



# WILDERNESS RECORD

PROCEEDINGS OF THE CALIFORNIA WILDERNESS COALITION

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October, 1990

## The ancient forest campaign

### Struck down

*Court lifts ban on right to challenge timber sales*

By David Orr

In an important decision expected to have effects beyond environmental cases, a federal appeals court in San Francisco has declared unconstitutional the "Northwest Timber Compromise" of 1989 (the so-called Hatfield amendment). The court found in the language of the amendment a violation of the separation of powers doctrine embodied in Article III of the U.S. Constitution.

The decision marks the first time since 1871 that an appeals court struck down a statute on grounds that it specifically directed courts how to decide a pending case.

The section of the law in dispute prohibits judicial review of timber sales and spotted owl management plans by ordering courts to find that government policies satisfy federal environmental standards. Citing two pending court cases in the Pacific Northwest, the law mandates an allowable sale quantity of 5.8 billion board feet and attempts to exempt that high level of cutting from further legal challenge with the wording: "The guidelines...of this section shall not be subject to judicial review by any court of the United States."

Timber industry lobbying was responsible for adding this language in the form of a rider, the amendment by Senator Mark Hatfield of Oregon, in order to "lock in" a timber sale level so high that the bill's authors were arguably certain that the inevitable court challenges against the Forest Service would otherwise be successful.

*continued on page 4*



Photo by David J. Cross

### Grider Creek logging stalled

*Court orders a harder look at corridor's biological value*

On September 13 the U.S. Court of Appeals ordered the U.S. Forest Service to halt planned timber sales along Grider Creek in Northern California, ruling that the agency had not fully considered how logging would adversely affect the area's biological importance. For the first time the courts recognized the concept of "biological corridors" and told the Forest Service it must evaluate the area as a linkage between wilderness reserves as part of its legal obligation to preserve biological diversity and assess environmental impacts of development decisions.

The case, filed by attorneys with the Natural Resources Defense Council (NRDC), argued that Grider Creek is an area of exceptional biological importance because it provides the sole remaining ancient forest habitat between the Marble Mountain and Red Butte wilderness areas. The Forest Service, intent on logging the area quickly after it was partially burned by fires in 1987, failed to examine how logging and road construction would impair Grider Creek's biological values. The Court of Appeals ruled that this failure to take a "hard look" at Grider's importance as a biological corridor violated the National Environmental Policy Act.

Forest Service spokesperson John Silvius pointed out that "more and more information has come to light" on corridors since the Grider sales were analyzed. "We gave it our best shot at the time," Silvius said. John Greer, District Ranger for the Klamath National Forest's Oak Knoll District, added that given the state of corridor science today, "it would be difficult to find agreement" on the subject.

Experts told the court that the half- to two-mile wide river corridor which the Forest Service had agreed to keep out of might not be wide enough for some species. Other species might avoid riparian corridors, preferring uplands.

Before it may proceed with logging, the Forest Service must complete a new or supplemental environmental impact statement for the Grider sales. As of this printing, the agency had not decided how or even whether to proceed with the timber sales at all. According to Greer,

*continued on page 5*

### Thomas plan's recommended cut level exceeded

## Bush's owl task force defies science

In a feeble attempt to save the threatened spotted owl from extinction and keep the Pacific Northwest timber industry happy, on September 21 the Bush administration announced its plan for the region's ancient forests.

The President's task force, three weeks late with its report, recommended that logging levels be reduced 20 percent from current rates to 3.5 billion board feet (bbf) for the region. It was unclear whether this cut would include spotted owl habitat conservation areas (HCAs) that were drawn up by the Jack Ward Thomas committee of scientists. An administration press release noted that

nothing in the task force recommendations "would require sales of timber from the HCAs." However, salvage sales could be offered in HCAs, contrary to the recommendation of the Thomas report. Experts consider the Thomas plan to be the absolute minimum protection necessary to save the owl from extinction. The Thomas plan recommends a cut reduction to 2.6 bbf.

Environmentalists are also concerned that even if the owl HCAs are left alone, the logging in other areas will have to be massive in scope in order to total 3.2 bbf. The

*continued on page 5*

## COALITION PAGE

### MONTHLY REPORT

For only the second time in the Coalition's fifteen-year history, the Board of Directors has found it necessary to raise membership dues. The last time our dues increased, Ronald Reagan was finishing his first term as President, Detroit beat San Diego in the World Series, and it cost only 20 cents to mail a letter.

Back then I was the only employee (and was occasionally paid when all our other bills were taken care of), the "bimonthly" *Wilderness Record* came out sporadically, and we had to stagger our interns' hours because only two people could fit in the office at once.

Since our last dues increase our rent has been raised several times, printing and copying costs have climbed, and soon the cost of mailing a letter will jump for the third time (possibly to 30¢). We now have two more (underpaid) employees who can't afford the luxury of missing paychecks, the vastly-improved *Wilderness Record* is monthly and comes out on time, and all three of us plus an intern or two can find space to work in our office. I've heard few complaints and many compliments on the fine job Stephanie Mandel does with the *Record*, and with Nancy Kang handling membership and office duties we have more members than ever, requests for information are answered promptly, and T-shirt and book orders are filled—usually the same day they are received.

Effective the first of the year, regular dues will increase from \$15 to \$20, and sustaining membership will go from \$25 to \$35. But for those of you who are just getting by, we still will have a low-income category of \$10.

For our relatively low dues, you get the *Wilderness Record* 12 times a year, periodic Wilderness Alerts (if you returned a questionnaire), and support all our other work for wilderness

### BY JIM EATON

preservation and management. What a deal!

Our faithful members are the financial backbone of the California Wilderness Coalition. In addition, many of you write letters, attend hearings, and do various other volunteer tasks to help us save our wild lands. Thank you!

A few weeks ago Wendy and I spent some time with former CWC Board member Beth Newman and former CWC staff person Dennis Coules. They are off to North Carolina, one of the few places that combines Beth's occupation (epidemiology) and Dennis' climatic requirements (warm, with lots of reptiles). After living in California for decades, they are disposing of much they have acquired. We gained lots of office supplies, old environmental impact statements, books, plants and bulbs, and I bought their 55-gallon aquarium (complete with occupants). Thanks, Beth and Dennis, for all your past work and support and best wishes in your new life.

### Uncle Jim's Wilderness Trivia Quiz Question:

In what wilderness area will you find Summit City Creek, Fourth of July Lake, and Jeff Davis Peak?

answer on page 7

## Letters

### Watch your fire language

Hi Jim,

Just got the Sept. issue of *Wilderness Record*. I read with interest the Monthly Report and wanted to send you my enthusiastic support for your last paragraph. We need exotic fishing opportunities in wilderness like we need a hole in the head. I've enclosed a copy of a letter to the Idaho Conservation League on that very topic. It seems to be a blind spot in a lot of wilderness advocates' vision.

I also read your comments on your stock trip experiences. It's especially interesting since I build trail for the Feds in an area "blessed" with lots of outfitter and stock pressures. We rebuilt a bridge this spring located on the #1 access trail into the heart of the Selway-Bitterroot...and ended up flying the 40' treated timbers in by helicopter...then using a mule team and hand winch to accomplish the reconstruction.

There were jillions of questions surrounding our project. The engineering folks were loath to let anyone build bridges out of native (untreated) material. No one wants to treat materials on site due to the almost inevitable environmental insult which would occur. Yet the pretreated timbers weeped Penta all over everyone and everything. It was impossible to pack such huge timbers 22 miles up the river...yet the use of the helicopter is anathema to most supporters of wilderness (including me). To use native material would mean stumps in the vicinity of the bridge...and on and on.

I'm glad you raised the specter of management complexity for your readers. It's not all cut and dried...yet I feel that each voice (pragmatists and purists) must be heard to reach an informed decision. I'm glad you continue to make room in the *Record* for continuing articles on management issues rather than just the usual designation stuff. I'm convinced that we can give away the farm by neglecting to push for long term managerial protection of statutorily protected wilderness.

On another note, I hope that you will push editorially for less charged wording on your fire reportage. There is a lingering misconception (the Bambi factor) that fire means death and destruction for all bright and beautiful things. That's simply not true. The incredible forms of nature that sustained the Native American and stunned the likes of John Muir were inextricably woven into the cycle of fire. Fire may be the loss of a certain scene we're used to...but it's the unshackling of myriad life forms stymied (or worse) by the unnatural cessation of fire we've caused in this last century. I commend to you an article by George Wuerthner in a special spring edition of *High Country News*. It's a great critique of the media's use of "inflammatory" headlines to describe wildfire.

On the front page headlines of the Sept. issue of the *Record*, you could have brought attention, not to the admittedly natural fire, but to the Flamebo's who trashed the place in Pavlovian response. It could have read "King Range 'saved' and raided" or some such....Fire managers and the military find the Lost Coast.

Steve [Evans, CWC President], like all of us, struggles with change in his cherished landscapes [see Ishi fire article in September WR]. But we need to push the message that wilderness is not some kind of roadless recreation museum piece. Instead, we are visitors in a gigantic living display of the intricacies of the natural world...and that we have a responsibility to not inhibit those processes to the greatest extent possible.

Keep up the good work!!  
Woody Hesselbarth  
McCall, Idaho

## Letters

### Clarifying Sequoia settlement

Greetings:

There was one misstatement in the August article on the Sequoia Forest Plan settlement. The article stated that groups signing the agreement agreed not to challenge future forest management except for breach of contract (violation of the agreement). However, the signing parties waived only their right to further challenge the Forest Plan and the specific plan amendments agreed to. They remain free to challenge all site-specific plan implementation decisions (such as timber sale approvals) for violation of law, regulation, the amended plan, or the settlement agreement. They may, on a site-specific basis, raise such issues as whether land is "suitable" for logging, whether clearcutting is the "optimum method," and whether the watershed analysis was conducted properly.

The agreement does create a number of specific obligations for the Forest Service that would not otherwise exist, such as working with conservationists to establish giant sequoia grove boundaries, surveying the Forest for furbearers in 1991, and immediately convening a group of watershed experts to improve the Forest's cumulative effects analysis. These contractual obligations are enforceable only by the signing parties.

Cheers,

Julie E. McDonald  
Attorney, Sierra Club Legal Defense Fund  
San Francisco



### Horseback a pleasant alternative

Dear Jim:

I read with interest your Monthly Report in the September 1990 issue. I was pleased to read that you took your wilderness management survey trip on horseback.

For those of us who are unable to endure the rigors of packing with a heavy pack on our backs, travel by horseback is a pleasant alternative.

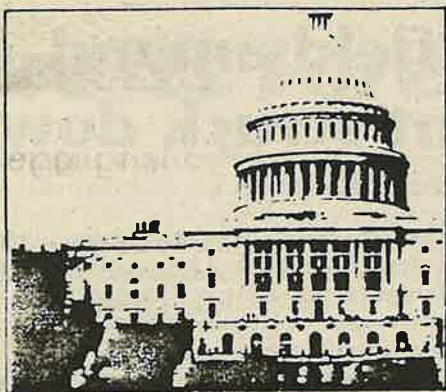
Very truly yours,

Richard H. Cochran

Chairman, Public Lands Committee of the State Board of Directors of the Backcountry Horsemen of California

*CWC Wish List:* 1. Apple Macintosh Plus or SE/30 (for the editor)  
2. Black & white photographs of wilderness & roadless areas

## 1990 Legislation



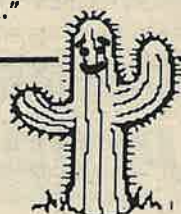
### Smith River bill looking good

The prospects for Representative Doug Bosco's Smith River National Recreation Area Act looked good at the end of September. The Act passed the House and a companion bill, S. 3036, was supported in the Senate by both California Senators Alan Cranston and Pete Wilson.

Northwestern California's Smith River has long been considered the "crown jewel" of California rivers. Composed of five forks and over 3,100 miles of tributaries, the Smith is the only undammed major river system left in California. It currently supports a trophy salmon and steelhead fishery.

Introduced in March, the Smith River bill is the product of many months of painstaking work with the Forest Service and representatives of local government, environmental groups, and the timber industry. An agreement was made in August to strengthen the bill. Provisions were added to permanently block completion of the controversial "G-O Road," adding the road corridor to the existing Siskiyou Wilderness, and to ban large scale surface mining in the watershed.

Brad Welton of the Smith River Alliance calls H.R. 4309, the Smith River bill, a "carefully negotiated, environmentally sound resolution of the need to protect the Smith River watershed and its abundant natural and recreational resources. The Act is a compromise which is a model of ecologically-based land-use allocations that protects significant natural values while providing for compatible commodity production."



### House committee supports desert bill

The California Desert Protection Act is currently supported by a majority of the members of the Senate Energy and Natural Resources Committee, Chair Dale Bumpers told the Senate on September 26. The legislation was not approved by the committee, however, because a filibuster by Senator McClure kept it from coming to a vote. Washington insiders consider the statement by Senator Bumpers a very good sign for the bill's passage this year or next.

Another positive step was the co-sponsorship of another committee member, Senator Daniel Akada (D-HI). Senator Mark Hatfield is also among the several committee members supporting the desert bill.

## "Timber dominance act" considered in House

In the midst of the ancient forest controversy, a bill emerged which would require all national forests to be managed more for the production of timber than the preservation of wildlife, fisheries, watersheds, or recreation.

The National Forest Plan Implementation Act of 1990, H.R. 5094/S. 2762, was introduced in June by Representatives Les AuCoin (D-OR) and Sid Morrison (R-WA), and in the Senate by Senator Mark Hatfield (R-OR). Timber interests and other proponents of the bill hope to keep it on a fast track—timber industry lobbyists are pressing hard for the bill to move quickly this fall.

The bill is designed to accomplish two goals:

- First, it would subordinate all other forest purposes to "commodity production." This ensures that forests would be managed first and foremost to produce timber "to the maximum extent feasible." It would also require the Secretary of Agriculture to consider opening up previously-protected lands, including designated wilderness areas, to compensate for any changes in management resulting from a court order or an endangered species listing.

- Secondly, the bill would greatly restrict the ability of private citizens to challenge the Forest Service in court. It would also restrict the ability of judges to make forest management practices comply with the law. Without

these safeguards, the Forest Service might be pressured by local industry and politicians to manage our forests improperly.

"A more appropriate term for this bill might be the 'National Forest Timber Dominance Act,'" said Bill Arthur, the Sierra Club's Northwest Representative. "Its congressional sponsors are powerful, but to protect all of our national forests we must defeat this outrageous proposal."

For more information, contact Leslie England, Sierra Club Conservation Assistant, Washington, D.C., (202) 547-1141.

*Reprinted from the September 11, 1990 Sierra Club National News Report.*

As of this printing, a new bill by Rep. Harold Volkmer (D-MS), Chair of the Agriculture subcommittee, was due to be marked up, or voted on. A revision of H.R. 5094, Title IV of Rep. Volkmer's proposal would similarly restrict the right of citizens to go to court to seek implementation of environmental laws of federal lands. According to Leslie England, Sierra Club Conservation Assistant, this proposal is "a dangerous and damaging set of provisions that would affect every national forest in the U.S."

## Ancient forest bills still a question mark

At the close of September, with the end of the Congressional session only a few weeks away, environmental activists were working hard for legislation to protect the remaining Pacific Northwest ancient forests.

Representative Bruce Vento had introduced a bill, H.R. 5295, that the Sierra Club was supporting as "middle ground," (see September 1990 WR) and was working to strengthen it by adding Sierra Nevada ancient forests, which were not originally included in a 6.2 million acre reserve system to be established in the Washington, Oregon,

and Northern California.

Other environmental groups were still pushing for passage of Rep. Jim Jontz's H.R. 4492, but the House subcommittee seemed less likely to support this stronger protection. H.R. 4492 was in the ... subcommittee. As of late September, neither the Vento or Jontz legislation had a companion Senate sponsor.

Timber industry buddy Senator Mark Hatfield had legislation pending (article on page 3) that would prohibit reductions of timber cutting of more than five percent. Rep. Vento's bill would guarantee a 3.0 bbf 1991 cut in the region.

Congress sets timber sale levels in the House Interior Appropriations Subcommittee and Senate Appropriations Committee. On September 22 the Bush administration recommended a Pacific Northwest cut level of 3.51 bbf, much more than the 2.6 bbf level recommended by the Jack Ward Thomas Interagency Scientific Committee. Although Senator Mark Hatfield, Chair of the Senate Appropriations Committee, told the press that he expected that the administration's recommendation would be approved, environmentalists were working for a level closer to the scientific committee's proposals.

In the wake of a recent court decision (article on pages 1 & 4), it seemed unlikely that the Senate Appropriations Committee would limit judicial review of timber sales, as it has the past two years.

The Bush administration also called on Congress to exempt water quality laws and laws governing scenic areas so that this level of cutting—outside spotted owl habitat conservation areas—could proceed. (Article on pages 1 & 4.)



## Ancient Forests

### Grider Creek wildlife corridor

continued from page 1

the smaller fire-killed trees are already devalued by decomposition, and the sapwood of larger trees is being eaten by fungi. Greer guessed that next summer the heartwood still might have some value.

Felice Pace of the Marble Mountain Audubon Society, the lawsuit's plaintiffs, responded to Forest Service complaints of wasted efforts: "We agree that plans to log Grider have been a waste of resources. For several years we have been suggesting to the Forest Service that they stop trying to push logging roads into the few remaining pristine areas."

According to Greer, the Forest Service had already planned to eliminate sale areas within a half-mile of spotted owl nests. "We would have in all likelihood eliminated a large portion of those sales in HCAs," he said.

Nathaniel Lawrence, attorney for NRDC, hailed the decision as "a clear rejection of the Forest Service's policy of logging our remaining ancient forests without regard to the environmental consequences."

"Unfortunately, although conservationists have won the battle for Grider Creek, at least for now, we are at grave risk of losing the war over our ancient forests. The courts have repeatedly ruled in our favor in cases involving ancient forests and the spotted owl. The decision on

Grider Creek provides a valuable new weapon in our efforts to protect the ancient forests. But despite these victories, the Administration stubbornly persists in its short-sighted effort to log as much of our remaining ancient forests as possible," said Lawrence.

"While the battles are being fought in the courts, the war will be won or lost in Congress and at the polls," said Lawrence. "We urge Congress to act promptly by passing the strongest possible legislation to protect ancient forests on public lands, such as H.R. 4492 introduced by Representative Jim Jontz. And we urge all California voters to vote yes on Prop. 130 this November, so that we can acquire and protect the last remaining five percent of the ancient redwoods in private hands."

The environmentalists' case was supported by such prominent biologists as Larry Harris of the University of Florida, Reed Noss, formerly with the Environmental Protection Agency's Biodiversity Project, and Dennis Murphy, Director of the Stanford Center for Conservation Biology.



### Wildlife corridors: A concept whose time has come

By Felice Pace

"Corridors" are a relatively new concept in west coast forest management. Before the second world war, ancient forests extended in a nearly continuous expanse from the Southern Sierra through Southeast Alaska. Since that time, however, extensive clearcutting and road building have fragmented the forest, isolating preserved areas and threatening the long-term survival of plants and animals that depend on natural forests.

During the spring of 1989, the Marble Mountain Audubon Society, along with the Klamath Forest Alliance, began working with government and university biologists on strategies for preserving biological diversity on the Klamath National Forest by linking existing wilderness areas with "corridors." The Klamath corridors chosen are a handful of drainages and ridge systems which have not been extensively fragmented by logging and road building. Not surprisingly, these drainages also are among the handful that retain the high water quality essential to the survival of wild stocks of salmon and steelhead.

Recently, the Klamath corridors proposal has attracted the attention of biologists, land managers, and conservationists across the country.

(For a longer article, see the July-August 1989 WR.)

### Bush's spotted owl proposals

continued from page 1

President's task force acknowledged that it might not be possible to log so much under present environmental laws and asked Congress to suspend these laws. The task force also called for Congress to restrict judicial review of timber sales' compliance with environmental laws. Such restrictions were recently ruled unconstitutional by the 9th Circuit Court of Appeals (see adjacent article).

Bush's task force also asked Congress to convene the Endangered Species Committee, also referred to as the "God Squad," which may give socio-economic factors precedence over actions required to save a species from extinction. A majority of Congress must approve convening the committee, and lawmakers were skeptical that this could be accomplished this session. Speaking for Senator Mark Hatfield of Oregon, a strong timber industry advocate, aide Bill Calder explained, "There are some who feel that's subverting the Endangered Species Act."

The task force also suggested that Secretary of Agricul-

### Hatfield amendment struck down

continued from page 1

Many environmentalists declared that legislation unfair and illegal from the start because it prevented any court challenges to unsound forest management, even in instances where clear violations of federal environmental law could be demonstrated.

Melanie Rowland, senior counsel for The Wilderness Society in Seattle, said "What we knew was bad public policy has been declared unconstitutional. We hope politicians will realize they can't simply ignore federal laws."

The outcome of this case was hailed by Todd True, attorney for the Sierra Club Legal Defense Fund in Seattle. The ruling, he said, not only reopens the way for timber sale challenges but also could prevent Congress from extending the law when it is due to expire September 30, the end of the fiscal year.

The unanimous 16-page opinion by a three-judge panel of the U.S. 9th Circuit Court of Appeals, handed down September 18, was considered a resounding victory for environmentalists. But it was also seen as affecting the broader relationship between Congress and the federal court system. Judge Harry Pregerson wrote that the rider "does not establish a new law, but directs the court to reach a specific result and make certain factual findings under existing law...In doing so, Congress did not amend or repeal laws, as it unquestionably could do, but rather prescribed a rule for the decision (in a case) in a particular way, without changing the underlying laws, as it unquestionably cannot do."

"The significance of the ruling goes beyond environmental cases," True said. "It establishes very broadly that Congress cannot come in and tell courts what to do. Congress makes laws, but courts decide cases."

The timber industry's Northwest Forest Resource Council, represented by Mark C. Rutzick, indicated it may ask for rehearing of the case before the appeals court and, if that fails, appeal to the U.S. Supreme Court.

Prepared from wire service reports and from stories in the Los Angeles Times by Philip Hager and Mark A. Stein and the San Francisco Chronicle by Jim Doyle.

David Orr is an ancient forest advocate residing in Davis.



## Ancient Forests

# Forests Forever: Yes on 130

This November, voters must vote yes on Proposition 130 to save the last five percent of California's giant redwoods. Prop. 130, the Forest Forever Initiative, will acquire important ancient forests, ban massive clearcuts, and require timber management practices which protect the environment as well as provide sustainable employment.

In an effort to confuse voters, the big timber corporations are promoting their own program, Prop. 138. It would void Forests Forever and enact an industry wish-list that includes a ten-year suspension of the state's

existing authority to purchase more parkland in the redwood region. If industry's current frenetic pace continues unchecked, virtually all unprotected giant redwoods would be logged by then.

The timber industry has launched a well-financed media campaign designed to deceive voters. Call Forests Forever today to volunteer (call 415-647-1462 and ask for the number of your local coordinator), and send a generous contribution to help get the truth out to California voters.

Sponsors of Prop. 130 are the Sierra Club, Natural Resources Defense Council, Planning and Conservation

League, and Environmental Protection Information Center (EPIC). Others endorsing Forests Forever include the California Wilderness Coalition, Audubon Society, The Wilderness Society, California Teacher's Association, Friends of the Earth, Fund for Animals, United Anglers, and California State Park Rangers Association.

Donations may be sent to: The Forest and Wildlife Protection Committee, 1012 J St. #202, Sacramento, CA 95814.

### Ancient forest wildlife:

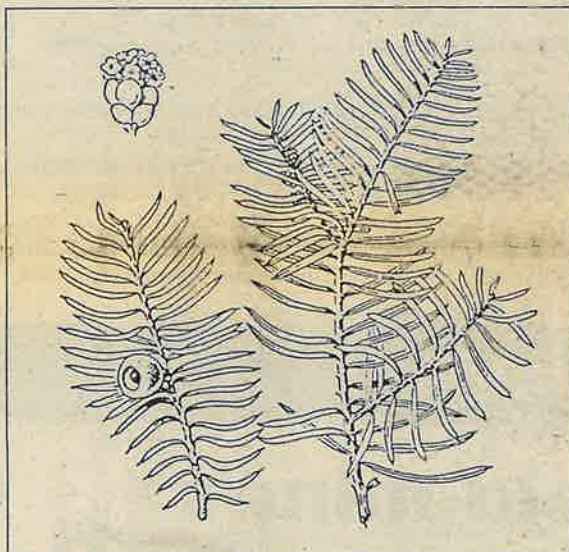
## Endangered status sought for the cancer-fighting Pacific yew

Another Pacific Northwest ancient forest species, the Pacific yew tree, is being considered for listing as threatened with extinction. On September 19 a petition was filed with the U.S. Fish and Wildlife Service (F&WS), asking that the tree be given protective status.

The bark of the Pacific yew (*Taxus brevifolia*), which grows from Alaska to California, is the only source of a chemical compound, taxol, that has been used successfully in treating ovarian cancer. Efforts to raise the yew on tree farms or nurseries have failed.

The listing petition, submitted by the Environmental Defense Fund, claimed logging of Pacific Northwest ancient forests is responsible for the tree's decline.

Protection under the Endangered Species Act also is being sought for two other ancient forest species, the sea-going marbled murrelet and the fisher. The F&WS has 90 days to decide whether or not to accept petitions and then one year to determine whether listing of the species is warranted.



### South Fork Eel management plan:

## BLM's Wild & Scenic logging plan

The latest twist in the saga of the proposed Cahto wilderness near the Northern California coast is the release of a draft river management plan for the South Fork Eel Wild and Scenic River. Running through the middle of the roadless ancient forests of the Cahto Peak/Elkhorn Ridge area, the river's status requires that its features be preserved.

In 1988 the Bureau of Land Management (BLM) tried to sell Elkhorn Ridge's trees. Environmentalists sued, and the court stopped the logging until the impacts on the South Fork Eel were analyzed in a management plan. (See article in March 1990 WR.)

Eric Swanson of the Ancient Forest Defense Fund, one of the groups behind the lawsuit, called the draft plan merely "justification of the Elkhorn Ridge timber sale."

Comments on the plan and EIS are due November 20. For a copy of the plan or to submit comments, write to District Manager, BLM, 555 Leslie St., Ukiah, CA 95482.

## Biases cloud aircraft noise study

By Canyon Fred

Noise from aircraft overflights has long been recognized as a problem by wilderness users and managers. The passage of the National Parks Overflight Act of 1987 demonstrated that Congress also was concerned about wilderness overflights. The law (P.L. 100-91) requires the Forest Service and Park Service to conduct studies of aircraft overflights which may be impacting wilderness visitors and/or resources. The law also requires the Park Service to develop recommendations for mitigation of overflight impacts. (See article in July WR)

This was all good news to those of us who are constantly annoyed by the sights and sounds of aircraft intruding on our wilderness experience. However, the agencies decided to combine their efforts to "ensure cost effectiveness and compatibility of study results." The Forest Service has

taken the lead role, and the person chosen to head the project is a pilot.

The studies are now in full swing, and several biases seem to be in place to reduce the apparent significance of aircraft overflight impacts. For instance, the percentage of users "highly annoyed" by aircraft noise (hint: "moderately annoyed" will not count).

A recent update from the study team states that aircraft will "intrude" on your wilderness experience only if you can hear it. Since there is less chance of hearing an overflight when you are, for instance, standing next to a rushing stream, the researchers are considering using an "overall average background sound level" to compare to aircraft noise. This will downplay the magnitude of noise from an aircraft passing over a truly quiet area. The study team is also spending considerable resources on another component of background sound called "self noise." This is the noise you generate by walking, talking, cooking, etc.

If "self noise" is added to an "average background noise," it will make aircraft noise appear even less impacting.

On top of all these biases, a recent Forest Service memo implies that aircraft noise is not a big concern since only 300 persons nationwide have requested to be included on the project's mailing list.

You can get on the mailing list for periodic updates by writing to the study team. (Address: Mr. Bill Makel, National Coordinator for Wilderness Aircraft Overflight Sound Study, Forest Service Technology & Development Center, 444 East Bonita Avenue, San Dimas, CA 91773.) You may also want to describe any experiences you have had with aircraft overflights, and any other feelings on the subject. It may also help to request that background noise NOT be averaged, and that the study team spend limited funds quantifying aircraft noise instead of "self noise," since these methods would underestimate overflight impacts over quiet areas.

## Wilderness beyond

*Alaska National Wildlife Refuge, waters off Santa Barbara, even wilderness areas*

# Iraq crisis triggers push for oil development

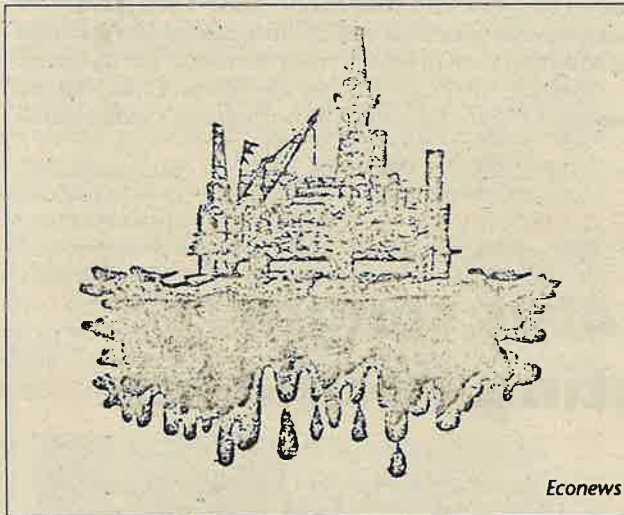
On August 2nd, Iraqi forces invaded tiny but oil-rich Kuwait and began threatening Saudi Arabia in the latest Middle East crisis. Immediately, the oil industry began pushing for drilling in the Arctic National Wildlife Refuge in Alaska and in all protected federal lands.

Senator Frank Murkowski (D-Alaska) was able, with minimum debate, to attach an amendment to a defense appropriations bill that passed the Senate August 4th. The amendment, if also passed by the House, would grant far-reaching powers to the president to suspend environmental laws and open lands for oil and gas development if oil imports exceed 50 percent of U.S. consumption—as it does now, by some counts. A schedule would be required for leasing all federal lands, potentially including wilderness areas, in order of their promise for oil and gas extraction.

A year and a half ago the Exxon Valdez disaster in Prince William Sound helped raise concerns about the dangers of oil development to a new level. This June, President Bush sought to appease drilling foes by proposing a 10-year delay in offshore oil lease sales along most of California, a ban on drilling in Monterey Bay, and a 10-year delay in drilling along most of the eastern seaboard and the Oregon and Washington coasts. However, a bill to enact the president's proposal into law, carried in the House of Representatives by Bill Lowery, was a secondary casualty of the Iraqi aggression. Pushing the bill would be the "wrong signal to send at this time," according to a Lowery spokesperson. The best a House appropriations subcommittee could do was adopt a one-year moratorium on lease sales in certain areas.

The oil industry, besides urging Congress to step up oil

exploration, also responded to the new crisis by attacking federal clean air requirements. Other reaction to the crisis included U.S. Energy Department pressure on California to allow a 50-mile pipeline for Chevron and Texaco to



bring oil to shore near Santa Barbara from a platform at Point Arguello.

In all this maneuvering, the biggest prize remains the Arctic National Wildlife Refuge (ANWR), covering 19 million acres (about the size of Maine). This vast and unspoiled wilderness on Alaska's North Slope is home to herds of caribou, musk oxen, and a few hundred Eskimos.

In August 1989 the Gwich'in, an Indian people of the Athabascan language group, filed suit against Interior Secretary Manuel Lujan challenging his recommendation to Congress to open ANWR to oil drilling. In particular, they claim the Secretary's legislative EIS failed to address the harm to the Gwich'in people, their culture and way of life, and the impact on the Porcupine River Caribou Herd and the herd's calving ground.

Currently, the ANWR has the 105 miles of coastline temporarily off limits to oil development out of Alaska's 1,200 miles of shoreline.

The Gwich'in support legislation by Rep. Morris Udall (D-AZ) (H.R. 39) and Senator Bill Bradley (D-NJ) (S. 39) to designate the ANWR a wilderness zone.

Supporting oil exploration in the Refuge are Senator Murkowski, Alaska Governor Steve Cowper (a Democrat), the President, Secretary Lujan, and Alaska's Republican Senator Ted Stevens. Stevens calls the coastal plain of the Refuge "nothing but a frozen, barren desert." One government report estimates the oil to be found there could meet four percent of our nation's needs.

Environmentalists contend the risks of drilling are too great to the fragile tundra and its wildlife and that energy alternatives should be explored instead.

The Bush administration continues to study energy options and a national long-range energy program is expected to be proposed by his administration early next year. Then the overall siege of the coasts will take shape. Meanwhile, the skirmishing over the ice-covered tundra is quickened by events in the hot, sandy deserts of the Middle East.

## Wilderness management

# Castle Mtn. gold mine's problem is the pits

The mountains of dirt that would be dug up for the proposed Castle Mountain gold mine in the California desert are stumbling blocks to environmentalists' acceptance of the project.

"There's nothing scenic about their operation," said Peter Burk of Citizens for East Mojave National Park, referring to the fact that Castle Mtn. is in the East Mojave National Scenic Area, which was established in 1981 as the nation's first national scenic area.

Since 1987 environmental groups have been working with the Bureau of Land Management (BLM) and the Canadian Viceroy Gold Corp. to find ways to minimize the mining project's impacts on the desert tortoise and other wildlife. Viceroy has agreed to enclose cyanide processing solutions in steel storage tanks instead of open ponds with nets around them, and to build the mine's access road on a site out of prime tortoise habitat. As part of the reclamation plan, they have agreed to measure the success of their re-vegetation efforts using objective, minimum standards for plant densities and diversity.

A sticking point in the negotiations is the refusal of BLM and San Bernardino County to require the "backfilling" of the huge pits that will be dug. Burk points out that this expense will be left for taxpayers. Environmental groups also are calling for tougher reclamation performance standards and an advisory committee to monitor the

reclamation process.

Burk is also concerned about the fate of Piute Spring in the Piute Spring Wilderness Study Area near the proposed mine. The perennial spring, the only one in the scenic area, is an oasis for wildlife. The mine would draw its water from the same source. Viceroy has agreed to monitor the water level monthly and "take corrective action" if necessary. The company has also reduced its proposed water draw from 1,500 to 725 acre-feet. But Burk feels taking this much water "still places the creek in jeopardy," and would like to see the project rely on a water source outside the proposed national park.

Deborah Reames, the Sierra Club Legal Defense Fund attorney who represented environmental groups in the negotiations, would like to see the reclamation of the Castle Mtn. gold mine be a model for other mines.

October 9 is the deadline for comments on the BLM's final environmental impact statement on the project, and a final decision is expected soon thereafter. Citizens for Mojave National Park may appeal the decision if the backfilling, water, and scenic issues are not resolved.

The East Mojave Conservancy land trust was recently formed to prevent incompatible uses of the scenic area, such as mining, by purchasing private land inholdings. Donations may be sent to East Mojave Conservancy, P.O. Box 2373, Barstow, CA 92312.

## Ideas sought for Granite Chief Wilderness plan

Tahoe National Forest is preparing a management plan for the Granite Chief Wilderness Area. The public is invited to comment by October 31 on such issues as grazing, fire, and recreation.

Several other decisions already have been made in the Tahoe Forest Plan, including the level of outfitter/guide operation and the required removal of the Sierra Club's Bradley Hut at Five Lakes.

Five alternatives, including a "no action plan," are being developed. The action alternatives will range in emphasis from biocentric to anthropocentric. A biocentric approach emphasizes preserving pristine wilderness conditions with evidence of human use and intervention kept to a minimum (such as restricting open grazing of packstock in certain locations or instituting a wilderness permit system). An anthropocentric alternative maximizes the number of people using Granite Chief.

If you would like to comment on the management of the Granite Chief Wilderness, write the Truckee Ranger District, P.O. Box 399, Truckee, CA 95734 or call Linda Nickon at (916) 587-3558.

## Book review

# Simple act yields big impact

## The Simple Act of Planting a Tree

TreePeople, Jeremy P. Tarcher, Inc., 237 pp., \$12.95.

*The Simple Act of Planting a Tree* is not about ancient forests or wilderness but instead addresses the issue of urban forestry. But since so many of our readers live in cities, we think you will be interested in this book.

Called "A Citizen Forester's Guide" by TreePeople's Andy and Katie Lipkis, this 237-page handbook covers an amazing number of subjects in detail. It does explain how to plant and care for a tree. But it does much, much more.

The book covers how to organize, plan, and fund an urban tree planting project. There are numerous suggestions for organizing neighbors, recruiting volunteers, obtaining donations of funds and equipment, and working with local agencies and governments. At the end of the publication are 54 pages of workbook sheets, check lists, and schedules.

One concern of mine when picking up the book was answered quickly: "If you like an independent that doesn't require much attention, look for native species that are meant to grow where you are. In fact, if you're planting in a natural area, use only natives."

The guide is full of anecdotes and captioned photographs that make points while being entertaining. At the bottom of a list of common objections to planting trees



(they break up the sidewalk, they drop leaves and make a mess, etc.) is the concern: "birds sit on the branches and do what birds do—all over everything." The response: "You mean sing?"

The wealth of organizing techniques can give you ideas for your own projects—tree planting or otherwise. And what a bargain at \$12.95 (and discounts starting at nearly 50 percent for ten or more copies)! Finally, the book is printed on recycled paper.

TreePeople, a Los Angeles-based non-profit organization, is a pioneer in urban forestry with over 20,000 members, 600 volunteers, and a full-time staff of 40.

-Jim Eaton



## CWC T-Shirts!

The animal design that Mary Scoonover is wearing is by Bay Area cartoonist Phil Frank; it comes in beige and light gray for \$12. Steve Evans is wearing our anniversary shirt; it has no less than six colors and comes in light blue, yellow, light green, and peach (xlarge, large, & small only) for \$15. All the shirts are 100 percent double knit cotton. To order, use the form on page 8.

## DATES TO REMEMBER

**October** MONTH of DISSENT AND RESISTANCE; all groups are being asked to plan at least one action or demonstration. For more information, contact Earth Action Network, 17s11 Martin Luther King Jr. Way, Suite D, Berkeley, CA 94705, (415) 843-4306.

**October 9** DEADLINE FOR COMMENTS on the Castle Mtn. gold mine Final EIS/EIR. Send to: BLM, P.O. Box 888, Needles, CA 92363. (Article on page 6.)

**October 18** DEADLINE FOR APPEALS of the Tahoe National Forest forest plan and final EIS. For a copy of the documents or more information, contact Acting Forest Supervisor Frank Waldo, Tahoe National Forest, Hwy. 49 and Coyote St., Nevada City, CA 95959, (916) 265-4531.

**October 31** DEADLINE FOR COMMENTS for the Granite Chief Wilderness Plan. Issues to be addressed include fire management, recreation, and the allocation of forage among recreational and domestic stock and wildlife. Send to: Truckee Ranger District, P.O. Box 399, Truckee, CA 95734 or call Linda Nickon at (916) 587-3558. (Article on page 6.)

**November 20** DEADLINE FOR COMMENTS on the draft River Management Plan and EIS for the South Fork of the Eel Wild & Scenic River. For a copy or to submit comments, contact: District Manager, BLM, 555 Leslie St., Ukiah, CA 95482, (707) 462-3873. (Article on page 5.)

**Wilderness Trivia Quiz Answer:**

from page 2

The Mokelumne Wilderness in the Eldorado, Toiyabe, and Stanislaus national forests.



**California Wilderness Coalition**

### Purposes of the California Wilderness Coalition

...to promote throughout the State of California the preservation of wild lands as legally designated wilderness areas by carrying on an educational program concerning the value of wilderness and how it may best be used and preserved in the public interest, by making and encouraging scientific studies concerning wilderness, and by enlisting public interest and cooperation in protecting existing or potential wilderness areas.

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### The Wilderness Record

The *Wilderness Record* is the monthly publication of the California Wilderness Coalition. Articles may be reprinted; credit would be appreciated. Subscription is free with membership.

The *Record* welcomes letters-to-the-editor, articles, black & white photos, drawings, book reviews, poetry, etc. on California wilderness and related subjects. We reserve the right to edit all work. Please address all correspondence to:

California Wilderness Coalition  
2655 Portage Bay East, Suite 5  
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## Coalition Member Groups

### Focus: Kaweah Flyfishers

Harm to fish from stream siltation is why a group of southern Sierra anglers formed Kaweah Flyfishers. CWC's newest member group, based in Visalia, casts its energies in a number of currents. They signed the Sequoia National Forest forest plan settlement agreement, have been helping restore the habitat of the endangered Little Kern golden trout, and are working with the state on fishery management plans for the Kings River and North Fork of the Tule River. Conservation Chair Brett Matzke names road construction as the most damaging force on fisheries, followed by logging and grazing.

The group is also serious about the art of flyfishing, with some international champions in their ranks. Every year they sponsor seminars on fly-tying and casting, emphasizing the sport as a family activity by offering classes for kids.

Matzke explains that flyfishing

only differs from other fishing in the techniques used—as far as types of fish, “anything you can do fishing, you can do flyfishing.” Matzke says that many members of Kaweah Flyfishers are avid wilderness users.

For more information, contact Mickey Powell or Larry Coates at (209) 734-1151 or write to P.O. Box 3704, Visalia, CA 93278.

American Alpine Club; El Cerrito Ancient Forest Defense Fund; Ukiah Angeles Chapter, Sierra Club, Los Angeles Back Country Horsemen of CA; Springville Bay Chapter, Sierra Club; Oakland Butte Environmental Council; Chico California Alpine Club; San Francisco California Native Plant Society; Sacramento Citizens Comm. to Save Our Public Lands; Willits  
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