions, the scapegoating of seals and denial of the responsibility of human-kind, or provide some new ethical vision, so that we can start to move forward in our understanding?

ANTHROPOCENTRISM & THEORETICAL FATALISM

"To evaluate the current state of scientific knowledge and to provide advice on long-term strategies for management of seal populations in Atlantic Canada;
"To develop a strategic harvesting plan for seal populations over a 5-year period."
Objectives, in the Terms of Reference

THE TWO THEORETICAL concepts of "anthropocentrism" and "theoretical fatalism," I believe, characterize overall the terms of reference of the Panel and the content of the questionnaire. There is no attempt to look at seals in a nonhuman-centered manner. They are seen as a problem, and the discussion is how to deal with this problem. This is also the theoretical fatalism. The discussion proceeds towards one end, the killing of seals. Of course for the seals that will be killed, this is another kind of fatalism.

If one starts, as one should, with the viewpoint that humans and our industrial capitalist society are the problem for seal species, then a totally different kind of discussion would take place. Instead of soliciting comments on whether we should kill old or young seals, or perhaps sterilize female seals (as does the questionnaire), we would be discussing ecological carrying capacity and the human ecological footprint. We would be asking painful but necessary questions, like: How many of us should there be, and how do we reduce human populations so that wildlife can flourish and that we do not degrade the Earth? How do we go about calculating for sufficient habitat and food for species other than humans? Who would draw up such "quotas"? How do we bring a change in ethics from the existing orientation of greed to one of respect in our relations with animal and plant life? What fishing gear and attitudinal changes need to be made in the commercial fishery, so seal populations can peacefully co-exist? What

"SEALS ARE NOT THE PROBLEM IN THE DECLINE OF THE COMMERCIAL FISHERY. WE AND OUR NON-SUSTAINABLE, EVER-EXPANDING INDUSTRIAL LIFESTYLES ARE.."

constitutes a sustainable quality of life for humans and non-humans alike? There can be in the long term no space for seals, if the commercial fishery, oriented to global market, continually expands.

Personally, I do not oppose the subsistence hunting of seals by aboriginal and non-aboriginal Canadians, if it can be objectively demonstrated that the seal species being hunted are not at risk. I do strongly oppose all commercial killing of seals, or any so-called "cull" of seals to supposedly benefit the commercial fishery. Seals are not the problem in the decline of the commercial fishery. We and our non-sustainable, ever-expanding industrial lifestyles are.

RECOMMENDATIONS

THAT THE PANEL publicly repudiate its terms of reference because of the human-centered bias. The Panel then present an alternative, deeper and non-anthropocentric, ecological frame of reference for a discussion on seal issues. Such a discussion would include advocating the necessity for an Earth-centered spiritual transformation, so that human interests become placed in a context of respect for all other species, including seals. From my perspective, if the four panel members did this, then they can justly be called "eminent."

PLEDGE

I PLEDGE TO WORK with any organization inside or outside of Canada to implement the ecocentric seal ethics which I have sketched out in this comment.

David Orton

November 23, 2000

The above position has also been generally endorsed by the Red Tail Nature Awareness Camp, in Scotsburn, Nova Scotia, and by Earth Action, an environmental group in Prince Edward Island. For further information contact Billy MacDonald of the Camp, or for Earth Action, Sharon Labchuk.

Visit the Green Web Home Page at:
<http://fox.nstn.ca/~greenweb/>



Human child in froggy boots & moose hat — rank consumerism or modern totemism?

Penobscot Bay Area Strip Mines Previously Toxic Waste Dumps

DEADLY LESSONS: Were local school & day care centers built with contaminated concrete?

NORTHPORT. Children attending the temporary school in MBNA Corporation's 'Point Lookout' complex in this sleepy Maine coastal town, or housed at day care centers built by MBNA in nearby Camden, Rockland and Belfast, may be getting exposed to unsafe levels of vanadium, mercury, arsenic and other toxic chemicals, environmentalists told Maine's Governor Angus King. The letter follows revelations that sand and gravel used by MBNA's building contractors was apparently taken from a gravel pit used for decades as a toxic waste dump by a now-defunct Searsport chemical company. Environmentalists are asking the Governor to order Maine DEP to investigate the matter, and take appropriate actions.

The discovery of MBNA's apparent use of tainted fill and building materials to build day care centers and other structures follows earlier revelations that some of the sand and gravel used by the telemarketing giant's construction subsidiary Bracebridge Corporation was mined illegally from gravel pits located near Moose Point State Park. It has since been learned that at least one of the pits that MBNA's building materials came from apparently was the repository for years of toxic waste dumping by the Delta Chemical Corporation. Delta has since sold its Searsport factory to the General Aum and Chemical Corp.

A 1990 report on Delta Chemical's waste products prepared for the Maine Department of Environmental Protection describes the company's waste materials as including mercury, arsenic, chromium, mercury, copper, iron, nickel and vanadium, in addition to large amounts of sodium and aluminium. The report also notes that the company's wastes are highly acidic. Source - 9/14/90 "Testing of 'Alum Reactor Waste # 1 by Maine Environmental Laboratory, Inc for B. Gower of Delta Chemical, Inc."

Critics say that MBNA officials ignored warnings from local construction industry representatives concerned about the use of illegally obtained contaminated sand and gravel for its sprawling development projects along the scenic Penobscot Bay coast.

"MBNA's New England head Charlie Cawley may good at selling credit cards, but he's completely naive when it comes to the details of the construction projects

he commissions," said Penobscot Bay Watch Ron Huber, a long time critic of the company's intensive development along the Penobscot Bay coast. "His boss in Delaware needs to keep him on a much tighter leash when it comes to building projects."

"This may turn out to be an incredible blunder by MBNA," Huber said. How Cawley can countenance apparently risking the health of hundreds or even thousands of Penobscot Bay area children, not to mention their parents, who may be working in MBNA telemarketing complexes built with tainted materials, defies comprehension. Let's hope he moves swiftly to correct this."

Harvard researchers: top pollutant in contaminated Belfast gravel pit used by MBNA causes serious respiratory disorders.

Scientists familiar with vanadium - a key pollutant found dumped in a gravel pit used by MBNA Corp and other area developers - say the substance is a serious "respiratory toxicant."

Mercury arsenic and other toxins found in the dumped waste also pose health hazards.

Following an admission by Maine Environmental Commissioner Martha Kirkpatrick, that large quantities of vanadium-rich waste were dumped into a gravel pit near Moose Point State Park, environmentalists renewed their call for the MBNA Corporation to test dirt and gravel that its contractors obtained from the contaminated "St Clair" gravel pit. Activists also called on King to order proper disposal of the wastes remaining in the gravel pit. In the 1990's the Maine DEP required the company to disposal of identical wastes in a carefully constructed lined toxic waste landfill. The present Commissioner of Environmental Protection has approved of merely dumping fill dirt atop the waste in the gravel pit.

In mid January, MDEP revealed that according to its records, tons of powdery vanadium-rich waste were dumped into the St Clair gravel pit, over the last 25 years. Left uncovered and exposed to wind and storm, the highly irritating substance has likely spread throughout the complex of gravel pits along the slopes above Moose Point State Park, and may have infiltrated area groundwater supplies.

The Harvard researchers state that "Vanadium is known to produce adverse health effects, primarily in the respiratory system. Epidemiological studies have shown that exposures to high levels of vanadium through inhalation can result in inflammation of the lungs and other

parts of the respiratory tract." Source: Harvard University's Superfund Basic Research Program.

In a letter sent January 17, 2001 to Maine Governor Angus King and Maine Department of Environmental Protection Commissioner Martha Kirkpatrick, Penobscot Bay Watch Ron Huber cited the Harvard findings and urged the state to take action.

"Deposition of these materials in a sand & gravel environment is inappropriate. Bay Watch leader Ron Huber wrote. "Airborne dispersal and respiratory toxicity of vanadium found in these wastes is well documented. Testing of soils from the Saint Clair gravel pits that were used as fill for construction and landscaping of schools, daycare centers, and other public buildings along the western Penobscot Bay coast is justified".

At press time, no word from the Governor on whether he will take action.....

NOTE: An unsigned letter from "MBNA America," (evidently written by MBNA VP Shane Flynn), was published at the K2BH Community News website, challenging Pen Bay Watch assertions of toxic materials in the gravel pit used for many of their construction projects. The rambling letter, evidently penned by MBNA VP Shane Flynn, argues that his company has not used gravel from the gravel pit in question, and challenges Bay Watch Ron Huber's capacity to uncover information about waste materials from Maine DEP documents. While Maine's present-day Commissioner of Environmental Protection neglected to mention it in her recent letter, Maine DEP records clearly show that vanadium is one of the chief wastes found in the sludge materials in question.

While the claim can be made that it wasn't MBNA but one of its CONTRACTORS that acquired the tainted gravel materials from the pit in question, such a claim is only more proof of MBNA's accountability-ducking proclivities.

Flynn's attack-the-messenger aspersions against Bay Watch Ron Huber's ability to extract relevant information from Maine DEP files are merely a continuation of his ad hominem attacks on anyone that criticises his highly criticizable company. In fact the company has had to hire additional writing staff to keep up with the storm of complaints from people around New England and the nation about MBNA's operations. For a sampling of those complaints, check out the www.mbnasucks.org website.

Conservation Group to Challenge Pro-Extinction Directive

CONTACT: David Carle, Conservation Action Project (603) 882-6520

Legal Action against FWS is considered Nashua, NH-A conservation group has condemned a decision by the U.S. Fish and Wildlife Service to place a moratorium on giving imperiled species protection under the Endangered Species Act (ESA) and reviewing a possible legal response.

The Conservation Action Project (CAP), a conservation group that has worked to gain legal protection for a number of imperiled species found in New England, is looking into possible legal action to challenge the listing moratorium issued by the U.S. FWS. CAP is working to protect a number of endangered species including Atlantic salmon, New England Cottontail, Canada lynx, and the Cerulean Warbler.

"Many of the species we are working to protect are some of the most imperiled

species in the eastern United States," said David Carle, executive director of the New Hampshire-based Conservation Action Project. "To stop the march towards extinction, these species need protection. The listing moratorium could amount to a death warrant for species such as the New England Cottontail."

The order, signed by Fish and Wildlife Service Director Jamie Rappaport Clarke, directed all agency staff to "immediately stop work on any [endangered species] listing actions not under court order or settlement agreement," claiming that the Agency did not have the funds to do the required work. "Listing" refers to an official evaluation of scientific data

about the status of an imperiled species' ecological health necessary before a species can be placed on the "endangered" list, under the terms of the Endangered Species Act. Once listed, that species is entitled to a full range of federal protections.

"The FWS claims that it is so busy responding to lawsuits, that it does not have enough money to add any more wildlife to the endangered species list for nearly a year," said Carle. "If, during the

past seven years, the agency had followed the law instead of ignoring it, there would not be the court orders or legal challenges."

Carle was referring to a series of court orders obtained by environmental groups over the past four years directing the Agency to protect species facing extinction and the designation of areas as "critical habitat," as required by law.

The group also claims that the Clinton administration has repeatedly failed to request the needed money to protect endangered species.

"In 1992, the Bush administration requested more than \$10.1 million for the listing of threatened and endangered species," said Carle. "For 2001, the Clinton administration is asking for about \$7.2 million. I find it hard to understand why this administration wants a legacy of allowing species—this nation's natural heritage—to go extinct."

In addition to halting all work on reviewing imperiled species for possible protection under the ESA, the FWS has also placed a moratorium on designating critical habitat for species already protected. Conservationists believe that critical habitat designations are vital to make sure

that recovering species have areas where they can recover and thrive. The ESA requires the habitat designations.

"The agency should ask for enough money to both designate critical habitat and to add species to the endangered list," said Carle. "Since 1993, Secretary of Interior Bruce Babbitt, has deliberately failed to request sufficient funds to protect species. Now he is claiming that the FWS doesn't have the money to protect endangered species. This listing moratorium is hypocrisy of the worst kind, because it could result in a number of imperiled species being lost forever, and that is something I cannot accept."

According to the directive issued by the FWS, the listing moratorium is scheduled to be in place until October 2001.

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The Conservation Action Project is a non-profit membership organization dedicated to restoring, preserving, and protecting the natural heritage of New England through education, advocacy, and grassroots empowerment.

Al Gore's Ideological Limitations: A Commentary on *Earth in the Balance*

By David Orton

"The United States has long been the natural leader of the global community of nations."

Al Gore, *Earth in the Balance*, p. 171.

THIS IS A COMMENTARY on *Earth in the Balance* by Al Gore (paperback, Penguin Books USA Inc., 1993, ISBN 0-452-26935-0). I have had this book sitting on my bookshelf for several years. I bought it because it was frequently mentioned favourably in some environmental circles. *Earth in the Balance*, I came to feel, was one of those "duty" books (about 400 pages), that I felt I should read, but did not have much enthusiasm for. I was also curious how Gore had manifested his environmental principles (which I knew included particularly a concern for global warming), while serving as the Vice-President of the Clinton administration - an administration marked generally by environmental evasiveness within the dominant industrial capitalist paradigm, including on climate change.

What made me finally read Gore's book, were the sharp polemics which erupted within the US environmental community in the recent presidential election campaign, in which Gore was the Democratic candidate, Ralph Nader ran for the Green Party, and George W. Bush ran for the Republicans. (I am leaving aside here the even sharper but different kind of discussions which arose over the vote-counting in the state of Florida for the presidency, which Gore ultimately acquiesced to following a "partisan" US Supreme Court ruling. This showed, in my view, that for Gore, under pressure, it was more important to uphold the continuity and institutions of American society - here the ruling of the Supreme Court, than his former basically just principle of "one person, one vote", which he used to argue for a recount in Florida.)

Supporters of Gore frequently referred to his environmental credentials, while Nader opponents pointed out examples of Gore's environmental duplicities. I knew then that I had to read his book, and see whether or not I could at least support the theoretical position outlined. The following comments express my views on Gore's basic position as expressed in *Earth in the Balance*. They are given from the perspective of someone who is a supporter of deep ecology and, within this philosophy, the theoretical tendency of left biocentrism.

BASIC AGREEMENTS

THIS IS GENERALLY an erudite and environmentally informed text. Gore describes the degraded environmental situation well. He brings out that we are all part of a global civilization. Because of who he is (elected to the House of Representatives in 1976 and to the Senate in 1984), Gore has had access to and has tapped into the thinking of scientists and other academics, well informed about environmental destruction and the accompanying social

decay. He discusses the usual ecological issues intelligently. Some of the ideas in his book were new to me. Two examples of this: we need to redefine technology, so that as well as tools and devices, it includes systems and organizational methods "that enhance our ability to impose our will on the world." (p. 211) Or, he notes how fertilizer use discourages genetic diversity among crop varieties by "compensating for differences in local environments and soil types." (p. 142)

His agreement with deep ecology (which he ignorantly and contemptuously dismisses), is the call for a fundamental change in values in how humans should relate to the Earth:

"...the same philosophical error that has led to the global environmental crisis as a whole: we have assumed that our lives need have no real connection to the natural world, that our minds are separate from our bodies, and that as disembodied intellects we can manipulate the world in any way we choose. Precisely because we feel no connection to the physical world, we trivialize the consequences of our actions." (p. 144)

But he differs from deep ecology in that his is a God-centered "stewardship" vision, with humans still at the center, but exercising their "dominion" intelligently with, say, a "seventh generation" perspective and "intergenerational equity" in mind. For him, this is a Christian requirement because, in the end, the Earth "also belongs to God" (p. 244) not just humankind. Yet any experienced environmental activist knows that those who exercise "dominion" by working the land or sea, e.g. loggers and fishers, usually become vocal exploiters, not environmental defenders - and vigorously oppose new woodland-containing parks, or marine protected areas which exclude commercial fishing.

He also states a fundamental organizing principle in *Earth in the Balance* that deep ecology supporters would also agree with, but note the qualifier which discredits the principle:

"...the new 'central organizing principle' of the post-Cold War world - namely, the task of protecting the earth's environment while fostering economic progress." (p. xv)

Gore sees the need for a fundamental spiritual transformation, like most deep ecology supporters, to resolve the global environmental crisis, but unfortunately interprets this in a narrow, sectarian manner.

Many of the ecological and social reforms which Gore proposes in his ecological restoration "Global Marshall Plan" could be supported in themselves, but are undermined by some basic beliefs which are taken for granted. Such beliefs reveal a kind of ideology - and hence become serious limitations for the new required thinking. The US fixation on economic growth and a consumer lifestyle is, it seems, a given and basic belief, which cannot be touched:

"Who is so bold as to say that any developed nation is prepared to abandon industrial and economic growth? Who will

proclaim that any wealthy nation will accept serious compromises in comfort levels for the sake of environmental balance." (p. 279)

The proposed reforms then can be seen as ultimate tinkering, while the Earth continues to be destroyed. Moreover, the basic beliefs to which Gore subscribes are also part of the global environmental crisis and have helped to bring it on. Gore turns out to be not bold, or deep enough, by far, even if "balanced" from a shallow ecology perspective.

IDEOLOGICAL LIMITATIONS

SOME POSITIONS IN the book which reveal Gore's ideological limitations:

Gore accepts a modified market economy as the only possible economic system and links free markets, "democracy" and social justice. "Ownership" becomes necessary to protect the environment. He supports the global economy and bemoans that economic decision-making so far does not include environmental values. He also supports trading in emission rights, is for biotechnology, and says that nuclear weapons "over the long term may prove beneficial" (p. 205). Gore does not want to acknowledge that the economic/social system he continually celebrates in his book has to be replaced, to resolve the environmental global crisis. He ultimately remains, in his thinking, a prisoner of his own culture.

For Gore, the US and other countries can have more economic growth, 'sustainable development' is fine, and there are no economic limits to continual growth. He opposes "a simplistic conclusion by some that development itself is inherently undesirable." (p. 280)

He equates "democracy" with the US political process, and does not acknowledge any systemic corruption. There are also untouchables, such as any delegation of partial sovereignty to a global UN-type authority in the United States:

"The fear that our rights might be jeopardized by the delegation of even partial sovereignty to some global authority ensures that it's simply not going to happen." (p. 301)

He has an exaggerated, but often typical US view of that country's importance and leadership role in the world today.

He says a person needs a "faith" to have an ethical system. As a Baptist, the Christian god is the center of his ethical understanding. Gore advocates a conscious role for humans as stewards of the environment or the Earth. He interprets the biblical "dominion" over the Earth to mean stewardship and in this way, looking after other "creatures":

"The old story of God's covenant with both the earth and humankind, and its assignment to human beings of the role of good stewards and faithful servants was - before it was misinterpreted and twisted in the service of the Cartesian world view - a powerful, noble, and just explanation of who we are in relation to God's earth. What we need today is a fresh telling of our story with the distortions removed." (p. 218)

Other life forms clearly do not have equivalent moral standing in Gore's cosmology. He further makes the amazing claim that all the major world religions "mandate an ethical responsibility to protect and care for the well-being of the natural world." (p. 243)

Gore displays an ignorance of deep ecology, along with a two-page misrepre-

sentation in his book, which enables him to arrive at the conclusion that "The new story of the Deep Ecologists is dangerously wrong." (p. 218) Deep Ecologists, according to Gore, have made "the deep mistake of defining our relationship to the earth using the metaphor of disease." (p. 216)

He still remains a Cold War warrior, with many denunciations of "atheistic" communism. There is lots of talk of "free societies." But at least, he is refreshingly frank about this:

"Opposition to communism was the principle underlying almost all of the geopolitical strategies and social policies designed by the West after World War II." (p. 271)

For Gore, the struggle in Europe was "democracy" versus communism, not capitalism versus communism (p. 178). For him, the features of communism "were infinitely worse" both individually and environmentally than anything "our" economic system has brought about. (p. 195)

In the US, he presents the Republicans as the main obstacle to environmental progress, so his book is partisan in this way.

He sees no contradiction between the US 'leading' environmentally and the creation of "millions of new jobs." (p. xvi)

A primary theme of Gore's book is the pressing need to address climate change. Yet he has served two terms as Vice-President in the Clinton administration, where nothing of substance concerning global warming has been done, except in an obstructionist sense.

Gore gives a number of examples where he supposedly asserts a leadership role, that can only be called boasting or hubris. (This boasting also became an issue in the electoral campaign for the presidency.) In his book he claims, "I helped lead the successful fight to prevent the overturning of protections for the spotted owl." (p. 121). For other boasting examples, see backhauling legislation (p. 154), and information superhighways (p. 327).

CONCLUSION

AL GORE ILLUSTRATES IN his book what Arne Naess might call the full development of a "shallow" ecology, where the existing industrial capitalist paradigm of values is not fundamentally challenged. He is a reformer, not a revolutionary. He does not want to see the core beliefs to which he clings - which perhaps might be called "the American way" - undermined or replaced. I was surprised by his depth of knowledge of environmental issues, but also by his prejudices. Yet Gore is also an example of a certain style of "American" environmentalism, that is, mainstream, Christian, anti-communist, and seeing the United States as the center of the universe.

I think Gore shows the futility of an individual, however informed, trying to change industrial capitalist society, even moderately from within the system, without any mobilized constituency for ecological ideals. Talk or eloquent writing do not overcome corporate and institutional self-interest. This should also be a lesson for some in the green community, who pursue electoral dreams. The problem of climate change, expressed so passionately in Gore's book, was not manifested positively in the Clinton administration. At the recent Hague climate conference in the Netherlands, the US - the largest emitter of carbon dioxide

PEDOGENESIS: THE IMPORTANCE OF DECIDUOUS TREES IN THE FOREST ECOSYSTEM

by Céline Caron

Pedogenesis: The whole process, of natural origin, allowing the constitution of soil and maintaining its characteristics inside a certain dynamic.

DECIDUOUS TREES appeared on our planet 60 million years ago. We have known for a long time that climax species (oak, maple, yellow birch, linden, walnut, beech, ash, formerly called "noble" trees) and associated vegetation grow on fertile soils. We know now, for a much shorter time, because of the ramial wood technology, that fertile soils have come from the great deciduous forest and that farming developed on fertile soils.

Nothing is sadder than arriving on the site of a forest known to have reached the climax stage and realize that it has been clearcut and replanted with coniferous species. Even woodlots adjacent to farmland are sometimes cut and replaced with commercial trees. There are examples of owners replanting a regenerating climax forest with pines and even after three successive pine have been grown, only a few trees thrive after ten years.

The first settlers began exploiting deciduous tresses when they arrived, as they hurriedly cut climax trees to build houses and ships, clearing land for cultivation at the same time. Oaks and walnuts soon dwindled. Less than a century later, only a few oaks, walnuts, maples, beeches, lindens and yellow birches remain here and there.

How many housing developments have been built right inside a maple bush, all the trees cut, the original soil around houses buried and the development "landscaped" with lawns? I know of such a housing development where all lot owners but one did so. This lot owner left the vegetation as it was because he liked it. One day a botanist friend came for a visit and marveled at the orchids in the backyard. Now that the fortunate lot owner knows the value of some of his plants and as the neighbors come to admire them, they all are beginning to realize that no matter what they do the orchids, the ginseng, the ferns, the wild garlic will not return; the soil has been degraded.

The same scenario awaits us — but on a much larger scale — as we cut our deciduous forests because we ignore the basic mechanisms of soil formation and the elements necessary for the elaboration of life on our beautiful planet Earth. One can sow or plant maple trees but not an ecosystem.

Cutting the climax forests and exposing the soil to light shows no understanding of how soil and vegetation evolved on our planet through the millennia.

Deciduous trees appeared on our planet 60,000,000 years ago. Assuming that an individual's active life extends from the age of 15 to 65, it will have taken 120,000 generations before we can reach the present state of vegetation and bank of fertile soil which we inherited. If, as the genealogists, we count three generations

per century, soil formation will have taken 180,000,000 generations. It is the time it has taken humanity to be able to sustain human population and it is the time it would take to rebuild the soil bank that we will have destroyed in less than two centuries because we were unconscious of the mechanisms at the basis of soil formation.

No experienced investor wastes his capital in this way. He rather lives off his capital return. The capital in the case of the planet is the soil, the water and the air. Everything has been provided for us to live a good life as long as we take care of these elements to assure a similar environment for future generations. We have known for a long time that deciduous trees and their associated vegetation grow on fertile soils.

Now, because of recent discoveries about ramial chipped wood technology, we also know that fertile soils developed because of deciduous trees, and that agriculture was developed because of fertile soils. Canada has about 45.5 million hectares of fertile soil that are cropped, summer fallowed or developed pasture. An additional 15.5 million hectares are in natural range land and 7 million hectares in wetlands, woodlands and natural non-

grazed areas.

Farming in North America started about two or three centuries ago. Since then we have lost 15 to 30% of fertile top soil, a soil that formed slowly over the millennia. These soils formed through the natural biochemistry of forests — particularly of deciduous forests. During its research, the Group on Ramial Wood noted that ramial wood from deciduous trees, which contain lower concentrations of nutrients, influenced the structure and fertility of the soil more than that from coniferous tresses. (Ramial wood is the wood from tree branches that are smaller than 7 cm in diameter.)

A maple stand is a perfect example of a climax forest and of an abundant and sustaining nature. It is a living bank for human beings. Maple stands grow profusely in eastern states and provide a good revenue source from hardwood furniture and fuel wood as well as from maple syrup products.

Many of these bushes have been cut for their wood or weeded to conserve only trees that could be tapped, and all other species have been eliminated inside and around the stand, exposing the maple trees to the wind.

Accompanying plants (wild garlic, orchids, ginseng, ferns) often have been removed and sold for commercial profit. Acid rain came later, followed by freezing rain and, as the canopy opened, goldenrod and finally dandelion appeared, in an utmost degradation. By reseeding maple

Instead of helping [those] who think differently and offer new solutions we continue to improve fighting strategies against erosion, diseases and parasites with physical or chemical techniques that belong to war operations.

trees we shall, with advancing years, have maple trees to tap in the future but who will complete the ecosystems? If there are no parents in the neighborhood, where will the seeds commonly found in a healthy maple bush come from? The same scenario but on a much larger scale awaits us with the soil, because we ignore the mechanisms at the basis of its formation and the elaboration of the elements necessary for life on our beautiful planet Earth.

Those who own agricultural land near a deciduous forest or a maple stand have certainly noticed that the forest soil is different from that of the cultivated field a few feet away. In a maple bush, be it on sand, schist or clay, the soil of a deciduous forest is deep and very dark brown, with a rather shallow leaf litter in the autumn before leaf fall. The natural maple bush has several species of trees, unless they have been suppressed for sugaring purposes. From a biological standpoint, the ground is covered with a vegetation very different from the one in cultivated fields, in which grow weeds that interfere with farming. The structure of such a forest soil is soft and it contains many leafy substances that were transformed by microorganisms, the most important of them being the Basidiomycete fungus commonly named mushrooms. These products of humic substances that are partly composed of humic acid and fulvic acid. This woodland soil also contains many earthworms of which we estimate the weight at two tons per hectare.

Forest soils differ according to which species of trees compose the epigeous system. This relationship evolved over times, as a narrow relationship exists between these trees and the substrate that "nourishes" them. This relation was established along the ecological times and it principally depends on the lignin and derived polyphenolic compounds.

The wood is composed of two types of lignins, one more specific to the coniferous trees (guaiacyl lignin) and the other to deciduous trees (syringyl lignin) in a proportion as high as 30% (Lemieux 1999). This proportion can reach 35% in small branches because of a higher bark content relative to the whole volume. Such branches are seen as pollutant by the pulp and paper industry.

This lignin has produced the most productive and fertile soils. Without this fraction and without the action of the Basidiomycetes, stable humification is impossible as is the formation of aggregates, of soil structure and of the available energy that is the basis of life due to long-lasting polyphenolic actions. This is particularly important in the tropics, but also under our temperate climate, where concentrations of nitrogen and phosphorous compounds are difficult to control. Nevertheless, at the level of soil, lignin is the most important component, as it contributes to the creation of water-stable aggregates which conserve the nutrients and, most important, to the soil biodiversity, the basis of fertility. These nutrients are made available by microorganisms, such as the microfauna, as needed by the plants.

The soil is the interface between the

The Ice Storm of '98

*The ice storm of '98 made it plain to see,
How people were affected by their love of the tree.*

*Their presence and beauty often taken for granted,
"This is so horrible," we raved and we ranted.*

*Why . . . when it's nature's work does it seem so sad,
When the rest of the time we think "it isn't so bad."*

*Do trees that are bent, snapped, and broken without any
grace,
Hurt us more than the ones with a neat, clean cut at their
base?*

*The lumber we all use neatly cut, sawed and planed,
Seems so different from those trees the ice storm had maimed.*

*Newspapers consume many thousands of trees,
Yet we read them daily our conscience at ease.*

*It's easy to ignore when it's done out of sight,
It seems Beyond the Beauty Strip's Mitch Lansky is right.*

*Perhaps the ice storm will make us all more aware,
And we'll value those trees the forest has to share.*

*We need to be mindful of the trees we all use,
Respect them and honor them, try not to abuse.*

*Conserving and managing are good things being done,
Practicing good forestry should be goal number one.*

*Let's not chastise Mother Nature for ice storm '98,
But examine our own behavior before it's too late.*

— Evelyn Mackinnon

Regeneration of air, water and soil is probably still possible if we make it a life plan and we work at it — all of us in all urgency.

mineral and the plant in the form of a highly complex hypogeous ecosystem well adapted to the conditions that have been established under the forest canopy in the last 60,000,000 years.

The evolution of sciences and economy, rather than facilitate the comprehension and acquisition of knowledge by scientific method, has rather followed the industrial path in the context of liberal economy (Lemieux 1999). Pedogenesis, on which life on earth depends, is in universal evidence. All interventions against desertification, soil degradation, ground-water pollution, etc, connect with pedogenesis, a process as old as the universe but, before everything, regulated by the biology of the hypogeous ecosystem in interrelation with the epigeous ecosystem.

What has always been considered as garbage which had to be disposed of in the past is the most important and the richest part the trees and the forest. It allows the introduction of all the mechanisms inherent to the deciduous forest soils to the agricultural soils without the dominating trees. Another way to say is that deciduous trees make fertile soil, in the temperate climates as well as in the tropics. No deciduous trees, no fertile soil.

We now know that the most important part of ramial wood is the lignin, particularly the young or monomeric lignin of dominant climactic deciduous trees, of which oaks are the champions in European and Quebec experiments. This led us to a new definition of soils as being composed of four elements: 1) mineral, of geological origin, 2) chemical, unstable, 3) biochemical with its enzymes, molecules and aggregates, and 4) biological with its trophic chains, i.e. animal (bacteria, protozoans, etc.) and plant (algae, fungi, mycorrhizae) in a polyphenolic matrix (Lemieux 1999). It is high time to give a cold and calm look at what is the soil, where it comes from and how it came about, what are the rules that govern it and what are the mechanisms that rule it. This questions the notion of nutriment, green manures and composts on which organic agriculture depends. Curiously, despite a dazzling advance in scientific knowledge, almost nothing pertinent was found regarding the links between plant life and geology: the soil. In these times, all financial supports are oriented toward productivity and the correction of damages at the biological, chemical and geological level. Nevertheless, answers are of another order and go well beyond "agro-agriculture" (Lemieux 1999). Hence, all soils classified according to their high productivity have a forest origin where are found all necessary conditions for a long durability based on the availability of water and nutriment. As with drinking water, we use the soil, source of life, by staking on false concepts. Water and soils continuously degrade. Instead of helping individuals and groups who think differently and offer new solutions we continue to improve fighting strategies against erosion, diseases and parasites with physical or chemical techniques that belong to war operations. We must turn to new knowledge quickly. The soil (and nature) is the place to find it. Above all, we must see its importance and its need and provide research funds. These funds must sustain

gray matter rather than new machines and a more efficient chemistry to "fight the enemies". Let us open our mind to knowledge, discussion and experimentation (Lemieux 1999). It is high time to return to essential matters, the sources of life, and that we heal our planet. Regeneration of air, water and soil is probably still possible if we make it a life plan and we work at it — all of us in all urgency.

GLOSSARY

Aggregates: The whole of particles related to one another by a cement of biological origin, acting as a structural element for the soil, microbiological refuge and food for the microfauna.

Climactic: Adjective that characterizes all phenomena deriving from the climax which is the most stable ecological structure capable of assuring its renewal according to local constraints of climate and geomorphology.

Desertification: The whole of human and nature actions leading to the formation of biological entities fixed by certain limit factors, of which water is the most important.

Ecosystem: Biological system allowing beings of different levels to live in harmony according to more or less close cycles.

Epigeous: That which is above; applies to autotrophic plant ecosystems like the forest.

Hypogeous: That which is under, particularly ecosystems inside the soil.

Pedogenesis: The whole process, of natural origin, allowing the constitution of soil and maintaining its characteristics inside a certain dynamic. This allows the control of nutriment necessary to the growth of plants and maintenance of hypogeous and epigeous biological balances.

Polyphenols: The whole of compounds derived from phenol and formed of benzenic cores.

Trophic chains: Expression by which we designate the whole of plants and animals which participate to the transformation of plant tissues and to the transfer of nutriment and energy of the soil towards the plants.

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On Wild Forests and Wild Fires

By Jim Northup, Executive Director of Forest Watch

Opponents of wild, unroaded and unregulated forests are now fanning the flames of paranoia in the wake of the recent 47,000-acre forest fire in Los Alamos, New Mexico. They are capitalizing shamelessly on this tragedy by claiming that preservation and restoration of wild, natural forests will only recreate the conditions that caused the Los Alamos fire. Nothing could be further from the truth, especially in northern New England's "asbestos" forests where the scientific evidence clearly shows that large forest fires were extremely rare, isolated events in the pre-colonial "wilderness." They also widely miss the mark in the arid southwest and rest of the nation.

The conditions contributing to and the effects of the Los Alamos fire were principally the result of human actions—past and present. In fact, the area's susceptibility to a major fire would have been reduced significantly if the area was still in the wild, natural condition that existed over a century ago. At that time, much of the area around Los Alamos was a huge open meadow with tall grasses and only a small number of well-spaced trees, mostly ponderosa pine.

Scientific studies of tree rings reveal that it was natural for one- to three-foot-high fires to occur in the Los Alamos area every few years, quickly burning the grasses but not the treetops. The same studies showed that the number and frequency of these quick, low-lying fires declined steeply during the 20th century when overgrazing by sheep and cattle ruined the grasses and fire suppression by the US Forest Service allowed ponderosa pines and hot-burning woody vegetation like mesquite to invade the impaired grassland. Human actions, not Nature, created this recipe for ecological disaster.

Unnaturally dense stands of small, stunted, volatile trees developed in the area because humans did not allow fires—natural or human-made—to thin them out. Foresters report that in some areas of the Jemez Mountains near Los Alamos there were as many as 2,000 trees per acre before the fire, rather than the 25 to 80 trees per acre that existed when frequent, natural fires occurred. Ignition of this dense, unnatural build-up of fuels released volatile gases from the needles and wood, and created an intense heat that spawned its own wind—a literal firestorm that was next to impossible to control.

Unfortunately, the human-made problems in the area will not stop when the last embers of the fire are extinguished. In fact, the biggest problems may be yet to come. Ponderosa pine, unlike lodgepole pine, is not adapted to the intensely hot fires that recently swept through the Los Alamos region. In part, they lack lodgepole pine's ability to reseed effectively after intense, crown fires. The cones of lodgepole pines fall to the ground and stay closed for 100 to 200 years, depending on the heat from fires to open them and release their seeds to the ground. Ponderosa pine cones lack this adaptation to fire and were burned to a crisp in the Los Alamos fire—seeds and all.

Ecologists worry that the inability of the forest around Los Alamos to reseed itself quickly will impoverish wildlife dependent on the pine forest and contribute to massive erosion and pollution when the heavy rains come. Without any vegetation to slow and hold it back, massive runoff from summer storms is likely to carry dead vegetation, soil and other debris into the tributaries of the Rio Grande, along with toxic and radioactive wastes dumped by the Los Alamos National Laboratory into nearby canyons during the past fifty years.

The human-made disasters of Los Alamos—recent past and yet-to-come—have much to teach us. One lesson certainly is that the long-term sustainability of this planet depends on our ability to understand natural systems and processes, and adapt human actions to be compatible with them. We need to learn and accept that large, wild, unroaded areas are essential to the long-term conservation of our planet's diversity of species and processes. We need to find a place to bury the arrogant belief that humans must (and can) regulate every acre of Nature.

Aldo Leopold had it right when he said, "Ability to see the cultural value of wilderness boils down, in the last analysis, to a question of intellectual humility. The shallow-minded modern man who has lost his rootage in the land assumes that he has discovered what is important...It is only the scholar who appreciates that all history consists of successive excursions from a single starting point, to which man returns again and again to organize yet another search for a durable scale of values. It is only the scholar who understands why the raw wilderness gives definition and meaning to the human enterprise."

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THE RETURN OF THE WOLF

The Return of the Wolf: Reflections on the Future of Wolves in the Northeast by Bill McKibben, John B. Theberge, Kristin DeBoer, and Rick Bass, edited by John Elder. Middlebury College Press, Hanover. 2000.

by Andrew Whittaker

I HAD NOT WANTED to review *The Return of the Wolf*. My preference had been to have a helpful skeptic, John Harrigan, editor of the *Coös County Democrat*, perhaps, review it; but realities of time and a big hole in these pages near (past) deadline intruded. No need to have located a skeptic, however, in that skeptics seem to have written at least three of the four essays that comprise *Return*, while the fourth offers the merits of passionate advocacy.

All four essays in some manner argue for wolves here in the Northeast — the Northern Forest — and all locate the drive to restore the wolf here in the broad context of wilderness restoration or at least that of habitat quality, integrity and connectivity.

Essays by Bill McKibben and Rick Bass bracket the book with a focus on sociology and human culture. They question this drive to restore a creature extirpated from the landscape — is it just one more expression of a hungry, material civilization that, in a former phase, led the extirpation to begin with? John B. Theberge delivers an ecological and scientific (and emotionally informed) view of the wolf — an essay that merits several readings. His vantage point is that of a field wolf researcher in Ontario. He and wife Mary co-wrote an earlier book, *Wolf Country: 11 Years tracking Algonquin Wolves*; Mary's drawings illustrate the present volume. Northern Forest wolf advocate Kristin DeBoer writes from that perspective, on the invasion of wolf into public as well as personal psyche, and, again, places discussion in the broad context of wilderness restoration.

HOPE FOR HUMANS

MCKIBBEN REMINDS US that his wild place, the Adirondacks, is a place of restored rather than original wildness. Beaver, bear, moose have come back, by

both active reintroduction effort in the first case and natural re-colonization in the latter two. He points out that Park residents opposed moose re-introduction but have loved the moose that repopulated on their own. This identifies a central problem for the wolf that the essayists in *The Return of the Wolf* all treat: while politically unpalatable to many — maybe just a few — reintroduction of the wolf may well be necessary if we are to restore the species here. Habitat between here and the next nearest populations is fragmented, while the governments of Ontario and (more so) Quebec betray little regard for protecting, let alone abetting, their remnant wolf packs.

The second big question, should wolves make it here on their own or by active effort by humans, is whether (in DeBoer's terms) they thrive or merely survive. That is the question of habitat quality, measured by both expanse and integrity. The experiment of the Adirondacks poses the question of co-habitation between over-populating humanity and dispossessed species: can we meet the needs of both? "Small, but complete" islands of human settlement in a sea of Wilderness is the hope that McKibben notably sees the Adirondacks offering the world; while lapping at its edges, threatening to submerge all, is the broader cultural context.

THE THIRD BIG question of wolf restoration in the Northern Forest, touched on by all essayists, is that of the coyote, the eastern coyote particularly. As many residents of our region here are aware, we have enjoyed the company of coy-dogs, wolf-dogs and coyotes for thirty years or more. The evolution of their name reflects a deepening awareness of their ecology, their migration and genetics. This awareness leads McKibben to question why, if we already in one sense have wolf genes and some wolf predation patterns here in the Northern Forest, we need the wolf itself? "Might it be the same species

that needs cable TV, high-speed modems, hair transplants, twenty-one speed mountain bikes, frappucinos, frappucino grandes, frappucino tres grandes?" The same desires warming the globe are now turning to the wolf: "We live in a culture fully capable of taking a wolf howl and turning it into a commodity."

Fortunately, McKibben reaches into Pandora's box and pulls the brightly feathered rabbit of hope from his cornucopian hat. Wildness, and the wildness of the wolf, while threatening as a commodity, may also offer a power to break us of the enchantment in things; with agapé, one of two forces sufficient to "break through the endless jamming static of our culture and open us to other, wider possibilities." And what lies past that enchantment, for affluent Americans living in the urban Northeast, is awareness of our insignificance, in the grand scheme of things, and even the small particulars of reality (such as yellow jackets). McKibben suggests that wolf restoration in White Plains might be appropriate if exacting of the wolf (my niece has suggested McKibben's recent neighborhood, near the Mt. Auburn cemetery in Cambridge, Massachusetts as a former wolf domicile.) "Adirondackers," he notes, "often live in the world that pulses through the satellite dish more fully than the world that surrounds them."

Note: McKibben suggests that agriculture is dead in New England. I wonder, in a cultural sense, if it isn't more alive than elsewhere in America — in that we have a significant population dedicated to the idea of feeding itself. Go to where big ag thrives in America and you'll eat — factory food.

THEBERGE: A GRAND OPPORTUNITY FOR GENE POOL SHIFT

Theberge's essay outlines the richly fascinating story of wolf evolution and migration and in so doing identifies a central challenge to any Northeast restoration effort. What are we restoring?

Theberge's encapsulation of wolf genealogy describes several mysteries that animate scientific debate over the identity of our existing wolves. I can only recommend that readers hash through this themselves; the understanding I came to is that we apparently may have wolves, *canis lycaon* (red wolves and eastern grey wolf) and *canis lupus* (grey wolf proper), that do and do not inter-breed with coyotes, respectively (with some question as to what the anomalous Minnesotan grey wolves with coyote genes are all about). Here is a paragraph worth quoting nearly

in full:

"Based upon White's genetic results and Norwak's skull measurements, the red wolf and *lycaon* historically had contiguous and overlapping ranges from Florida to just north of Algonquin Park. Today, New England and New York state are geographically sandwiched between the current red wolf range to the south and the *lycaon* range to the north. The red wolf, extirpated in the late 1960s from the wild, was reintroduced in 1988 into a wildlife refuge in northern North Carolina. The *lycaon* wolf lives in central Ontario, including Algonquin Park, and southwestern Quebec. *Lycaon*, then (or the red wolf/Algonquin wolf/eastern forest wolf/North American-evolved wolf — all the same species), is the logical candidate for restoration in the Northeast. Currently, we have no evidence that the gray wolf ever lived in the Northeast. Supporting this interpretation, a skull collected in Maine in approximately 1867 has been identified on the basis of both measurements and genetics as *lycaon*, not *lupus*."

A counter theory is that *lycaon* is simply grey wolf that has hybridized with coyote. The evidence largely suggests the presence of coyote genes in *lycaon*, both the red wolf of the Southeast and the Algonquin wolf of Ontario. On the other hand, we have the coyote connection, as Theberge puts it. As has many have pointed out, wolf genes have already re-introduced themselves to the Northern Forest, in the bodies of the eastern coyote.

Modeling suggests divergence between the red wolf and coyote only some 200,000 – 300,000 years ago. Are they, given their inter-breeding and habitat overlap, distinct species at all? And, to the point, if restoration of the wolf, whether red wolf in the Southeast or Algonquin wolf in the Northeast, calls for isolating wolf from coyote, how is that to be done? On what ethical basis?

Theberge details the genetic swapping that has apparently occurred between eastern coyotes and Algonquin wolves and some of the behavioral impacts. There may be no genetically pure wolves, only less-diluted wolves, where habitat has remained more intact. (Theberge and other Canadian conservationists have thus far advocated in vain for wolf protection zones around Algonquin Provincial Park, although meeting with some success in limiting winter hunting of wolves that leave the park.)

Another paragraph:

"To a large degree, then, the coyote hybrids in the Northeast are functional, or slightly dysfunctional wolves, behaving like wolves, eating wolf foods — filling their niche. Not completely — they are not predators of moose, a significant difference especially in Maine. Their use of beaver is considerably less than that of wolves, except in the Adirondacks. Rabbits notice the difference between wolf and coyote, being an important food only for the latter."

Overlap between coyote and wolf behaviors suggests to Theberge that recovery effort in the Northern Forest will have to be predicated on large areas where wolves can breed with wolves. In any case, wolves will be in contact with coyotes and inter-breeding will occur: Theberge states



Coyotes have carried wolf genes and behaviors into the region. Photo © Roger Irwin, Maidstone, VT

*Recovery? Yes! Reintroduction?
Certainly! Big wilderness?
Absolutely!*

the need for at least three distinct wolf populations in a given region, with allowance for inter-breeding between them, to avoid in-breeding. In crossing territory, say from an Adirondack-based population, to a Maine-based, to a Quebec-based, wolves will meet and breed with coyotes. What can be done, however, is to secure large areas as "wolf fortresses" where wolves become more wolfish. "Such a goal for species recovery — gene pool shift rather than species reintroduction — is unique, never having been attempted or even contemplated before. The Northeast offers a grand opportunity to try it."

Theberge's emphasis on the genetic complexity of the case for wolves is buttressed by an emphasis on the major enemy facing re-introduced wolves or wolves roaming from protected range: killing by humans. The quality of the landscape which wolves might re-occupy will be a major determinant of whether the species is to persist as a wild species, responding to forces of Nature, or one that exists at the discretion of man, a freak of our political nature. Landscape quality boils down to one great consideration — roads. Roads facilitate the killing of wolves.

DEBOER: THE WILDERNESS MOVEMENT & ITS OPPONENTS

AS IS APPROPRIATE in an essay written by an advocate, Kristin DeBoer, whose writing on wolves and recovery efforts has appeared regularly in the *Forum*, offers the reader moral certainty in areas where her fellow essayists find complexity and nuance even if in basic agreement. *Recovery? Yes! Reintroduction? Certainly! Big wilderness? Absolutely!* As DeBoer herself writes, "That it is what it will ultimately take — courage born of our deeply felt convictions — to complete the job of restoring the wild side of New England."

Theberge states in preamble that while wolves are not "essential to the functioning of ecosystems" restoration is "necessary for ecological integrity" — while conceding that this is itself a subjective view. The wolf is "only as essential to ecosystems as we hold the presence of all the native species to be." That is DeBoer's starting point: the value we have and ought to place on the recovery of species and processes eliminated from the land.

DeBoer notes that the prey base of wolves has been restored to our landscape through human agency — active recovery efforts and hunting laws have abetted the natural resiliency of the moose, deer and beaver. "The land seems ready to reweave one more strand in the revival of this region's biodiversity, to begin the dance between top predator and prey once again. The question is whether the human communities of this region are ready to welcome the wolf back home."

Bill McKibben notes in his essay that environmentalists not inspired to their work by encounters with the more than human world are simply exceptions to the rule. DeBoer structures her essay around a succession of dreams about wolves, relating the psychic nature of her own encounter.

DeBoer, in noting the birth of New England's new Wilderness movement in the 90s, suggests that its mission is to carry this encounter, and the truth of it, into the

broader culture: "Wolf recovery is not just about restoring the wolf. It is about beginning to reweave the whole fabric of life. It is about biodiversity and wilderness restoration. It is about how we define our role in nature. It is about our worldviews. It is about lifestyles. It is about values."

One of her dreams is inspired by her political engagement on the wolf's behalf, during the New Hampshire debacle that led the state to enact a ban on re-introduction. How to reach those whose opposition to the wolf is based on not-always rational fear (or, as suggested later by Rick Bass, those who — appropriately — connect the wolf to everything else they hate)? (As in, those government-loving, frappuccino sipping, wilderness freaks want to do what?) At stake is the broadest vision of wolf recovery: one that would see wolves protected not only in remote habitats, but viable across the landscape. Here, DeBoer anticipates a need for comprehensive change in the mind-set and practices of agriculture, forestry and, perhaps, hunting — more of a compromise between culture and Nature.

Some may read DeBoer's essay as a bit Utopian, particularly in her vision of wolves as an agent of transformation and enlightenment for the cause of Wilderness. However, I have witnessed on a local level, here in Vermont's Northeast Kingdom, both aspects of wolf recovery: fearful reaction, in the form of an anti-introduction petition, and well-received educational efforts. Daniel Stahler of Lyndonville is a student of Yellowstone wolf recovery and delivered a great talk and slide show on wolves that probably changed some minds. Likewise, Mission:Wolf on its trip through the area, did much to reach younger people, particularly. Bravo! and more of the same!

Rational concerns remain. We read that coyotes are more predatory of livestock than wolves, and in northern New England, our wolf-like coyotes have in some cases made it difficult to keep a flock of sheep. Some deep ecologists question sheep I know, but they do exhibit a useful ability to convert grass to digestible protein, and fit in well with small scale farm's rotations (and is there a deep ecologist who can do that?) Information and resources can only help . . .

BASS: PUDDNHEADS HERE TOO
NOVELIST RICK BASS of Yaak Valley Montana concludes *The Return of the Wolf* with an essay comparing Vermont and Montana, although in it he also talks with Kristin DeBoer and others at RESTORE: the North Woods about the proposed Maine Woods National Park. I thoroughly enjoyed his essay, particularly his comparison of activism to glaciers (slowly accreting but hard to stop).

I wonder if Vermont is not more like Montana than he might realize, however. We will have to accept the authority of a visitor: Vermont is the quintessential New England state (as an insider, I'd have to say Vermont wears too much of itself on its sleeve to claim the prize, though the disease is everywhere. How about an imaginary state composed of the Connecticut Valley?) Anyway, Bass describes how in the eyes of his neighbors, through his outspokenness for Wilderness, sustainable forestry and so forth — the recipe we have offered here for eight years — he has



become a PuddnHead Wilson of sorts (my analogy). By contrast, he sees in Vermont's projects and efforts and programs, from Keeping Track™ to Vermont Family Forests, a well-spring of innovations and stepping stones to the kind of landscape he hopes will be both ours and Montana's: one of both large, wild, remote forest, and more cultured, cultural forest — both with room for the wolf.

Maybe. But the landscape of northern New England is also littered with its PuddnHeads. Bass's essay emphasizes that Montana is much worse off than Maine, New Hampshire and Vermont, when it comes to Wilderness and sustainable forestry. The private forests of Vermont, for instance, have largely fended off the liquidation forestry that started on the private industrial lands of Montana and then jumped to the public lands when rural communities were held hostage to the level of cut. In some ways, however, our advantages are theoretical. In northern New England, the idea of working forests is being used to disarm Wilderness, while it is not entirely clear that Bass's vision of sustainable forestry will ever be practiced on a more than hobby scale in the spruce/fir region. I would like to think that there are indeed loggers and foresters thinking in terms of a connected reserve system, but I'm a PuddnHead, and if they are, they must be pixillated.

CONCLUSION

WILL NORTHERN FOREST communities develop an ethic that embraces the wolf? A short history of the idea of Wilderness and Parks may illustrate what I see as a dynamism in local thought, an evolving accommodation for predators based on an innate love of the wild.

A frustrated local educator here in Vermont's Northeast Kingdom once made an observation similar to McKibben's though reaching a different conclusion: noting that his sneaker and jeans students were more tied to the umbilical cord of MTV than the surrounding woods, clearcut or not, he suggested to me the idea of Wilderness Parks was less important than a cultural landscape in which they might find connection to the woods, their natural environment

The same educator used the word "Park" pejoratively. A friend of his who is also a game biologist likewise has dismissed land preservation effort as aimed at

establishing a "theme park." This is interesting, in that the term Park draws equal contempt from some in Wilderness circles. A Park suggests something other than Wilderness: it suggests something that requires maintenance by man. (I think this is why Wilderness schemes are locally sometimes dismissed as "Parks"— beyond that George Wuerthner first proposed a "park" for the Northeast Kingdom: many people see a logged forest as economically self-maintaining, especially when logged for growth rather than immediate yield, whereas a Wilderness Park must needs be maintained, in that our economy and land have been viewed as mutually sustaining, and a withdrawal from this land base must be made up elsewhere.)

Camp-owners in Vermont's former Champion lands have been quoted in the press recently as being very much attached to their "camp in the Wilderness." However, their stated management preferences, as well as those of many other hunters, are for active interference for promoting early successional browse or winter cover, whatever is limiting the number of deer or other game. Logging, in this regard, is a necessary aspect of their Wilderness, which leads me to suggest what they are really after is a Deer Park, a Theme Park.

As to wolves, I sometimes encounter locally people in sympathy with Wilderness dubious of efforts to actively restore the wolf. One concern is that the wolf is indeed here already, in the Coyote — why meddle further? When I described the coyote-extirpation option to one roomful, recently, they collectively groaned. Hubris! When I noted Theberge's requirement of three sub-populations connecting across the landscape and suggested it would be possible between the Adirondacks, the greater Coös region and the Allagash, let's say, again, skepticism that our landscape would allow for that or will, in any sustaining sense, as development continues.

Well, let's look at the bright side of all that: folks are using the word Wilderness, they believe in self-perpetuating landscapes, and they favor giving recovering species all the natural advantages of self-perpetuation. And when they read a book like *The Return of the Wolf*, well; this may be the biggest thing since Dobbs met Ober.



Photo of Two Moose in Snow by Roger Irwin, Maidstone, Vermont.

UP NORTH

(from a poem by Becca Harber)

Today was the coldest day of all
 and grandmother was very talkative:
 the excavating raps of a woodpecker feeding,
 a few chickadee calls,
 the high cry of an unseen bird
 in flight through the forest,
 and those ravens.
 Now, in the night
 the bodies of the trees are calling
 like a scattered crowd,
 popping and cracking stacatto
 in the deepening cold.
 Some thin and higher-pitched,
 some low and hollow,
 some like snapping fingers,
 others more explosive like gunshot,
 but without menace.
 They sound out one after another
 from all directions,
 and if there's a short pause,
 a whole chorus of trees snap in rhythmic succession.

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