



# WILDERNESS RECORD

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The Rincon Roadless Area, a fitting addition to the Golden Trout Wilderness, would be riven in two by a motorcycle trail under a new plan for the Sequoia National Forest. Photo by Bob Barnes

## CWC appeals Six Rivers forest plan that neglects roadless areas

By Ryan Henson

The California Wilderness Coalition, Northcoast Environmental Center, South Fork Mountain Defense, and six other conservation groups filed an appeal of the Six Rivers National Forest land and resource management plan in September. The appellants primarily objected to the plan's failure to protect several critically important wild areas in the southern Six Rivers.

A forest plan, like a municipality's general plan, allocates the various parts of the forest to an array of uses. Conservationists contend that the Forest Service should have zoned all of the remaining pristine portions of the Six Rivers National Forest for protection and allowed logging and other development only in areas that already have been disturbed.

Though more roadless land and ancient forest will be preserved under this plan than in any other national forest in California (see August 1995 *WR*), the Six Rivers plan fails to protect most of the southern part of the forest. Logging will be curtailed in only a small portion of the North Fork Eel River watershed even though President Clinton's Northwest Forest Plan (Option 9) designated the North Fork Eel River a "key watershed" in recognition of its ecological value and sensitivity to disturbance. The watershed is of

particular concern because it has a summer steelhead run that fisheries scientists believe is "at critical risk of extinction."

Unfortunately, it appears that the Forest Service could see its way to protecting only the northern reaches of the Six Rivers National Forest, which follows the coast range from the Yolla Bolly-Middle Eel Wilderness 50 miles west of Red Bluff all the way to the Oregon border. Not coincidentally, the northern part of the forest is nearer to Arcata, Eureka, and other population centers and is traversed by several major roads. This visibility makes it more difficult for the Forest Service to hide clearcuts, new roads, and other disturbances. For decades the agency has battled local conservationists over the management of the Smith River watershed and other important natural areas in the north. That the Six Rivers plan reflects a change in policy for the northern part of the forest is an unparalleled victory for the Northcoast Environmental Center, the Sierra Club Redwood Chapter, and other groups that have fought hard to preserve the region.

Now conservationists have turned their attention to the south, where few people visit and few activists live (two at last count). To correct the plan's regional disparity, the appellants are demanding that more roadless areas

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## New trail plan puts ORVs in Sequoia roadless areas

By Paul Spitzer

Five southern Sierra roadless areas are in jeopardy from a new Forest Service initiative that would lace them with trails for off-road vehicles (ORVs). The draft Sequoia National Forest Trail Plan proposes to build 250 miles of new trails for motorized vehicles throughout the Sequoia National Forest. Included are trails in the Rincon, Chico, Greenhorn Creek, Mill Creek, and Oat Mountain roadless areas, trails that threaten the future of these pristine areas.

These roadless areas on the west slope of the Sierra Nevada contain blue oak woodland, oak savannah, and low-elevation chaparral habitats that, unlike the High Sierra, have not been protected as wilderness. Low-elevation Sierran preserves are exceptionally rare, leaving entire ecosystems without any form of protection. Because of its size and location, the Sequoia National Forest contains a huge diversity of plant and animal life. Over 2,000 species of plants can be found there, one-fourth of all the plant species in the state. The forest also is home to five imperilled species, including the Western pond turtle, Sierra Nevada red fox, and California spotted owl.

The trail plan jeopardizes not only these species but the habitats on which they depend. The proposed ORV trails will do more than cause physical damage to pristine areas—they threaten the long-term preservation of areas that will no longer be considered candidates for wilderness designation if they contain roads or are used for motorized recreation.

The proposed ORV trails would slice several roadless regions into wedges too small to be conserved practically as wilderness areas. The Rincon Roadless Area, which borders the Golden Trout Wilderness and would make a fine addition to that popular wilderness area, will be bisected by a new motorcycle trail. A network of trails will

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...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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## Coalition news

### Monthly Report

G'day mates! Wendy and I went on walkabout in October, spending three weeks down under.

I'd always wanted to visit Australia, and our impetus came when Davisites Val Connor and Kevin Rice took up temporary residence in Townsville. In addition to seeing them, we planned a week each in the Northern Territory and Tasmania.

We had a grand time. Australians are incredibly friendly, and they really do say "g'day," "good on yer, mate," and particularly "no worries!" Oncoming drivers in the outback wave to you, and most folks we met went out of their way to be helpful.

Val and Kevin took us to local eucalyptus dry forests and a rainforest, where we met kangaroos, wallabies, goannas (yard-long lizards), kookaburras, and leeches. We saw koalas on Magnetic Island, and we snorkeled at the Great Barrier Reef, the world's premier underwater wilderness.

Then it was off to the desert in Alice Springs. Although it had been 40°C (104°F) before we arrived, we drove in the rain to Uluru (Ayers Rock). We did enjoy walking around that huge monadnock and in nearby Kata Tjuta, but we were not prepared for the tourist circus.

Most sightseers come for two reasons: to climb the rock and to view it at sunset. But Uluru is an especially sacred site to Aboriginal people. Ignoring signs in English, German, and Japanese pleading with visitors not to climb their sacred shrine, a continuous stream of hikers swarmed up the rock like ants on a sugar cube.

Sunset found scores of cars and dozens of tour buses disgorging their passengers into the designated viewing sites, where the silence of the desert was overwhelmed by the clicking of cameras and the reverberation of airplanes and helicopters circling Uluru to give tourists an even closer look.

So we fled to the MacDonnell range, where we bushwalked in solitude at Ormiston Gorge. We camped

near a water hole and were astounded by the variety of bird life that visited that billibong. Parrots, honeyeaters, finches, pigeons, teals, cormorants, and herons all shared the precious water, and tracks and droppings showed that mammals paid nocturnal visits as well.

From there it was off to Tasmania, where we took a coastal bushwalk into the wilderness at Freycinet National Park. We saw rays, red-necked wallabies, pied oyster catchers, flame robins, yellow-tailed black cockatoos, and a sea eagle. This was one of the tougher backpacks we've done; the "track" (as trails are called) lived up to its name, being barely a tread through the bush and little more than a steep creek bed over the mountains.

Since our stay was limited, we managed only short hikes in other Tasmanian national parks: Douglas-Apsley, Mt. Field, and Cradle Mountain. If we ever return, we have several backpacks planned for these spectacular wild places.

The stars were phenomenal. I achieved my lifelong goal of seeing the Southern Cross, but there were many other constellations new to me, including Grus, Tucana, Chamaeleon, Phoenix, and Volans. Our favorite sight was Scorpius with its stinger high in the sky, and Musca the fly reminded us by night of our daytime tormentors. In the clear air we could see globular clusters, galaxies like the Magellanic clouds, and the Lagoon and Trifid nebulae.

There were other adventures too, like the fruit-sniffing beagle that caught Wendy inadvertently smuggling in an apple at the Sydney airport. Or the oldies radio from hell, the Tassie station with a tape of rock songs that repeated so often you felt trapped in a *Groundhog Day* time warp, destined to relive each hour.

But the Australian wilderness was unparalleled. I feel privileged to have visited these world heritage sites, and I highly recommend the long journey down under.

**By Jim Eaton**

### Have scissors, will help

Some of you (and you know who you are) are doing it already. Some of you have never dreamed of doing it, even in the privacy of your own homes. The time has come. We want you to do it. We implore you.

Send us clippings (it was bound to be anticlimactic). The CWC office gets most mainstream environmental publications and newsletters galore, but we don't get the *Los Angeles Times*. Or the *San Jose Mercury-News*. Or most of the state's other regional and local newspapers that sometimes cover wilderness.

So we're asking you, our readers and members, to fill the gap by sending us wilderness- or wildlands-related clippings. You can, of course, just start sending them, but we really don't need 20 people to send us that great desert article from the *LA Times*. So if you read a paper with a large circulation and want to help, please let us know so we can dissuade other folks from wasting their time and postage stamps. If you read the *Feather River Bulletin*, on the other hand, you can pretty well assume we need your help. (The CWC staff and its relatives, between us, already have the *Sacramento Bee*, the *San Francisco Chronicle*, and the *New York Times* covered.)

Send clippings to the CWC at 2655 Portage Bay East, Suite 5, Davis, CA 95616. A plain brown wrapper is optional. Thanks.

### A new address

Our address for electronic mail has changed, for what we hope is the last time. E-mail for the Coalition should be sent to: cwc@wheel.dcn.davis.ca.us

### A new friend

The California Wilderness Coalition's newest member group is Friends of the Garcia, or FROG. The acronym is appropriate since the Garcia in question is a river, specifically the Mendocino County river that drains into the Pacific at Point Arena.

The Friends of the Garcia concentrate on protecting the watershed from gravel mining and logging. They also hold an annual regatta, a usually peaceful float trip that ensures the public's right to gain access to the river. If you don't mind the odd bullet, it's a fine trip.

For more information about the indomitable FROG, write to Friends of the Garcia at P. O. Box 916, Point Arena, CA 95468 or call (707) 882-3086.

### And a new look

No, we haven't hired a designer or acquired taste in our travels to foreign parts. The arrangement of this page was changed to comply with new Postal Service regulations.

### Wilderness Trivia Question

Which California wilderness areas are also United Nations world heritage sites?

Answer on page 7

## Wilderness perspectives

# In the company of vultures

## A bird's-eye view of the Mendocino National Forest

By Ryan Henson

My first memory of the Mendocino National Forest is of sitting next to a big orange tree. My hands were smeared with sap, and so was my nose. Even at the tender age of four I just couldn't get enough of the sweet, pineapple scent of ponderosa pine. My clothes were rust-colored from rolling in the iron-rich dirt, and I had blood on my legs from crawling through ceonothus. What more could a kid ask for? I was happy.

All my life I have been devoted to the dry, dusty, brushy land that is the Mendocino. I have scrambled up its steep, usually trackless slopes, explored its old-growth forests, swum in its streams and rivers, sat thinking in its glades for hours on end. The forest has been teacher, parent, and friend.

While visiting the Mendocino, I have gotten six flat tires on its rugged logging roads, had a sugar pine cone fall on my head, hiked miles from one dry

creek to another fruitlessly looking for water, lost four teeth in a fall, and broken a knuckle, but I keep coming back for more. After 20 years of exploring, I am still finding places on the map I haven't heard of, still feeling the irresistible urge to make pilgrimages into this mysterious, lonely, and strangely silent land.

Recently, my image of the forest was changed forever. After years of avoiding the inevitable, I finally consented

**Visiting the Mendocino, I have gotten six flat tires, had a sugar pine cone fall on my head, hiked miles from one dry creek to another fruitlessly looking for water, lost four teeth in a fall, and broken a knuckle, but I keep coming back for more.**

to fly in a small plane over my favorite forest. Piloted by Bill Pinkus, an intrepid pilot for Project Lighthawk, a group of volunteer pilots who help environmental groups monitor forest destruction, our Cessna left Willows airport and headed west toward the Mendocino on a clear, gorgeous day.

Nothing robs nature of its mystery more than technology. The rugged Snow Mountain Wilderness passed swiftly on our left like an afterthought. Sitting comfortably in the back of the plane, I could see from one end of the forest to the other with a lazy glance. By contrast, on the ground, even from the highest peak in the forest (South Yolla Bolly Mountain at 8,092 feet)

you only can see three ridges away. Canyons I've scrambled through for days on end lost all of their intimidating steepness as we roared over them. Goat Mountain, Hull Mountain, Mount Sanhedrin, and the other peaks I've climbed became mere humps. To my dismay, it took us only two hours to circle the nearly million-acre forest twice. In that time, we even took a brief detour over the neighboring Six Rivers National Forest.

Some things, happily, are as beautiful from the air as they are on the ground—perhaps even more so. Ancient forests, tucked away in isolated canyons and on roadless ridgetops, rose to greet my eyes like spires on a cathedral. The turquoise waters of the Eel River shimmered below us. Oaks burned orange and yellow with their fall colors. Roadless areas and wilderness areas stood out in sharp contrast to the disturbed lands around them.

I laughed out loud when we circled over a flock of vultures. After years of being mistaken for carrion, it was nice to turn the tables on the old birds.

Some things, as I had feared, looked worse from my new vantage point. In every direction I saw roads, clearcuts, and other signs of destruction. The clearcuts in particular stood out because, even after many years, they are still largely treeless. Roads showed starkly as barren swaths slicing through green carpets of chaparral, oak woodlands, and old-growth forest. Grazing damage was evident in countless riparian areas. More than ever before, I realized that my beloved forest is under siege.

The implications took a while to sink in. In the meantime, I was too busy chattering into my headset to Bill Pinkus and Bill Ferrell, a renowned forest ecologist, about what we were seeing below us. As the appointed tour guide for Dr. Ferrell, I suppressed my emotional response to what I was seeing and concentrated on doing my job.

Later that night I finally began to ponder all that I had seen. I asked my wife which of the two forests is the real Mendocino, the one I saw from the air or the one I know on the ground? Like any reasonable person, she said, "Both, silly."

I guess it's not that easy for me. I have always been in awe of the Mendocino. Sometimes I have been afraid of it. My relationship with the forest is not an equal one: with its deafening silence, distance from civilization, and sheer ruggedness, the forest is definitely the boss. When I enter it, it is with quiet respect.



One of the Mendocino's hidden treasures: Stony Creek waterfall, Snow Mountain Wilderness. Photo by Jim Eaton

Now, after seeing it from the air, I know that the Mendocino is actually helpless before us. We are its masters, perhaps even its executioners, and it is completely at our mercy. We can destroy it if we choose, or we can spare it and try to heal its wounds.

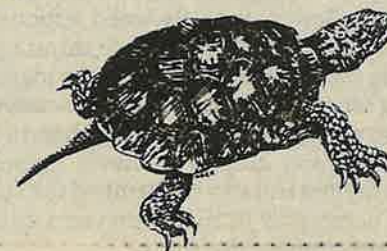
I've decided that I like the forest better from the ground. Perhaps some people like being the master of all they survey, but I prefer the mountains, the trees, and even the squirrels to look down on me from above rather than the other way around. I also like it when nature has something to hide just beyond the next ridge,

the next grove of trees, or at the bottom of a dark canyon. To discover these secrets I have to pay a price in sweat, but I am always greatly rewarded for my exertions. Peering down at the forest from the air, I felt like I was cheating the system. On the other hand, I was able to show Bill Ferrell plenty of evidence of Forest Service mismanagement, and I'm still laughing about beating the turkey vultures at their own game.

**I like it when nature has something to hide just beyond the next ridge, the next grove of trees, or at the bottom of a dark canyon.**



Oak woodlands along Mendenhall Creek, Elk Creek Roadless Area, Mendocino NF. Photo by Ryan Henson



## Ancient forests

# How Congress works (version 1995)

By Ryan Henson

I knew it couldn't be good news when our fax machine started spitting out Representative Wes Cooley's (R-OR) letterhead last week. Cooley was one of the authors of the salvage rider, a 1995 amendment that prevents activists from appealing when the Forest Service wants to log trees the agency has identified as dead or dying.

Cooley and his allies attached the amendment, which also suspended environmental laws that restricted where, how, and when salvage logging could be performed, to a larger budget bill having nothing to do with environmental law. Because the bill contained earthquake aid for California and money for education, job training, and other social programs, Cooley succeeded in forcing the president to sign the bill despite his opposition to the salvage rider.

Still smarting from that political maneuver, I dreaded lifting Cooley's fax from the machine.

### The Invitation

The fax cordially invited me to appear before the House Timber Salvage Task Force at its Redding field hearing because of my "expertise in forestry matters." Unbeknownst to me, the same fax had arrived at the offices of four other unlucky activists: Felice Pace of the Klamath Forest Alliance, Louis Blumberg of the Wilderness Society, John Buckley of the Central Sierra Environmental Resource Center, and Joseph Bower of Citizens for Better Forestry.

None of us wanted to spend a Saturday debating the vanguard of the wise-use movement in Congress. The urge to stay home grew stronger when we found out that no conservationist members of Congress were going to show up. It would be just us against them.

On the other hand, who could pass up such an opportunity?

### Into the lion's den

On a beautiful, breezy Saturday morning the five of us strode up the long steps of the Redding Convention Center. Within a few minutes, the members of the subcommittee gathered on the dais and Cooley, the chair of the subcommittee, called the meeting to order.

Representatives Helen Chenoweth (R-ID), James Longley (R-ME), George Radanovich (R-Fresno), Frank Riggs (R-Napa), and Wally Herger (R-Redding) sat before us. Riggs and Herger are particularly active in the wise-use movement, and both have talked repeatedly in the past about privatizing large tracts of publicland. Chenoweth is controversial because of her close ties to the militia and county supremacy movements (county supremacists want local control over federal lands).

The purpose of the meeting was to evaluate the Forest Service's compliance with the salvage rider. Since the rider was intended to dramatically increase the flow of logs to lumber mills, the timber industry (through its congressional supporters) means to pressure the agency to cut down our forests as quickly as possible. Just a few feet away from us, several Forest Service officials sat sheepishly awaiting their turn to testify.

### The interrogation

The first two environmentalists to testify were Felice Pace and Joseph Bower. Pace discussed responsible forest management practices, which include thinning and logging in young stands of trees, cleaning up logging debris, and avoiding sensitive areas. Pace also discussed how the timber industry, conservationists, and others in his region are finding common ground as never before. Bower echoed these themes and also condemned the salvage rider as a blow to democracy in that it prevents citizens from challenging government decisions.

The subcommittee members grilled Pace and Bower not about the substance of their testimony, but about the sources of their financial support. Chenoweth even asked for official financial statements from both Pace and Bower. The purpose, she said, was to figure out who is paying to obstruct the will of Congress. To my eyes, the purpose was intimidation. Neither Bower nor Pace was intimidated, however. They strongly condemned irresponsible logging practices and the salvage rider itself.

Pace and Bower also noted that the salvage rider undermines forest health by forcing the Forest Service to scramble to find areas to salvage log rather than encouraging the agency to use alternatives, like thinning and controlled burning, that have been proven to decrease the risk of large-scale fires while causing minimal harm to sensitive ecosystems.

Bower also asserted that fully funding President Clinton's Northwest Forest Plan (Option 9) would create more economic opportunities than would salvage logging (Option 9 has an economic component that encourages the creation of watershed restoration jobs and the retraining of unemployed mill workers). As avowed enemies of Option 9, Herger and Riggs condemned the idea. Longley demanded to see a copy of Option 9, apparently never having heard of it.

Chairman Cooley objected to Pace and Bower's claim that the salvage rider prohibits citizens from appealing salvage sales. On the contrary, he said, he and his colleagues were careful to allow appeals. He admonished us to avoid spreading mistruths about the salvage rider and promoting hysteria. He asked that in the future, we offer proof before making such claims.

Sitting in the audience, I had to smile. I had a copy of the bill in my hand, with the clause prohibiting appeals highlighted.

### My turn

Though I have testified at less formal meetings, this was my first opportunity to speak before Congress as part of an official panel of witnesses. Like my colleagues, I was preceded at the table by many people who had experienced mill closures and layoffs as a result of downturns in the timber industry.

I described how my family too had suffered from mill closures. I explained that I first got involved in the environmental movement because of the reckless clearcutting I saw growing up near the Mendocino National Forest, clearcutting that destroyed the environment and led to massive layoffs when all the trees were gone from

private lands. The company that employed my family opened a mill in Baja California soon after closing its mills in Northern California. The point of my testimony was that our public lands should not suffer the same fate. Such short-sightedness, I asserted, destroys both the land and our timber communities.

Rep. Riggs leapt to the defense of the industry. He said that the layoffs that hurt my family were acceptable because they were the result of sound business decisions. He also explained that the overcutting I described was the company's desperate attempt to keep its mills running as long as possible for the sake of its workers. He failed to explain why those layoffs were acceptable but the current round of layoffs is not. I noted that today's layoffs are less severe than the ones that occurred in the 1960s, 1970s, and 1980s, when logging in our national forests was booming.

Chenoweth attacked my assertion that salvage logging "punishes" our forests for burning. I acknowledged it was a rhetorical flourish but maintained it represents a



The ancient forests of Bonanza King Roadless Area in Shasta-Trinity National Forest are coveted for salvage logging.  
Photo by Ryan Henson

fundamental truth: Our forests need fire to stay healthy, but every time they burn, the Forest Service logs them. These forests evolved in tandem with fire, and they were doing fine before we started logging them. Herger accused me of shutting down logging in our national forests. Though he offered me grudging respect as "an earnest young man," he said that I am responsible for the agony in our timber towns. I was called an "extremist," and my contention that a consensus on forest management is emerging among the timber industry, environmentalists, and other groups was rejected. Reps. Cooley, Riggs, and Herger went on to say that environmentalists have no right to take part in public lands management at all.

Radanovich was more forgiving. He said that groups like the California Wilderness Coalition had a purpose once, but those days are over. We now have no right to influence forest management. I countered that we will continue to fight as long as our old-growth forests, roadless areas, and other wildlands are threatened.

I completed my testimony by saying that, in my experience, people are ready to stop fighting one another and that if members of Congress would spend half as much time trying to bring people together as they do trying to divide them, we could greatly reduce conflicts to the benefit of people and nature.

### Parting shots

John Buckley and Louis Blumberg sat on the fourth panel. Buckley stated flatly that there is no "forest health crisis" in the central Sierra and that the Forest Service is dealing adequately with the problems that do exist. Like the rest of us, he stressed that responsible forest health treatments should avoid sensitive areas.

Buckley was the only activist on the panel to express the belief that salvage logging can improve forest health if

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## Roadless areas

# Sequoia trail plan threatens roadless areas

continued from page 1

make Greenhorn Creek and Mill Creek roadless areas an ORV playground. In effect, these regions would be lost forever as wilderness.

### The drive to build

The trail plan was mandated seven years ago in the Sequoia forest plan, which directs how the forest will be managed for at least ten years. Among other things, the Sequoia forest plan requires land managers to maintain existing trails, relocate trails causing damage to meadows and other sensitive areas, and emphasize the construction of loop trails. The forest plan also states that "accessing new areas [i.e. roadless areas] will be lower in priority" than the above goals.

With these objectives in mind, 47 forest managers spent years developing the 200-page trail plan. A vaguely worded purpose statement declares that the forest trail system should be "compatible with the biological, physical, and cultural/social dimensions of forest ecosystems." No mention is made of the proposed trail construction. Of the 23 goals outlined by the plan's authors, only two relate to increasing trail mileage for ORV users, and many of the others pertain to conservation—protecting water quality and assuring the survival of sensitive plant and animal species, for instance.

So the question arises: If the Forest Service is not required to build so many new ORV trails, why does it plan to? Sequoia National Forest land manager Dave Baskin offered this candid response, "All the trails that we've proposed have been requested by an interested user group."

Numerous motorcycle, ORV, mountain biking, and equestrian groups were influential in the trail plan's preparation.

Groups like Team Duel Dogs and Rocks and Rats (the Earth First! of ORV users) have been working with the Forest Service to promote the construction of new trails. These groups have succeeded in convincing supportive forest managers to defy the intentions of the general forest plan and instead build countless trails into pristine areas. Amazingly, the trail plan makes no mention of how the new trails will affect roadless areas or even acknowledge that the areas exist.

Joe Fontaine, chair of the Sierra Club's Sierra Nevada ecoregion, criticized the proposal to build the additional

ORV trails. "They're talking about an awful lot of new trails. We have so many [ORV] trails already, I can't see why we need so many new ones." The Sequoia National Forest currently contains 400 miles of trails for motorized recreation.

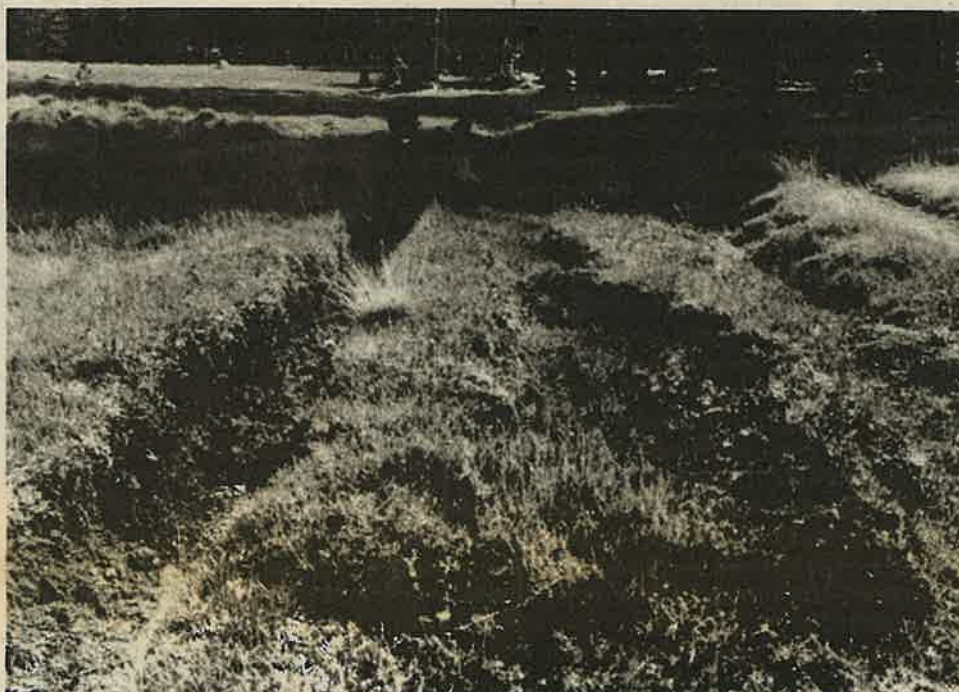
On the brighter side, the trail plan does propose several positive changes. Existing trails that degrade meadows or other critical areas will be rerouted. So will especially steep and erosive trails. And hundreds of miles of cross-country ski routes will be marked for winter recreationists. Unfortunately, the benefit from these changes is dwarfed by the potential damage the addition of ORV trails to roadless areas will wreak.

It is disappointing that land managers cannot see to it to protect the few remaining roadless areas. As values change, a trail plan can easily be rewritten. But wilderness, once lost, is gone forever. Until the Forest Service quenches its appetite for trail construction, we must continue our vigilance and defense of these pristine wildlands.

### What you can do

Write a letter by December 28 to Jim Whitfield, Forest Trail Planner, Sequoia National Forest, 900 West Grand Avenue, Porterville, CA 93257. Request that the Forest Service select alternative one for the Sequoia National Forest Trail Plan, the option that proposes the fewest miles of new ORV trails and none in roadless areas. Applaud the benefits of the trail plan, such as the rerouting of highly erosive or damaging trails. Emphasize, however, that numerous areas already exist for ORV use and that roadless areas should be kept pristine. These areas represent the last chance for wilderness.

*Paul Spitzer is the California Wilderness Coalition's conservation intern.*



The Sequoia trail plan also calls for rerouting trails that damage meadows, like this hiking trail in the Golden Trout Wilderness. Photo by Jim Eaton

## Congress comes to Redding

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conducted carefully. They called him an extremist, too.

When faced with Radanovich's argument that urbanites should have no say in national forest management, both Buckley and Blumberg noted that national forests are public lands, the heritage of all Americans. Buckley pointed out that environmentalists represent hikers, bird watchers, and countless other users—human and otherwise—of our public lands.

Radanovich ignored them and went on to say that only people with a direct financial interest should be allowed to influence logging and grazing policy for public lands. He finished by saying that our forests should be privatized if environmentalists continue to "abuse" the appeal process.

The exchange galvanized Rep. Longley, who demanded that Blumberg and Buckley explain a photograph of a pile of logs next to a road. "Why haven't these logs been picked up?" he asked. Since the photo was unidentified, no one knew. The photo was the only evidence the subcommittee members presented to show that environmentalists are shutting down logging in national forests.

Blumberg spoke for us all when he said, "It is foolish to think that a quick fix of accelerated logging" will solve our problems. He also noted that conservationists are not preventing logging in California's national forests. For better or worse, of the 119 timber sales offered in California's national forests last year (before the salvage rider was adopted), only eight were appealed.

### Like a deer caught in the headlights

Then it was the Forest Service's turn. Chairman Cooley asked the agency officials to take an oath that their

testimony would be the whole truth and nothing but the truth (no other panelists had to take this oath). Environmentalists have often doubted the Forest Service's veracity, but none of us expected to see these officials treated like accused criminals simply because they are failing to please the timber industry.

After this unprecedented humiliation, Regional Forester Lynn Sprague, the chief of the Forest Service in California, glumly explained that the agency is doing all it can to increase logging in response to the salvage rider. He noted that the agency is now stressing salvage logging "over all other activities."

Chenoweth then demanded to know why the Forest Service is bothering to consult Native American tribes about salvage sales. Apparently Indians, like environmentalists, should have no say in the process. She also admonished Sprague "to take names and kick backside" in his struggle to increase the cut.

At that point, we five agreed we couldn't take any more. We got up and walked out.

As we were leaving, a sympathizer from the audience told us that according to his calculations, our statements will dominate the official record of the meeting because we never shut up. Though badly outnumbered, we faced down some of the most extreme anti-environmentalists in Congress and held our own.

I don't know about my colleagues, but I was proud of what we'd done. I slept well Saturday night knowing that we had never backed down in defense of our ancient forests.

*Ryan Henson is the California Wilderness Coalition's conservation associate.*

## Six Rivers appeal

continued from page 1

and old-growth stands in the southern part of the forest be protected.

The Forest Service decided that wildlands like Pilot Creek, Cow Creek, Salt, Big Butte-Shinbone, and Soldier roadless areas "no longer meet roadless area characteristics" (and therefore no longer exist) because they are grazed, have had a few fires, and are bordered by lands that show the impact of human use. But these problems are not unique to roadless areas. Most of California's designated wilderness areas are grazed, have sustained occasional fires, and have ugly scars from logging, mining, and other activities on their borders.

Conservationists argue that roadless areas cease to exist only if they are obliterated by development, not when they fail the Forest Service's arbitrary aesthetic tests. Though a few of the roadless areas in the southern part of the forest have been logged, in some places substantially, the appellants contend they are worthy of protection as long as a sizeable portion remains undisturbed. With the heavy logging the Six Rivers has suffered over the decades, these areas stand out as cloisters of wilderness in a world of destruction.

The appeal is currently being reviewed by the Forest Service's Washington, D. C. office. The agency has several months to decide whether to reject the appeal or order the forest supervisor to amend the Six Rivers forest plan in response to the appellants' concerns.

## Wilderness news

# Dry as dust, even boring: the ins and outs of mining law

By Stan Haye

Environmental activists should be at least a little familiar with the arcane subject of mining law. The General Mining Law of 1872 still gives miners rights to destroy land with little regard to its value and with little regulation. Until the Mining Law can be reformed, we have to try to do as much as possible to mitigate the impacts of mining with the tools and information we have.

In California there are several different sets of laws and regulations for mining and reclamation; these are determined by land ownership. U. S. government land open to mining (that is, land not withdrawn from operation of the 1872 Mining Law as are national parks and military reservations) is administered by the Bureau of Land Management (BLM) or U. S. Forest Service or possibly another federal agency. Although the laws are similar, the BLM and Forest Service may administer them differently. On state land, minerals are leased. State land often is interspersed with federal land because when California was admitted to the Union, every federal section 16 and 36 was given to the state for the support of land grant colleges. On private land, the owner of the surface rights usually owns the mineral rights. Patented mining claims are private property, the same as your house. Many cabins, resorts, and ski areas are built on land that was originally patented as a mining claim or mill site.

Mining claims staked on federal land under the 1872 Mining Law are unpatented. An unpatented mining claim gives the claimant the exclusive right to mine the land but not the right to occupy the surface for any purpose other than mining or to any larger extent than is necessary for mining.

To stake a mining claim, you must be able to show a valid "discovery" of a valuable mineral. Discovery was defined in a famous Supreme Court decision as a mineral in a quantity and of a quality that would justify a prudent person to spend further time and money developing with reasonable success a profitable mine. A later decision said the discovery of a valuable mineral does not have to be proved unless and until an application for a patent (private ownership of the claim) is submitted. The practical result of this second decision is that unpatented mining claims may be staked and held without discovery of a mineral.

There are three types of unpatented claims. Lode claims follow a lode—a ledge or vein of a valuable mineral like gold or silver—for a maximum of 1,500 feet along the lode and 300 feet on either side, for a total of about 20 acres each. Placer claims are rectangular and at most 20 acres, or 160 acres if two or more claimants act in association. A placer is a large area with no defined boundaries where a valuable mineral is mixed in with worthless rock or gravel. Mill site claims (five-acre maximum) usually may be staked only if they will be used in connection with a valid mining claim.

Any U. S. citizen may locate as many claims or mill sites as desired; in some cases an individual or corporation will "paper" an area, filing hundreds or even thousands of claims. Until 1992, a minimum of \$100 of assessment work was required each year to hold an unpatented mining claim, a figure that had not changed since 1872.

Assessment work to satisfy the requirement could be exploration or development and could be done on one claim to benefit a group of claims or done outside any of the claims (building an access road, for instance). The required assessment work was intended to show due

diligence in bringing the claims into production, but claimants often did not do the work they said they had done. That delinquency was, in fact, desirable because it avoided unnecessary damage to the land.

In 1992 Congress suspended the requirement for assessment work, replacing it with a rental fee of \$100 and a \$10 service fee for each claim each year. The law provided that failure to remit the rental fee would constitute a statutory abandonment of the claim, which would then be declared void. As predicted, many claims of dubious merit were abandoned after the rental fee was instituted.



Tungsten mine, Sheep Mountain Wilderness

Photo by John Rapp

The substitution of a rental fee for required assessment work was bewailed by miners but favored by the Department of the Interior, which predicted the fee would "reduce unnecessary surface disturbance" and "discourage nuisance mining claims." Congress exempted from the fee "small miners" who hold 10 or fewer claims and meet other criteria; they can continue to do assessment work to maintain their claims.

On federal land, mining is given preferential treatment because the 1872 Mining Law recognizes mining as the highest and best use of government land. On land administered by the BLM, the Federal Land Policy and

Management Act is in force, but it merely bans "unnecessary or undue" degradation. Similarly weak regulations govern mining on land administered by the Forest Service. Of course, the National Environmental Policy Act (NEPA), the various federal air and water quality acts, and laws governing hazardous chemicals, pollution control, and worker safety apply to all federal land, and all except NEPA apply to state and private land as well. These laws better protect the land and usually are more useful in limiting damage from mining than either the Mining Law or agency regulations.

If the proposed mine is on state or private land, it is subject to state and county land-use laws and regulations like any other development. The principal state laws regulating mining are the California Environmental Quality Act (CEQA) and the Surface Mining and Reclamation Act (SMARA). CEQA and SMARA also apply on federal land administered by the BLM under a memorandum of understanding between the state and the BLM. Even with all these laws, however, it is almost impossible for the responsible agency to just say no, and it is difficult to get adequate reclamation (repairing the damage) or mitigation (offsetting the impact).

### What you can do

If you are concerned with a specific site, first ascertain whether it is federal, state, or private land by checking with the local BLM or Forest Service office or county planning department and determine whether the agency involved has permitted the activity. If the activity is permitted, determine what mitigation and reclamation are required, whether you think the requirements are adequate, and if the work is being carried out according to the permit. If the disturbance is not permitted, find out what enforcement action is being taken. If there are problems, communicate your concerns to the agency in charge.

Every claim must have a discovery monument, a pile of rocks at least three feet high. In the pile is a container—a bottle, tobacco can, etc.—and inside that is the Location Notice which provides detailed information about the claim and the claimant.

Copies of SMARA may be obtained from your local county offices, usually the planning and zoning department. The state Mining and Geology Board in Sacramento

*continued on page 7*

## Sierra Nevada report nears completion

After more than a year and a half of compiling data, holding meetings, mapping, and field monitoring, the Sierra Nevada Ecosystem Project (SNEP) team of scientists is funneling all its information into a series of draft documents that will culminate in a final report to Congress. Nearly 60 different documents are being drafted to provide Congress with the very best information available on the health of the range and the economic and social effects of current practices.

The key questions Congress asked the SNEP study to answer were: How much ancient forest still exists in the Sierra Nevada, and what will be the consequences of continuing current policies?

Those questions may have been the beginning point, but in nature as in politics, everything is connected. So instead of just inventorying how many old-growth groves are still out there, the SNEP study looked at watersheds, wildlife, economics, social values, air pollution, fire ecology, recreation, livestock grazing, and all the other issues

that affect forests.

The SNEP scientists have taken pains not to favor either environmentalists' concerns or industry's fears. Instead, they have focused mostly on government data from various studies and collected the results into unified reports that provide information rather than perspective. The problem with the SNEP approach so far is exactly that; it relies almost completely on government data that often are biased, inaccurate, or aimed at economic values rather than ecological ones.

As the study team moves toward the conclusion of its report, one part of the work will focus on predicting the results for nature, for industry, and for Sierra Nevada communities under different management scenarios. It will be interesting to see what the scientific team judges to be the most likely results of different management options.

*Reprinted from the Central Sierra Environmental Resource Center's CSERC Newsletter.*

## Forum

### More on pack stock and wilderness

To the solitary backpacker who hauls his or her own gear over the Sierra crest and takes pride in looking back on a campsite that bears no visible signs of human presence, it comes as a surprise to learn that campers are causing all of the environmental damage in the backcountry ["How many are too many?" by Ann Lange and Charlie Morgan, August 1995 *WR*]. I agree that people are ultimately responsible, but I think it is quite clear that large parties accompanied by livestock have greater negative impact than small groups of hikers.

David Brower (whom I immensely admire) notwithstanding, the physical impact of the Sierra Club High Trips and other large stock-supported parties of the old days was not minimal. The effects are still visible around many of the old campsites (compacted ground; felled trees; impromptu tables, chairs, cupboards, etc.; fire rings; charred logs; heaps of tin cans). While it is true that the mules did not cut down the trees or build the "improvements," this type of damage is not done by small parties without tools. The High Trippers were not hikers. They were invaders. They marched through the mountains with infantry, cavalry, and a retinue that included commissary complete with Chinese cooks. They attacked the pine groves with axes. They set fire to entire logs to provide firelight for singing. They were not only environmentally insensitive. At times they were shockingly cruel to animals. (An old *Sierra Club Bulletin* article relates that one of the hardships a High Trip endured was having a mule fall dead from exhaustion while crossing Harrison Pass.)

That was yesterday. But it takes more than common sense to arrive at the opinion that "there cannot be much of a threat to the resource at the use levels of today." I think one would have to ride the trails with eyes closed.

Humans do not produce the truckloads of manure seen along the trails and in the mountain streams at the crossings. Human travelers do not trample the meadows (at least not to the extent that horses and mules do) and they do not eat the grass the wild ruminants need to survive. The patches of bare ground, dead vegetation, and ingrowth of weeds and dryland plants seen in nearly all meadows subjected to pack stock grazing were not caused by backpackers. Also, to me it seems completely obvious (despite official denials) that a quadruped weighing several hundred pounds will contribute more to the trenching of trails than a 100-plus pound biped.

The destructiveness of pack stock could be lessened instead of merely denied. If horse and mule manure were buried 12 inches deep in the ground (as human waste usually is) and if pack stock carried their own fodder (as humans must necessarily do), if, in other words, pack stock were regulated as strictly as backpackers are, then they might not be much more of a threat to the wilderness than humans.

In general, I do not believe that recreational use constitutes a major threat to backcountry ecosystems (not in comparison with clearcutting, air pollution, ozone depletion, climatic change, and other contributions of technology). In fact, if I could find some way to get to the mountains without burning fossil fuel, I would even claim that walking in the wilderness is less damaging to it than staying home. What common sense tells me is that as long as I cannot resist the desire to travel in the wilderness I should (in fact I must) do it in the most environmentally benign way I can find—which is alone and on foot.

Nell Patterson  
Pacific Palisades

### Thank you notes

Two recent grants and a donation have left the California Wilderness Coalition (CWC) better funded and more wired than ever before.

The outdoor-equipment manufacturer Patagonia has granted the CWC \$4,000 to launch an Adopt-a-Wilderness program for neglected wildlands. The initial grant will cover the cost of producing brochures and information packets and hosting the first workshops. We are grateful for Patagonia's commitment to protecting wildlands.

The Pew Charitable Trusts have made a \$50,000 grant to a coalition of conservation groups working to develop a long-term strategy to protect the Sierra Nevada. The CWC will continue to be involved in the Sierra Nevada campaign thanks to the generous support of the Pew Charitable Trusts.

For more information about adopting a wilderness or the Sierra Nevada campaign, contact Ryan Henson at the CWC: 2655 Portage Bay East, Suite 5, Davis, CA 95616; (916) 758-0380.

Finally, our belated thanks to our good friends at the San Francisco office of the Wilderness Society who donated their old phone system to the CWC. With a phone now on every desk, we are better equipped to cope with an increasing volume of work.

### CWC T-shirts: flaunt our colors

Julissa wears our six-tone landscape shirt, available in jade, fuchsia, light blue, or pale green for \$15. Paul sports our three-color logo T-shirt, available in jade, royal blue, birch, or cream for \$15.

Not shown but still available: our animal design by Bay Area cartoonist Phil Frank, in beige or light gray, for \$12. All shirts are 100 percent double-knit cotton. To order, use the form on the back page,

## Calendar

**November 12** MEETING of Klamath-Siskiyou Bioregion activists. For more information, call Felice Pace at the Klamath Forest Alliance, (916) 467-5405.

**November 29-30** MEETING of the Klamath Province Advisory Committee in Eureka. For more information, call Constance Hendryx at the Klamath National Forest, (916) 842-6131.

**November 30-December 1** MEETING of the Northwest Sacramento Province Advisory Committee in Mt. Shasta. For more information, call Ryan Henson at the CWC, (916) 758-0380.

**December 2** MEETING of the California Ancient Forest Alliance in Davis. Call Jim Eaton at the CWC, (916) 758-0380, for details.

**December 3** MEETING of the California Wilderness Coalition's board of directors, in Davis. For more information, call Jim Eaton at (916) 758-0380.

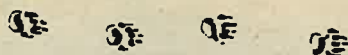
**December 7-8** MEETING of the Resource Advisory Council for the Bureau of Land Management's Ukiah District. The topic is grazing reform. For more information, call Ryan Henson at (916) 758-0380.

**December 28** COMMENTS DUE on the draft trail plan for Sequoia National Forest (see article on page 1). Send to: Jim Whitfield, Forest Trail Planner, Sequoia NF, 900 W. Grand Ave., Porterville, CA 93257.

**January 6-7** ANNUAL SYMPOSIUM on environmental legislation, sponsored by the Planning and Conservation League Foundation, in Sacramento. For more information, contact Jamie Phillips at PCL Foundation, 926 J St., Suite 612, Sacramento, CA 95814; (916) 444-8726; phillips@quicknet.com

**January 24** COMMENTS DUE on a draft management plan for the Trinity Alps Wilderness (article in December 1995 *WR*). For a copy of the plan, call Sam Frink at Shasta-Trinity National Forest, (916) 623-2121.

**February 2-4** CONFERENCE of western ancient forest activists in Ashland. For more information, contact Headwaters at P. O. Box 729, Ashland, OR 97520; (503) 482-4459; headwaters@igc.apc.org.



### Mining law

continued from page 6

also has copies of SMARA and general information on claims and mining. Copies of the General Mining Law of 1872, agency mining regulations, and information on how to stake and hold claims and mill sites may be obtained from any BLM or Forest Service office.

Stan Haye is chair of the Sierra Club's California-Nevada mining committee. If you have questions about mining law or a specific mining site, write to him at P. O. Drawer W, Independence, CA 93526.



### Wilderness Trivia Answer

Phillip Burton (PL Reyes), Sequoia-Kings Canyon, and Yosemite.

## Coalition Member Groups

Ancient Forest Defense Fund; Branscomb Angeles Chapter, Sierra Club; Los Angeles Back Country Horsemen of CA; Springville Bay Chapter, Sierra Club; Oakland Bay Chapter Wilderness Subcommittee; S. F. California Alpine Club; San Francisco California Mule Deer Association; Lincoln California Native Plant Society; Sacramento Citizens for Better Forestry; Hayfork Citizens for Mojave National Park; Barstow Citizens for a Vehicle Free Nipomo Dunes; Nipomo Committee to Save the Kings River; Fresno Conservation Call; Santa Rosa Davis Audubon Society; Davis Desert Protective Council; Palm Springs Desert Subcommittee, Sierra Club; San Diego Desert Survivors; Oakland Eastern Sierra Audubon Society; Bishop Ecology Center; Berkeley Ecology Center of Southern California; L. A. El Dorado Audubon Society; Long Beach Friends Aware of Wildlife Needs (FAWN); Georgetown Friends of Chinquapin, Oakland Friends of Plumas Wilderness; Quincy Friends of the Garcia (FROG); Point Arena Friends of the Inyo; Lone Pine Friends of the River; Sacramento Friends of the River Foundation; S. F. Fund for Animals; San Francisco

Hands Off Wild Lands! (HOWL); Davis High Sierra Hikers Association; Truckee Kaweah Flyfishers; Visalia Keep the Sespe Wild Committee; Ojai Kern Audubon Society; Bakersfield Kern River Valley Audubon Society; Bakersfield Kern-Kaweah Chapter, Sierra Club; Bakersfield Klamath Forest Alliance; Etna League to Save Lake Tahoe; South Lake Tahoe Loma Prieta Chapter, Sierra Club; Palo Alto

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*"Radanovich was more forgiving. He said that groups like the California Wilderness Coalition had a purpose once, but those days are over."*

From "How Congress works" (page 4)

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