

The EPFW Update

Ebbetts Pass Forest Watch Newsletter

June, 2002

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Ebbetts Pass Forest Watch...a forest and watershed coalition
POB 2862, Arnold, CA 95223 ♦ (209)785-5095 ♦ www.forestwatchers.org

A Few Words About Litigation

As recent news articles have reported, Ebbetts Pass Forest Watch has taken the route of litigation as one of our methods of protecting the forests. Why litigation? The reason is that, under the Forest Practice Rules of California, litigation is the one avenue available to appeal an approved logging plan.

When a logging company wants to log an area, it has to present a Timber Harvest Plan (THP) to the California Department of Forestry and Fire Prevention (CDF). The public is given a very short window of time—about a month—to read over a lengthy, technically complex plan, and submit comments expressing any concerns. The THP is basically the logging industry equivalent of an environmental impact statement.

CDF is required to read the comments and, if it judges the concerns to be important, it is supposed to deny the plan or require revisions before acceptance. If you submit comments, and the plan is approved anyway, the only avenue of appeal provided for under the Forest Practice Rules is to go to court.

Several EPFW members usually submit comments about Sierra Pacific Industry's THPs. Also, we are working with an environmental lawyer, Tom Lippe, who submits comments on our behalf. Our main objection to CDF's review of the THPs, is that CDF does not adequately take into account the cumulative impact of SPI's proposed logging.

SPI contends that converting over a million acres of Sierra Nevada forests to tree plantations will have no negative impacts on water and wildlife. We contend that there will be unacceptable impacts, and that their logging plans will actually violate various laws designed to protect water and wildlife. (Even though SPI owns the land it logs, water and wildlife are "public trust resources" which the state, representing the common good, is required to protect.)

CDF is required by law to consider cumulative impact, but it is usually clear to us that the agency is not doing an adequate job. It is not looking at enough factors or considering large enough geographic areas. When a THP is approved over our objections, the only next step available is to litigate.

The cases we have filed are against CDF, for failing to do its job adequately. We have not sued SPI. We are seeking what is called a Writ of Mandate, which means we are asking a judge to determine if CDF has, in its review of THPs, taken into consideration all it is required to take into consideration under the Forest Practice Rules.

Interestingly, these cases have not actually been heard. SPI has withdrawn its THPs in every case, made some changes, and re-submitted them later. The later submissions are considered new THPs by CDF and the whole comment process has to be done over

again. On a number of occasions we have refiled our lawsuits on the new version of the THPs.

We have two goals in filing suit. One is to slow down or stop the stop the massive clearcutting and protect the forest. The other is a broader goal: to get a ruling on whether CDF *is* or *is not* adequately taking cumulative impacts into consideration. If a judge ruled that CDF is not doing so, it would force CDF to change how it goes about reviewing THPs. It would have to be much more comprehensive and thorough in its evaluation. So far CDF and SPI have not let any of these cases actually come before a judge to be decided on their merits.

Ebbetts Pass Forest Watch has been a plaintiff in several cases. Some of these have been in other counties, but we have participated because they address the same issue—inadequate review of cumulative impacts—and decisions in these cases would affect us in Calaveras County. There are millions of acres of forest, water and wildlife at stake. We will continue to file suit until the total impact of leveling one million of those acres is fully addressed.

Lively Meeting with District 5 Supervisor Candidates

A lively session of questions and answers peppered a recent meeting with two candidates for the Calaveras County Board of Supervisors as EPFW members engaged in a dialogue designed to bring our concerns about current timber harvest practices to the

fore. The 2-1/2-hour meeting opened a valuable channel of communication with potential members of the county government.

As part of an ongoing effort to educate the Supervisors about timber harvesting issues,

EPFW member Bruce Castle organized an educational forum with the two candidates who will be running for the District 5 seat in November. District 5 includes Copperopolis and Valley Springs.

Meeting with the two candidates, Victoria Erickson and Dennis McCord, were members of Ebbetts Pass Forest Watch, Mokelumne River Forest Watch, the Green

Party, the Foothill Conservancy, a former county planning commissioner, and a popular newspaper columnist from District 5, Wayland Ezell.

Bruce opened the meeting with a dramatic series of aerial and ground photographs showing clearcuts in the USA Creek area. The photos were followed by topographical maps showing the extent of existing and planned timber harvest units in Calaveras and Tuolumne Counties.

Each participant then focused on a particular concern: The need for Supervisors to adopt county rules for timber harvesting, environmental threats posed by massive clearcutting, the public trust and its relationship to private property rights, and potential economic damage to the county's broad tourist base.

"This educational forum was everything I had hoped it would be," said Bruce. "The candidates expressed genuine interest during the discussion and the Q&A which followed. The people I had invited from across the county articulated the issues and concerns clearly and concisely."

Contributions to EPFW Are Now Tax Deductible

Contributions can help reduce your taxes. The IRS has granted EPFW a 501(c)(3) designation (tax ID 68-0466959). If you wish, you may direct that your contribution be used for a specific purpose, such as outreach, legal work, or office expenses. For more information on how you can help the ongoing work of EPFW, call 785-5095.

"I see this as a great beginning to our goal of reaching out to the residents, business leaders and government officials in Calaveras County—to educate and to engage [them] in dialog about forest management practices and their relationship to a healthy environment."

EPFW Opens First Headquarters

EPFW has a new home—our first official office in downtown Arnold. If location is everything, the EPFW headquarters couldn't be in a better spot. The office is at 1232 Oak Circle, on the second floor above Two Rivers Trading Company—next door to Blue Coyote.

The one-room office has been leased by EPFW until September, 2002. "We want to see if it works out and if we can support it financially," says Bunny Firebaugh. Bunny, Margi Kraus, and Tami Rakstad comprise the EPFW Office Committee and have been working to get the office up and running. All have keys to the office in the event other members want access. There will be no telephone installed until a decision has been made on a longer-term lease. The current EPFW phone number with its voicemail (785-5095) remains in service.

There are no official hours for the office yet, and no staffing plan. For the foreseeable future, the headquarters will be used for meetings and to house EPFW information, including materials for distribution, THP information, maps, and other support materials. "We have needed a central point to pull ourselves together as an organization," Bunny said. "We've been too fragmented. This should help us organizationally."

A General Meeting will be held at the headquarters on June 2 at 3:30pm. If more people arrive than can fit in the space, the meeting will be moved outside to the lawn at Cedar Center.

Although there is some furniture left from the previous tenant, for those looking for a way to help, EPFW could use the following:

- File cabinets
- A good map table and stackable or folding chairs
- Fax machine
- Computer and printer
- A small refrigerator

If you can help fill these needs, please call the EPFW number and leave a message.

Herbicide Use in Forestry

Dr. Robert Stack, Executive Director of the Jumping Frog Research Institute, addressed EPFW members at the May 6 meeting.

Stack reminded us that 70% of California's drinking water comes from the Sierra, and that under federal law it is public policy to prevent the contamination of human drinking water wherever this is feasible.

Herbicides are widely used in forestry to destroy brush, which may compete with plantation seedlings for nutrients and moisture (the data presents a mixed picture). Although the Environmental Protection Agency (EPA) regulates pesticides and sets specific conditions for use, Stack says studies are mostly short-term and rarely ecologically-oriented.

"It's all an experiment with our watersheds," Stack noted. "No one knows the cumulative effects. No one person is an expert on all aspects of the subject."

Two specific herbicides (triazines) used in California forestry are hexazinone and atrazine. Although inexpensive compared to other herbicides, almost every European country bans them. Hexazinone is used by the Forest Service; SPI uses both atrazine and hex. Both are potentially harmful because rain leaches them into the soil and water sources, creating a high potential for contamination of ground and surface water.

They are also persistent. Applications can stay active 2 to 3 years, killing off native seed banks in the soil. Atrazine can cause cancer and create hormone disruptions in wildlife, and it is possible that hex has similar effects.

Glyphosate (RoundUp), is used less because it is relatively expensive. It doesn't leach into the ground water, is not persistent, and has to be applied directly on the leaf. An older herbicide, 2,4-D, is not used by the Forest Service but still used by SPI, has a potential dioxin contamination. Dioxin is so toxic that the EPA believes there is no safe dose.

Stack urged environmentalists to create a scientifically and ecologically-sound Vegetation Management Policy while they maintain a perspective on the issue. He outlined a few recommendations as to what that policy would look like:

- No aerial applications on anything because targeting cannot be controlled.
- No triazines.
- No 2, 4-D.

EPFW Activities

Over the past year, EPFW has:

- Produced a CD showing current and proposed clearcuts.
- Won second prize for its Fourth of July float in Arnold.
- Staffed informational tables at the Home and Garden Show in Angels Camp, Earth Day in Murphys, and the Arnold Craft Fair.
- Held an educational forum for Calaveras County Supervisor candidates.
- Opened a new office in Arnold.
- Filed numerous responses to timber harvest plans.
- Held an educational meeting on herbicide use.
- Been party to lawsuits challenging the approval of massive clearcuts without considering the cumulative effects.

- Achieved non-profit status, making contributions tax deductible.
- Sent members to attend weekend workshops on forestry and water issues.
- Held a flyover for county officials and media representatives to reveal the extent of clearcutting in the Ebbetts Pass area.
- Launched a letter writing campaign to educate people through Letters to the Editor.
- Developed two new brochures for mass distribution.

EPFW Calendar

EPFW Monthly Meeting

Sunday, June 2, 3:30pm
1232 Oak Circle, Arnold

Darby Fire Walk*

Sat. June 8, 8:30am
USFS, Hathaway Pines

EPFW potluck, concert, open house

Saturday, June 15, 4:30pm
Cedar Center, Arnold

Clean Water Healthy Forests Rally*

Thursday, June 20
State Water Resources Control Board
Sacramento
Call (510) 622-0290 x250 for information

EPFW Annual Meeting

Monday, July 1, 6:30 pm
Cal 785-5095 for location

Independence Day Parade

Saturday, July 6, 9:30am, Meadowmont
Shopping Center, Arnold

Sierra Club California Lobby Day*

Sunday-Monday, August 11-12
Sacramento
Call (916) 557-1100 x107 for information

*See story in this issue.

Rallies

Clean Water Healthy Forests Rally June 20

It's time for the State Water Board to hold timber companies accountable for the muddy runoff and pesticides that threaten to contaminate the source of 75% of urban water supplies. This problem affects communities statewide, and it's up to all of us to call upon the State Water Board to take control of water quality regulation during timber operations, since the Department of Forestry can't seem to get the job done! Come to a Sierra Club Day of Action June 20 at the State Capitol to let the State Water Board know that California needs clean water and healthy forests. If enough people from the Highway 4 corridor respond, the Sierra Club will charter a bus for this event. Call (510)622-0290 x250 or e-mail shannon.tracey@sierraclub.org to get in on this important and fun day of action.

Sierra Club California Lobby Day August 11-12

Yet another fine opportunity to visit our sweltering state capitol and remind our leaders that Californians are fans of clean water, clean air, healthy forests, wild places, and livable communities! Meet other activists from around the state, learn about what goes on "in the Building," and visit your elected officials to educate and ask about important environmental legislation. If you're interested, contact Marianne Batchelder at (916)557-1100 x107 or batchelder@sierraclub-sac.org.

Darby Fire Walk on June 8th

How about a walk into the Darby Fire area?

The US Forest service has invited members of Forest Watch, CSERC, The California Native Plant Society, and all interested mem-

bers of the community to help locate and identify noxious weeds. Twenty miles of roads and fire breaks were used in the firefighting efforts. Noxious weeds (nonnative plants) may have been brought in by firefighting equipment.

We will meet at the USFS building in Hathaway Pines at 8:30am on Saturday, June 8. There will be a short safety talk and review of what we are to identify, then we will head out to the fire area. We will be learning about plants, enjoying the company of others, and helping the Forest Service and community. We will be walking portions of those fire roads (don't worry—not all 20 miles!). Bring a bag lunch and water.

For more details email or call Ron Schaner at: schaner@caltel.com or 795-3530

Two More Opportunities To Get Involved

Here are two opportunities to get involved with local groups, One is focusing on fire prevention. The other is looking to enhance tourism. Although neither group has taken a position on the rapid conversion of our forests to tree plantations, both have a stake in preserving the forests.

1 On May 14, five members of EPFW met with John Caldwell, Fire Prevention Officer of the Calaveras Forest Service Ranger District to learn about the Forest Service's fire prevention measures. The Forest Service is launching an exciting initiative: a Fire Safety Council, composed of representatives from the California Department of Forestry, the Forest Service, Calaveras Big Trees, local volunteer fire departments and interested citizens.

The Council will identify and design fire prevention projects throughout the area and pursue state and federal grants to fund them. With its mission of protecting, promoting and restoring healthy forests and watershed while maintaining quality of life in the Sierra

Nevada, EPFW is a perfect group to be involved in this effort. In fact, Caldwell urged us to be represented on the Fire Safety Council. This is a wonderful opportunity for us to make connections and build bridges with other local groups and with the Forest Service and CDF.

2 The Calaveras Council of Governments, a regional transportation planning agency, is holding a series of meetings designed to obtain National Scenic Byway designation for Highway 4, starting at Arnold.

“National Scenic Byway status would bring international recognition to the area as a premier travel destination, while providing grant funding opportunities to protect and enhance the corridor’s natural, cultural, recreational and historical resources,” says Bob Anderson of the Alpine County Chamber of Commerce. “National and international tour operators, travel agencies and individuals all utilize the designations to plan vacation itineraries, which in turn brings increased visitation to communities along the Byways.”

Scenic Byway designation would also alert the business community in Calaveras County to the tremendous resource of our forests, a resource which is being threatened by industrial logging turning the forests along Highway 4 into tree plantations. The first meeting of the Scenic Byway group will be Monday, June 3 at Independence Hall in White Pines, 7-9pm. Successive workshops will be held July 17, August 13, and September 9.

To participate in one of these activities or for more information, leave a message at the EPFW number: 795-5095.

EPFW Adopts a Highway

Here's your chance to wear an orange vest and pick up garbage. EPFW has adopted a two-mile stretch of Highway 4 from Dorrington to Camp Connell.

Join us for a day of fresh air and good fellowship while we clean up the roadside. Call

785-5095 for more details. And look for the Cal Trans sign advertising our adoption.

New EPFW Board of Directors

The following seven nominees were uncontested for the seven seats on the EPFW Board of Directors.

Bunny Firebaugh

Bunny has been a member of EPFW since its inception in May 2000. She served on the steering committee for about nine months before being elected to the Board in June 2001. Bunny has been a mainstay of the organization, helping with Town Hall meetings and special events, including fairs, Earth Day, among many others. She is also a member of the newly formed Office Committee.

In addition to her EPFW work, Bunny is active on the 150th Celebration Committee for Big Trees State Park where she is a docent. She is a Volunteer In Protection inspector. She lives in Blue Lake Springs and is an avid quilter, serving as co-chair for workers lunches for the Quilt Faire in June. Bunny says she is retired, although her activity level would not support that statement.

Judi Goglia

Judi Goglia is a transplant, having moved to Arnold from Los Angeles four years ago. She fell in love with the area and when she is not working in her private practice as a Clinical Therapist in Murphys, she enjoys taking advantage of all the recreational opportunities the Ebbetts Pass Corridor has to offer. Judi brings to EPFW her expertise in the business arena, having worked as an administrator both in the private sector and public sector at UCLA. She's been a member of the Sierra Club for 20 odd years, backpacking in the Eastern Sierras for weeks at a time.

Judi carries on her father's legacy as an environmentalist and believes that by working with EPFW she may be able to do her small

part for the future of the Sierra Nevada and, as all is intimately connected, ultimately the world. Judi began her involvement with EPFW just about a year and a half ago, and has served as treasurer, board member, and Outreach Chair for the past year.

Addie Jacobson

Addie has been an active member of EPFW since August of 2000, and has been on the Board since December 2000.

As a member of EPFW, she has made public educational presentations about the issue, commented on Timber Harvest Plans, lobbied in Sacramento for reform legislation, attended Board of Forestry meetings, and participated in a walk-through of SPI land. She has been working on a Task Force investigating county-specific timber harvest rules for Calaveras County to present to the Board of Forestry.

Addie has lived in Calaveras County more than eight years. In addition to volunteer work for EPFW, she serves as business manager for her husband's office. She has been the lead grantwriter for several successful grants that have increased opportunities for Calaveras children and families. Addie is also a trained mediator.

Dete Kraus

Dete Kraus has been a member of Forest Watch for over a year and started attending meetings on a regular basis with his wife, Margi, after they retired to the Arnold area during the summer of 2001. Prior to that Dete served as chief probation officer for San Benito County.

Dete has participated in various Forest Watch activities, including rallies, fairs, and Earth Day. Dete and his family have owned property in the Arnold area since the mid-60s. He has observed many changes in the area since that time, the most alarming of which involves the unprecedented scope of clearcutting by SPI. As a member of the EPFW Board he will work towards achieving his goal

of leaving a viable, diverse, and aesthetically pleasing forest for future generations to enjoy.

Tami Rakstad

Tami became involved with EPFW in the summer of 2000. She has lived in Arnold full-time for three years with her husband, Ron Schaner, and their two sons, but has been visiting the Arnold area on vacations since she was a child.

She is supportive of selective logging and local loggers but says the enormity and severity of clearcuts is staggering. Tami believes that clearcutting threatens the Sierra, and as a board member will work to preserve and protect the environment and our quality of life. The more she has learned about the clearcutting threats, she says, the more she has wanted to be involved with EPFW's mission.

Penny Sarvis

Penny has been an active member of EPFW since the first public meeting at Avery Middle School. She currently holds the office of Secretary.

She believes passionately that we are intimately interconnected with the environment. She opposes clear cutting for its destructiveness and supports methods of logging that maintain the integrity of the forests.

Ron Schaner

Ron is the current President of EPFW. He became involved with EPFW during the summer of 2000 when SPI began clearcutting in the Arnold area.

Ron and his family have been full time residents of Arnold since the early 1970s. Although supportive of local loggers and selective timber harvesting methods, he became concerned when he saw the magnitude and cumulative impact of the clearcuts. He believes the Sierra is threatened, and as a member of the EPFW board he will work to preserve and protect the quality of life in this region.

Yes, I Would Like To Help

Help protect our forests, water, and wildlife. Renew your membership in Ebbetts Pass Forest Watch today. Annual dues \$10 (July 1-June 30).

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, work on rallies, plan an Independence Day float, and more.

Please call Ebbetts Pass Forest Watch at 785-5095. 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: _____

Address _____

Phone _____

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 785-5095. All donations are tax-deductible. Please complete and mail to EPFW, PO Box 2862, Arnold, CA 95223

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Ebbetts Pass Forest Watch
POB 2862
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Place
stamp
here