

The EPFW Update

Ebbetts Pass Forest Watch Newsletter

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Cumulative Effect Lawsuit Rejected by Court

Challenging Timber Harvest Plans (THPs) that do not protect and sustain healthy forests is among EPFW's most important efforts. EPFW challenges THPs through litigation because there is no other appeal process available.

In a decision rendered after a January 31 hearing, Superior Court Judge John Martin denied a challenge made by EPFW and the Central Sierra Environmental Resource Center (CSERC) to have him order CDF to reject the approval of three Sierra Pacific Industry THPs in Calaveras County: Upper Bailey, Cuneo Camp and Hazel.

At issue was whether CDF properly reviewed the potential cumulative effects of the planned clearcutting in the three THPs on biological and water resources. Our attorneys argued that these THPs, along with many others already clearcut in these watersheds will contribute to the cumulative impacts and that CDF did not properly assess these impacts. The CDF attorney contended that the cumulative impacts had been adequately assessed.

Judge Martin ruled that CDF has the primary authority governing THPs and rejected our lawsuit. Martin said that he had no grounds to overrule CDF's decisions.

"We are disappointed with the Judge's ruling," said EPFW member Bruce Castle. "But the outcome was not totally unexpected. Our attorney had forewarned us that, if the ruling went against us, we might have a better chance on appeal where a more detailed review of the issues could take place." Warren Alford, a member of EPFW and the Sierra Club, told the Associated Press in an interview that we "hope to fare better with a panel having a more statewide viewpoint."

Although it is likely that an appeal will be made, no final decision or date had been set at the time this article went to press.

Following the court decision, John Buckley of CSERC said, "It's always deflating to lose, whether it's a court case or just CDF approving another clearcut logging plan. We can either waste time bemoaning this latest setback or we can use the judgment as new motivation to work even harder on the full range of strategies we're pursuing. Our Center's staff is strongly committed to fighting against widespread clearcutting, and we will con-

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tinue to support the full range of efforts that we hope will eventually lead to changes in the Forest Practice Act and changes in the way that people treat the forest."

EPFW will need to raise money to offset our share of the expenses of an appeal. If you would like to donate to this important effort, please send your contribution to

EPFW, P.O. Box 2862, Arnold, CA 95223. EPFW is a nonprofit organization and your contribution is tax deductible.

New Board of Forestry Member Sees Challenges Ahead

Dr. Sue Britting was named by Gov. Davis in September 2002 to the State Board of Forestry and Fire Protection. (BFFP).

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Britting has a distinguished background in environmental work. She is a biological consultant specializing in habitat conservation planning in foothill and forest environments and endangered species planning issues. Britting is active in many environmental groups and is currently Board President of the California Native Plant Society.

The BFFP is responsible, among other tasks, for the oversight of the California Department of Forestry (CDF). In particular, the Board is responsible for monitoring the CDF's implementation of the Forest Practice Rules, including Timber Harvest Plans (THPs) and fire planning and protection.

In a recent interview for *EPFW Update*, Britting discussed some of the issues facing the Board. "Industry and environmentalists would agree that we have a lot of paper on Timber Harvest Plans but the analysis of cumulative effects hasn't created THPs that are satisfactory. We need a better approach to estimating cumulative effects and to establishing thresholds of significance where we can agree there are cumulative effects."

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"We now have watersheds that are impaired because of THPs and we should have had the ability to see that effect earlier. In the Central Sierra, for example, clear-cutting has a huge effect on the landscape, but we don't have an understanding of the cumulative effects. We need to set thresholds of disturbance for watersheds, then above that level a higher order of analysis would

be necessary. There should be an adequate discussion of the impact to species, both animals and plants," Britting said.

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Our Mission

The mission of Ebbetts Pass Forest Watch is to protect, promote, and restore healthy forests and watersheds while maintaining quality of life in the Sierra Nevada.

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When asked what effect national environmental policies might have on state policies, in particular some of the policies being suggested by the current administration, Britting replied, "Any downgrading of environmental protection puts more burden on private lands; an erosion of Federal laws creates greater threats to private lands which means the State would have to step in to protect wildlife, habitats and clean water."

Britting believes that the sustainable health of watersheds and the quality of habitats for a diversity of species have been neglected. "We haven't achieved the right balance of timber production and resources. And we need to consider the differences between industrial forestry versus small land owners. The responsibilities for each might need to be different. We might consider a different THP process for the small land owner, a long term plan for them, that might make forestry more sustainable. Industrial harvesting is more financially driven, with different objectives from the small owner. We should expect more from the industrial harvester."

Britting urged that EPFW and like-minded organizations make it clear that we are focusing on industrial forestry practices and large land owners rather than small owners. "Opposition will come from the small owners otherwise," she cautioned.

While she has not yet been confirmed by the Senate, Britting has begun her term on the Board and is attending meetings. Her confirmation is anticipated in late summer. "I am looking forward to working with the Board. There will be hard decisions but there will also be opportunities for change that we can all support," she said.

New Video Shows Extent of Damage to Sierra Forests

Driving along Highway 4 in the Ebbetts Pass area, you can see clearcuts in the distance. But few people are aware of how extensive these 20-acre parcels are. "Beauty strips" along the highway hide some. Others are in areas accessible only on forest roads.

Now, EPFW has acquired a 20-minute video originally made for public access television in Calaveras County. The film has aerial footage revealing the dramatic changes taking place as the forests are cut down to make way for tree plantations.

Where Have All the Forests Gone? shows how much damage has already been done as Sierra Pacific Industries moves ahead with its plans to convert 50,000 of its 73,000 acres in Calaveras County to tree plantations: One or two species in even-aged tree farms. The aerial views, filmed in the summer of 2002, are sobering. The tree canopy is gone. The exposed soil bakes in the summer sun. It looks as if asteroids have hit the area.

Bruce Castle, a board member of EPFW, appears in the film with a map of the county, its surface pock-marked with dozens of 20-acre timber harvest parcels. People who have homes along the Highway 4 corridor from Arnold to Camp Connell can now find out from the map what's happening in their neighborhood, sometimes in view of their homes, but often hidden, just out of sight over a ridge or behind a beauty strip.

In the film, residents of the area, some of them EPFW members, speak out about SPI's practices. The film also shows an alternative method of harvesting practiced by an environmentally friendly, for-profit timber company, Collins Pine.

Collins Pine, in Chester California, harvests trees selectively, in a manner that preserves the diversity of the forest and provides habitat for the many species living there. An old-line company which has received awards for its timber harvesting practices, Collins Pine demonstrates that profits do not have to be earned at the expense of the environment.

You can help EPFW get out the message about the damage being done to the Sierra Nevada forests. The videotape is available for showing to service groups, churches, homeowners associations, small gatherings in homes, anywhere there are people who



value the beauty and health of the Sierra Nevada forests.

Trained presenters from EPFW will accompany the film to answer questions and let viewers know how they can help end current destructive timber harvest practices in the Sierra Nevada.

Contact EPFW at (209) 795-8260 for more information about how you and others can view this dramatic film.

Sierra Club Meeting Takes Up Forestry Issues

The Sierra Nevada Group of the Mother Lode Chapter of the Sierra Club met on January 17, 2003 to discuss the state of public and private forestry in the Sierra Nevada from the perspective of Sierra Club activists. The following are selected highlights, focused on the part of the meeting that dealt with SPI and the clearcutting issue.

Warren Alford (also a member of EPFW) heads the Sierra Club efforts on private forestry in California. He became concerned upon learning of SPI's plans to clearcut one million acres in California. Private forestry entails private property rights, so the Sierra Club is focussing on the public interest values of private land, such as clean water and air, and wildlife (you need a permit to fish on streams flowing through your own land). Warren was optimistic about events occurring in California, which will

help offset new Federal plans to reduce forest protection:

- The Board of Forestry passes on rules governing timber harvest plans. Senator Burton declared the Board was broken, and refused to support new Board members, unless the public members of the Board truly represented the public. Sue Britting was appointed along with another member who Warren feels will protect the public's interest.
- The Court system has been helpful on forestry issues in the past, but the Board needs to create better rules that can then be cited in the courts.
- The Legislature is a third area of hope. Though only 7% of forestry labor is organized, labor has been concerned about job losses in the past. The Sierra Club is working with labor to gain their support for sustainable forestry. Democratic leaders who have supported environmental issues are being termed-out, which is giving them an incentive to pass legislation in the next session against clearcutting

SPI increased their clearcutting by 2040% between 1992 and 2000... their new strategy is to call their silviculture plans "variable retention" rather than clearcuts.

Peter Elias, a local activist, spoke. He got involved in private forestry after learning of SPI's clearcutting plans. He said that SPI increased their

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clearcutting by 2040% between 1992 and 2000. SPI is a major contractor for Forest Service projects.

SPI's new strategy is to call their silviculture plans "variable retention" rather than clearcuts. It sounds better, but can sometimes mean leaving a beauty strip along roads so that the devastation doesn't look so bad. Small clumps of trees may be left the first time through, but will ultimately be taken (unless they are not merchantable). Peter passed around pictures showing huge trees marked for logging. One of these plans removed trees along the Pacific Crest Trail and another plan in the South Yuba canyon

had trees marked outside of harvest areas.

Peter stressed the importance of tracking THPs and invited other people to get involved. Peter has been submitting comments on significant THPs in the Yuba watershed, and was pleasantly surprised recently when The Locust THP on Relief Hill Road was pulled. He also has been encouraging people to write to the Department of Fish and Game to maintain personnel to participate on the THP review team. He mentioned that the Lahontan Regional Quality Water Board has approved tougher water quality standards for receiving Waste Discharge Permits related to THPs, and the Central Valley RWQRB will consider similar rules.

Meet the Board— Addie Jacobson

Addie has been an active member of EPFW since August 2000 and has been on the Board since December of that year. She and her family moved to their home outside Murphys nine years ago from Southern California.

In her work with EPFW, Addie has made public presentations about timber harvest issues, commented on Timber Harvest Plans, lobbied in Sacramento for reform legislation, attended Board of Forestry meetings and worked on a variety of EPFW projects.

In her professional life, Addie is a consultant, working on project and resource development for non-profit organizations. She was involved in a Sierra Health Foundation county grant for Calaveras children and families. Her emphasis is on putting partners and stakeholders together. She is also a trained mediator.

Why did she become active in EPFW? "I've always been an environmentalist and supported certain organizations and been environmentally conscious. But I wasn't so active before. This was a case of acting on my beliefs and realizing that it took involvement by community members to make a difference and to alter the direction things were going. The Upper San Antonio Creek harvest in 2000 was so shocking that it drew in people who had never been involved to that degree."

Addie works with EPFW because she has a strong belief that it is important to change the course of timber harvest practices on private lands.

She wants to help effect policy changes to make a positive, productive difference. "I want to bring EPFW's voice to statewide arenas where timber harvest practices are being dealt with. We need to build bridges in Sacramento and other places so that our voice is heard."

A Great Show

EPFW's Valentine Concert, "Love the Forest," was so popular we filled the Black Bart Playhouse in Murphys to overflowing. The evening raised more than \$2000 to save the forests. Read all about it on the EPFW website at www.forestwatchers.org

Office Wish List

- Recycled copy paper
- 8.5 x 11" file folders
- 8.5 x 11" hanging files
- Power strip
- Folding chairs
- Rolodex
- Book shelf (tall is OK, but not too wide)
- Cork or other bulletin board

Message from the EPFW President

When you come to Arnold please plan to come to our office above Two Rivers Trading Co. in Arnold's Cedar Center. We have just enlarged the office by removing the wall into the next office. In only nine months we have outgrown the original office space. During our general meeting some of the members were sitting in the hall.

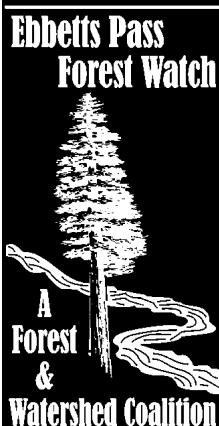
While you are visiting it would be a great time to see where you can volunteer. We need help with the phone tree, events, membership, Adopt-A-Highway, water monitoring, folding newsletters and other projects.

Also at the same time you can see all the pictures and maps that show what we are all about.

Please call (209) 795-8260 before coming so we will make sure there is someone there to greet you. I am trying to establish office hours, but for now there are no regular hours.

Hope to see you soon, Bunny Firebaugh

Be Up Front About It!



Show the world you care about the forests
Support Forest Watch

Adult \$16 - \$20 • Children's \$10
Long & Short Sleeve • Crew or Scoop Neck
White, natural, ash, yellow, blue

To Order: 209-795-8260
www.forestwatchers.org

2003 EPFW Calendar

EPFW General Meetings

All at the EPFW Office above Two Rivers Trading Company, Cedar Center, Arnold.
April 7 Monday, 6 PM
May 5 Monday, 6 PM

Adopt-A-Highway

May 8 Thursday, 9:30 AM Dorrington Hotel; lunch at the Lube Room after

Rally on Hwy 4 on Behalf of Forests

May 23 Friday, 4:30-6:30 PM Rally on Highway 4 in front of The Blue Coyote

Memorial Day Weekend Flea Market *Save your treasures for this good cause.*

Location: Hwy 4 in Arnold, across from Chevron Station

May 23 Friday, 6:30 PM Set up for EPFW booth and Flea Market

Saturday and Sunday May 24 & May 25

Flea Market-8 AM to 5 PM

Fourth of July Parade

July 5 Saturday Hwy 4, Arnold

EPFW Annual Meeting

July 14 Monday, 6:30 PM EPFW Office, Cedar Center, Arnold.



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MEMBERSHIP RENEWAL

Help protect our forests, water, and wildlife. Renew your membership in Ebbetts Pass Forest Watch today. Annual dues are \$10.

Stopping the rampant destruction of forests in the Sierra Nevada costs money. Every day, more acres are clearcut, treated with herbicides, and turned into tree plantations. Your additional contribution beyond the annual dues will help bring an end to this practice. Lend a helping hand to Mother Nature. It feels good.

Bring your talents and join a dedicated, energetic group of local volunteers as we work to educate the public about responsible forest management. We need people to help staff phone trees, raise funds, help with this newsletter, review timber harvest plans, and more.

Please call Ebbetts Pass Forest Watch at 795-8260. Thank you for your support!

To renew your Ebbetts Pass Forest Watch membership, please complete the following form and return it with your member dues and whatever additional contribution you can afford.

Membership: \$10 **Contribution:** \$15 \$25 \$50 \$Other _____

Name _____ Phone _____

Address _____ E-mail* _____

*Help us save trees and money. We prefer to communicate with you via e-mail if you have it.

If you would like to be removed from our mailing list, please leave a message at 795-8260. All donations are tax-deductible. Please complete and mail to: EPFW, PO Box 2862, Arnold, CA 95223

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Name _____ Phone _____

Address _____ E-mail* _____

*Help us save trees and money. We prefer to communicate with you via e-mail if you have it.

If you would like to be removed from our mailing list, please leave a message at 795-8260. All donations are tax-deductible. Please complete and mail to: EPFW, PO Box 2862, Arnold, CA 95223