



# WILDERNESS RECORD

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Under the Sequoia National Forest settlement agreement logging around giant sequoia trees won't be allowed.

## Sequoia agreement signed at last

Julie McDonald wasn't sure they'd make it. After months of meetings, nerves and tempers were strained. "We fought. We even quit once or twice. But a lot of goodwill on all sides, plus mutual respect, eventually pulled us through."

McDonald, an attorney with the Sierra Club Legal Defense Fund, has signed a 160-page settlement agreement with the Sequoia National Forest over its management of forests at the southern end of the Sierra Nevada. Unprecedented in California national forests, the negotiations began in March 1988, when a coalition of environmental groups bombarded the agency with appeals of its forest plan.

"The 1988 plan was an environmental disaster," explained McDonald, who represented several environmental appellants during the negotiations. "It called for clearcutting 30 square miles in a decade, logging stream banks, cutting in Giant Sequoia groves, and razing nearly all the remaining old-growth forest outside designated wilderness."

The final agreement was also signed by the timber and grazing industries, off-road vehicle representatives, the Forest Service, and the State of California.

"In one stroke we rescued more than 100,000 acres of primarily old-growth forest," McDonald said. The

Forest Service had originally planned to log all of the roadless areas. Under the settlement, six are protected, fully or partially, for at least 10 years. The Forest Service has also agreed to recommend that Congress add the forested part of the Moses roadless area to the Golden Trout Wilderness.

Other important forest plan changes included in the settlement are to:

- Preserve all old-growth Giant Sequoia groves as "a unique national treasure" and designate the Freeman Grove as a Botanic Area for public research and enjoyment;
- Reduce the annual ceiling on the amount of logging by 23 percent, from 97 to 75 million board feet;
- Reduce clearcutting from a maximum of 2,000 to 600 acres a year, while increasing the use of uneven-aged management and more ecologically sound "new forestry" techniques;
- Establish buffers around meadows and along streams; and
- Require restoration of 50 miles of degraded streams.

While McDonald and others hail the progress the settlement makes on a variety of forest management issues, some local environmentalists are not happy with it. Two local activists left the negotiation team several months ago. Two of the original appellants, Tulare County Audubon Society and the California Sportfishing Alliance, refused to sign the final agreement, and even the Sierra Club was not unanimous on the issue. The California Wilderness Coalition withdrew its appeal and declined to sign the agreement because its member groups were split on the issue.

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## Tahoe plan guts roadless areas

The final Land and Resource Management Plan and EIS for the Tahoe National Forest was published July 20, 1990. It renews the Forest Service commitment to clearcutting and the minimization of wilderness. Outside the Granite Chief Wilderness, only the North Fork American River and Grouse Lakes roadless areas have substantial portions allocated to non-motorized recreation (48 and 90 percent, respectively) in the "Preferred Alternative." Most of the Duncan Canyon roadless area is allocated to timber production, most of the Bald Mtn.

roadless area is timber production or range, and the Castle Peak roadless area is designated for motorized recreation. The other five roadless areas similarly are opened to non-wilderness uses.

The annual "allowable sale quantity" (ASQ) of timber under the Preferred Alternative, 129 million board feet, is higher than historic levels, except for "salvage" cuts after the 1987 fires. In comparison, the "Nonmarket Alternative" would have an ASQ of 104.9 million board

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## COALITION PAGE

### Monthly Report

In order to better understand wilderness management in other parts of the country, we took a week-long backpack into the South San Juan Wilderness Area in southern Colorado. (Actually, Wendy was attending a conference in Durango, so we already were close by).

Dave Foreman first had suggested the San Juans, and a Forest Service recreation officer said if we liked solitude we'd love the area. Nobody in a backpack store in Durango had been there—they asked me to tell them how it was.

It was a great experience. Most of the week was spent above 11,000 feet on or near the Continental Divide. Thunderstorms occurred every day after noon. Wildflowers were numerous, diverse, and colorful. We watched elk, deer, coyotes, and other critters. On the most crowded day we saw only two other parties. Fishing was great.

The trails on the west side of the wilderness were long, steep, and little used. In places, the Continental Divide Trail was hard to find. Aside from some trash, there was not much evidence of use.

The east side trails were much different. Since there are more lakes and access is easier, most visitors frequent these trails. There was a lot of horse use on several trails; the trail up El Rito Azul was a mud wallow up to 25 feet wide.

We beat the sheep and cows to the meadows, but there was evidence of heavy grazing. Along the wilderness boundaries the Forest Service was busy logging the little twigs that pass for trees in this

land. And they were pushing a controversial ski area in roadless lands that should be part of the South San Juan Wilderness Area.

So things are no different in Colorado.

As there is a leash requirement for pets in the wilderness areas in this Forest Service Region, Inyo carried his in his backpack. I'm not about to let him go chasing wildlife—not because he might lose his dog food, but because he also carries the bourbon and brandy in his pack.

The greatest excitement happened *after* the trip. We got back to the truck in the daily thunderstorm and started down the steep muddy road. No brakes. Uh oh. It seems some animal (that probably read *EcoDefense*) had taken a liking to the brake line.

With judicious use of the gears we drove down the mountain to Pagosa Springs. There we learned that replacement parts for a 1989 Mazda truck are not common. Ultimately we had to go to Farmington, New Mexico, where they had the needed part shipped in from Irvine. But we were able to make a side trip to Chaco Canyon, where there is an incredible array of Anasazi ruins, and get the truck repaired with a minimum of hassle.

There are still some short trips scheduled this summer. I will spend three days with the Forest Service in the Emigrant Wilderness looking at wilderness management problems. The Coalition plans to have its August Board of Directors meeting in the Mt. Shasta Wilderness, and an annual trip with my neighbors is set for the Caribou.

This is turning out to be a great summer!

By Jim Eaton

### Wilderness primer, part V:

## Water rights

When an area is designated as wilderness, the rivers and streams that flow through or from it may not enjoy the same protections.

The 1964 Wilderness Act says that only the President can permit water development, such as reservoirs and hydroelectric power plants, in wilderness areas. Although no president has exercised this provision of the law, the law does not necessarily guarantee wilderness areas a legal right to their water. There is danger that flows may be diverted upstream, so that they never reach the wilderness.

This is exactly what happened above the Pit River Wilderness Study Area in California's Modoc County. The Bureau of Land Management issued a right-of-way permit for a dam, reservoir, and powerhouse to an Idaho hydroelectric power developer, even though the agency itself had recommended the area for wilderness. The Federal Energy Regulatory Commission only required that a minimum flow of 50 cubic feet per second be left in the river for fish; 700 cfs were to be diverted.

Battles over upstream diversions are taking place in other states, as well, and federal courts have been asked to rule on whether Congress intended wilderness designation to include a "reserved right" for water. In 1979 the legal arm of the Interior Department ruled that Congress did intend for wilderness streams to remain free-flowing, and in 1985 a Colorado federal judge wrote that "water is the lifeblood of the wilderness areas."

However, in 1988 the Reagan's Secretary of the Interior Donald Hodel reversed the Department's recognition of wilderness water rights, and Attorney General Edwin Meese refused to represent such a federal right in court.

Spelling out water rights in the legislation establishing wilderness may be the clearest way to ensure such rights, although it may not be easy. Recent debates over wilderness legislation have almost always been complicated by disagreements over water rights language, and bills for wilderness in Colorado, Idaho, and Montana have been stalled over the issue.

### About our mail...

No, we haven't moved. And we would like to thank our members who called or wrote us to let us know our renewal envelopes were being returned, stamped "insufficient address." With Jennifer, our regular mail carrier, on vacation, a substitute had decided she couldn't find us in our eight-room building without a suite number. The Postmaster has personally assured us this will not happen again.

While on the subject of mail, please remember that we stretch your dollars by using bulk mail whenever possible. Please let us know of your new address when you move.

In response to your special fundraising appeal, I would like to point out an area of special concern to me: the King Range recreation area on the northern California coast. There are very few areas on the coast that are not bisected by Highway 1 or other roads. I would like to ensure this area is set aside, if possible as a wilderness area, or at least preserved by the BLM in a pristine state without motor vehicles, as are presently permitted.

I appreciate your strong efforts and I hope to be a bigger supporter in the near future.

Sincerely,  
John Norrena  
San Luis Obispo, California

## Letters

### Greetings from Bucharest

Gentlemen,

I am a 36 year old English and Geography teacher.

Since the national uprising ousted the Communist Party and abolished the dictatorship in December 1989, life has changed in many ways in Romania...We are free to gather among foreigners, free to talk to them. In the past, such behavior would be reported to the omnipresent secret police of Nicolae Ceausescu, the executed president. Now we can get in touch with other foreign people. We are free to write to them, to know them better.

January of 1990 has marked the beginning, however precarious, of the real democracy in our country...

A few days ago, thanks to the American library in Bucharest that I was not allowed to visit in the past, I learned about your *Wilderness Record* magazine. I am very fond of nature and I have recently joined the newly created Association for the Environment Conservation in Romania.

Gentlemen, I would be very happy to read your publication. Unfortunately since the new government has inherited a disastrous financial situation from the ex-president, it is unlikely we receive any foreign currency up to mid-1991.

In such circumstances I ask you, from the bottom of my heart, to enroll me on your subscribers' list for your publication, on a complimentary basis, during 1990. Should it not be possible, please send me one issue at least or those issues which are already out of print..I wish you saw my request as an historic record, and find it necessary to make an exception.

I would much appreciate your reaction hereto and I remain, Gentlemen,

Faithfully yours,  
Dan Pöpa, Interpreter  
Bucharest, Romania

### Good pictures turn it around

To all the people who put together or make the *Wilderness Record*,  
Ya need good pictures—take a good look at *Forest Voice*,  
Native Forest Council, Eugene, Oregon. To share the dream  
ya got to look at the whole picture and not try and hide behind  
wilderness boundaries.

— Photos —  
We are being framed  
Turn it around  
*Iris*

Editor's note: There are two main reasons that the *Wilderness Record* usually includes pretty photos, rather than photos of clearcuts and other destruction. First, since the CWC's primary objective is preserving wilderness, most of our articles focus on places that are still pristine. Second; almost all of our photos are donated by our members, who seem to prefer to try to capture scenes of beauty.

The shots of clearcuts used in *Forest Voice* (most of which were taken in Oregon, I believe) are indeed powerful. I also agree with you that ecosystems outside wilderness and roadless area boundaries deserve care and respect. However, in a world of many issues, the CWC focuses its limited energy and resources on those pertaining to wilderness.

### Long live the King Range

CWC:

I enjoy being a member of CWC and I admire the work you do without sending numerous and obtrusive fundraising letters every month. I regret that I cannot donate more than I have.

## Roadless Areas

# CWC seeks changes in plans for Modoc RAs

By Jim Eaton

The Modoc National Forest is asking for public comments on its environmental impact statement (EIS) for management of the Mt. Vida Planning Area near the Oregon and Nevada borders. Portions of three roadless areas are included.

Apparently the Modoc has not gotten the word that forest management is changing throughout the country. They are proposing to log lands using clearcutting and other even-aged logging methods. They propose logging on slopes with greater than forty percent grade and on sensitive soils. In four timber sales conducted in the past, apparently no stands were regenerated following the logging.

Although the demand for firewood exceeds the supply, resulting in the removal of nearly all dead lodgepole pines and the killing of live trees, the Forest Service proposes to continue or increase the cutting of firewood on its lands. In addition, even though the 90 head of cattle currently using the area concentrate on the sensitive riparian (streamside) areas, all but one of the alternatives will allow this to continue.

The three roadless areas were "released" from further wilderness review by the California Wilderness Act of 1984.

The Mt. Vida roadless area ranges in elevation from 5,200 feet to 8,200 feet at the summit of Mt. Vida. It contains suitable habitat for bald eagles, goshawk, prairie falcon, and peregrine falcon.

East of Mt. Vida, the Mt. Bidwell roadless area is mountainous and extremely steep, reaching 8,290 feet on top of Mt. Bidwell. Vegetation consists of lodgepole pine and mixed conifer species at higher elevations, with mountain mahogany, aspen, and willows lower in the area.

Ninety percent of the Crane Mountain roadless area is in Oregon. The California portion ranges in elevation from 5,000 to 7,000 feet and contains mixed conifer species, white fir, juniper, lodgepole pine, and mountain

mahogany.

The Forest Service prepared five management alternatives (in addition to the "no action" alternative). A preferred alternative was not identified, but since the action alternatives all allow logging and do little to reduce firewood cutting or grazing, there are few major differences among them.

Although Alternative 2 ostensibly "enhances recreation opportunities and roadless character," the California Wilderness Coalition is supporting Alternative 4 ("concerned with impacts to soil and water resources")



The Mount Vida area

with modifications:

- There should be no logging anywhere in the planning unit.
- No firewood cutting should be allowed in roadless areas.
- No herbicides or strychnine should be used for vegetation or animal eradication.

With those changes, Alternative 4 prohibits firewood cutting in sensitive areas, prohibits grazing in riparian zones, designates the three roadless areas as "semi-primitive, non motorized" areas, and protects old-growth forests.

The unanswered question is why the Modoc National Forest is racing to complete this environmental impact statement before the final Modoc forest plan is released. A clue can be found under the "purpose and need" section: "The Forest Service has federal responsibility for national leadership in forestry."

## BLM ignores overwhelming support for Eel River WSA

Last winter the Bureau of Land Management (BLM) identified roadless lands along the South Fork of the Eel River as a potential Wilderness Study Area (WSA). They asked the public for comment on their review.

One hundred and one comments were received by BLM. Of that total, 99 letters supported WSA designation or wilderness designation for the area.

After carefully reviewing this overwhelming support for wilderness classification of the South Fork of the Eel, BLM reported "the Bureau has determined that the area does not qualify for wilderness study."

In response to this decision, the Sierra Club Legal Defense Fund, on behalf of the California Wilderness Coalition and other organizations, has filed an administrative appeal to require BLM to conduct a wilderness study of these lands.

## Legislation

# Wilson's new Los Padres bill attacks Wilderness Act

By Sally M. Reid

"Considerably improved" legislation has just been introduced by Senator Pete Wilson, to join the cluster of Los Padres wild rivers and wilderness bills lying fallow in the Senate Public Lands subcommittee. "Improved" apparently means improved over his legislation, introduced in March 1989, which matched the House legislation introduced by Rep. Robert Lagomarsino. What it does not mean is improved protection.

For Wilson, apparently, picking over the House-passed legislation, adding little and subtracting more is the way to make a big show of environmental concern.

This kind of definition of "improved" is typical of the Wilson wilderness record. He "improved" the California Wilderness Act of 1984 by deleting 600,000 acres from Cranston's 2.4 million bill, thereby forcing a compromise at 1.8 million. Southern California lost heavily in that compromise—even losing three wilderness areas recommended by the Forest Service.

Jostled only slightly by Wilson's new bill, the other bills in the Senate Public Lands Subcommittee have accommodated the disappointing newcomer. Bristling with power and determination is Senator Alan Cranston's S. 1625, calling for over 540,000 acres in seven Wilderness Areas and designation of eight Wild and Scenic rivers. H.R. 1473 (Lagomarsino) would protect parts (but not all) of six of the seven rivers that were slated to be studied for Wild and Scenic status by the Forest Service in the settlement of conservationists' rivers appeal. Wilson's original S. 637 has faded out of view down at the bottom of the pile, superseded by the somewhat fatter but still lean S. 2784.

The Wilson legislation fails to protect adequately the forest in a number of areas, including inadequate acreage for the Sespe, Garcia, Chumash (Pinos-Badlands), San Rafael, and Ventana areas. It recommends no wilderness for Silver Peak and leaves two dam sites on Sespe Creek unprotected (although it adds eight miles up the river from the upper dam site to the FS study settlement). It reduces the wilderness acres in the House bill by 10,000

acres—8,000 acres from the San Rafael addition and 2,000 acres from the already inadequate Sespe.

## WILDERNESS ACT UNDERMINED

In addition, there are five language provisions in Wilson's bill that would directly undermine the 1964 Wilderness Act:

1) for fire and insect suppression, the Forest Service would have much broader discretion for what methods to use than the already broad discretion allowed by the Wilderness Act;

2) the same expansion of agency discretion would be provided for management of the Condor Sanctuary. Both of these provisions would, in effect, be telling the Forest Service to ignore the Wilderness Act for those activities;

3) new leasing and slant drilling for oil and gas under the Sespe Wilderness would be allowed, directly opposed to the closure of new mineral leasing as mandated in 1984 by the California Wilderness Act;

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## Ancient Forests

### Old-growth habitat hot spots

# Logging to continue, despite owl listing

## Grider Creek

Now you see it, soon you won't, if the Forest Service has its way. Although an interagency scientific committee, known as the Jack Ward Thomas committee, included the entire Grider Creek watershed in a spotted owl habitat conservation area (HCA), plans to log fire-damaged trees remain.

In relation to timber sales in HCAs, the report guidelines say that the agency should "substitute sales outside the HCAs for any currently planned but unsold timber sales for FY90 [fiscal year 1990]. If substitution is not an option...[sale units must be] more than 1/2 mile from the center of activity of a known pair. Modify sales or sale units that are within 1/2 mile of pairs." The Forest Service has said that for 1990 it will respect the Thomas report's recommendations.

However, although the sales in the Grider roadless area are not sold, the Forest Service has chosen to invoke the "if substitution is not an option" loophole. According to Bill Van Vleit, Planning Forester with the Klamath National Forest's Oak Knoll Ranger District, this loophole was used because there was no other burned timber outside an HCA to be substituted. Areas within a half mile of the six known owl pairs will be excluded from the sale. Van Vleit said that three of the sales will be finalized quickly, since a bidder has already been chosen.

As of this printing, an appeals court decision is expected that may halt the logging.



by Dennis Renault, Sacramento Bee

## More Klamath salvage plans

The Klamath National Forest also has released final environmental impact statements for two major salvage timber sales within an owl HCA.

HCA C-8, located between the Klamath River and the middle of the Marble Mountains Wilderness area, was described by a blue-ribbon panel of scientists as having an estimated 30 pairs of spotted owls, more than any other HCA in the state.

Of 98 HCAs identified on public lands in California, only 15 are believed to contain 15 or more pairs of owls. All the rest have fewer than five pairs.

The scientists believe HCAs should sustain 20 pairs of owls, but only six in the state are believed to qualify.

Both of the proposed timber sales are between the wilderness boundary and the Klamath River, where previous logging has affected the watershed. The King-Titus FEIS proposes logging 29 million board feet of timber and the Black Panther FEIS proposes cutting seven million.

The Forest Service is using its emergency rules to exempt these sales from appeal, which means that sale opponents will have no recourse short of federal court.

Reprinted from the July 1990 Econews, newsletter of the Northcoast Environmental Center.

## Smith River bill would add G-O Road to wilderness

California Congressman Doug Bosco, not known for his environmental tendencies, has introduced the Smith Wild River Recreation Area Act, H.R. 4309, which Friends of the River Conservation Director and CWC President Steve Evans describes as "an incredibly good bill."

### The bill:

- Closes up a corridor through the Siskiyou Wilderness by adding to it the G-O (Gasquet-Orleans) Road;
- Adds four creeks to the National Smith River Wild and Scenic River System and upgrades the wild and scenic classifications of 30 others, protecting them from future dams, logging, mining, and road-building damage;
- Prevents large-scale surface mining in the Smith River watershed;
- Improves and rehabilitates anadromous and native fisheries in the Smith River watershed;
- Protects wild and scenic river segments with no-entry corridors extending to 1/2-mile on rivers classified as wild and scenic. On recreational rivers in logging zones, this no-entry corridor will extend for a minimum of 300 feet from each streambank, or 100 feet from the crest of the inner gorge, whichever is greater.

The bill, introduced in March, was revised to its present form with the Smith River Alliance. At the time of this writing a hearing was scheduled before the House Subcommittee on National Parks and Public Lands.

For more information, contact Jim Owens, Conservation Co-ordinator, Smith River Alliance, 870 Market Street, Suite 859, San Francisco, CA 94102, (415) 392-8887.

## Furbearers: another spotted owl?

The cuddly looking "furbearers" may soon have a major impact on the fate of the forests where they live. National forests are beginning to recognize that these mammals that used to be trapped for their fur, including the fisher, marten, Sierra Nevada red fox, and wolverine are losing their habitat rapidly, and might be in danger of extinction. The recently-released Tahoe National Forest plan includes a commitment to develop a habitat management plan for the fisher and marten.

Both martens and fishers generally seem to prefer to live in large tracts of old-growth forests. The Tahoe plan, however (see article), assigns much of its remaining ancient forest for logging, including the Duncan Canyon roadless area. An EIS is currently being developed to study specific options for Duncan Canyon. "There's a definite inconsistency between what's in the forest plan and the EIS for Duncan Canyon," says Mike Chapel, Forest Biologist. Chapel, says the EIS, due in September, will include alternatives that emphasize preserving furbearer habitat.

Chapel believes the fisher and pine marten habitat plan will have a big effect of the forest plan. "I think it will certainly modify a lot of [timber] sales," he said.

### FISHER PETITION

Twelve groups from California, Oregon, and Washington filed a petition with the U.S. Fish and

Wildlife Service (F&WS) to list the fisher as endangered in these states. Found only in North America, the fisher is already extinct throughout large portions of its former range in the eastern U.S.

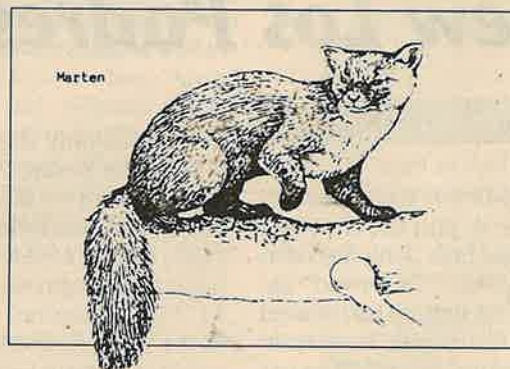
The Forest Service suggests a range size of 6,000 acres per pair of "optimal" habitat, 9,600 acres of suitable habitat, and 10,800 acres of marginal habitat for the fisher. Optimal habitat is dense, multi-storied mature and old-growth coniferous forest with large numbers of snags and downed logs and low road

densities. Data on the extent of fisher habitat on national forests indicates that areas large enough to support fisher populations are rare.

Home range for wolverines, which have been spotted in the Tahoe National Forest, are much larger, according to Chapel, by a factor of ten or more. Plans to preserve this

much habitat for the wolverine are not deemed feasible.

The F&WS has 90 days to decide whether the fisher petition is valid, and a year to decide on a listing. They have exceeded this time limit in the past, however, when an animal's listing could have broad ramifications for a politically influential industry, as with old-growth forest-dependent animals like the fisher.



## Wilderness Management

# 600 mining claims threaten Kelso Dunes

By Vicky Hoover

The Kelso Dunes, third highest dune system in the Western Hemisphere, may soon be devastated by a mammoth mining operation. A mining operator has filed with the Bureau of Land Management (BLM) a Plan of Operations to pursue his 600 mining claims in the famed dunes.

Sand mining? What is so valuable about sand that can justify such exploitation of a portion of a National Scenic Area that also has been designated an Outstanding Natural Area and a Wilderness Study Area?

Art Parker is a long-time desert dweller who owns more than 600 separate mineral claims in the Kelso Dunes.

ingly of finds of "platinum group metals," although there is no history of these minerals being found in the California Desert.

Parker's proposed expansion—which would cover nearly 45 square miles, virtually the entire Kelso Dunes system—finally prodded BLM to tell Parker that he could not continue without a formal Plan of Operations (POO), which had never been filed. Therefore, Parker recently filed a POO covering his current facilities only. Concerned about the impacts of such a mammoth expansion, BLM decided to conduct a thorough validity examination before considering the POO. Such a validity exam would

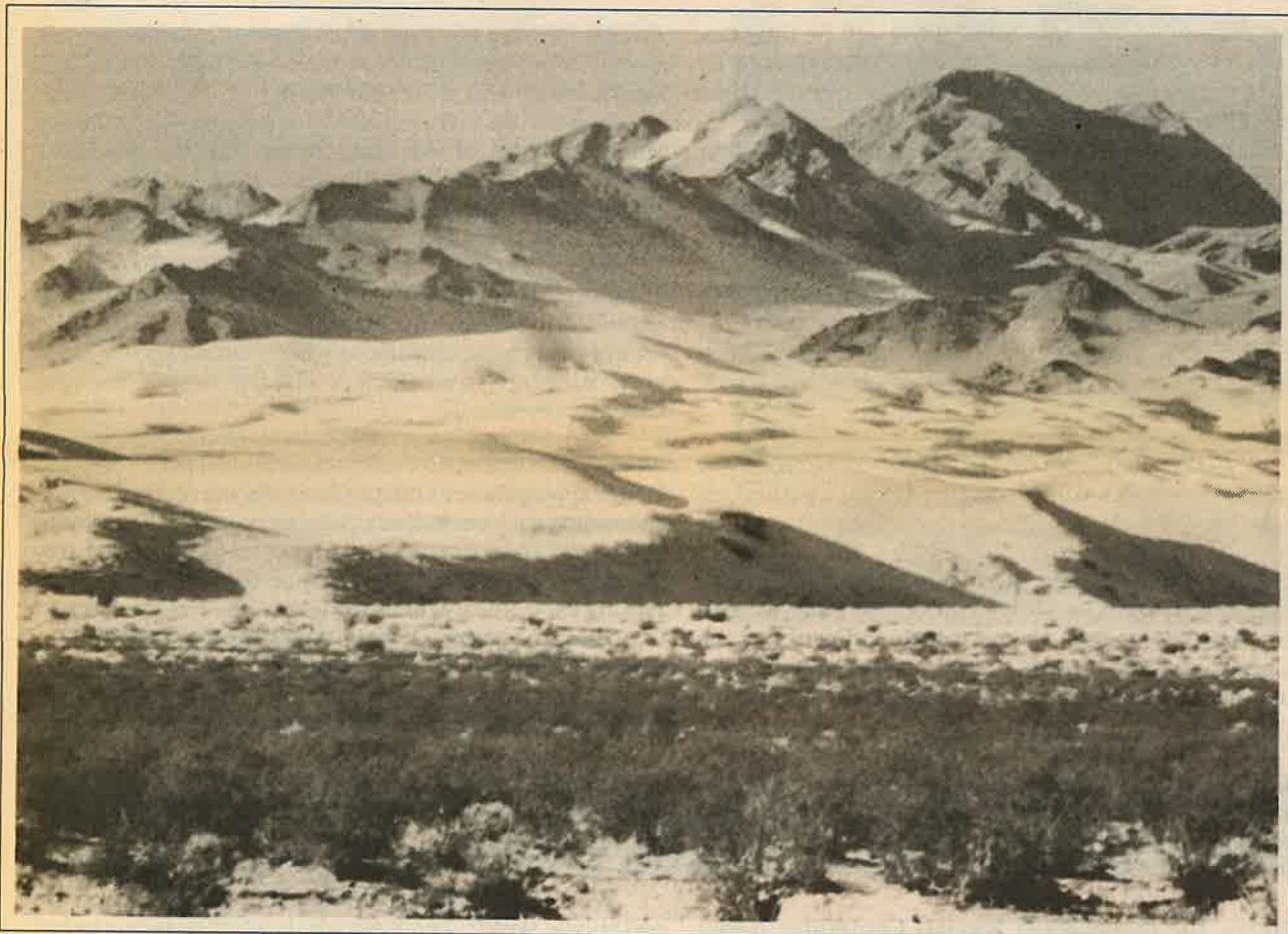
future mining. In addition, the EA failed to explain why no POO was ever filed during the previous 23 years of operation of Parker's mining claim.

According to Parker, his magnetite mill just southwest of the main Kelso Dunes area has processed more than 9,000 tons of sand over the past 23 years, separating some 100 tons of magnetite from the sand. The dunes facility processes the sand only partially; about five percent of the sand remains until secondary processing is done after the ore has been transported to Twenty-Nine Palms.

Peter Burk, president of Citizens for a Mojave National Park, emphasizes the serious nature of the threat to the "wonderful, singing Kelso Dunes, home to rare and endemic plants" by an operator who has "long been a walking environmental disaster." Says Burk, "Here's one man trying to have exclusive use of these dunes, preventing others from enjoying them. He wants to scoop up, dig up the top three feet of sand throughout the dunes! Sure, he'll then replace the sand, but he'll have destroyed the animals and plants that lived there."

The long, drawn out mining on the Kelso Dunes and the present expansion threat are yet another reason why concerned desert activists are fighting for the California Desert Protection Act. This important legislation, S. 11 and H.R. 780, now before Congress, would make the dunes part of a new Mojave National Park. Present BLM administration has not been adequate to safeguard this important Wilderness Study Area. Park designation, however, would protect irreplaceable desert treasures like the wonderful Kelso Dunes from future mining claims and other development proposals.

*Vicky Hoover is Chair of the Sierra Club's Northern Desert Task Force.*



The Kelso Dunes would become part of a new Mojave National Park with passage of the desert bill. Photo by Mike McWherter

Since the mid-1960s Parker has been extracting from sand small quantities of magnetite, an iron ore, as well as ilmenite, a titanium-based metal. His processing facility at the edge of the dunes magnetically removes magnetite from the sand. Anyone who has hiked in the Kelso Dunes has observed traces of magnetite, which is visible as lines of black sand on the crest of sand ridges.

In 1972 the BLM withdrew 11,478 acres of the Kelso Dunes from hard rock mining under the 1872 mining law. Parker asserted that his claims and operations existed before the withdrawal, and thus were to be "grandfathered" in. Since then, BLM has tacitly condoned his labors, although environmental groups such as Citizens for a Mojave National Park have regularly objected to the "junky" installations spreading through this sensitive and scenic area.

After years of relatively low-intensity activity, Parker early this year moved to significantly expand his former operation. He began searching for new investors in his company, Mineral Extractors, Inc. He advertised glow-

attempt to determine whether Parker's claims were legitimate and economically viable at specific times, i.e. when the dunes were withdrawn from mining in 1972, at the enactment of the Federal Land Policy and Management Act in 1976, and at present.

Because the exam would entail considerable field sampling of sand by a front-end loader, causing surface disturbance on the dunes, BLM prepared an Environmental Assessment (EA) for the validity examination. The comment period on the EA has just ended, and BLM expects to begin the actual examination soon. With field checks, laboratory work, and extensive documentation, the process will take several months.

While environmentalists support BLM's desire to study this potentially damaging operation extensively, their comments have pointed out several inadequate features of the EA. Reclamation for the field sampling is limited to replacing sand to hide visual impacts; BLM ignores the damaging effects on plants and animals during the digging procedures, which bodes ill for requirements on

## Sierra managers look at group size limits

Cross a boundary line on a High Sierra trek and the number of people allowed in your group can drop from 25 to 15. The number of pack animals allowed also changes (20 to unlimited) from wilderness to wilderness, leading to frustration for visitors as well as managers attempting to enforce the regulations.

Trying to relieve this chaos, the Central Sierra Interagency Wilderness Managers (CSIWM) have begun a process leading toward consistency in wilderness party size limits. With representatives from two national parks and five national forests, the group was formed in the early 1970s to deal with problems common to the 13 contiguous Sierra wilderness areas. In the past they've discussed issues such as where fires should and should not be allowed to burn and a consistent policy on the use of mechanized equipment in wilderness.

The CSIWM are seeking public comments on wilderness party size, and would like to receive them by August 11, 1990. To receive mailings on the subject, write to Yosemite or Sequoia national parks or Inyo, Sequoia, Sierra, Stanislaus, or Toiyabe national forests, asking that you be placed on the CSIWM mailing list.

The public is welcome to attend CSIWM meetings, which are held annually. The next meeting is scheduled for early November at the Inyo National Forest. For more information, contact John Ruopp, Inyo NF, 873 Main St., Bishop, CA 93514, (619) 873-5841.

# The Endangered Species Act: Past and Future

An interview with John Fitzgerald

John Fitzgerald is Counsel for Wildlife Policy for Defenders of Wildlife in Washington, D.C. He is also one of the leaders of the Endangered Species Act Reauthorization Coalition.

WR — Shortly after the northern spotted owl was listed as a threatened species on June 23, the Bush administration announced that it would seek changes in the Endangered Species Act. Do you know what sort of changes the administration plans to propose?

JF — Well, it's interesting; they made a lot of noise about that on June 26 and days following that and in attempting to confirm what their position is on that I called the White House just a couple of days before this interview and they seemed to have trouble remembering exactly what it was that they wanted to do; but so far the amendments that have been proposed include one which would, in their words, "open up" or make possible broader exemptions from the Act than are now possible.

That, we believe, is based on a misreading of the Act and the regulations promulgated to implement it, which now provide that several federal actions can be consolidated into one larger action so that the committee can consider a group of timber sales or permits or what have you in such a manner as to make it more efficient than it would otherwise be if they had to consider each sale or road-building permit one at a time. The regulations note that those actions can be consolidated. They don't need to..

Another major change they want is to eliminate judicial review of the process. They want to say that the Act will be relegated to the status of an advisory bulletin to the agencies and if the agencies care to comply, then fine, but if they don't care to comply then there's nobody who can enforce the law. We would have a right without a remedy, a promise without a penalty—we'd have no law.

That is one of the most undemocratic, nearly unconstitutional things you can think of.

WR — Does Congress often agree to change the balance of powers?

JF — Congress doesn't often, but it has consistently in this one area. For several years they've adopted riders limiting judicial review as it regards cutting of NFs because it sees these challenges on the horizon.

They began with fairly small cuts. They've now grown like topsy to include most of the old-growth forest as a potential area that would be affected by those riders. It's a flagrant abuse of the governmental process.

There's a lot of this that can be done in a way that's technically constitutional but politically, legally, and morally very very unwise.

It's hard to get hold of any particular language, but they seem to be seeking amendments to the consultation process so that you would weigh economics versus the species existence in the administrative process within the agencies, headed by people appointed by Bush who are oftentimes under tremendous pressure from the timber industries, both bad and good.

There are other changes they might like to have but at this point they're not trotting those out—at least not very broadly. What they'll probably do is cook up something that they think they can describe as relatively technical and try to ram it through very quickly, probably on the Senate Interior Appropriations bill. Hatfield and McClure may be the leading players in that effort, but supported by a number of Congressmembers from California.

They've already appointed, by the way, the shadow exemption committee... They're looking at the issue again, after the Thomas Report has already looked at it with the best science available, and I think they're preparing the package that they're going to present to the exemption



committee, which in large part I think will be the sales, very quickly after September 1st, and if that doesn't fly with the exemption committee with the speed of light they will try to get it through on a rider.

If it flies through the exemption committee with the speed of light, really there's relatively little we can do about it; we can try challenging it but they have a great deal of discretion. If they get that, and I expect they may, given the fact that President Bush will appoint—has appointed—the people on the exemption committee. We know where he stands. He doesn't like owls as much as he likes short-term timber company profits, apparently. Then it's going to be goodbye owl, basically... We will seal its fate this year.

WR — Do you believe that Congress will be willing to consider any changes, considering the Act was reauthorized just last year?

JF — It's very possible and it's important, I think, for all people to let their Congress members and Senators both know that they oppose weakening amendments to the ESA, adopted either directly or indirectly or any limit on the court's power to enforce it.

WR — The administration has also said that, under current law, it will convene a special committee and seek exemptions to the Act's protections if preserving spotted owl habitat conflicts with logging. Are exemptions to the Act's protections gained easily?

JF — The [Endangered Species] Committee hasn't granted an exemption without Congressional direction of some sort. Basically every time they've looked at a situation—which is very very infrequently—it's been found not to warrant an exemption. In fact, offhand I don't know of any project that's gone forward to the Committee and been accepted because most people, when they see what options are really available, and the committee itself has to weigh the options and alternative, they see that there really are a lot better ways...than are proposed by the project proponent.

WR — Tell us about a case where an exemption has been used.

JF — The snail darter was the case that created the exemption process. There wasn't any exemption process before that. Originally the Congress felt it self-evident that for us to intentionally destroy a species that we did not create was a stupid thing to do..

Well, when it turned out that remnants of the snail darter were at the foot of the nearly complete Tellico Dam, the Congress felt that maybe there ought to be an exemption process, at least to consider all these different options and weigh the costs and benefits of this creation, on the

one hand, from eons ago [snail darter] and this creation, on the other hand, from months ago [Tellico Dam] and decide which was more important.

They did that. They created that process—they directed the proponents of the dam, in this case the Tennessee Valley Authority, to go to the exemption committee and make their case. The did that. Well, it turned out that the exemption committee looked at the economic impacts, the costs and benefits, and decided that this project was an absolute turkey—not to denigrate that bird—and that it shouldn't be built. In fact, most people determined it wasn't going to be effective at what it claimed to be, flood control, energy, in an efficient way, regardless of the snail darter's presence...

Well, Senator Baker from Tennessee decided that that wouldn't do and so he went back up and on the Energy and Water appropriations bill put in a rider overriding the Act, overriding the committee's judgement, and saying "build it anyway." And that's what we're talking about right now except that in this case it's not just one dam, it's timber cutting for quite a while throughout the Northwest.

They've [Congress] only done this a couple times—once in 1980-81 and once just in 1988. They've done other tinkering around the edges but they haven't really blown holes right through the Act like that expect for twice. And even the second time they [Congress] thought that they were simply speeding up something through the process, they didn't think they were blowing a hole through the act.

WR — Can logging continue at present rates and the owl still be saved? The Bush administration seems to feel this is possible.

JF — The question is how long. Can it continue as usual this year until October 1st and the owl still be saved? Probably yes. But not after that. They [logging plans] have to be planned in such a way as to save the owl. The Jack Ward Thomas report, which is everybody's favorite conservation plan these days, and the best thing out there, isn't adequate for the recovery of the owl. It may save the owl—if we're very lucky—but it really wouldn't suffice for ensuring that the owl recovers and is once again a viable species on its own without federal protection.

Timber sales cannot in any way continue and the owl still be saved. As I understand it, at the rate we're going now, in ten or fifteen years the entire ancient forest will be gone except for national parks and possibly wilderness, and that's not going to save the owl.

WR — Changes to the Endangered Species Act may be considered by Congress this year to next year?

JF — That's right. The price of liberty is eternal vigilance and the price of life on Earth is more than that.

...continued

## Sequoia settlement

continued from page 1

Frank Lewis, a member of Tulare Audubon, believes the agreement allows too much clearcutting. Lewis explained that although the settlement's proponents say only 600 acres are to be clearcut, much more is relegated to "shelterwood" logging, which leaves only five to ten trees per acre.

The use of "elastic" language in many parts of the settlement was another problem. "They left themselves too many 'outs,'" Lewis said. Linda Blum, who represented Tulare Audubon at the negotiations until the last few months, cited numerous problems, including "too much discretion on the part of the Forest Service." Blum said "We felt a lack of confidence in whether the Forest Service would abide by it."

To reach their quota of cut timber, the Sequoia has ignored their own rules on stream buffer zones and violated guidelines, Blum said. She praised the settlement's roadless area provisions, but warned of their impermanence, predicting, "It's going to be a very few years before they say they have to go into these roadless areas."

The groups who signed the settlement agreed not to appeal administratively or sue over the Sequoia's forest management, except to prosecute for "breach of contract." Groups who didn't sign are not bound in any way.

Attorney Brad Welton, who represented the Save the Redwoods League at the negotiations, feels the agreement

is "a basic foundation from which we can move further in a number of areas." Welton and McDonald agree that a lot of work on the agreement lies ahead. "There's a lot to be enforced," Welton said. A furbearer habitat management plan, cumulative watershed analysis, and Sequoia grove preservation plan have yet to be developed.

"At least we've limited some of the most outrageous conduct that's taken place over the past five years."

Welton also feels mediation has an advantage over lawsuits, which is how environmentalists with disputes over other forest plans are planning to proceed. The mediation took on 25 to 30 issues and advanced them all, while courts often will address only four or five, he explains.

Environmental groups represented in the settlement were: California Native Plant Society, California Trout, Federation of Fly Fishers, Kaweah Flyfishers, Natural Resources Defense Council, Save-the-Redwoods League, Sierra Club, Southwest Council, and The Wilderness Society.



### CWC T-Shirts!

The animal design that Fred (right) is wearing is by Bay Area cartoonist Phil Frank; it comes in beige and light gray for \$12. Bill (left) is wearing our official conference shirt; it has no less than six colors and comes in yellow, light green (small only), 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. Please add \$1.50 postage and 75 cents for each additional shirt.

## Tahoe forest plan

continued from page 1

feet. This alternative would allow the roadless areas plus Lafayette Ridge to remain unroaded.

The Forest Service continues to believe that clearcutting "minimizes watershed impacts by concentrating timber harvest on a smaller number of acres...assures regeneration...minimizes damage to residual timber stands...minimizes the risk of damage from insects and diseases through stocking control." [Record of Decision].

The good news in the plan is the recommendation of portions of the South and Middle Yuba rivers for Wild and Scenic status. The North Yuba, however, is slated for "recreational development." Steve Evans of Friends of the River (FOR) called the agency's failure to even study the North Fork for eligibility a "vast disappointment." He said FOR probably will appeal the plan.

October 18 is the deadline for appealing the Tahoe forest plan and EIS. See Calendar above for address.

# CALENDAR

**August 27 DEADLINE FOR COMMENTS** on the Mount Vida area draft EIS. Send to: District Ranger, Warner Mtn. Ranger District, P.O. Box 220, Cedarville, CA 96104. For a copy or for more information, contact Douglas Schultz, Project Co-ordinator at (916) 279-6116. (Article on page 3.)

**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. (Article on pages 1 & 7.)

## Los Padres bill

continued from page 3

4) 50 acres of the long-established Ventana Wilderness would be flooded with the raising of a dam; and

5) finally, standing alone as possibly the greatest anti-wilderness provision of all, is adding two new off-road vehicle trails (to compensate for two that will be closed), one of which will bisect the new Chumash Wilderness and be visible and audible from the outstanding Pinos-Cerro Noroeste Ridge (six miles long, over 8250 feet). The trails would be left open until two new trails are completed, even after the area is designated wilderness!

Each of these five provisions would violate the most basic tenets of the Wilderness Act. All but the last are included in the House-passed bill, and not one of them is included in S. 1625 (Cranston).

These provisions are similar to many recent attempts in Congress to weaken the Wilderness Act. Though often seemingly innocuous, language such as this holds grave dangers for future protection of wilderness.

Summer is slipping into Fall, and Congress is readying for adjournment for the November elections. Every day the likelihood of a Senate hearing, mark-up, and conference with the House grows slimmer. Introduction of Wilson's S. 2784 at least takes away that part of the unknown—now all we have to do is pull the legislation up to within shouting distance of Senator Cranston's bill.

*Sally Reid, a former Vice President and Director of the National Sierra Club, is co-ordinator of the Condor Range and Rivers proposal.*



**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:

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## Coalition Member Groups

### Focus: Tulare County Audubon Society

A dizzying list of projects and a diverse group of people have kept the Tulare County Audubon Society busy since the group was formed in the early 1970s by Lee Wilson, a priest with the Episcopal Church. Wilson, jokingly referred to as the father of the group, heads up the Audubon Adventures educational program, which is used in 40 elementary school classrooms throughout the county.

A short list of past Tulare Audubon projects includes involvement in the successful campaigns for the Golden Trout Wilderness, Kern Wild and Scenic River, the transfer of the Mineral King Valley from Sequoia National Forest to Sequoia National Park, and opposing the Peppermint ski resort proposal.

They commented on the draft Sequoia National Forest plan, are now working for the California Desert Protection Act, and have adopted the

Pixley Wildlife Refuge.

From September to June the groups holds monthly programs, meetings, and field trips. For more information, contact Tulare County Audubon Society, P.O. Box 4402, 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 Committee to Save Our Public Lands; Willits  
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