



The Watershed

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The newsletter of Forests Forever

Summer, 1998

Proposed plan insufficient for Headwaters species

State funding for the Headwaters "deal" announced in 1996 "may be extremely difficult, or impossible" to secure through the legislature unless Pacific Lumber Company's (PL's) proposed Habitat Conservation Plan (HCP) is revised to better protect the ancient redwood forest ecosystem.

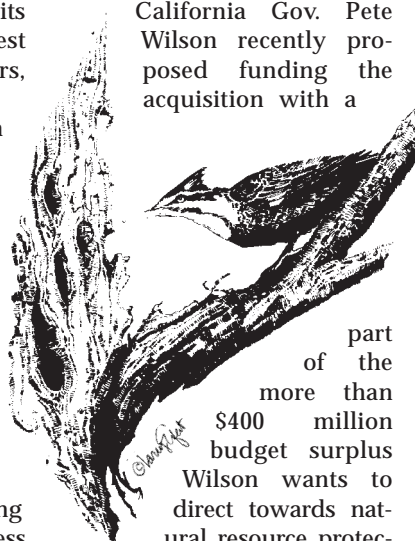
That's according to state Sen. Byron Sher (D-Palo Alto). PL on Feb. 27 announced it had reached an "agreement in principle" with government negotiators regarding a proposed

HCP. If approved, the document would guide the company's logging activities on its over 190,000 acres of forest land, including Headwaters, for the next 50 years.

Sher's statement came in apparent response to a burst of campaign organizing by environmental groups including Forests Forever. They regard the agreement as unacceptably weak.

Funding for the \$380-million "deal" to buy 7500 acres of the 60,000-acre Headwaters Forest could hinge on support for the proposed HCP from key state legislators, including Sher. Although the Congress on Nov. 14, 1997, approved the \$250-million federal share of the funding, the State of California must commit an

additional \$130 million to complete the purchase. California Gov. Pete Wilson recently proposed funding the acquisition with a



part of more than \$400 million budget surplus Wilson wants to direct towards natural resource protection programs.

Environmental groups recently called on Sher and Assemblywoman Carole

Migden (D-San Francisco), who head the key legislative committee on the Headwaters acquisition, to withhold state funding until the HCP is strengthened.

In its current form the HCP would allow logging in sensitive riparian areas, providing mere 30-foot buffer zones along fish-bearing streams. Many of these watercourses contain listed species, such as Coho salmon.

Experts from the respected Forest Ecosystem Management Assessment Team (FEMAT), established in 1993 under the Clinton Administration's Northwest Forest Plan, have recommended buffer zones of at least 300 feet. Such buffers would provide an 80 percent

see "HCP," p. 4, col. 1

Forests Forever Foundation established

The Forests Forever Foundation on Jan. 7, 1998, officially was approved by the Internal Revenue Service.

"The Foundation adds an exciting new dimension to Forests Forever's activities," said Paul Hughes, Executive Director of the Foundation. "It will greatly leverage the effectiveness of our work in protecting the forests of California."

Purpose of the Foundation is to expand Forests Forever's activities toward public education. The Foundation also can receive grants and tax-deductible donations.

Thus contributors to the Foundation may deduct their gifts from their taxes.

ACLU blasts Novato ordinances affecting Black Point Forest election

"Serious constitutional problems" with the City of Novato's solicitation ordinance and permit procedures hampered Forests Forever's ability to organize voters in the recent Black Point Forest election, according to the American Civil Liberties Union (ACLU).

In a strongly worded May 1 letter to City of Novato Attorney Jeffrey Walter, the ACLU of Northern California said the City should rewrite its solicitation ordinances to conform to constitutional standards for free speech.

"Clearly, in its dealings with Forests Forever, the City has not acted in a manner consistent with the preferred position that free speech activities enjoy in our constitutional democracy," wrote Alan L. Schlosser, managing attorney with the ACLU chapter.

"This scenario sets off constitutional alarm bells. An ordinance which provides no clear standards (for permit administrators) is constitutionally flawed because it may have a chilling effect on protected speech."

At press time Forests Forever still had not received permits to conduct its ongoing canvassing campaign.

Forests Forever had applied in November, 1997, for a permit to canvass Novato residents on the proposed luxury housing and golf course development threatening the Black Point Forest. Black Point Forest is an ecologically valuable and rare oak woodland and seasonal wetland area.

A special election to decide

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the fate of Black Point Forest, site of the annual Renaissance Pleasure Faire, was held Feb. 24. The developer, Black Point Partnership, had mounted a four-year advertising campaign to whitewash the forest-destroying impacts of the proposed project.

A citizens referendum and a developer-sponsored initiative concerning the project both appeared on the ballot. Environmental groups including Forests Forever advocated a "No" vote on both measures, which would have halted the development.

The procedure to acquire a permit to canvass in Novato proved unusually difficult.

"The organization made a good faith attempt to comply with all the requirements outlined by the Novato Police Department and yet they were still unable to solicit donations to fund their political activities in time for the election," Schlosser wrote. "We are especially concerned with this matter because the... delay

prevented Forests Forever from participating fully in the February ballot initiative."

In lieu of canvassing, 33 concerned Forests Forever staff members, along with friends and family, on Feb. 8 volunteered their time to campaign in Novato.

Public response was very positive: Each volunteer spoke with 20 to 30 residents of Novato and reported few pro-development sentiments.

The volunteers' goal was to identify pro-Forest votes, recruit volunteers for the "No on A & B" campaign and encourage high voter turnout on Election Day.

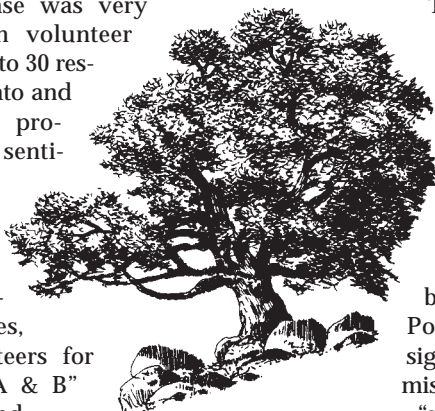
Although the volunteer session was a success, Forests Forever could have accomplished a great deal more.

"We have a large, effective field canvass program," said Pete Harrison, Forests Forever's Field Canvass Director. "Had we been given the opportunity, there is no doubt in my mind that we would have had a noticeable impact on the election."

The anti-Forest campaign won the election on a 61 to 39 percent vote for both measures. The majority of citizens who turned out at the polls voted "No," the environmental position, but most absentee voters said "Yes." Many volunteer organizers said confused voters reported they had cast a "Yes" vote, believing they were saving Black Point. Indeed, developer road signs, posted prior to the election, misleadingly urged a "Yes" vote to "preserve" the Forest.

For more information on how to get involved in efforts to save Black Point, contact the Black Point Forest Rescue Project via voicemail (checked weekly) at 415/ 721-1936.

— Sara Goltz



Canyon Live oak by Larry Eifert

Reid warning could scuttle bad species bill

Momentum apparently has stalled for the Kempthorne bill to weaken endangered species protection, as one of the measure's original Democratic sponsors threatened to withdraw his support.

In his warning, Sen. Harry Reid (D-NV) called a provision inserted into the Senate Budget Resolution a "poison pill intended to kill" S. 1180, which would amend the 1973 Endangered Species Act (ESA). Sen. Pete Domenici (R-NM) sponsored this budget provision, which calls for the federal Bureau of Land Management to sell \$350 million worth of its lands, reportedly near Las Vegas. Funds from the sales would be used to pay for landowner incentives for habitat conservation called for in S. 1180.

Reid is against these proposed land sales as now written. Without Reid's support, S. 1180 would face a much

tougher battle in the Senate.

Sen. Dirk Kempthorne (R-ID) on Sept. 16, 1997, introduced S. 1180, labeled "ESAIN't" by environmentalists. The bill would delay listing of candidate species and codify the notorious "no surprises" policy, which would allow new science concerning already-listed species to be ignored. S. 1180, opposed by every major environmental group, apparently was headed for a full-Senate vote prior to the emergence of Reid's concerns over the budget resolution.

The Congressional Research Service (CRS) recently released a report confirming species-protection weaknesses in S. 1180. CRS found that under S. 1180, species could wait six and a half years between the time they are listed and the time measures are put in place to protect the species.

Also, according to the report, S. 1180 would eliminate the current requirement for designating critical habitat concurrently with the listing of a species.

Without Reid's support, S. 1180 would face a much tougher battle in the Senate.

Forests Forever and other conservation groups have endorsed Rep. George Miller's (D-Martinez) ESA-reauthorization bill. Introduced in July, 1997, H.R. 2351—the Endangered Species Recovery Act (ESRA)—would increase the effectiveness of the ESA by

implementing policies aimed at recovery of listed species—not merely their survival. Carrying 104 co-sponsors at press time, ESRA also would establish scientific benchmarks for evaluating progress toward recovery instead of relying merely on politics-prone government agency opinions.

Rep. Tom Campbell (R-San Jose) announced on Apr. 20 that he intends to introduce the Farm and Ranch Habitat Protection Act, a bill that would give farmers and ranchers a license to kill federally listed threatened and endangered species.

Campbell's bill mimics a piece of legislation enacted in California last year that allows for "incidental takes" of state-listed species. Campbell's bill would extend similar provisions to federally listed species.

Conservation groups have

see "ESA," p. 3, col. 2

HEADWATERS FOREST

It's been a busy year so far for activists fighting to save the 60,000-acre Headwaters Forest.

Located in Humboldt County about 15 miles southeast of Eureka, Headwaters remains the world's largest stand of unprotected ancient

redwoods. The much-publicized 1996 "deal" to buy less than 13 percent of Headwaters Forest for \$380 million is still only partly funded.

Environmental groups including Forests Forever have told key state legislators to withhold California's portion of the purchase price until Pacific Lumber Company's (PL's) recently proposed *Habitat Conservation Plan (HCP)* is strengthened (see article, p. 1, col. 1). At a meeting of the *Joint Legislative Committee on Headwaters Forest and Ecosystem Management Planning* in Sacramento on Mar. 16 forestry activists criticized the HCP's weak provisions. Forests Forever Executive Director Paul Hughes told the panel that stronger forest and wildlife protections now must be gained through renewed grassroots organizing for protection of all 60,000 acres and six groves of ancient redwoods at Headwaters.

Over 200 activists on Apr. 1

gathered in San Francisco for a *Rally and March to Save Headwaters Forest*. Theme of the event was "Don't be fooled!" by the inadequate draft HCP. BACH, Forests Forever, Earth First!, Rainforest Action Network, Greenpeace and

to encourage decision-makers to strengthen the proposed HCP and adopt a Debt-for-Nature exchange to acquire Headwaters.

An epic *tree-sit on PL property* by Julia Hill—who goes by the name Julia Butterfly—recently generated massive publicity for the Headwaters campaign. Since Dec. 10, 1997, Hill has sat on a six-by-eight foot platform suspended 180 feet in the air in an ancient redwood tree activists named Luna.

Most major California newspapers, Time and People magazines, several television stations, and other media have carried the story. From January through April Forests Forever gathered 3327 letters and an additional 15,033 commitments to write and call key decision-makers in an effort to save Headwaters.

— S.W.



Forests Forever staffers march to save Headwaters.

by Wendy Jones

CalPIRG co-sponsored the event.

Marchers assembled in front of the U.S. Department of the Interior offices, then proceeded to the Department of Justice, the FDIC and Sen. Dianne Feinstein's offices. The peaceful demonstration sought

"ESA"
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denounced the bill because it would place agricultural interests above endangered species protections, undermine the recovery of listed species and enact vague standards for "incidental takes."

Miller also is sponsoring a Congressional sign-on letter asking the Clinton Administration to incorporate some elements of ESRA into an Administration-promised "policy guidance" document. The document would modify the "no surprises" rule in Habitat Conservation Plans (HCPs).

Miller's plan also would allow for public participation in the HCP process. At press

time Miller's letter carried 52 House signatures—all ESRA co-sponsors.

The Endangered Species Coalition, of which Forests Forever is an active member group, is working with Reps. Jim Saxton (R-NJ) and Nancy Johnson (R-CT) on a sign-on letter calling for increased funding for carrying out the ESA. The act's effectiveness has been severely undermined over the years by drastic budget cuts. The Clinton Administration has asked Congress to approve budget increases of \$38.8 million for the U.S. Fish and Wildlife Service's endangered species programs and \$7.9 million for the National Marine Fisheries

Service's ESA programs.

The programs' lack of funding has led to backlogs in the listing process and a lack of implementation funds. At press time over 60 representatives had signed on to the Saxton-Johnson letter.

The ESA, arguably the most powerful environmental law ever enacted, officially expired in 1992. Since then Congress has extended the act's provisions until it is reauthorized. Forests Forever through Apr. 30 had generated 1410 letters in support of ESRA and against S. 1180. We generated 25,660 additional commitments to write and call on these issues.

— S.W.

The Watershed

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**"Restore,
Reinhabit,
Re-enchant"**

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Action Rolodex

ESRA:

Urge Bay Area Reps. Ellen Tauscher and Zoe Lofgren to co-sponsor H. R. 2351, Rep. George Miller's ESRA legislation, which would strengthen protections for imperiled species. Let these elected officials know that their constituents support a strengthened ESA that would shift the focus of species protections from mere recovery to survival.

Rep. Ellen Tauscher
1801 N. California Blvd.,
Suite 103
Walnut Creek, CA 94596
510/932-8899 phone
ellen.tauscher@mail.house.gov

Rep. Zoe Lofgren
635 North 1st St., Suite B
San Jose, CA 95112
408/271-8700 phone
zoegram@lofgren.house.gov

Headwaters:

Contact state Sen. Byron Sher and tell him to continue efforts to withhold state funding for the Headwaters "deal" until an adequate HCP that protects imperiled species is adopted.

Sen. Byron Sher
State Capitol, Room 2054
Sacramento, CA 95814
916/445-6747 phone
Senator.Sher@sen.ca.gov

"HCP"
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chance of survival for the Coho for 100 years.

"FEMAT is calling for streamside buffers 10 to 20 times greater than those found in the current agreement," said Mark Fletcher, president of Forests Forever's board of directors. "When scientists confirm we are not doing enough to protect endangered species we ought to change our forest management practices to meet higher protective standards."

The HCP also would provide inadequate protection for

the threatened Marbled murrelet, a seabird dependent on coastal old-growth trees for nesting habitat. Of Headwaters' six ancient groves, five effectively would receive some measure of protection from the HCP. PL could log the sixth ancient grove—either Owl Creek or Grizzly Creek—both areas which provide substantial habitat for the murrelet.

"We are down to the last four percent of our ancient redwoods," Fletcher said. "Harvesting any ancient redwood habitat will have a devastating impact on local murrelet populations."

The proposed HCP also exposes to logging other residual old-growth redwood forest areas as well as stands of ancient Douglas fir. These areas are crucial to the recovery of the Northern spotted owl and other imperiled species.

The proposed HCP is still in draft form. A more-detailed final draft was scheduled for release in mid May, at which time it would be subject to public hearings prior to approval by federal and state agencies.

"We feel this agreement is so weak that we can get better protection for Headwaters if we go back to the streets and

keep organizing," said Forests Forever Executive Director Paul Hughes.

Forests Forever, Bay Area Action and BACH in mid-April began distributing a petition asking Sher and Migden to convene an impartial scientific review of the proposed HCP.

The petition calls for a team of experts in relevant scientific fields to determine whether the HCP incorporates the best available scientific information and is sufficient to recover local populations of imperiled species.

The review also would determine if the HCP is sufficient to reverse any unnatural trends in flooding, sedimentation, or other downstream cumulative impacts resulting from PL land-use activities.

Forests Forever thus far has collected 2945 signatures in the five-week campaign. Through April, 1998, Forests Forever had collected and mailed to key decision-makers 2047 letters criticizing the HCP proposal, and obtained 12,650 additional commitments to write and call.

If the legislature balks at funding the deal, Gov. Wilson may attempt to acquire the state monies through a parks bond measure that would appear on the November ballot.

— Katherine Tam

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