South African-Led Group Buys 900,000 Acres of Maine

- Council Final Recommendations Fail to Address Regional Crisis
- Council Offers No Help for Large Land Sales
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Printed on Chlorine-Free Paper.
The timber industry, like the happy myth that root causes obstruct landowners have the political process to maintain the territory Galileo for maintaining physical around the 17th Century Catholic Church, it lacks the power to change ecological and physical reality.

And therein lies the tragedy of the NFLC and the Northern Forest region.

Elements of the Council recognized the need to long-term, long-term, unsustainable, unsustainable, bear, infrastructure, and property rights—yet. So, the Council's final report Finding Common Ground lays out a very coherent argument of recommendations designed—it's—to resolve the crisis. In essence, the Council closed its eyes to reality and hoped thereby to sustain the unsustainable.

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But, even before the Council issued Finding Common Ground, events had rendered it largely irrelevant. The sale of 900,000 acres in Maine to a consortium headed by Sappi, Ltd., a South African pulp and paper company, compressed the political process—Pacific Northwest-style—will worsen in this region. Citizens that the political crisis facing the region.

Council offers us scant assistance in dealing with these junk-bond-financed mega-sales of our biological birthright.

The ecological news is equally disheartening. The number of native taxa that are rare, threatened or endangered in northern New England is truly alarming. Clearly biotic integrity cannot be maintained without business as usual.

Unfortunately, the NFLC played politics with science. It refused to conduct honest scientific inquiry into forest practices and the status of biodiversity. It ignored the ecological success story of the Adirondack Park, whose state lands are protected by constitutional amendment. Instead, the Council cited work in Maine that has been seriously encumbered by the same sort of political negativity that doomed the work of the Council.

Its recommendation 21 for the establishment of a small network of ecological reserves is based on more politics than sound science. When we honestly assess the biodiversity crisis in the region, I am confident we'll discover we need a network of large reserves throughout the region that are connected to reserves throughout the continent.

So long as policy on ecological issues—whether forest practices or the establishment of ecological reserves—is corrupted by politics, the real problems will go unaddressed, and the crisis will worsen. And as long as powerful interests are able to subvert the democratic process, political polarization—Pacific Northwest-style—will worsen in this region.

What is needed is honest inquiry into the consequences of our past and present actions. Give us the scientific assessment. Then we can begin to wrestle with the thorny political issues. But, if policy makers are going to continue to favor us shallow or dishonest studies, the general public will respond the way a medical patient would react to learning that her doctor was on the payroll of a large pharmaceutical company and that he was intentionally misdiagnosing her.

I believe the majority of the citizenry of this region fear want, play, a healthy economy that meets real needs of the locals, and a healthy environment to pass on to future generations. The status quo is failing us on all counts. The failure of the Council process and the spectacle in the past few weeks in Congress has convinced a large number of citizens that the political process in the United States today has no interest in honestly and adequately addressing the ecological and cultural crises facing us.

If true, then we must not only do the work ourselves, but we must assume that state, local and federal governments will not willingly adopt short-run, defenders of the status quo may prevail, but in the long run, neither government, nor industry can make the unsustainable sustainable.

What happens as the status quo unravels? Public outrage over unsustainable forestry is forcing states to deal with the issue. Citizens that the political crisis facing the region.

The northern Forest are organizing to do the real work that the Council refused to do.

And we have an unrivaled model for land protection in the region. Article 14 of the New York State Constitution. Someday soon, Maine, New Hampshire, and Vermont will act decisively to protect public lands by adopting a "Forever Wild" constitutional amendment. What better way to celebrate the Centennial of Article 14 than to enter the second century of the "Forever Wild" covenant by launching a campaign for similar protection throughout the region? It's up to us.

—Jamie Sayen
Fish & Wildlife Confirms Cougar Scat Found in Craftsbury, Vermont
by Fife Hubbard

As conclusive evidence of mountain lions in the Northern Forest mounts, pressure builds that will eventually force regional wildlife officials to acknowledge the presence of viable breeding populations of the animal in the east; and judging from the evidence compiled in just the last few months this may happen sooner rather than later.

The most noteworthy news of cougars surviving in the Northern Forest came on September 15th when the Vermont Fish and Wildlife Department issued a press release stating that scat collected earlier this year in Craftsbury had finally been analyzed and did indeed contain cougar hair. The scat was retrieved following a sighting on April 2 by Mark Walker. Walker observed three cougars walking single file near Lake Eligo. He described the animals as "golden brown, about 2 1/2 to 3 feet high with dark-tipped tails about three feet long."

This sighting is important not only because of its empirical verification, but also because the three cougars were seen in what was clearly a family group (adult cougars associate only during the mating season). Walker reported that two of the cougars were roughly the same size and one was noticeably larger. The mother and young of the species often stay together for up to 18 months. This sighting may be related to a report from campers at Elmore State Park, 10 miles from the Craftsbury sighting, of a cougar seen was most likely released from captivity, or an escapee from a circus. Cedric Alexander of Vermont Fish and Game pointed out that while it is impossible to tell where the cats came from, it is likely that the mother was raised in the wild because the chances of a wild cougar raising offspring to this age are far greater than those of a cougar raised in captivity and then released. This a refreshing change from the standard official stance that any cougar seen was most likely released from captivity, or an escapee from a circus.

Other Recent Cougar Sightings:
In Lunenburg, Vermont on a Sunday evening later in July, Reba Harrison and her friend Catherine McLaughlin were finishing their usual walking route when they came across what they thought was the back end of a bear. As the animal turned it became clear to both women that the creature was not a bear, but a mountain lion that appeared to be black. "He was in the road, walking back and forth across the road sniffing in the ditches like he was looking for scents or food. He was all black, very long, but his head was not awfully big. He was kind of slinking along." While the word cougar or mountain lion generally conjures up images of tawny cats, the sighting of black cats is not uncommon. In fact, data from many different researchers in the east shows agreement that roughly one-third of the cats reported are black. Since the Vermont Fish and Wildlife Service maintains that the last eastern cougar in Vermont was shot in 1881 in Barnard, Smith told the women that the spot where they had seen the cougar was a habitual crossing where the cats have been seen before. Another cougar sighting was reported by Mike Pelchat of the Parks Division of New Hampshire's Department of Resources and Economic Development. On the afternoon of August 24 Mike, his wife and their dog were walking the newly completed Three Brothers Trail that connects Sanguinary Ridge with Table Rock in Dixville Notch. The trail runs parallel to Huntington Cascade at an elevation of 1,800 until it parts with the stream and heads up the ridge on the southern side of the notch into a beech forest. The dog was ahead of the two when it jumped something beside the trail and took off following the animal up the hill into the woods. Mike bore off at an angle that he figured might intersect the path of the two animals. Unbeknownst to Mike, the dog returned to his wife's calls from the trail after ten minutes. A quarter mile off the trail and five minutes after the dog had returned, Mike, looking uphill with the wind in his face, heard an animal running through the undergrowth down the hill. According to Mike the sound was neither the skipping sound of a deer, nor was it the rustling of a squirrel. It was about 200' away when the front of the animal flashed through the bobble bushes. He described the head as blunt-nosed and cadlike, held low as it ran and was excited at the prospect of seeing a bobcat or lynx. It was not until the rear end of the cat appeared at a different opening that he knew it could be neither of these. "This time I saw the back end, a long tail 2 1/2 or three feet long and fawn colored. It was held straight up except for the tip that was black with some white mixed in that was pointed back at 90 degrees."

More recently a black mountain lion was observed in the backyard of a resident of a southern New Hampshire town west of Manchester. The cougar was seen scratching and spraying a stump and then defecated nearby. The scat has been collected and will be analyzed. The collector said that hairs were visible in the spore. Those hairs will be analyzed and if they are determined to be from a cougar it will be regarded as conclusive evidence (cougars swallow hairs as a result of grooming themselves).

Incidentally, if a state game official tries the "escapee from a circus" line on you ask them as John Harrigan, editor of the Coos County Democrat, "What happened to all the Giraffes?"

ACTION ALERT: You Can Help Save the Atlantic Salmon

We will be known to historians as a people with the wisdom and foresight to preserve this magnificent fish or we will be known as barbarians who were unmindful of their blessings or too ignorant to preserve them for our children. There is no middle ground.

-Report of the Commission to Study the Atlantic Salmon to the Governor of Maine, 1947

Two centuries ago, the rivers of New England were alive with wild Atlantic salmon. As many as 500,000 salmon swam up the rivers to spawn each year. Today, there are fewer than 2,000 salmon returning to all U.S. waters. After 200 years of blocking the rivers with dams, dumping toxic chemicals, clearcutting, and developing watersheds, we have driven the wild Atlantic salmon to the brink of extinction.

The American Atlantic Salmon is Threatened with Extinction

Thrust in 1994, the number of adult salmon returning to U.S. rivers is the lowest in recent history. Only 27 salmon made it to the Androscoggin; 20 to the Sheepscot; and 21 to the Saco River. Even the mighty Penobscot River had just 1,000 Atlantic salmon return so far this year. Eight years ago, over 4,000 returned to the Sheepscot alone. The anadromous Atlantic salmon is on the verge of extinction in the United States unless action is taken immediately.

Less than 2,000 Salmon Will Return to the United States this Year

On October 1, 1993, RESTORE: The North Woods, the Biodiversity Legal Foundation, and Jeffrey Elliott petitioned the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to list the anadromous Atlantic salmon as a threatened or endangered species. If listed, the Endangered Species Act will provide a legal mandate to protect the Atlantic salmon and critical habitat vital to the survival of the species. The agencies will be making a decision in the next four weeks whether or not to protect the species. You have an opportunity to prevent the extinction of this magnificent species by contacting the decision makers—Mollie Beattie, Director of the U.S. Fish and Continued on page 31

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Al Dunlap wanted desperately to find a summertime suitor who would sweep the Warren Division away, for a generous dowry, of course. However, as August wore on no marriage had been arranged. By September, all but Union Camp and Storo had pulled out according to Lynn.

Dunlap began to apply cosmetics in an effort to woo new attention. Workers were ordered to dress up the Westbrook plant for a "bar mitzvah." A "floury scent" was sprayed over the pulp clarifier to sweeten the mill's infamous rotten egg odor.

But it is the smell of money that is attractive to potential new owners, and that perfume has been fading. In 1982, under the mandate of state policies intended to reduce dependency on foreign oil and to diversify Maine's energy mix, Central Maine Power Company (CMP) signed an expensive 15-year contract to buy power from S.D. Warren. Warren's Westbrook mill generates a surplus of about 100 megawatts. Though Scott would not confirm it, according to the Westbrook city planner, last year the mill made more money selling power to CMP than selling paper. Scott earned approximate-ly $20 million from $47 million paid by CMP in 1993 for electricity generated at the Westbrook mill. For comparison, the five mills comprising the entire Warren Division earned only $11 million in the first six months of 1994 from paper sales.

This windfall energy sales arrangement will not last. In 1997 Warren's high-yield CMP contract expires. Unless something can be done the mill is likely to lose its major source of income, the taxpayer-subsidized sale of electricity. And the City of Westbrook, long a major beneficiary, is likely to lose a major piece of its tax base. So the city is proposing to create a municipal electric district that would buy power from S.D. Warren and resell it. The mill would be more likely to stay in business, the city would save millions for residential and industrial energy customers, and new attention would be attracted to locate in Westbrook. At least that is the pitch being made to local voters who will decide in November whether to set up the public power company.

Central Maine Power is steamed at the prospect of losing customers. In early September CMP's letter to every customer in Westbrook warning that a new energy district would not preserve S.D. Warren or lower electric rates. Scott Paper, by contrast, is happy to support any scheme that improved its chances of selling its Warren assets. Nor is the S.D. Warren mill in Westbrook the only asset that has been making big bucks by selling power under a sweetheart deal to the energy utilities. Last year Central Maine Power paid Sappi's Skowhegan mill $47 million, the most paid by CMP to any independent power producer.

Finally a Marriage

Wall Street was working feverishly by fall to be able to announce the sale of S.D. Warren during the third quarter. The Wall Street Journal on September 18 the London Sunday Telegraph reported that Arjo Wiggins Appleton, an Anglo-French outfit, would buy S.D. Warren for $1.5 billion. Arjo denied the report but said it was investigating how it might purchase a piece of S.D. Warren's business with a partner. Finally, on Monday morning, October 10, 1994, Columbus Day Holiday, Donaldson, Lufkin & Jenrette faxed a news release to the media trumpeting the signing of a "definitive agreement" for the acquisition of the Warren Division mills and lands. (See "Junk Bonds Finance Purchase of S.D. Warren.")

Sale of the S.D. Warren Division, when it is finalized, could have a huge impact on workers, land and communities in Maine. For now there are more questions than answers.

What will be the fate of the more than 2000 workers in the S.D. Warren pulp and paper mills in Westbrook and Skowhegan? Will Sappi Ltd., the new majority owner of Warren, continue slashing the number of employees at Warren facilities in Maine? What will be the forest management practices of the new owners? Scott Paper Company pioneered scorched earth forestry in Maine with extensive clearcutting and herbiciding on its more than 900,000 acres of forests here. We know little about the new majority owner, Sappi Ltd., other than the company uses intensively managed logging on its million acres of tree plantations in South Africa and Swaziland. Will Sappi try to apply even more intensive forest practices than Scott has used in Maine to extract more wood fiber faster?
Junk Bonds Finance Sappi’s Purchase of S. D. Warren

Spectacular Lands to be Cleared or Developed?

In the coming days and weeks information will trickle out about the second largest land/mill sale in recent Maine history. For now, here is a sketch of the new neighbors and what they are getting.

Corporation ($25 million), and DU Merchant Banking Partners L.P. ($125 million).

African continent. Sappi is the world’s largest producer of paper made from chemically treated wood pulp and is used by 20,000 people.

The Warren lands in Maine will double its timber base.

Who owns Sappi? Sankorp, the second largest mutual insurance company in South Africa, holds 25% of the stock. Major stockholders also include other insurance companies as well as Rembrandt, an international tobacco company.

In 1992 Sappi had earnings of $107 million, but last year the company paid no dividends when earnings experienced a 59% freefall. Despite that setback, Eugene van As, Sappi chairman, has declared that "Sappi shall be a global group by the year 2000." The S.D. Warren acquisition will move Sappi well toward that goal. In addition, the firm has started a $285 million expansion that will make it the world’s biggest supplier of fiber for the manufacture of rayon.

There has been speculation about new investments that might be made by Sappi in the Warren mills, particularly the aging Westbrook facility. But Philippe Tison of Martin & Co, a Johannesburg investment firm, says that "Sappi is in no hurry" and is "saying we would never sell any bit" of S.D. Warren.

In addition to the equity partners are some other high rollers who are making the $1.6 billion acquisition of S.D. Warren financially possible. Chemical Bank is providing $1.1 billion in financing and DU’s Bridge Fund is making a $757 million short-term loan that will be refinanced after the deal is closed through an offering of high-yield (junk) bonds.

What the investors are buying are an old paper mill in Westbrook, Maine, and a fairly new mill in Skowhegan, Maine, as well as mills in Muskegon, Michigan, and Mobile, Alabama. S.D. Warren’s °50 employee paper research facility in Westbrook is considered a definite bonus.

They are also acquiring some of the more spectacu­lar ecological, recreational and scenic lands in the Northern Forest, including:

* nearly 7,000 acres in the Pierce Pond watershed, the “bow trip” canoe route, Number Five Bog, a “party to Kenetech’s proposed New England Wind Energy Station.
* three-fifths of the shoreline of Spencer Lake, which has been rated “outstanding” in five categories, including an old-growth pine stand;
* most of the land in the Roach River watershed, a key link between Moosehead Lake and the Nahmakanta Public Land Unit.

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Scott would cut 10,500 workers by the end of this year. About a third of the layoffs will be in the U.S.—from forerunners to millworkers, from public relations staff to lobbyists. The rest of the cuts, which are part of Dunlap’s “accelerating restructuring,” will affect Scott’s operations in twenty countries, from Mexico to Canada, from Europe to Asia.

Of course, the cuts that will be felt most powerfully in Maine are the positions that will be lost here. Aside from the S.D. Warren jobs at risk, close to a hundred jobs will be eliminated at Scott’s Worldwide Winslow mill. The cuts represent reductions of 15 percent of salaried positions and 15 percent of hourly workers.

**Toilet Paper for China**

Scott Paper is already the world’s largest producer of tissue products, including facial tissues, toilet paper, paper towels, napkins and wet wipes. But Al Dunlap wants to transform the company from a transnational forest products firm into a global consumer products producer. The distinction is important because it will directly affect Scott’s new investment at Scott is building a new $240 million $240 million pulp and paper mill in China at this stage.”

Scott. It is a huge, high - growth market with very low tissue usage .... there’s no competition for us in China at this stage.”

But Al Dunlap wants to do more than simply export jobs. He negotiated an annual salary of $1 million as part of his five-year contract at Scott. And before he even took the CEO job at Scott his net worth was $100 million, he claims.

**Feeling Exposed**
The S.D. Warren forlornlands in Maine being sold by Scott include some of the most spectacular areas in the entire Northern Forest region. (See “Junk Bonds Finance Purchase of S.D. Warren.”) Yet, virtually no one is talking about public acquisition of the high S.D. Warren lands.

To date the McKerron Administration has been silent. Our congressional and legislative representatives have publicly avoided the issue. Candidates of the major parties have ignored the public interest at risk. Most disappointing, the Northern Forest Lands Council in its final report released in September refused to call for creation of a contingency fund for public acquisition of significant lands. After years and millions of dollars spent studying the issue, the NFCP Council failed to point to a direction to deal gracefully with events such as the sale of S.D. Warren. We should be poised to take advantage of this sale as an opportunity. Instead, we are left with no chance to react to it as a crisis with our trouts around our ankles.

In contrast, the predecessor to the NFCP, the Governor’s Task Force, in 1990, recommended an appropriation of $100 million over four years for acquisition of easements and fee title of threatened high priority lands. In 1994, where is the leadership helping us to take advantage of the extraordinary opportunity represented by the transfer of the S.D. Warren lands?

History has shown that when large ownerships in the Northern Forest such as this change hands in a levered buyout, it often results in subdivision and development of prime lands, loss of traditional public access and use, and forest liquidation in areas to help pay off the purchase cost. Will our public representatives rise to the occasion to help protect the public interest by insisting on guarantees on employment, assurances of sustainable land management, right of first refusal for public acquisition of key lands, etc.? Or will this be one more extraordinary opportunity missed?

**References**


"Buyers get control of nearly 1.2 million acres," Times, October 12, 1994.


by Michael Kellett & Jym St. Pierre

The Maine Woods is the largest tract of undeveloped land in the United States. Over the last 10,000 years it has evolved into a land of dense forests, clear rivers and lakes, rugged mountains, and diverse wildlife.

However, today the Maine Woods is under siege. Most of the region is owned by a handful of corporations and private trusts, only the most recent in a long line of large landowners. Some areas are being devastated by clearcutting, toxic pesticides, road construction, real-estate development, sales of millions of acres of "non-timber value" forest land to big finance operations, and other industrial strength activities. But there are also some encouraging proposals and initiatives on the horizon. Maine Woods Watch is devoted to documenting the good, the bad, and the ugly in the Maine Woods today, with an emphasis on opportunities for citizen action to protect this unique part of the essence of the region, its wildness.

*Maine Woods National Park: In June, RESTORE proposed a 3.2 million-acre Maine Woods National Park and Preserve in the Katahdin region. A new full-color brochure on the proposal is now available. A petition drive is underway to gather support for a National Park Service study of the possibility of creating the park. Meanwhile, Greenville has gathered $38,000 for a feasibility study for a National Park Service Education Center to support ecotourism in the Moosehead region.

*Good Dirt: The Land for Maine's Future Program has bought 7,200 acres on Tunk and Spring River Lakes in eastern Maine. With adjacent public land and private lands protected with easements, the Tunk Lake Area Preserve now encompasses 59 square miles. Maine is negotiating with two large landowners to acquire interests in their wildlands that would prevent future development through the Forest Legacy program. The Pierce Pond project encompasses 8,500 acres, including a dozen miles of frontage on spectacular Pierce Pond and a second smaller remote ponds. The Mattawamkeag project encompasses 4,200 acres with 12 miles of unspoiled lakotiehoreland. Acadia National Park is inching closer to finalizing conservation easements on 4,415 acres (96%) of Long Island in Blue Hill Bay.

*New NR? In conjunction with the closing of Loring Air Force Base in Aroostook County this fall, the US Fish & Wildlife Service is trying to turn several thousand acres of woodsland on the former air base into a national wildlife refuge. Unfortunately, competition among public agencies and private operators for the Loring lands is growing and the wildlife refuge may be rejected. The Loring Development Authority, which has been given the 9,000 acres included in the former military base, will decide who gets what.

*Atlantic Salmon: Once as many as 100,000 Atlantic salmon entered the rivers of New England to spawn each year. Today, there are fewer than 2,000 fish returning. In addition to habitat destruction and over-exploitation of fish populations, there are new threats to the survival of the majestic salmon. The Maine Department of Environmental Protection has approved construction of the proposed Basin Mills dam on the Penobscot River; federal approval is pending. Aquaculture fish accidentally released in Canada have appeared in Maine rivers, jeopardizing the genetic integrity of wild populations. Toxics such as dioxin and pesticides continue to find their way into river habitats. A 1994 decision to go in October 1994 on RESTORE's petition to protect the Atlantic salmon under the Endangered Species Act.

*Wolf Restoration: The eastern timber wolf is a federally listed endangered species. A 1978 US Fish & Wildlife Service plan found that northern Wisconsin had the largest population of the wolf habitat in the East, but no further action has been taken. RESTORE has gathered 8,000 signatures, many of them in support of a federal wolf restoration study. Maine activists have started a grassroots group, the Maine Wolf Coalition (RFD Box 533, Augusta, ME 04338; (207) 445-4645), to advocate for a wolf recovery study and to educate the public. An animal shot in the Maine Woods last year has been positively identified as a wolf.

*Windpower: The Land Use Regulation Commission (LURC) is processing a proposal by Kennebunk Windpower to build a behemoth electricity generating facility in the Boundary Mountains. The hearing record is closed, but letters opposing the project as premature sent to newspapers and to LURC would help. A decision may come by mid-November. Sierra Club and National Audubon Society have formally opposed the project, some other conservation groups are supporting it. Meanwhile, a smaller prototype windpower project planned for Sugarloaf Mountain (as a precursor to a larger project on nearby Redington Mountain adjacent to the Appalachian Trail) has been delayed until spring 1995.

*LURC Polieles: The Land Use Regulation Commission has been holding public meetings around Maine to look at more than 1,000 new subdivision proposals. At the agency's request the public will be allowed to see the 10 million acres within its jurisdiction. Since the early 1970s, over 1,800 new subdivision proposals have been approved. 200,000 acres have been parcelized, 5,000 new residences have been built, and more than 11,000 miles of roads have been constructed in this area. To fend off creeping suburbanization, LURC should prohibit development in the heart of the region in which numerous small villages on the fringe, better regulate road building, stop excessive clearcutting and highgrading, preserve biodiversity, and work more closely with communities to diversify local economies. Send written comments by mid-November to LURC, SHS 22, Augusta, ME 04333. (See "20 Year Assessment of LURC: Will it Protect Forest or Large Landowners?" on page 7.)

*Paper Plantation in Trouble: Maine is still heavily dependent on the forest products industry. When the industry suffers, Maine suffers. Many of the small, independent, absentee land/mill owners are suffering. For instance, in the first half of 1994 financial losers included Boise Cascade (lost $57 million), Louisiana-Pacific (lost $36 million), Champion (lost $62 million), Georgia Pacific (lost $93 million, pulp & paper only), and James River (lost $51.5 million, communications papers only). To raise cash and avoid bankruptcy, one of the largest Canadian operations, Bowater plans to sell its tree nursery in Maine and 160,000 acres of forest land in Nova Scotia. James River will sell its troubled communications papers business, separate its packaging operation into a stand-alone company, and may also剥离 its major pulp and paper mill in Inland Maine. At the same time, thousands of jobs are going: the Paper Information Industry Office says paper-making jobs in Maine have fallen 15% since 1990. Business execs from Champion, Fraser and other forest companies have been making speeches complaining that the business climate in Maine needs improving. Still, there is some money for some things: the American Forest & Paper Association is promoting a massive public relations campaign aimed at improving the public image of the industry.

*Good Industry News: A couple of firms are bucking the job wacking trend. Keyes Fibre is changing its name to Calpine and adding 70 jobs at its Waterville molded food service products plant (after cutting 260 positions since 1992). The Forster mill in Wiscasset has announced it will change from 1400 to 1000 paper making units, yet putting 110 out of work will be reopened and employ up to 30 people. Bill Vail, former Commissioner of the Fish & Wildlife Department, has been replaced as Director of Environment. CMP is looking at building a co-generation plant to replace CMP's high rates.

Questions? Comments? Contact: Michael Kellett / RESTORE: The North Woods / PO Box 440 / Greenville, ME 04441 / (207) 626-5635

Maine Woods Watch

Mid-Atlantic 1994 / The Northern Forest Forum
Why Was Council Afraid to Investigate Adirondacks?

by Bill McKibben

People often reveal themselves by the subjects they avoid; so too, perhaps, with councils. My first reading of Finding Common Ground showed it to be, as expected, a useful, if tepid document, one that may help us move forward. Bizarrely, though, I have so far failed to find the word “Adirondack” in the main body of the report or its appendices. “New York” appears, almost always yoked to “Maine, New Hampshire and Vermont,” but “New York” is different from the Adirondacks. Indeed, for all the serious repetitions of the idea that “differences among the four Northern forest states must be recognized,” the biggest difference is never even mentioned. In one of these states, almost half of the Northern Forest land is publicly owned, and much of the other half is subject to certain limits. Further, the half of the Adirondacks that is publicly owned is protected by the state constitution—it “shall be forever kept as wild forest land.”

Surely these facts are of importance. They represent an experiment with one possible way of handling the Northern Forest and, indeed, other large tracts of land. (At the moment, for instance, the theories governing the Adirondacks are being put into place, with the assistance of Adirondackers, in the Lake Baikal region of the former Soviet Union, and along a vast stretch of the Russian-Chinese border.) Surely it would be of interest to investigate how well the Adirondack plan has worked, and to see whether it should be adopted, modified, or rejected by other parts of the region. Any journalist or academic studying the region would make it one point of comparison.

But the Council has avoided the Adirondacks—avoided it so completely that it must mean something. Even the official map on page iv of the report, which shows the Adirondacks as part of the Northern Forest, says that the shaded regions are areas where “primarily large private ownership exists,” something that is simply not true. (We have as much large public ownership within the Blue Line—we have an authentic mix of land use patterns.)

I suspect that what it means is this: the Council was afraid to investigate the Adirondacks. Afraid in part because it might have angered the property rights advocates who location its restrictions. And more afraid because honest investigation might show that it was, in ecological terms, incomparably healthier than the rest of the northern forest, and in economic terms certainly no poorer.

It amused me, for instance, to read that “while wolves.” There’s nothing, for instance, about “food,” “development,” or “biodiversity,” not “doctors” or “bioregionalism a valid economy, for it is here that we must begin to ask the most basic questions. Do we really want to work for the extremes of wealth and power that dominate, say, Maine? Is small-scale better than large? Is bioregionalism a valid concept—forget, for now, the whole question of wilderness. Just the use of language, the willingness to say something, anything straightforwardly. George Orwell, in his essay on “Politics and the English Language,” writes, “orthodoxy, of whatever color, seems to demand a lifeless, imitative style. The political dialects to be found in pamphlets, manifestos, White Papers, and the speeches of Under-Secretaries do, of course, vary from party to party, but they are all alike in that one almost never finds in them a fresh, vivid, home-made turn of speech.”

I am not just saying that the Council’s report is boringly written—that must have been obvious even to the people writing it. I mean that the report works so hard to avoid even the smallest hint of an actual threat to the Northern Forest. Any journalist or academic studying the region will be interested in the ecological reserve system, the experience of the state of Maine offers some insight into this question.” When it comes to offering insight on the size of ecological reserves, the experience of the Adirondacks (regardless of whether you like wilderness or not) is that of Maine as Ted Williams is to Bill Buckner.

The Council’s answers to such questions can be guessed at. I think. The commitment to the status quo is overpowering and almost as strong among some environmentalists as some industrialists. It is not even really the fault of the Council members. They were, in 1983, in the lake’s 200,000 acres of the Northern Forest that were “ preserves” between 1980 and 1991. I think this means that the heart of every proper Bostonian busts for a stretch of Moosehead Lake, but maybe not.

And whatever the peril is, it certainly can’ t be very bad, because there’s hardly a single suggestion within the report that anyone could disagree with. Has anyone arisen opposed to “educat[ing] forest users and the public about sound forest management” or “support[ing] cooperative efforts among four state universit[ies]”? Even in the areas where the Council got reasonably specific—taxation, for instance—any proposal that might have been even mildly controversial was highhanded like a physics major applying to a fraternity. For instance, the temperate notion that “state and federal agencies should examine the conservation and treasury impacts of the second home mortgage deduction,” was mysteriously labeled as “need[ed] further research.” That is to say, the law that mandates taxpayers pay for other people’s houses on Moosehead Lake was deemed too scary even to talk about; the suggestion that it be researched was itself slated for “further research,” though by whom is unclear.

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AN ETHIC ABORNING:

An Impressionist History of Article XIV, Section 1, New York State Constitution, in Celebration of its 194th Centennial

Preface: Almost half of New York State’s Adirondack Park is comprised of the only constitutionally protected lands in the world. The delegates who ratified Article VII, Section 1 in the final hour of the 184th Constitutional Convention regarded it as a temporary measure; that an informed citizenry soon came to regard permanent, inviolate protection of their Forest Preserve as necessary is evident in the history of more than a hundred failed legislative attempts to introduce amendments. How and why the essential prohibitions of the famous “Forever Wild” Covenant have endured for a century should be better comprehended by both the protectors and the exploiters of our last remaining open spaces and ecosystems in this most crowded corner of the nation. This was the purpose of the following dramatic reading, staged on 17 May 1991 at the New York State Museum auditorium for the Association for the Protection of the Adirondacks’ reception to honor the Centennial of Article XIV. Any dramatic text challenges active imaginations to envision a physical performance; in this case projected slides, live music, and stage lighting supplied much of the action. Picture the Chairman at a lectern, with the other characters rising among the audience, addressing them as if they were fellow delegates at a constitutional convention. The readers were known to most of the audience as contemporary counterparts of their original roles. A few obvious anachronisms serve dramatic continuity, but, as the notes indicate, most of the rhetoric is true to the chronology and text of the historical record.

—Michael Wilson, Sagamore Institute

DRAMATIC TEXT

(music under anonymous voices; images projected in dark house)

EDITOR’S VOICE: To people in general, Adirondack is still a realm of mystery. Although the waters of the Hudson, which to-day mingle with those of the ocean in our harbor, yesterday rippled over its rocks, and though on all sides of it have grown up villages, and have been created busy thoroughfares, yet so little has this ‘wonderful wilderness’ been penetrated by enterprise or art, that our community is practically ignorant of its enormous capacities, both for the imparting of pleasure and the increase of wealth.

...With the completion of Dr. Thomas C. Durant’s railroad, the Adirondack region will become a suburb of New York. The furnaces of our capitalists will line its valleys and create new fortunes to swell the aggregate of our wealth, while the hunting-lodges of our citizens will adorn its more remote mountain sides and the wooded islands of its delightful lakes. It will become, to our whole community, on an ample scale, what Central Park is on a limited one.

PRESERVATIONIST’S VOICE: Had I my way, I would mark out a circle of a hundred miles in diameter and throw about it the protecting angels of the constitution. I would make it a forest forever. It should be a misdemeanor to chop down a tree, and the penalty to clear an acre within its boundaries. The old woods should stand here always as God made them, growing on until the earthworm ate away their roots, and the strong winds hurled them to the ground, and new woods should be permitted to supply the place of the old as long as the earth remained. There is room enough for civilization in regions better fitted for it.... It will be of stunted growth at best here.

CONSERVATION COMMISSIONER’S VOICE: Glancing over the field of my surveying, I find following in the footsteps of my explorations the blazed-line and the trail, then the ubiquitous tourist, determined to see all that has been recorded as worth seeing. The woods are thievous; bark and log huts prove insufficient; lodges spring up as if by magic; wild trails are cut clear, and ladies clamber to the summits of once untrodden peaks. The genius of change has possession of the land; we cannot control it. When we study the necessities of our people, we would not control it if we could. This change is having too important and beneficial an influence upon society at present, not to demand the sympathy of government.

Indeed, action is called for; the Adirondack wilderness contains the springs which are the sources of our principal rivers, and the feeders of our canals. Each summer the water supply for these rivers and canals is lessened, and commerce has suffered. The immediate cause has been the chopping and burning off of vast tracts of forest in the wilderness. This land, deprived of all that gave it value, reverts to the State for unpaid taxes. The remedy for this is the creation of an Adirondack Park or timber preserve.

COMMISSION CHAIRMAN’S VOICE: Park!!! The whole idea of shutting so many hundred thousand acres of valuable timber lands which constitute one of the chief sources of industry and commerce in the state for the enjoyment of a few wealthy politicians and summer tourists would be a serious mistake.... When we consider the amount of employment afforded by the lumber industry, the thousands of saw mills, tanneries, pulp and paper mills and factories of all kinds—that all this is to be stopped to afford a deer park and fishing ground for a few wealthy pleasure-seekers to air their smoke-dried ananostomies is an injustice, the boldness of which is astonishing.

FORESTER’S VOICE: This sort of opposition, I believe, would be changed to firm support if the true aim of forestry were rightly understood to be the growth of timber for the supply of man. It is not the object of forestry, at least in this country, to maintain the woodlands as a shelter for game and as an agricultural resource for those who can afford the time and means for this sort of enjoyment. Our tax payers would never tolerate such an object of expense, and it is to be regretted that the word “park” has ever been used in this connection.

JURIST’S VOICE: I rode through the Schroon Country with a man who has probably done as much as anyone to desolate this whole region. As league after league of blighted and hopeless land unrolled around and before us, we became more and more silent.

LEGISLATOR’S VOICE: (pause) This whole country’s gone to the devil, hasn’t it?

JURIST’S VOICE: How could this have happened?

LEGISLATOR’S VOICE: It all comes to this—it was because there was nobody to think about it, or to do anything about it. We were all busy, and all somewhat to blame perhaps. But it was a large matter, and needed the cooperation of many men, and there was no opening, no place to begin a new order of things here. I could do nothing alone, and then of our people we set to work together on a plan to have things better; nobody to represent the common interest.

(conversion music & slides)

CHAIRMAN: (enter w/ music from stage right to lectern, gavel loudly) In these final weeks of the New York State Constitutional Convention of 1894, we are here to discuss the amendment supported by the Committee of the New York Board of Trade and Transportation and proposed by our own Committee on Forest Preserves. In question are the specific prohibitions relating to Forest Preserve lands, which now read, ‘They shall not be sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold.’ The Chair recognizes Mr. David McClure.

(all speakers stand from this point)

PRESERVATIONIST: What shall we do, Mr. Chairman? For every wrong there must be a remedy. First of all we should not permit the sale of one acre of land. We should not exchange our lands. There is no necessity why we should part with any of our land. We should not sell a tree or a branch of one. Some people may think in the wisdom of change is the way, I would mark out a circle of a way, 2 would mark out a circle of a...
of the Convention to the dam across the Beaver River chain, with the result that the forests by reason of building dams and reservoirs. As an example I call the attention of the CHAIRMAN: (to correct) The Chair recognizes Mr. Menezes.

COMMISSION CHAIRMAN: Mr. Chairman, the Convention should note that if the time ever comes that timber supply shall be a concern, I am sure it will not be within the next twenty years and it is not worth while at this juncture to consider the question of the great State of New York going into the business of selling logs and trees. We can cross that bridge when we get to it. We are not yet within fifty years of it.

EDITOR: (archly) On the whole, the New York Tribune is inclined to think that there is less danger of irretrievable loss in the rigid prohibitions of the proposed amendment than in leaving the forests entirely at the mercy of legislatures and commissions.

CHAIRMAN: (gavel) Order, please! The entire article as amended shall read, 'The lands of the State now owned or hereafter acquired, constituting the Forest Preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or destroyed, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. On this day of 13 September, 1894, the Convention approves this covenant as Article VII, Section 7, by a vote of 122 to none. The people subsequently approve the new Constitution in November, 410,697 for, 327,402 against. In every sense of the word, 1824 shall be remembered as a watershed year for New York's Forest Preserve!' (gavel, music and applause; begin exit stage right)

LEGISLATOR: (call him back) Mr. Chairman! If you please, Mr. Chairman. Article VII, Section 7 was passed in haste last year. More mature deliberation recommends an amendment which enables the legislature to authorize the leasing of small parcels in the Forest Preserve for camp and cottage purposes, and to authorize the exchange and sale of lands so as to expand the Forest Preserve.

CHAIRMAN: Very well. The following amendment shall be submitted to a public referendum on November 3rd, 1896. 'Except as authorized by this section, the lands of the State shall not be leased, sold or exchanged—'

JURIST: (amazed)—Rejected! 321,486 for, 710,505 against.

EDITOR: This was a spirit which animated tens of thousands of voters who have never seen the Adirondacks nor expect to see them. The vote was a vote of sentiment which is gaining every year, and which is not to be overcome by specious schemes of lumbermen and permanent camp-site grabbers. We have come to a point where we can see something better in the woods than mere raw material; we now recognize the place of wild forest in the great scheme of union and interdependence which holds between man and nature.

CONSERVATION COMMISSIONER: Nature will supply the wants of man more satisfactorily when assisted or placed under intelligent control. Unfortunately, Nature takes little heed of our ideas or wants in raising her forests. She furnished in profusion the species for which we have little need, and yields only a scanty supply of the kinds we want most. The forester must control and regulate the forces of Nature in order to select and preserve the species which shall be gradually removed to make room for the kind people want. When our State is ready to withdraw the present constitutional restrictions relating to timber cutting and other forest revenues, our great woodland areas will be managed under the best approved forestry system.

FORESTER: The wisdom of Mr. Fox, eminent Superintendent of State Forests, should be heeded by all New York citizens. Indeed, the prohibitions of Article VII and the one of a former amendment, making it illegal to cultivate his farm on the ground that he distrusted his own fitness and integrity. Should the clause fail to be repealed the first time or the second time, or any number of times, detailed working plans for lumbering the Preserve will nevertheless be ready to apply when the repeal is finally made.

CONSERVATION COMMISSIONER: We must act on Mr. Pinchot's advice, for the absolute prohibition of cutting any wood from the State Preserve means actual and permanent waste. Every professional forester protests the false economy that prohibits in the State Constitution all forest improvement—even the removal of trees that are diseased or infested.

PRESERVATIONIST: Unfortunately the esteemed Chairman of the Fisheries, Game and Forests Commission finds his occupation justified only by increased management of the forests. In truth, the preservation of a forest in a state of nature is abhorrent to the scientific forester, for nature is the best of all foresters and leaves no room for the services of the artificial kind.

CHAIRMAN:—May I interrupt this dispute to remind you gentlemen that it has been fourteen years since New York's citizens so overwhelmingly rejected the first amendment intended to alter the strict provisions of what is becoming known as the "forever wild" covenant. During those years no fewer than fourteen amendments of similar intent have achieved varying degrees of approval in the legislature. It is timely to inquire why even the four amendments which were approved by both Assembly and Senate were not submitted to the people.

COMMISSION CHAIRMAN: Mr. Chairman, by way of explanation allow me to read a passage from the recent findings of the Governor's Moreland Commission investigations into Forest Preserve management. The Commission finds that during most of the first decade of this century "timber standing had reached enormous proportions and was not permitted with the knowledge and acquiescence of the Forest, Fish and Game authorities; great areas of forest land had been devastated by fire caused by neglect of the operation of railroads in the Adirondack region; suits involving title to large tracts of land in the Forest Preserve had been compromised under terms most disadvantageous to the State's interest; and the entire operation of the Forest, Fish and Game Commission was the target of severe criticism." As you all are aware, the legislature is currently engaged in reorganizing that Commission to ensure better protection of the public forests.

CONSERVATION COMMISSIONER:—The lands of the State shall not be taken...nor shall the timber thereof be...removed or destroyed—'

JURIST:—Except that the legislature may by general laws provide for the use of not exceeding three percentum of such lands for the construction and maintenance of reservoirs for municipal water supply, for the canals of the state and to regulate the flow of streams.

EDITOR: Many share Mr. Louis Marshall's convictions as to what a constitutional provision means. To evade or disregard it 'with a latitudinarian interpretation on the theory that the vision is unimportant or trivial, invariably leads to an effective neutralization—'

JURIST: (interrupt with gavel)—Approved by the People November 4, 1913: 486,204 for, 187,290 against.

(see music, outlaid by growing...) The New York State Constitutional Convention of 1915 will please come to order! Today we address a proposed amendment to Article VII which charges the Conservation Commission to divide the Forest Preserve into two categories: the first involves all the State lands on mountain slopes and those bordering lakes and waterways which are to be protected as forever wild; on all the other lands of the State within the Forest Preserve, the Conservation Commission is to provide for the sale and removal of timber that is mature or detrimental to forest growth. The Chair recognizes Mr. Angell.

JURIST: We who propose this amendment believe in protection and conservation, not prohibition. The removal by scientific forestry of a few mature trees upon a tract does not in any way interfere with the uses of that land and natural storage reservoirs which are to be protected as forever wild; on all the other lands of the State within the Forest Preserve, the Conservation Commission is to provide for the sale and removal of timber that is mature or detrimental to forest growth. The Chair recognizes Mr. Angell.

COMMISSION CHAIRMAN:—'Scientific forestry is a misnomer; it is practical forstry. There is not a lumberman who dare to take a dead tree for home heating or to pick out only the mature trees and make it commercially profitable. That is why
most contracts call for cutting down to eight- and ten-inch diameters in diameter for the chemical men.\textsuperscript{17}

FORESTER: The State has expended 4.5 million—the amount New York City spends annually to carry Central Park—to acquire a Forest Preserve worth 30 millions in its timber. This is the only business the State has invested in that it has ever made a single dollar on, but now—

EDITOR:—With 55 thousand people in the State of New York afflicted with tuberculosis and 60\% of perfect curers in the Adirondacks, if you kept the forest as it is, for that purpose alone it would be a thousand times more valuable that it is for lumber—\textsuperscript{18}

CHAIRMAN: (gaveling) Gentlemen! Order, please. The Chair recognizes Mr. Louis Marshall.

PRESERVATIONIST: Mr. Chairman, fellow delegates, it is important for us to observe that the two individuals who introduced and seconded this amendment represent the very private companies with which the State must enter into contracts for the removal of timber—authorized by the proposed amendment. Now, we have the suggestion made that we have reached a different time in our history. What was good forestry was not known in 1894. At that time it has been said that we were wild, and in a moment of rage we adopted this proposition. A moment of rage. After several months of thought upon the subject, after there had been more careful thought and consideration of the question, the existing amendment was carried. It was the only amendment that went through the Constitutional Convention of 1894 by a unanimous vote. That was not a matter of haste. It was a matter of deliberation; not only deliberation then, but subsequent deliberation. And yet we are now asked once more to relax the principle set forth in the Constitution.\textsuperscript{19}

CHAIRMAN: The compromise now reads, "The lands of the State, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands—"

CONSERVATION COMMISSIONER:—"except as hereinafter provided." The Conservation Commission may build fire trails, provide for the removal of dead trees, and authorize a highway from—

CONSERVATION COMMISSIONER: Mr. Chairman, growing needs for the benefits of river regulation—permitted in the Forest Preserve under the terms of the so-called Burd amendment approved in 1913—recommend the construction of a reservoir at Saranac Lake. This reservoir is highly desirable for summer resort, health and pleasure purposes, but it is—by far—more than a reservoir for power purposes. In fact, the purpose of these so-called regulating reservoirs has been and is, and never can be, anything other than that of creating hydroelectric power.\textsuperscript{20}

JURIST: (on "Indian Lake," jubilantly over list)—Only a trifling area of State land will be required for either water storage or power development. Of approximately 2 million acres of Forest Preserve lands, less than 31,000 acres, only 1.7\%—little more than half the law allows—will be required for practically complete development of the water storage possibilities of the Adirondack region.\textsuperscript{21}

CONSERVATION COMMISSIONER: (over list) The Federal government has advocated reclaimation of swamp land and the utilization of "waste land" as part of the national reconstruction policy, much of this land to be set aside for returned soldiers. With these principles the Conservation Commission is in complete sympathy.\textsuperscript{22}

CONSERVATION COMMISSIONER: (over list, building indignation) The hypocrisy of those who are planning river regulating districts is apparent, Mr. Chairman. A careful reading of the provisions reveals that a regulating reservoir is (and I quote) "not intended to include a reservoir created by a dam constructed or maintained for power purposes, but it is intended to include a reservoir at or by reason of which there may be, as an incident to its operation, the possibility of the utilization of a portion of the water stored thereby for power purposes." I denounce this as a cheat and a swindle upon the Constitution. It is not stated what portion of the water may be used for power purposes. In fact every ounce of it may be so used. The purpose of these so-called regulating reservoirs has been and is, and never can be, anything other than that of creating hydroelectric power.\textsuperscript{23}

THE EDITOR: (appalled) Mr. Chairman, the legislature and all the citizens of New York must take action! John Apperson, Paul Schaefer, and the leaders of over thirty conservation, sportmen's, and civic groups believe "the argument that three percent is infinitesimal and not worthy of careful further consideration is unwarranted in the same manner as it would be unreasonable to say that because the heart is only of small percentage in relation to one's body it is therefore not too important. The fact is that the river basins in the Forest Preserve are the refuge and cradle of wildlife." Governor Al Smith has warned, "The purpose of preserving the public interest is no safeguard against the private exploitation of the Adirondack Preserve. We owe it not only to ourselves but to the generations to come that should any part of the Adirondack Preserve be flooded, the floodings should be restricted to the public benefit now set forth in the Constitution, and not for exploitation by private interests."\textsuperscript{24}

CONSERVATION COMMISSIONER:—Pardon me, Mr. Chairman, but you are certainly aware that since 1920 the most important business of the whole Forest Preserve region, larger than the entire lumbering business in both Adirondacks and...
Chairman: Indeed, Mr. Commissioner, but the forest preserve shall be forever kept as wild forest lands—".

Preservationist: —If I may, Mr. Chairman?

Chairman: The Chair recognizes Mr. Robert Marshall.

Preservationist: To those who share our esteemed Commissioner’s view that the provisions of ‘forever wild’ impose only unwelcome constraints upon public enjoyment of the Forest Preserve, I submit that antagonistic attitudes toward wild nature are changing as human encroachment upon open spaces throughout this country. There is just one hope of repulsing the tyrannical ambition of civilization to conquer every niche on the whole earth. That hope is the organization of spirited people who will fight for the freedom of the wilderness. Wilderness should be defined as a region which contains no permanent inhabitants, possesses no possibility of conveyance by any mechanical means and is sufficiently spacious that a person crossing it must have the experience of sleeping out. The dominant attributes of such an area are: first, that it requires anyone who exists in it to depend exclusively on his own effort for survival; and second, that it preserves as nearly as possible the primitive environment. This means all roads, power, transportation and settlement are barred. But trails and temporary shelters, which were common long before the advent of the white race, are entirely permissible.

Conservation Commissioner: —But public demands for improved recreational facilities cannot simply be ignored. Mr. Chairman, the Conservation Department is authorized by the legislature and Governor Roosevelt to build a bobsled run on Forest Preserve lands for the 1932 Winter Olympics at Lake Placid.

Chairman: I call upon Judge Frederick Crane of the New York Court of Appeals.

Jurist: Mr. Chairman, in the case of The Association for the Protection of the Adirondacks vs. Alexander MacDonald, I find that all things necessary for the preservation of the Forest Preserve are permitted—such as measures to prevent forest fires, the repairs to roads, or the erection and maintenance of proper facilities for the use by the public—which do not call for the removal of timber to any material degree. But trees cannot be cut or removed to construct a toboggan slide simply and solely for the reason that Section 7, Article VII of the Constitution says it cannot be done.

Chairman: And so “the lands of the state shall still be forever kept as.”

Legislator: —Except, Mr. Chairman, that “nothing in this section shall prevent the state from making the most important public vacation grounds in the state available for public use—which do not call for the removal of timber to any material degree.”

Chairman: —nor shall the timber thereon be sold, removed, or destroyed!

Jurist: You are no doubt aware, Mr. Chairman, that beginning with Mr. Woodbury in 1915, Attorneys General have delivered opinions that “forever kept” permits such improvements as are necessary to insure preservation of the State’s forests.

Legislator: And so we add, ‘nor shall anything contained in this section be construed to prevent any measures necessary to protect the forest preserve against fire, nor to prohibit the making and maintenance of paths, trails, camp-sites and camping facilities designed to render the forest preserve more accessible and useful to the public, including the necessary clearings of timber therefor.

Chairman: The people do not share this interpretation of Article VII. In November of 1932 they reject the proposed amendment by a decisive margin of 2 to 1 (gavel). The timber on Forest Preserve lands shall not be sold, removed—

Legislator: (clears throat loudly)—except that nothing in this section shall prevent the state from constructing and maintaining not more than twenty miles of ski trails thirty to eighty feet wide on Whiteface Mountain—

Editor: —and on Belleayre, Gore, South and Pete Gay mountains.

Chairman: Both recreational amendments are approved by the people in referenda of 1940 and 1946 (gavel). Having been re-numbered by the Constitutional Convention of 1938, and with the addition that violations of its provisions may be restrained at the suit of any citizen, Article XIV, Section 1, now reads: “The lands of the forest preserve as now fixed by law, shall be forever kept as wild—”

Legislator: —except that nothing in this section shall prevent the state from constructing a highway from Saranac Lake to Long Lake to Old Forge—

Editor: —and from Wilmington to the top of Whiteface Mountain—

Conservation Commissioner: —and, since it does not require the cutting of trees “to any material degree,” the Conservation Department now proposes to construct truck trails in order to protect the more remote areas of the Forest Preserve from fire.

Preservationist: Mr. Chairman! Commissioner Osborne must be aware that once a road passable for automobiles is actually built, there will immediately be a strong argument that the Conservation Department is like a dog in a manger in not permitting the general public to use it. It will be much easier to open by constitutional amendment a road which already exists than it would be to authorize the cutting of an entirely new road.

Jurist: —and a highway from Indian Lake to the village of Speculator—

Forester: —and any highway heretofore specifically authorized by constitutional amendment.

Commission Chairman: —Recreational development is a job not of building roads into lovely country, but of building receptivity into the still unloved human mind.

Chairman: Be that as it may, along with four hundred acres to be used for relocating existing highways, and another 300 acres for an interstate highway from Glens Falls to Plattsburg, amendments to allocate forest preserve lands for all the above roads are approved by the people in separate referenda.

Conservation Commissioner: Mr. Chairman, may we look back for a moment to an event that should have been decisive in our Forest Preserve management policy? Whereas the Attorney General ruled that cleanup and salvage of the 1950 blowdown was permissible under Article XIV, the time has come to ask four key questions: first, if our objective is the preservation of the forest, are forests best preserved by prohibiting cutting?

Forester/Jurist/Legislator as Chorus: NO!

Conservation Commissioner: Right! Second, what is meant by “forever wild”? Does it suggest an abundance of birds and animals and if so, does our present management policy promote that objective?

Forester/Jurist/Legislator as Chorus: NO!

Conservation Commissioner: Right again! Third, how does the present management policy, as prescribed by our constitution, contribute to the economic needs of state and nation?

Forester/Jurist/Legislator as Chorus: POORLY!
A Second Century Agenda for the Adirondack Park

by Robert Glennon

The following comments by Robert Glennon, Executive Director of the Adirondack Park Agency, were delivered at the "Symposium & Conference for the Centennial of the Forever Wild Covenant" September 30, 1994, sponsored by the Association for the Protection of the Adirondacks.

I have the temerity to suggest to you that we ought to sit down tomorrow and plan a second century agenda. Perhaps it is simply not in our nature to be able to look seven generations ahead, or even a hundred years ahead, but let me offer a few suggestions as the second century of the Covenant begins. These are my personal thoughts. They have not been endorsed by the Park Agency.

First, whenever a State official, either elected politician or unelected bureaucrat, or even a fellow citizen, mouths the mantra that the State ought not to own any more land because it can't manage that which it presently owns, from this day forward, let's use the tactic of the ADL (Anti-Defamation League of B'Nai B'rith) challenge that statement whenever and wherever made. Stand up in the meeting and speak out, write the editor, phone the call-in show, write the politician and say this: "That is thinking small if I ever heard it. Those are not State lands. The deeds are to the people of the State of New York. Those are my lands, I have a one-sixteen-millionth undivided interest in them, I want the State to acquire more of them for me and my kids, and I don't want to hear that because you can't manage 'em I shouldn't own 'em."

Second, from now on, when mischievous, demeaning and trivial amendments are proposed, let's call them what they are and point out what they do to the 54-word covenant.

Third, if, as I recently heard said publicly by an Adirondack local official, a small and unrepresentative group of such officials has become the local veto in the Environmental Protection Act to halt State land acquisition in the name of the Forest Preserve in a year when we ought to be proud, thankful and humble all at once, then we ought to demand, loudly, publicly and often, to know why. Is it to be a rote recital of politically correct targets of opportunity, when it could be a blueprint for the preservation of every representative Adirondack ecosystem, reflecting the new-old principles of conservation biology, setting the stage for the return and cooperating of historically native fauna? Isn't that what they were telling us in 1894? And finally—and this I submit to you should be the Second Century Project, this is a fitting way to honor those who gave us the Covenant—if there is no progress on creation of the Bob Marshall Wilderness, 400,000 acres, containing every Adirondack ecosystem, 441 lakes and ponds, 70 miles of wild rivers, one grand unbroken domain where there is at least a small chance the wolf might howl again in New York's wilderness, then maybe it's time for history to repeat itself, and for some kind of constitutional acquisition mandate to be considered.

So let us celebrate a century of the Forever Wild Covenant. Let us honor the exercise of foresight, selflessness and courage which gave us a constitutional right a century ago to that which the rest of the world is—maybe—only now beginning to dimly realize. A constitutional right to preserve in their natural state not only our common grounds, free and open to all the people, for they are much more than that today, and they are becoming more valuable daily, with every acre of forest destroyed in Russia, in Brazil, in Myanmar, in Oregon and Alaska; with every bear, elephant, or big cat poached, with every wolf shot from an airplane, with every dam built in China, with every species obliterated, with every habitat eradicated, with every new plague unleashed as a result of our encroachment on places heretofore untouched, and everywhere in the world the fierce green fire is dying. It is now, a full century after it was conceived in our state, an idea whose time has not only come, but an ecologi­cal imperative that must be embraced by others, elsewhere, at immeasurable peril to our species and to all species, if it is not. And we in New York State have known this for a hundred years, and in the coming decades what started here could literally save the world, and for that there is much cause for celebration—and hope.

Thank You.

CONSERVATION COMMISSIONER: Absolutely! Finally, under this policy, are we making the most of the potential recreational values of the Forest Preserve? 34

FORESTER/JURIST/LEGISLATOR AS CHORUS: NO!

CHAIRMAN: Nevertheless, for over a half century the people of this state have reaffirmed that the endurance of Article XIV is more important than the management benefits you advocate. So let us move on. The new Constitution proposed by the Convention of 1967 having been firmly rejected, and in any case not having brought any new perspectives to Article XIV, the Chair now recognizes Mr. Harold A. Jerry, Executive Secretary of Governor Rockefeller's Temporary Study Commission on the Future of the Adirondacks.

COMMISSION CHAIRMAN: Mr. Chairman, on this 15th day of December 1970. The Temporary Study Commission recommends that all state lands continue to be protected by Article XIV. Because, however, this covenant has not been effective in preserving a wilderness environment, we also recommend that the lands of the Forest Preserve be suited to recreational management practices be designated Wild Forest; in the remaining 42%, classified as wilderness and primitive, the standard by which "forever, 'wild,' and especially 'kept' shall be judged is an area where the earth and its community of life are unaccompanied by man—where man himself is a visitor who does not remain. If we are to ensure the perpetuation of natural plant and animal communities in the Forest Preserve, Conservation Department administrative personnel must develop totally new attitudes about their role and methods of work. 35

CHAIRMAN: The Chair recognizes Mr. George Davis, Executive Director of Governor Mario Cuomo's Commission on the Adirondacks in the Twenty-First Century.

JURIST: Mr. Chairman, on this first day of April, 1990, the Commission on the Adirondacks in the Twenty-First Century recommends the retention without change of the first two sentences of Article XIV. Section 1. Natural habitat, ecological processes and wildlife must be given top priority in the planning and management of the Forest Preserve and the larger Adirondack Park. As a vital sanctuary of natural communities, the region is a safe-deposit box containing ninety percent of all the plant and animal species of the Northeast. Yet the Adirondack Park remains an unfulfilled promise that time may pass by. The land subdivision and development trends so evident today will increasingly foreclose the opportunity to preserve many of the diverse elements of the Park's natural systems. This place of intermingled public and private interest requires a common stewardship. This means that when long-range environmental and short-range economic considerations come into conflict, the balance needs to be struck in favor of protecting its special biological qualities. 36

PRESERVATIONIST: Mr. Chairman, as we approach the Centennial of Article
State Acquires Morgan Property on Lake George

Governor Mario Cuomo today announced the acquisition by New York State of nearly a mile of undeveloped shoreline, known as the Morgan Property, on the east side of Lake George in the Adirondacks.

The Governor made the announcement while attending the annual conference of the Association for the protection of the Adirondacks to commemorate the 100th anniversary of the adoption of the "Forever Wild" clause of the New York State Constitution.

"A century ago, the people of New York made a decision that the State lands within the Adirondacks were of such value that they should be protected not only by statute but by the State constitution itself," Governor Cuomo said. "The purchase of the Morgan Estate will ensure that future generations can continue to appreciate the uncluttered view of this portion of the east shore of Lake George."

The purchase of this property was funded through the State Environmental Protection Fund, signed into law by Governor Cuomo in 1993. The 176 acres of forested hillside in the Washington county town of Putnam is near Gull Bay in the North Basin of Lake George. New York State, through the Department of Environmental Conservation, reimbursed the Adirondack chapter of the Nature Conservancy for $1.6 million for purchasing the land in 1990 from William Morgan, a local resident. The entire project cost the Conservancy $3.4 million, in cooperation with the Nature Conservancy for assisting in this acquisition with the Nature Conservancy.

Conservation to make up the difference. The Morgan property and adjoining private lands to the north and south, are on the eastern side of Lake George is a fitting way to celebrate the 100th anniversary of the Adirondack Council in 1994. "

Chairman: And so today, a century after its adoption, we gather to celebrate the remarkable endurance of a Covenant unique in this nation: The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken in cooperation with the Adirondack Forever Wild: Environmental Anxieties and the Forest Preserve (Philadelphia: Temple UP, 1982) is a necessary—and more promising—companion. An Indissoluble Union (Boston: J.W. Little, 1882),ing the process of vertebrate evolution. I pray we will soon act on the biological diversity of North America. The restoration of large, unmanaged reserves is imperative, but reversing human incursions into biologically critical open spaces. Those who believe humans can exempt themselves from the laws of nature will also pronounce ecological restoration as 'politically unrealistic.'

Chairman: I relinquish my gavel to tell Clarence Petty's story about his youthful introduction to biological diversity. When he wanted to take revenge on porcupines for chewing the handles off the oars for his father's guideboat, he was reminded that the animal came here before him. His father recalled that around 1914 they noticed a large animal a man who was lost in the woods could take a club and kill, and therefore it might save his life. See how things change in this whole picture? What we're thinking now may be far different than will happen 50 or 75 years from now.

Every year we learn something."

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Old Growth at Baxter State Park's Scientific Forest Management Area

by Mitch Lansky

Most of Baxter State Park was heavily cut before former governor Percival Baxter turned it over to the people of Maine. Large portions of the park experienced major forest fires. Indeed, much of the northern part of the park burned in 1903. Severe spruce budworm outbreaks swept through the park several times in the last century. Yet somehow, despite cutting, fires, hurricanes, budworm outbreaks, and other disturbances over the ages, a 300-acre stand of old-growth spruce and northern hardwoods is still persisting in a remote area of the Scientific Forest Management Area (SFMA) of the park.

A Special Place

Park officials and scientists were unaware of the existence of this stand until Ray "Bucky" Owen (then a wildlife resources professor, but now the commissioner of the Department of Inland Fisheries and Wildlife) discovered it in 1990 as he was scouting for deer to the north of Wadleigh Mountain. He was surprised by the size of the trees and recognized that this area was special.

It is special. While there are other spruce stands in Maine (one stand on North Turner Mountain has trees older than 420 years), most are at higher elevations. Inland, these hardwoods are cut for firewood. Some live on low eras and on even terrain are very rare. When loggers found them, they cut them.

Forester Joachim Maier measures an old growth pine tree in the Baxter State Park Scientific Management Area with a diameter tape. It is estimated that there are approximately 80 cords per acre in this old growth stand. Photo by Mitch Lansky 1993. That stand, which would be very much appreciated by loggers, could have survived so long in Maine is truly an anomaly.

Old Growth

Some people have an image of old-growth forests as being dark and cathedral-like, dense, canopied forests dominated by huge, shaggy, ancient trees. In this imagined forest, the forest floor is mostly open, with occasional sapling rising towards the canopy and rare woodland flowers abounding.

At the SFMA, however, the canopy is not fully closed. There are numerous gaps (from such factors as wind, spruce budworm, spruce bark beetle or even old age) where trees have died or fallen. Some of the fallen trees had rotted down to forest dust—testifying to many hundreds of years to not only grow, but to die and decay. The forest floor in the vicinity of this spruce stand is covered with an abundance of regeneration one would expect from a first stage of a shelterwood cut. Balsam fir, though represented in the regeneration, is clearly not a canopy tree, as it is in much of the second-growth forests of Maine. Enough direct and indirect light filters down from the high canopy to allow white pine trees (which is usually associated with larger openings) to regenerate amongst the spruce and fir. Mature white pine trees, however, are infrequent, though quite large.

We did not notice the presence of any rare wildflowers (this was in August), but it would be interesting to survey the diversity of mushrooms growing amongst all the rotting and rotten wood after a rain (we were their during a drought). Surprisingly few trees were of intermediate height. Tree core samples, however, showed that the smaller-diameter trees were younger than the larger-diameter trees. For example a 7-inch diameter red spruce was around 70-years old. A 22.5 inch spruce next to it was over 250 years old. The stand was clearly uneven-aged, but it did not seem to have the classic "reverse-J" shape stand structure associated with selection management. Disturbances and age structures appeared to be more irregular.

The fact that this and other old-growth stands are uneven-aged blows a hole in the argument that spruce fir is always even-aged due to natural disturbances such as fire and budworms. None of the foresters in our group suggested that this stand would be improved through clearcutting on short rotations to "imitate the budworm"—as is the practice in much of the industrial forest.

Scientific Management

It is significant that this stand is found in a publicly-owned area dedicated to "scientific forest management." In 1955, Percival Baxter donated the Sanborn, 30-000 acre area in the northwest of 200,000-acre Baxter State Park to the state, hoping to create a contrast to the exploitive, destructive forest management practices of his day. Old-growth forests as being dark and cathedral-like, dense, canopied forests dominated by huge, shaggy, ancient trees. In this imagined forest, the forest floor is mostly open, with occasional sapling rising towards the canopy and rare woodland flowers abounding. Old-growth, forests are ecosystems, not industrial factories. "Scientific management," therefore, is ecologically-based management.

Unfortunately, there are few "controls" to the "management" going on throughout Maine. What constitutes "ecological management," therefore, is based more on educated hunches than on hard data.

This newly discovered old-growth stand may supply important information that the park's forester, Jensen Bissel, can use in his managed sector. Bissel, even before the discovery of this stand, was pursuing a conservative approach to management—trying to do minimal damage with roads and skid trails and removing moderate volumes of low-quality wood.

The old-growth stand may yield a wealth of information about: gross growth of large trees in older stands, the effect of logging from high canopies, the role of large woody debris in soil processes, gap dynamics (as trees die or fall), the diversity of smaller flora and fauna (funghi, birds, lichens) in an undisturbed forest, and many other topics that many help Bissel or his successors do an even better job.

One interesting area of study could be the edge between the burned area and the old growth. Does the nearness of the old growth affect the development of the new stand? Will this successional stand be reclassified with the full range of species and structures so that it will, in time, be an addition to or replacement of the existing old growth?

The Future

As impressive as the SFMA old-growth stand is, it is only a fragment. It is missing key species, such as passerine pigeons, caribou, and wolves. It has been suggested that the intensified insect and disease attacks, including the spruce budworm and the beach-scale disease. It has also been subjected to air pollution and changes in climate.

Some scientists, such as Orrie Laucks, who has studied the eastern mixed mesophytic hardwood forests, have noted that tree death rates (induced, partly, from ozone and acid rain) have been increasing, and question whether we can continue to grow very old trees even if we wanted to. And if (or when) current old stands fall apart, where are the replacements?

Neither Jensen Bissel nor the SFMA's advisory committee have come up with a policy for the newly-discovered old-growth area. There are no roads to it, and, says Bissel, "At current rates of cutting it will be ten years before we have roads near the area." So there is time to study and to plan. How the area is treated depends, ultimately, on the intents of Percival Baxter who, rather inconveniently, no longer alive to tell us what he wants.

References

Cogbill, Charles, 1959, "The Assn of Forest," The Northern Forest Forum, Madison, pps. 30-31


Mid-August 1994

The Northern Forest Forum Page 15
One-Quarter of Concord, Vermont's Forest

Anyone who has driven along Route 2 between Lancaster, NH and St. Johnsbury, VT in the past decade realizes something is very wrong with the forest—it's disappearing!

Now, thanks to some excellent sleuthing by the Vermont Natural Resources Council and the Northeastern Vermont Development Association, we can see that things are worse than anyone would have dared to imagine.

VNRC and NVDA used ortho and infrared photos from 1982, 1986, and 1992 to map the clearcuts in four Northeast Kingdom towns. They were able to map cutting activity since 1992 with the generous help of dedicated volunteer pilots with the Environmental Air Force. The cuts were mapped onto mylar overlays on the orthos and then scanned into a GIS system.

Results of this exercise are frightening. Over 27% of the forest of Concord has been clearcut since 1980. Clearcuts removed 18.4% of Lunenburg's forest during that period. The figures for Brighton—16.4%—and Newark—13.4%, while not as large, are alarming nonetheless.

After release of these maps and accompanying photographs, the Vermont Forest Products Association withdrew support of a Forestry Communication Council's subcommittee on clearcutting. Roberta Borland of VFPA blasted VNRC and NVDA for a "highly unprofessional act" that will further erode the public's trust and respect of Vermont's second largest industry. She was angered that the maps and photos imply "that the industry is not doing a good job."

For more information, contact: Jim Shallow, VNRC, 9 Bailey Ave., Montpelier, VT 05602; tel. 802 223-2328, or Chris Hamilton, NVDA, Box 640, 44 Main St., St. Johnsbury, VT 05819; tel. 802 748-5181.

### Summary of Clearcut Data

#### Town of Brighton, 34,816 acres

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<td>1986-1989</td>
<td>1,530</td>
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#### Town of Lunenburg, 21,053 acres

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#### Town of Newark, 23,838 acres

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<tr>
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<td>13.4%</td>
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### A Bird's Eye View of the Northeast Kingdom of Vermont

*Photo by Alex MacLean—Landslides*
Forest Has Been Clearcut Since 1987

Town of CONCORD, Vermont
Recent Clear Cuts 1980-1994

- Clearcut Areas 1980-1994
- Remaining Forest Area
- Lakes & Ponds

Mid-Autumn 1994
The Northern Forest Forum
The Council's recommendations are not... a response to an imminent crisis. —Finding Common Ground, page 12

"We are facing an ecological crisis." —Dr. Stephen Trombulak, Biology Department, Middlebury College

The last six years the Northern Appalachians have experienced:
*a growing ecological crisis measured by alarming declines of species and communities native to the region;
*the sale of over 25% of the region's private land. On October 10 we learned that a South African paper company has purchased almost 5% of Maine (over 900,000 acres), including over 50 miles of undeveloped shoreline along Moosehead Lake;
*warnings of dangerous messages contained in the NFLC report;
*high rates of poverty and unemployment region-wide;
*increasing pressures for polarization from "property owners" and "development interests";
The timber industry wouldn't let it go away.

This is a delusion. An undesirable delusion. The Council represented our region's best interests of the people. The Council's predecessor (on pages 34-35 of the NFLS report) acknowledged:

*the Council was aware of the most critical issues facing the region. The timber industry wouldn't let it go.
*if you had hoped that the Northern Forest Lands Council (NFLC) would adequately address these and other fundamental issues in its 37 final recommendations contained in Finding Common Ground, (FCG), which was released on September 19, 1994, you will be disappointed. FCG will not bring us closer to achieving sustainable natural and human communities in the Northern Forest region because the NFLC did not examine the most critical issues facing the region. The timber industry wouldn't let it go away.
*if you think these crises will go away because the Council did not address them, and ignored or misrepresented public concerns about these crises, you will probably be surprised when civil war—Pacific Northwest-style—erupts in the Northern Forest region in the next few years. Ignoring problems won't make them go away.

Indeed, Finding Common Ground sends a dangerous message: that the status quo has been salvaged. This is a delusion. An undesirable delusion.

***

The work of the Council was doomed as soon as it decided to ignore the original charge to the Northern Forest Lands Study (NFLS) from Congress (September 1988) to study, among other things, "forested resources" and the "preservation of biological diversity." Instead, the Council fixated on two sentences in a letter written to the Chief of the US Forest Service in October 1988 by Senators Patrick Leahy and Warren Rudman: "The current land ownership and management patterns have reinforced the interests of one percent of the people..." (FCG, p. 11, emphasis added)

There you have it. The NFLC did not have the moral backbone to choose between greed and sustainability.

Instead, it found common ground by avoiding sensitive issues and by excluding voices that do not believe the Council's job is to use taxpayer funds to lobby on behalf of a constituency that is responsible for degrading and polluting the region as usual. It ignored these crises, and with pitiful few exceptions, has successfully obstructed all efforts to protect the ecological integrity of the region.

***

The Council is quite right: until society acknowledges the limits of physical and ecological reality, until society's ethos reverts environmentally and socially destructive practices—clearcuts, dioxin-dumping, tax breaks and subsidies to the clearcutters and dioxin-dumpers, for instance—the crises will worsen.

The Council represented our region's best chance to: (1) honestly assess the current situation; (2) forthrightly address the thorny issues in an honest, fair, democratic manner, so that (3) the various interests in the region—timber, environmental, municipal, agricultural, etc.—could work together to develop economies that respect national interests. Instead, the Council evaded the thorny issues, ignored critical voices, falsified or ignored the concerns of the public, and now has presented us with a report so biased, so dishonest, and, ultimately, so irrelevant to the crises at hand that, sadly, we can confidently anticipate the sort of Pacific Northwest civil war the Council brags it has saved us from.

What will it take to secure sustainable natural and human communities in—and beyond—the Northern Forest region? It will require that society's ethos reflects a commitment to: democracy and ethics. This represents the logical and necessary evolution of our nation's greatest contribution to civilization—the belief and practice of genuine democracy. Just as the Civil War was necessary to resolve the conflict between the Declaration of Independence's assertion that "all men are created equal" and the reality of slavery, so too, our generation must meet our ethical obligations to future generations and other species by reforming or abolishing economic, social, and political institutions that are based upon ecological abuse.

This most recent stage of American democracy—biopolitical power—is guided by four principles:

(1) Equal rights for all species.
(2) Equal rights for future generations.
(3) Human demands and activities cannot equal or exceed the limits of physical and ecological reality.
(4) Citizens must organize along biological, rather than political boundaries—grassroots, watershed-based community decision-making, rather than top-down paternalistic solutions.

By focusing so rigidly on "reinforcing" traditional patterns of land ownership in the Northern Forest region, the Council placed the "rights" of an elite class of only one species ahead of the rights of all others. It ignored the rights of future generations. It refused to challenge the dominant "religion" of our age—belief in infinite economic growth on a finite planet. And it reinforced a system that governs the region from afar, leaving local residents disenfranchised, bewildered, despairing.

We can and must do better. But, since the Council abdicated its responsibilities, we, the citizens of this region, must do the work that the Council did not. We must understand the patterns of land ownership in the Northern Forest region, the Council placed the "rights" of an elite class of only one species ahead of the rights of all others. It ignored the rights of future generations. It refused to challenge the dominant "religion" of our age—belief in infinite economic growth on a finite planet. And it reinforced a system that governs the region from afar, leaving local residents disenfranchised, bewildered, despairing.

To protect biotic and evolutionary integrity of the region, we must assess the current situation and trends. We must understand the limits of physical and ecological...
The Council is to be saluted for acknowledging we need to establish a network of ecological reserves. Unfortunately, there were no biologists on the Council, and almost everything the Council wrote about biological diversity reflects our society’s ecological ignorance and industry and property rights politicization of science. The Council’s recommendation #21 will not reverse the alarming decline in biological diversity in the Northern Forest region. Consider the following:  

* "The Council recommends that ecosystems be managed in “exceptional” species or communities.

Exceptional means: rare, threatened or endangered. (pages 15, 18)

* "The Council endorses regional efforts to protect biodiversity by claiming states should take the lead in protecting biological diversity. The only role for the Federal government is to provide money with no strings attached. (p. 19)

* "The Council’s recommendations are designed to preserve the current diversity and to enhance it where possible." (p. 61)

* "The Council also learned that the scientific community has not reached consensus on the size and location of Northern Forest reserves. While more research is needed to determine the size, scope and parameters of a reserve system, the experience of the State of Maine offers some insight into this question...That assessment indicates that a reserve system would be limited in size, encompassing only a small portion of the landscape.” (p. 62) (Emphasis added)

If we follow the advice of the Council, we will end up with a reserve system that protects 1-2% of the Northern Forest region outside the Adirondacks. Currently 42% of the Adirondacks is protected as “forever wild,” and still more land must be added to the state lands to adequately protect biodiversity. And, remember, much of the private lands in the Adirondacks are not managed principally for timber fiber and clearcuts are limited in size to 40 acres. In Maine, by contrast, all the private lands in the Northern Forest region are managed for fiber production and clearcuts can be monstrous. Why didn’t the Council point to the experience in the Adirondacks instead of Maine? Industry and property rights veto power? Inability to grasp the nature of the crisis?

The Maine study, conducted several years ago by Janet McMahon of Maine’s The Nature Conservancy, did not include private land (95% of the Northern Forest region); it rejected lands that had been logged in the past 40-50 years, or that had any impoundments or other development. It identified 66 areas with potential for a reserve system of undisturbed lands that would protect native flora. Excluding Baxter State Park and Acadia National Park, this totals about 150,000 acres in a state of 20 million acres—less than one percent of the state.

The Maine ecological reserves study did not study animals, and offers no insight into whether the potential reserves identified (all on public land or land already owned by private conservation organizations) are adequate in size or location to protect the full array of species native to the region. And, given the small size and remoteness from other reserves, this approach clearly will not protect evolutionary integrity. Such a reserve system, alone, will not permit the recovery of wolves (one was shot in Maine in August 1993) or cogars. An individual affiliated with the McMahon study acknowledges it is a "maintenance, not a restoration strategy."

Janet McMahon regularly acknowledges that this is only one approach, and that it is not necessarily the best way to protect biodiversity. She acknowledges that reserves should be as large as possible.

The Council misuses Maine’s ecological reserve study. It does not acknowledge the limiting assumptions of the study—such as that the fact 95% of Maine’s Northern Forest was not studied. The Council latches on to the conclusion that a small reserve system is all that is needed, whereas the real result of the study is to expose how pitifully little land in Maine has not yet been tasted. You can be confident that the anti-environmentalists of New Hampshire, Vermont and Maine will continue to mislead the public by misrepresenting McMahon’s report.

There is an ecological crisis in the Northern Forest region—even if the Council failed to detect it, Native taxa are declining at alarming rates. There is almost no growth left. Over 27% of the species found in the New England portion of the Northern Forests are exotic. The Council is correct in calling for sound scientific studies to guide reserve design. The Council correctly urges us to do this on a landscape scale (and then undercuts this with the false claim that the states can adequately protect biodiversity). To properly protect biological diversity and evolutionary integrity, we recommend:  

* assess the current situation and trends (the Council did not);
* identify areas of biological richness, as well as unique and rare communities; 
* design a network of reserves that both protects and restores native biological diversity;
* integrate the management of public and private lands so that private land management is ecologically sustainable, and not in conflict with purposes of reserves;
* remove political interference and special interest meddling in the process.

The Council did none of these steps. An excellent first step is to read Saving Nature’s Legacy: Protecting and Restoring Biodiversity, by Reed Noss and Allen Cooperider (Island Press, 1994).

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The Council’s Good Work Undercut by Industry Bias

Some good has come out of the work of the Council. Council is to be saluted for its preservation Forests Lands Study. In addition to fostering a regional dialogue on the future of the Northern Forests, the Council also did—grudgingly, oh so grudgingly—acknowledge that protection of the biotic integrity of the region requires the establishment of ecological reserves on publicly-owned lands, and it eventually conceded that controversy over unsustainable forest practices must be addressed.

But, in all three cases, the good work done by the Council has largely been undercut by its relentless, unquestioning bias for the one percent that owns 80% of the region’s non-public lands.

Protection of Biological Diversity: Protection of our life support system is—or should be—our species’ highest priority. The Council deserves praise for acknowledging that we need to establish a network of ecological reserves based on sound science. It deserves censure for shucking this recommendation (#21) with qualifiers that assure the reserves will be inadequate to the task at hand. The Council never assessed the status of biodiversity, and now it prejudices the outcome of scientific research to reassure its clients that such a reserve system would be of "limited" size.

The Council’s goal is to protect current levels of biodiversity—thus subverting restoration efforts. The Council’s work on biodiversity permitted politics to meddle with scientific inquiry. Thus, the Council violated its own call for “sound science.” The Council also ignored or misrepresented the public’s concerns for protecting biotic integrity. And, although the Council was eager to offer all sorts of expensive breaks for land owners whose collective actions are responsible for much of the decline of biotic integrity in the region, it tells us there isn’t much money available for protecting land.

Forest Practices Reform: The Council is to be commended for promoting sustainable forestry and for acknowledging the serious problems of regional dialogue and collaboration over this contentious issue. However, its work on forest practices is too little, too late. The Council never studied forest practices. For five years the NFLS and NELC refused to acknowledged forest practices were an issue. The Council squandered its credibility with the public over this issue. The photos of massive clearcuts run in the Forum and elsewhere but the lie to the Council’s myth of a status quo that has served the region well. The Forest Roundtables proposed by the Council could be a positive development, if they are run honestly, and not controlled by industry, and industry-friendly bureaucrats and politicians.

Regional Dialogue: The Council’s greatest legacy is that it did foster a long overdue regional dialogue. Unfortunately, in capitulating to industry and "property rights" vetoes, the Council refused to recommend the creation of a regional replacement that would continue to foster needed dialogue, research and progress on the most pressing issue.

In doing so, the Council pandered to those interest groups’ hostility to the federal government. But careful analysis of the Council’s 37 recommendations shows that most will require some funding from Congress. The Council and its anti-federal allies are naive in the extreme if they think Congress is going to be favorably...
Public Tells Council

Strengthens Conservation Measures

A new publication, released by 20 members of the Northern Forest Alliance in September, document the public testimony at the 20 Listening Sessions sponsored by the Council from March 23-May 5, 1994. An oversampling percentage of speakers from inside and outside the region testified that the Council’s draft recommendations were too weak. Copies of this report, A Forest at Risk: The Citizen’s Agenda for Saving the Northern Forest, are available from: Northern Forest Alliance, P.O. Box 230, Stonington, ME. 04681, tel. 207-223-5556.

The following is excerpted from the executive summary.

From Presque Isle, Maine to Long Lake, New York, to Boston, Massachusetts, citizens are calling for protection of the 26 million acres of Northern Forest.

By an overwhelming margin (citizens) called on the NFLC to recommend strong action to conserve and protect the Northern Forest from development and subdivision, poor forest practices, and economic decline. In all, 77% of the speakers said we must take strong action to conserve the Northern Forest. They urged the NFLC to recommend strongly needed conservation measures in its final recommendations to Congress.

Foremost among citizen concerns are:

* Development: subdivision of forest land, degradation of shorelines and ridge tops, scattered vacation homes, loss of timber base, loss of species and habitat;
* Economic Decline: job loss, few opportunities for future generations, paper industry dominating local economy, and raw log exports.

Citizens' offered their vision for the Northern Forest:

* Acquiring public land and restoring forest practices;
* Diversifying and strengthening local economies;
* Charging tax policies to support land stewardship;
* Guiding development toward existing communities;

Wealth is not defined as a region.

Overwhelming support for bold action already exists. We cannot wait—now is the time to act.

impressed by states saying: “Give us the money and go to hell.” It is understandable that grandparents from Minnesota and Illinois and points south and west will get very excited about sending great sums of money to such folks.

Also, the Council’s final report, Finding Common Ground, shows that the Council did not honestly “listen” to the public; that, instead, the Council heard only what it wanted to hear, namely, that the answers provided to the first of 1994-95 issues resolver in 1988-89—more tax breaks and easements—are what the public wants.

Consider how the Council satisfies the public testimony in March-May 1994 at 20 NFLC Listening Sessions. (Most of the comments contained two general themes, “FCG” asserts on page 9 “ine, to alleviate the range of pressures that discourage landowners from holding and managing lands for the long-term; the other, to protect and enhance the ecological resources of the region.” The official transcripts of the listening sessions put the lie to this claim. In every listening session, the public demanded that the Council strengthen its recommendations to stop unsustainable forestry and to establish a network of ecological reserves to protect biotic integrity. Very few urged the Council to cling to the status quo; very few said the welfare of the wealthy was the Council’s “greatest concern. The Council heard what it wanted to hear and later was detected in fish in rivers below paper mills."

Consider how the Council treated the public. Lavis claims about the Council’s public process are listed on page 6 of FCG. But, in addition to ignoring public testimony on biological diversity and forest practices, Council members merely passed up an opportunity to belittle the public testimony that did not endorse the Council’s preconceived solutions.

By the third listening session in late March, the Council realized that the public was steamed up over its biased treatment on forest practices, biological diversity, land acquisition, and taxes. The Council realized that the public was repudiating its publicly-funded work. So, Council members began to hedge on the value of the six-week listening session process. “We’ll be putting more weight on the written comments.” I was told on several occasions. When the written comments conveyed the same unmistakable message, the Council ridiculed public concern over unsustainable forestry by claiming (falsely) that although the public had expressed concerns about forest practices, the Council had not received a single “rebuttative statement.”

The Council’s History Explains Roots of Failure

To appreciate why the Council was doomed from the start, a little history is in order. The Congressional authorization of the NFLS on September 27, 1988 stated: "The study shall include identification and assessment of: (1) forest resources... and (4) alternative strategies to protect the long-term integrity and traditional uses of such lands. Specifically, the alternative conservation and management strategies shall consider:... preservation of biological diversity and critical natural areas, and new State or Federal designations" (NFLS, p. 89)

On October 4, 1988 Senators Leahy and Rudman wrote their "clarification" letter with the now notorious "...serve... the region well" comments. Although the letter was intended as guidance, and not as a straight deadline, the Governors’ Task Force—facing constant threat from the Maine delegation to quit the study—interpreted this to mean that implementation of the directives of the Congressional authorization were to be ignored. The NFLC later behaved as if the Leahy-Rudman statements and proved that the status quo had served the region well.

Former NFLS Governors’ Task Force member Carl Reidel, of the Environmental Studies Program at the University of Vermont, described the scandalous manner in which the timber industry captured the process, and offered free and honest inquiry into environmental issues in "Endgame in the Northern Forests" in American Forests.

It got worse once the Council was launched in 1991. That summer two traumatic events occurred in close succession. Public hearings on the proposed NFLC Act in Lyndonville, Vermont and Bangor, Maine, attended by the senators of those states, galvanized right-wing opposition to any study or council. "Property Rights" zealots, joined by their ideological twins from the John Birch Society, took a post-Cold War crusade against the "international environmentalist conspiracy." Although there were plenty of sane people at these hearings who supported a responsible study, the senators were so terrified of the property right-wingers that they abandoned the ill-conceived, badly written NFLC Act.

That summer, at a Council meeting held at Kay Brook, New York in the heart of the Adirondacks, the property rights/anti-Adirondack Park Agency vigilantes showed down the Council, and the meeting was postponed until the following day. The Council collectively recovered from the confrontation with belligerent, misinformed extremists. The groveling language about the rights of property owners in FCG is a direct consequence of these two episodes and other, equally inciting, included the firing of a Council vehicle in the Adirondacks.

By the autumn of 1991 it was clear the Council would not voluntarily address the issue of biological diversity. It didn’t even want to hear about it! The Northern Forest Alliance of approximately 20 environmental groups forced a showdown with the Council in December 1991, and a few months later, the Council established its "Biological Resources Subcommittee." The reason the timber industry lifted its veto on this issue is that its constituency were even more certified than the "surplus inventory" access to their lands. After all, they might find a spotted owl had strayed 3000 miles east. So, industry traded away the biological resources subcommittee to thwart the investment industry heavyweights Tod Johnston of the Maine Forest Products Council and Bob Siegelmann of International Paper joined the biological resources subcommittee and effectively muddled the discussion for the next two years.

But, on forest practices, the defenders of the timber industry would not budge. The Northern Forest Lands Council would not be allowed to study the condition of the forests. The Council’s "What me worry?" grin to assure the public of its neutrality and to the region well" comments. Although the let-

ter was intended as guidance, and not as a straight

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The Northern Forest Forum
The Northern Forest Forum Index

The following index of interesting facts about the Northern Forests and the work of the Northern Forest Lands Council was compiled by the editorial staff of the Forum.

Major spur to Northern Forest Lands Study: Leveraged buy out of Diamond International and subsequent sale of nearly one million acres in four state region.

Recommendations by Northern Forest Lands Council (NFLC) to deal with such large land transaction:
NONE

What happened within weeks after the NFLC had its final meeting: A leveraged buy out of S.D. Warren (which has 930,000 acres in Maine) by a South African Paper Company.

Major reason (determined by the Council’s contractors) for sale of large blocks of land:
To raise cash (to make money)

Number of Council recommendations that directly deal with land sales (and/or timber liquidation) to raise quick cash:
NONE

Major issues raised by public in listening sessions:
Abusive forest practices (clearcutting, herbicide spraying and highgrading), economic insecurity (timber shortfalls, job loss through mechanization, export of raw logs, multinationals taking profits out of state, domination of economy by paper industry), insufficient public land (in Maine), and threats to high-value biological and recreational resources from inappropriate development and abusive forest practices.

What the Council “heard” from the public:
There is the need “to alleviate the range of pressures that discourage landowners from holding and managing lands for the long term” and a need “to protect and enhance the ecological resources of the region.”

What the Council sees as its mission:
“To reinforce the traditional patterns of land ownership and uses of large forest areas...”

Percentage of Northern Forest Lands in Maine:
60%

Percentage of Northern Forest Lands (NFL) in Maine that are part of large land ownerships (500 acres or more):
80%

Percentage of landowners in the NFL that own the 80% in large land ownerships:
1%

Major emphasis in Council’s recommendations for reinforcing traditional patterns of ownership:
Make them more profitable through tax breaks, easements, subsidies, cost reductions or market development.

Number of Council recommendations that suggest tax breaks:
9

Number of Council research contracts that dealt directly with reducing taxes for forest landowners:
6

Percentage of Council money that went into studies on taxes:
42.5%

Number of Council contracts that dealt directly with forest practices, forest regulatory policy, forest inventory statistics or strategies for dealing with Maine’s timber shortfall:
NONE

Council’s ranking of property tax as a reason for land sales:
7th

Conclusion of Council’s land conversion contractor on property taxes:
“Where current use programs are being used by landowners, property taxes are not significant reasons for land sales.”

Percentage of current use lands in 4 state region that are in Maine:
89%

Percentage of timberlands in large landownership areas in Maine that are in current use (Tree Growth Tax Law):
Nearly all

Average tax per acre per year paid by big landowners under Tree Growth in Maine: $72.10

What an acre of softwoods are valued at in Washington County, Maine under current use: $72.10

What Champion International will pay woodlot owners for one cord of spruce fir studwood in the same region: $132

Percentage of parcelizations in 4-state region, during the Council’s study period (1980-1992), that occurred in Maine:
96%

Percentage of subdivisions in 4-state region that occurred in Maine:
91%

Percentage of “land conversions” in the NFL region that occurred in Maine:
76%

What the Council’s land-conversion contractor concluded about federal taxes:
“The majority of landowners indicated that federal tax policies are not a significant driver of land sales.”

Earnings of forest industry in Maine as a percentage of all industries:
8%

Percentage of Maine’s general fund that comes from income taxes from the paper industry:
Less than one half of 1%

Percentage of Maine that is publicly owned:
4%

Percentage of Maine that is “Wilderness”:
1.5%

Major emphasis of Council for land acquisition:
Acquisition of development rights through easements

Number of Council recommendations that include easements:
9

Area of 4-state region that got “converted” through development during study period:
45 square miles

Area in Maine that landowners reported clearcutting during same time period:
2,000 square miles

Forest management changes required when development rights are bought by the government:
NONE

What Senators Leahy and Rudman (and the Northern Forest Lands Study) thought of the performance of big landowners in the region:
“The current land ownership and management patterns have served the people and forests of the region well.”

Trend of full time woods jobs in Maine 1984-1992:
-40% decrease

Trend of paper mill jobs in Maine during the same period:
17% decrease

Trend of forest inventory (volume of trees pulpwood quality or better) in Maine 1980-1990:
Spruce-fir—31% decrease; Tanger hardwoods—15% decrease; White birch—6% decrease; Red maple (a low value species)—12% increase

Ranking of poplar (a low value species) amongst hardwoods in Maine in 1959:
5th

Ranking of poplar in Maine amongst hardwoods in 1990:
2nd, after red maple

Number one source of pulpwood in Maine 1959-1980:
Spruce and fir

Number one source of pulpwood in Maine 1990:
Hardwoods

Status of timber supply in Maine for paper and biomass industries:
Net importer

Status of timber supply in Maine for raw logs for lumber:
Net exporter

Percent of hemlock sawlogs harvested in Maine that got exported in 1992 (according to Maine Forest Service):
14%

Percent of some other species of sawlogs that got exported from Maine in 1992:
Sugar maple—31%; Spruce-fir—38%; Cedar—43%

Amount of discussion in Council’s Finding Common Ground about the negative trends in the forest and society caused by the industrial status quo:
Negligible

Percentage of Council members who are either foresters, large forest landowners, representatives of large landownerships, or former representatives of large landownerships:
75%

Percentage of Council members who are biologists:
Zero

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of its claim that the only problem with the region was that landowners deserved more subsidies from other taxpayers.

Given the Council's fears of the property rights crowd and its growing public relations problems with the public over clearcuts and biodiversity, it hired consultant Hans Bleiker, to teach it how to avoid alienating members of the public with the power to veto the work of the Council. Council members and some members of the Citizens Advisory Committees participated in the Bleiker training session in April 1993. Most of Bleiker's precepts were commonplace to people accustomed to telling the truth; the rest were merely sensible recommendations for conducting a focused policy debate. Bleiker's central thesis was: if this is an issue that affects the quality of life of people in this region, then policy must be honest, open and fair; otherwise, you will provoke aggrieved groups to disrupt or veto the process.

For such an issue, Bleiker cautions: the Council must first clearly define the key issues and then analyze how the system works. The Council did not. It misidentified the issue, and it provided scant analysis of how the system works. What analysis it did provide, was slanted to "prove" the need for further tax giveaways, not to provide a local, comprehensive analysis of the status of biological diversity, forest practices and the region's economy.

Proposed Tax Breaks Will Cost Public BILLIONS

Back issues of the Forum have dissected the hypocrisy of the Council's obsession with tax breaks, for large absentee owners. (See especially vol. 2, #1, 4, 5) It is critical to note that the Council's tax studies were profoundly flawed, failed to make the case that the tax breaks were needed, would "conserve" forest land, or that they were the most cost-effective way to achieve the goal of preventing undesired development of forest land. Much counter-evidence—ignored by the Council—suggested that in Maine, where taxes are lowest, forest practices have been most destructive.

The way to build trust with suspicious constituents, Bleiker advised the Council, was to confront head-on the big, controversial, sensitive, painful issues, instead of getting defensive about them. Yet the Council continued to stonewall on forest practices, conducted shallow, biased tax and economic studies, and ignored the poverty and job loss in Northern Forest communities while aggressively promoting tax breaks for the wealthy few. And when challenged on this, the Council grew defensive.

**Served the Region Well?**

Four and a half years ago the Northern Forest Lands Council (NFLC) published a depressing assessment of the economy of timber-dependent Northern Forest communities. In order for the Council to maintain its happy fiction that "the current level of timber management by the Council is higher than ever," the Council had to ignore the economic findings of the NFLC. But those of us living in these exploited communities live that reality every day. We can't forget. Here's a sampling of what the NFLC got wrong in its first study:

- Per capita income in all but one county in the Northern Forest is below the national level of $10,797... All averages for their states.
- "In a number of the counties a significant number of people are living below the established poverty level.
- "About half the study area has more families living in poverty than the national average. In contrast to the national average, people in the Northern Forest have a lower proportion of adults with a high school degree, especially among youth.
- "The level of education achieved by people living in the Northern Forest, fewer with families in New England live in poverty than in either the Northeast or the nation."

- "The Northern Forest varies considerably, but for the most part fewer people have completed high school and college than people in New England as a whole.
- "In fact, one of the major reasons for counties having the highest poverty rate in New England and the Northeast have more. It is likely that the quality of health care in the Northern Forest is inferior to the quality of care in the rest of the Northeast. . . ."

-J.S.
Maine Legislature Studies Paper Industry Decline

Maine’s Legislature now acknowledges the decline of the paper industry. In March 1994, as an emergency action with no fanfare, it passed a Resolve creating a Commission on the Future of Maine’s Paper Industry. The governor signed it into law in April.

The Wherein leading off the Resolve are revealing; in sum, they say that what is claimed to have been a ‘mainstay of the state’s economy is now in decline both nationally and within the state, bringing into question the industry’s long-term ability to remain a major part of the state’s economy, creating the potential for a devastating ripple effect. What remains to be further said is to find of vital concern, determining how to give what problems the industry is facing and what, if any, actions the state may take to assist the industry.

The Governor appointed four members and each of the Legislative leaders named two. Of the eight, five are from local paper companies, two represent union workers in the mills, and one has no apparent industry connection. He is Edward Fox, Dean of the Tuck School of Business of Dartmouth College. It is notable that the Resolve specifically states that “One member must represent the interest of the environment...” At the Commission’s meeting on September 29th, the Chair, Glenn Foss of Madison Power, reported that “the Natural Resources Council had declined an invitation from the Speaker (of the House).” The stated basis of the refusal was from the Commission’s reporting consensus, “it was the NRC’s desire to be cautious about the Resolve and the final report. The NRC, to Clinton also called it the Natural Resources Council of Maine (NRMC), according to the Senate President’s staff.

By September 12th, the Commission’s immediate task was raising (from industry) $400,000 or $130,000 for consulting firms. If Maine industry did not provide the data deemed necessary for the problem analysis. Speakers from government, industry, banking, and environmental groups are scheduled for subsequent meetings.

Commission meetings are scheduled every second Monday. A draft report is to be reviewed November 29th and a final version approved on December 12th, to be presented January 14th.

—William Butler

There are far cheaper, far more effective methods for controlling development: existing use zoning, the Vermont Land Conservation Tax on real estate speculation, and an end to subsidizing second home mortgage interest payments via tax breaks. The Council refused to recommend these approaches because industry vetoed them. Why? Simply, the cuts get 70-75%, sometimes as much as 90-95% of the price of full fee acquisition of land for selling a "conservation easement." What does the public get? It purchases development rights, but it loses the landowner free to clearcut, build, and spread pesticides. And, there is a bonus with easements: opponents of public land acquisition realize that redirecting supposedly scarce public acquisition funds to easements subverts public land acquisition initiatives, puts additional subsidies in the pockets of the wealthy landowners and does not interfere with "traditional" logging practices.

Even worse than permanent easements are: term easements and rolling easements (see recommendation #2). These booncodes cost the taxpayer large sums of money for a temporary commitment (10-20 years probably) not to develop. Meanwhile, the landowner can clearcut the land, and when the term or rolling easement expires, subdivide and build condos. Talk about the best of all possible worlds! Meanwhile, much of the threat of development could have been averted for little money via current use zoning and a land gains tax. Industry opposed these two because they interfered with "sales science," etc.) yet none on forest practices.

On page 42, the Council tells us something rather distressing: "Information on forest management techniques is not adequate, especially as far as we are concerned with the Principles of Sustainability." Who says clearcuts are OK? Did the Council study forest practices? Is it not a trifle hypocritical to hang so many questions on such a negative qualification? Anyone who has any knowledge of the scientific, economic, and political aspects of forest management is surprised that the Council can say this. And one wonders what it means to say that "for conservation purposes the Council recommends that "term easements are not to be used." The Council made this statement to make some political point. This is not the time to make political points. The Council is not the Federal Government or the state legislature. The Council is not concerned with the political ramifications of its recommendations. The Council is concerned with developing a strategy for the long-term, critical problems will go unaddressed, and distrust and paralysis will grow worse. Industry has a right to play an important role, but so do you and I.

Let us learn from the German failures, and let us work together to restore healthy natural and human communities to the Northern Forest.
NFLC Economics: A Fundamentally Flawed Report

by Eric Pabla
NWF Resource Economist

Boxed in by the mission of promoting "traditionalism" and a self-imposed referendum on forest industry viability, the economics portions of Finding Common Ground ultimately suffered a tilt towards the economics of forest ownership instead of the economics of forest lands (and the communities therein). The error in this tilt was bluntly summarized by noted Oregon University economics professor Ed Whitelaw at a recent Vermont Law School symposium on the NFLC's final report: "If economics is relevant to the report, it is flawed fundamentally."

While the NFLC has been frequently criticized in this area, it is worth emphasizing that Council members and staff were never provided adequate resources to complete the work envisioned or even analyze the work provided to them. This was further compounded by their sweeping intent to "stimulate local economies while improving global competitiveness..." Consequently, the economics work commissioned by the Council frequently smacked of boosterism (e.g. NEPA industry reports; Brown tourism reports) or contained key information that was seemingly overlooked, (e.g. CTD, Inc and State Resource Strategies reports).

To be sure there are silver linings in the final report and the Council deserves plaudits for their attention to process and participation. Listed below is a short review of the major economic recommendations which are spread among report sections on "Fostering Stewardship on Private Lands" and "Strengthening Economies of Rural Communities."

(Note: for more in-depth discussions of the Council's economic work, the following back issues of The Northern Forest Forum will be useful: volume 2 #1, 4, 5.)

Green Certification (Rec # 4) One area of common ground is the recommended use of voluntary, market-driven forest certification programs. The NFLC improved the language in this section from previous drafts by clarifying: what timber certification is, its arms-length role of government, and, the role of certification in helping define sustainable forestry in a practical, on-the-ground manner.

Property taxes (Recs. #5 & 6) From the get-go preserving Current Use tax stabilization has been an emphasis of industry and landowner groups although the correlation between these tax programs and land conservation is shaky when applied to large corporate and forest industry lands or unorganized townships with low appraisal values and little demand for services. These two patterns of land ownership are the most dominant in the NFLC study area; thus the major conservation benefits of current-use programs are limited to a minority of private, non-industrial lands pressured by rising land values and tax rates. The most useful suggestion by the Council in this area is for state government to move towards a total use-value property tax system (Rec. #6) rather than gluing up current use tax programs which now tend to provide disproportional benefits.

Capital Gains Indexing (Rec. #8) This provision remains a viable example of a "trickle-down conservation" approach. By indexing the original cost of the land to account for inflation—and putting more money into landowner's hands—it is assumed that better stewardship will follow. Despite the lingering policy question of whether we should favor one type of long-term capital asset over another in the tax code, there is little proof this will actually work. According to Professor Janet Milne of the Vermont Law School, this provision may actually cause more land to be converted or cut because a tax-free gain on income can be realized earlier.

Estate taxes (Recs. #7), Passive Loss (Rec. #9), and Conservation Sales (Rec. #19) These recommendations signal additional common ground although key policy questions remain. Regarding estate taxes, important language on the use of "recapture provis­ions" for converting undeveloped land was added to the final report although the meaning of "current use" in this context is vague since it is not tied to any particular system of current use valuation. Regarding the passive loss provisions, will there need to be clarification about what kinds of "normal management expenses should be deductible if the hourly threshold of 100 hours is entirely removed. And regarding income tax relief from conservation sales and/or donations, this recommen­dation would restore previous tax code provisions that encouraged such transactions. Hanging over all of these federal tax code proposals, however, is the tax cost to the federal government in a political climate that is still very deficit-sensitive.

National excise tax (Rec. #14) This is an appealing but potentially cumbersome recommendation. It is leaving the taxing authority (and tax debate) to Congress. The downside are: a) a new excise tax will likely be under siege for a variety of equally important claims such as public lands maintenance or non-game wildlife management; and, b) a national distribution formula may ultimately provide few resources to Northern Forest regions.

(Apparently the last time this was tried in Congress, supporters of the excise tax failed to consult with affected industries which gave rise to fierce lobbying, the formation of several obscure industry groups such as the Institute of Wild Birdseed Manufacturers, and a detailed tax proposal!) Congress should have this debate with the support of the northeast although other revenue options such as targeted user-fees deserved as much attention.

USDA Rural Community Assistance (Rec # 22) The emphasis in this recommendation was appropriately broadened from earlier drafts that rec­ognized only one of three USDA programs in this area. However, without broader, voluntary chip by Senator Leahy and others in the northeast, Congressional delegation, the current eligibility criteria may freeze out Northern Forest states from participation to these already limited funds. While these programs have shown significant early successes in promoting value-added forest products and community planning, environmentalists will need to watch­dog against unnecessary perk and ensure they continue to be used as a creative economic catalyst.

Community Development Finance Institutions (Rec. #25) The environmental community can take credit for putting this on the NFLC agenda. It is one of the few recommen­dations that, by virtue of the goals of CDFI's, promote a view of rural and community life that is broader than forest land management or forest products development. The federal leg­islation supporting CDFI's was just signed by President George Bush last February. Northern Forest states have much more work to do in getting this financing concept applied more systematically to the region.

State Assistance (Recs. #23, 25, 27, 28, 29, and 30) For each of these recommendations, if you asked the right person in state government, they would find they are already doing them. Marketing cooperatives, work­men's compensation insurance, regula­tory relief, and rent-use programs are perennial issues from which a plethora of programs, laws, and study groups have emerged at the state and regional levels in recent years. However, unless the political climate suffers from a lack of precision and insight about what has already been learned about these issues. For example, a call to standardize truck weights across the region says nothing about the well-known problems from overweight logging trucks. Similarly, the NFLC takes a broad swipe at "regulatory process" without documenting which laws or agencies are burdensome and why.

Log Export (no recommendations) A missed opportunity and a seri­ous gap in the final report. This is in spite of broad public concern from many voices at the NFLC hearings and domestic industry groups such as the Northeast Forest Users Coalition, and a draft report by the National Wildlife Federation emphasizing the potential job impacts and the lack of basic region-wide data on the types and amounts of raw log export flows.

In conclusion, much of the eco­nomics agenda offered by the Council relies on Congress and the hope that enough support can be garnered from around the country to mobilize small but significant changes in federal tax policy. Given the steady decline in for­est products jobs across the region, and the array of economic forces (and opportunities) now affecting rural economies, we are left with a fragment­ed picture of the northern forest econo­my. Several of the NFLC recommenda­tions have the potential to incrementally improve local economies but they will be hard pressed to keep up with changes already underway in our towns and forests.

Although the Council acknowledged that the public is deeply concerned about the export of raw logs and local jobs, it offered no recommendations dealing with the export issue. This photo shows raw logs awaiting export at Eastport, Maine. Photo by Rudy Engblom, Environmental Air Force.
New Hampshire Forest Resources Planning Process Is Underway

In April 1994, State Forester John E. Sargent convened the fourth New Hampshire Forest Resources Plan. This 28-member Steering Committee is composed of representatives of many interests, including industrial and non-industrial landowners, consulting foresters, conservation organizations, environmentalists, property rights advocates, ecosystem and soil scientists, public agencies and local government.

Thus far, the Steering Committee has crafted a vision of New Hampshire's forested landscape in 50 to 100 years, and it has also developed a list of 13 challenges to achieving the vision (see accompanying box). Throughout the fall, the Steering Committee is seeking public comments on the Vision and Challenges. Comments are due by January 13, 1995.

The next phase of the planning process is to assess the current situation and collect information that describes the existing condition. To assure the plan reflects the balance described in the vision, three assessment areas have been formed to assess: economic issues, ecological resources, and human and social values.

Development of policy options will take place after the assessment reports are complete. Building on the model of broad participation in past New Hampshire planning efforts, numerous challenge/issue groups will be formed to develop policy options. Some participants will be invited, but these groups will be open to anyone who wishes to get involved.

The Steering Committee will establish priorities from options developed by the challenge/issue groups. They will create a package of proposed recommendations that will be the heart of a Draft Forest Resources Plan. After a substantial period for public comments, a final Forest Resources Plan will be completed.

What You Can Do:
Concerned citizens are encouraged to attend meetings of the Steering Committee, to participate in its work groups, or comment on the Draft Vision Statement and Challenges to Achieving the Vision. To get on the mailing list, please write (or telephone: John E. Sargent, State Forester, Department of Resources and Economic Development, Division of Forests and Lands, POB 1856, Concord, NH 03302. Tel. 603 271-2214.) Comments on the Draft Vision and Challenges are due by January 13, 1995.

A Vision of New Hampshire's Forest Resource: The Desired Future Landscape Condition
(Working Draft—July 21, 1994)

The human history of New Hampshire is dominated by our relationship to the forests. The very character of our state is proudly derived from generations of people who extracted a living and purpose from land which grows trees in abundance. Today, due largely to population growth and technological change, the majority of New Hampshire people are removed from an immediate relationship with forested land. Livelihoods and purpose are no longer perceived to be dependent upon the forest resource. A future in which New Hampshire's forests play a defining role cannot be taken for granted; rather, it must be planned for and vigorously pursued.

The planning and thinking process represented by this, and previous Forest Resource Planning documents, took both the heritage and prospects of New Hampshire's landscape seriously and arrived at the following vision statement to guide New Hampshire's forest policy:

New Hampshire's landscape will be dominated by diverse forest cover in a complex mosaic of forests and farms, rivers, lakes, and mountains, interspersed with thriving urban and rural communities, enhanced and connected by undeveloped open spaces.

The landscape will reflect a balance that is vital to the character of New Hampshire—sustainable, strong economies of forest industry, tourism and outdoor recreation, dependent upon healthy, properly functioning ecosystems.

New Hampshire citizens, now and in the future, will live, work and play in this diverse forested landscape, and will increasingly understand themselves as sustaining the landscape, and being sustained by it.

Challenges to Achieving the Vision

Many recent changes in New Hampshire's forested landscape are related to population growth. Urbanizing towns along the southern border, suburban sprawl in communities state-wide, land posted against public access, wildlife habitat broken up by roads and development, and increasing numbers of people visiting our public forests and parks, will ultimately change the quality that characterizes our state.

The Forest Resources Plan cannot directly address the impacts of population growth. But it can guide the use of land and resources to assure the land provides for our needs, and that forest health and productivity are sustained for future generations.

We face many challenges ahead. They are listed here to serve as a guide to our development of a forest policy that will shape the forest landscape we pass on to our children.

We are challenged to create a future where:

* People understand and appreciate the value of New Hampshire's forests. They are aware of the products they use and benefits they receive from the forest; understand the compatibility of ecologically-sound forest uses and natural processes; and know that economic and human health depend on respect for ecological limits.

* Forest communities sustain biologically diverse populations of native plants, animals and other organisms that depend on the processes of the forest environment for survival and continuation of evolutionary processes.

* Scientific information about natural communities, ecological systems and physical site conditions is the foundation for land management and protection decisions.

* Natural resources are used by New Hampshire industries to provide a diverse economic base that optimizes value-added products and provides stability for communities and residents.

* Forest-based businesses, which have contributed to the stability of New Hampshire's economy for 300 years, are recognized and encouraged by public and private organizations, and the public at large.

* Privately owned forest lands contribute significantly to New Hampshire's forest-based economy, tourism and outdoor recreation, biodiversity, and character of landscape.

* The role of public lands is continually evaluated so they compliment private forest lands by protecting land and amenities not provided elsewhere. They contribute some of the same benefits as private lands but also contribute, for example, by showcasing ecologically sound forest management, developing knowledge about ecosystems and forestry, and providing unique habitats and natural communities.

* Landowners responsibly exercise property rights and the public respects owners' rights.

* Policies are developed cooperatively by government, industry, non-government organizations and individuals. They are developed using science and a science-based definition of sustainability. Policies emphasize education and incentives.

* The New Hampshire tradition of cooperation and community-spirit continues with well-informed citizens who actively participate in local, regional and state decisions about forest resources.

* Local land use plans reflect and incorporate the state forest resources plan.

* Diverse domestic and global markets provide optimum, sustainable return to the state's economy.

* Key parameters of forest health are identified, changes and trends are monitored, and appropriate actions to maintain a healthy forest ecosystem are implemented.

Mid-Autumn 1994
The Northern Forest Forum
A Proposal for Intensive Forest Management Based on Low-impact, Low-cost Technologies
by Dana Marble

Technological Change

Forest management has become increasingly mechanized over the last 40 years. Loggers have gone from horses to tractors to mechanical harvesters. Improvements in technology, in general, have greatly increased worker productivity with little regard to forest productivity. The overall result has been fewer jobs, heavier cuts, and increased damage to the forest and forest soils. The economic impact has been less money staying in the local community.

When mills and logging were lower-tech, industry needed more labor, less money was spent for machinery, and more money from a cord of wood circulated through the community. Great Northerns, for example, built towns, roads, and schools in order to attract the labor force to run their mills. There were more support jobs in the local communities connected to logging, such as sawing hay and grain for horses.

Increased mechanization has reduced the labor force and local supportive labor. The machines and fuels are produced in other regions (or countries), and they are often very expensive. Huge sums of money are borrowed from banks. As much as 90 cents of every dollar produced from a cord of wood circulates through the community.

The large debt from equipment purchase increases pressure to cut more wood per acre. The heavy cutting damages the forest ecologically and aesthetically. Not only is future production of high-quality timber damaged, but recreation, hunting, and fishing are also affected. Even with partial cuts, as much as 25% to 30% of the forest is turned into skid trails, roads, and yarding areas.

Alternatives

Alternatives to mechanical harvesting have to allow long-term productive forestry. They have to address the problems of skidder trails, and the damage to the roots and bark of trees adjacent to the trails. Alternatives also have to be economically viable.

Criteria for alternative woods technologies must include the following:
1. Machinery must be affordable and easily maintained.
2. The harvest system must minimize skidder trails.
3. Light cuts must be more economical.
4. The technologies and methods must be easily copied and adopted.
5. The harvest system should represent long-term stewardship, not just a cut and run operation.
6. Logging roads must be designed for minimal impact, but allow frequent, light cuts.
7. There must be economic incentives for landowners to enroll into such long-term programs.
8. There must be guidelines for landowners/foresters/ loggers with checks and balances to assure compliance.
9. There must be penalties for abuse.
10. Examples should be set on both state and federal lands.

Two systems that meet all these requirements are horse logging and cable logging. I have used horses on my own woodlots for over 10 years. My skidder trails were spaced 400 hundred feet apart. The horses were used to bring logs to the skid trails where a skidder forwarder or loggers forwarded the logs to a yarding area. Damage to the forest from skid trails in this system is less than 4% as compared to 25% to 35% with mechanical harvesters. This system can be used on the same ground (using the same skidder trails) for short cutting cycles.

Cable systems (Note: see article about Sam Brown, low impact logging.) can be used to achieve the same results as horses. In some cases, a cable system has advantages over horses, because it can be used in swampy areas, rocky ground, and steep terrain. A cable system also doesn't need to be fed and cared for seven days a week.

Stewardship

To have frequent, light cuts in large tracts of land, a good road system has to be built and maintained. Since the goal is to have a sustainable cut resulting in stand improvement, the initial cut will remove mostly low-quality wood. The money, however, is in the larger, higher-quality trees. This means that often the first cut will not pay for the cost of the road system.

One way to improve the economics of such a system is through long-term stewardship contracts, rather than just a contract for one cut. Such a contract would benefit both the logger and the landowner. It will show increasing returns in the future as timber quality improves.

Such a contract requires a long-term landowner/forester/logger relationship. A stewardship program should include the following:
1. There should be a long-term forest plan involving frequent, light improvement cuts at 5 to 15 year cycles.
2. The contractor should use low-impact, low-cost logging technology.
3. There should be long-term, transferable contracts between loggers, landowners, and foresters.
4. Alternatives to be a guidance and oversight committee or agency that can look at both biological and alivial-cultural impacts of management.
5. Those who qualify may get cost-sharing or tax incentives for roads and stand improvements.
6. The contracts should have penalties for withdrawal.
7. Cost sharing and tax breaks should be limited to only the first one or two cuts—eventually high-quality trees will increase income to such subsidies are not needed.
8. Safety training and testing should be required.
9. An apprenticeship program could be used to train people coming into the program.
10. Loggers and foresters who qualify, through training, can be certified by the oversight committee. Landowners too could be certified, opening up higher-paying markets.

Benefits

The benefits of the program would include a stable connection of workers to the land as well as long-term employment. The low overhead would mean less money leaving the local economy. A well-stocked forest would increase wildlife populations, improve timber quality, and assure forest productivity for future generations. Although it would not replace or eliminate mechanical harvesting, this proposed system would provide and alternative which we don't have now.

Dana Marble is a 1973 graduate of the University of Maine. He taught Vocational Forestry at Machias High School in 1974 to 1975. He has been a logging contractor for Georgia-Pacific Corporation from 1975 to the present. Dana would like to hear from landowners, loggers, and foresters interested in stewardship forestry systems. You can reach Dana at P.O. Box 10, Waite, ME 04492. Phone (207) 796-2831.

Beech Threatened by Outbreak of Variable Oakleaf Caterpillar in Maine
by William Butler

The latest onslaught, affecting over 100,000 acres of the dwindling Maine forest, is an eruption of one-and-a-half inch caterpillars which are devouring the leaves of beech, once the predominate hardwood species. The insect is the Variable Oakleaf Caterpillar, reported by USDA to be a common insect of deciduous forests. "We have a spruce beetle, boxelder bug, and it's a complex. The latest one is the spruce bark beetle," according to the Maine Forest Service entomology department.

The insect is the Variable Oakleaf Caterpillar, reported by USDA to be a common insect of deciduous forests of eastern North America. The outbreak was first reported in 1956 and then in 1988, the latter subsiding to endemic levels by 1991. The oak referred to in the name is usually the white oak, not abundant in eastern Maine, with mostly beech defoliated. Deeper valleys, thickets, and clefts in a forest floor is even more a common insect of deciduous forests of eastern North America. The outbreak was first reported in 1956 and then in 1988, the latter subsiding to endemic levels by 1991. The oak referred to in the name is usually the white oak, not abundant in eastern Maine, with mostly beech defoliated. Deeper valleys, thickets, and clefts in a forest floor is even more a common insect of deciduous forests of eastern North America.

Beginning in August of 1994, hordes of the insect attacked the beech, already stressed by the introduced scale-Nectria complex. Defoliation of the beech leaves was rapid. For some observers, the startling increase in sunlight on the forest floor was the signal of something awry; one had to look up to see that the canopy was missing.

As the Maine Forest Service entomology department reports that feeding by early-stage larvae was found in beech stands in central, northern, and eastern Maine. An industrial owner in eastern Maine confirms that they have the problem.
Sam Brown's Low-Impact Forestry

By Mitch Lansky

Sam Brown is from the fifth generation of a family that cut the great white pines of Wisconsin and Minnesota and moved west to log the Douglas fir. His father worked for Weyerhaeuser. Instead of carrying on the tradition of moving west towards the frontier (there was no frontier left) Brown moved east to Maine. "I'm using some of the wealth generated from those forests to do a little restitution," says Brown. He is managing around 300 acres of his own land, called "Steadfast Farm," in Cambridge.

Sam's emphasis is on what he calls, "low-impact forestry," and he has worked hard to develop the equipment and methods to achieve his goals. Three key elements in his logging system are his articulated, tracked Dion forwarder, his radio-controlled winch, and his road system. Sam can minimize logging roads and skid trails by cutting narrow paths for his forwarder every 150 feet. This compares quite favorably to mechanical harvesters that need trails every 30 to 40 feet. Heavy equipment can damage tree roots through rutting and compaction, so the fewer the trails, the better.

Sam practices a short-wood yarding system. Instead of pulling out trees whole (branches, tops, and all) as do mechanical harvesters and grapple skidders, Sam limits the trees where they fall, using efficient techniques learned from Scandinavian expert Soren Erickson. He then uses a radio controlled cable winch to drag the logs to his forwarder which is equipped with a loader. The logs are bucked to the most practical lengths for the best markets before loading.

The trailer, onto which the logs are loaded, is also tracked and it is powered by his crawler's transmission. This means that he is not dragging the load, but carrying it. The vehicle's tracks do less damage to the ground than a wheeled tractor.

The machine only needs a path six feet wide, but Sam clears brush and branches a few extra feet on either side to avoid tangling. These trails, which he cuts using a combination of what clears and loads his trailer, are unobtrusive. With his short-wood system, he avoids the wasteful and destructive yarding areas associated with whole-tree logging. These yarding areas are at least one, and sometimes two tree lengths in width, plus the width of the road.

The machine can load up to $10,000 into his machine (which is used), though if he were building it now, it would cost more. Such a cost means it would be prohibitive for a small operation only a few hundred acres, even though it is quite appropriate for small woodlots. Sam does cut on other people's land. Sam's system is intermediate between a small farm tractor or horse and the large equipment commonly used in the industrial forest.

The expense of his equipment compares favorably with a skidder, and in a fraction of the cost of a whole-tree harvester and grapple skidders or the Scandinavian mechanical harvester/forwarder systems. Of course he also cuts less wood with his system (4 or 5 cords a day, working alone) than these other systems can, but he would rather see more people working with smaller, less-destructive machines, than just a few people working on the larger, more-expensive machines.

He is amazed at how easily banks will give out loans for the more expensive, more destructive equipment—as long as the borrowers can promise the necessary cash flow. "To pay off those loans you have to work those machines a few hundred acres, even though it is not bankrupting Sam, it has also not bankrupted Sam, down. It has also not bankrupted Sam, and contains, admitting the initial cuts of small volumes of low-quality wood are not making him rich either. These initial cuts and his road system were ecological and economic "investments." Wood prices, however, are rising. "I'm now breaking even. I'm paying for my costs and my taxes." After 20 years of cutting, the percentage of high-quality wood per acre has markedly increased over what it was when he started. Subsequent cuts will be of high-quality wood with high-paying markets. "The long-term returns look good," says Sam.

Sam has a 2-year degree in forestry from Unity College and has qualified as a Certified Logging Professional. He is working now to get a BS in Bio-Resource Engineering Technology at the University of Maine at Orono. He would like to make his low-impact systems more efficient and more affordable. He welcomes visitors to his operation.

Sam Brown can be contacted at Steadfast Farm, RFD 1, Box 1946, Cambridge, ME 04923. Phone (207) 277-4221.

Joachim Maier can be contacted at 254 Elm St., Apt. 2, Bangor ME 04401.
20-Year Assessment of LURC: Will it Protect Forest or Large Landowners? 
by Mitch Lansky

One third of the entire Northern Forest Lands is in the unorganized territories of northern Maine, under the regulations of the Maine Land Use Planning Commission (LURC). The Northern Forest Lands Council (NFLC), in its Draft Recommendations, identified LURC as "one example of an effective land use planning program." Ninety percent of this area is in 20 big ownerships, and almost all of their timberlands are taxed for current use, under the Tree Growth Tax Law. With the recommended land-use planning and taxation programs in place, the 10.5 million acres of unorganized territories, the heart of the Northern Forest, should be the example that other areas strive to emulate.

The Heart
The unorganized territories stand out as a special place, not only in the Northern Forest, but for the entire Eastern United States. It has 3,000 lakes and ponds, 16,000 miles of rivers and streams, 100 peaks over 3,000 feet high (including mile-high Katahdin) impressive wildlife from moose and bear to loon and waterfowl, and the largest concentration of industrial landownership in the United States. This region has the largest concentration of high-diversity recreation area, and the largest area more than 5 miles from nearest railroad, highway or navigable waterway in Eastern United States. While it contains 50% of Maine's landmass, it contains only 1% of the population and has the largest area of low-population land in Eastern United States.

Good News
LURC officials, in a recent "net-effects" document, state that they have been successful at protecting deer wintering areas, high mountain areas, Class A rivers, wetlands, remote ponds, and some high-value lakes and selected recreational trails. They also feel that they have "accommodated" new development. Indeed, they point out that "proposed development that gets to the point of decision is almost always approved." Thus it is apparent that with inappropriate development plans usually drop them before going to hearing.

Bad News—Development
LURC officials are concerned, however, that development is steadily increasing, and that it might not be located appropriately. It is gradually eating away at the wildlands. Much of it is occurring on the fringes, especially near high-value lakes and rivers. Some of it is occurring in the interior. The development is uneven—much of it was centered in the Western Mountain region (Aroostook County's last population). The wildlands are being "framed" (using the same real estate-based definition, as the Northern Forest Lands Council).

LURC echoes the NFLC in focusing on development threats to the "working forest" rather than biological and social threats from the status quo of landownership and use. Although LURC's mandate is to protect timber, water, wildlife, and recreational values in the unorganized territories, the authors of the "net effects" document conspicuously leave out forest practices when discussing threats to these resources.

Indeed, logging roads alone "converted" the times as much forest as houselots. When one adds in yarding areas and clearcuts, there is simply no context for fragmentation, conversion, and simplification of the forest. Logging, not development, stands out when one views the region from satellite photos. LURC officials are correct, however, that development can have serious impacts on special high-value recreational areas.

Hardship
Although the document mentions that income levels in the unorganized territories are 72% of those in the rest of the state, and that 85% of employed people in the region must commute to the organized townships for work, the authors fail to see the significance of these statistics. They label this "suburbanization," despite the lower wage levels and higher unemployment in the unorganized territories. They fail to conclude that something is seriously wrong when 1% of the population can not be supported on 50% of the land. They do not mention the import of Canadian workers or the export of sawlogs.

The document makes a hardship case for the big landowners, not the local residents. Forest management, according to the authors only yields, "a few dollars per acre per year." That is why, the authors opine, landowners are tempted to sell for development. Oddly enough, on the previous page, the authors state that land taken out of timber production loses around $230 per acre per year in manufacturing. The fact that the "poor landowners also are, in many cases, null owners does not have to have occurred to the authors. Most of the manufacturing revenues do not go to the people of Maine—they go to companies out of state.

Loopholes
In reality, LURC has regulated only a tiny fragment of activities going on within its jurisdiction. By legislative mandate, LURC has little to say about what goes on in 82% of the forest, which is considered a "management district" (or, as others see it, a "fire zone"). LURC only regulates forest practices in deer yards and narrow "beauty strips" around water bodies.

Because of exemptions for large lots and for two parcelizations per unit in each 5-year period, 97% of all parcelizations in the region were not reviewed by LURC. As previously stated, almost all development proposals that did go before LURC got approved anyway. LURC's policy of allowing development near other development ("adjacency") assures incremental spread.

The "citizen" commission has a built-in conflict of interest. Members have included representatives of large landowners and even of real-estate developers. These people, in effect, have been regulating their own businesses. With LURC's structure, loopholes, and mandate to protect the region from activities incompatible with timber harvesting, one might conclude that the legislature set LURC to protect the big landowners, rather than the forest.

Landowner Policy
The "net-effects" authors acknowledge that LURC fails to conclude that something is seriously wrong when 1% of the population can not be supported on 50% of the land. The "net-effects" authors acknowledge that LURC fails to conclude that something is seriously wrong when 1% of the population can not be supported on 50% of the land. Leaked policies
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LURC is looking for comments to its document to provide public guidance on the following issues:

*Renewal of rezoning criteria;
*Proactive (rather than reactive) zoning for development;
*Unregulated, individual house lots;
*Fragmentation (by development) of the forest;
*Infrastructure improvements (i.e., roads and utilities);
*Protection of special qualities;
*Conversions of wetland uses;
*Quality of commercial recreation, mineral, waste disposal, and windpower;
*Future of forestry;
*Areas with special planning needs; and
*Nonconforming uses and structures.

Some of the same timber industry representatives who would like to reach "common ground" with the NFLC on painting a rosy, generalized vision of the future, are busy lobbying to make sure that LURC stays as specifically harmless to their operations as it currently is. If LURC is going to seriously try to live up to its mandate to "preserve the ecological and natural values" of the region there are major areas of promise to occur, some of which are legislative:

*End the conflict of interest on the commission.
*Close the loopholes for timber management and land sales.
*Use current use zoning to protect high-value natural areas (such as remote lake, pond, and river frontage).
*Have development policies that favor working residents over second-home recreationalists (there are some towns that have lost populations, and their school systems are threatened with cost loss).
*Have policies that favor (where appropriate) economic diversification, not just tourism and logging.
*Cooperate with efforts to set up a network of reserves, both large and small.
*Ensure that wide-ranging wildlife have adequate, functional corridors (not thin beauty strips) both along riparian areas and across watersheds.
*Have revised local impact reviews into LURC— including having local branch offices in LURC jurisdictions, rather than in Augusta or Presque Isle.

"When I asked McCauslin why more settlers did not come in, he answered, that one reason was, they could not buy the land, it belonged to individual owners. I asked them if they were afraid that their wild lands would be set-tled, and so incorporated into towns, and they be taxed for them..."

As Bill Butler put it (in my book, Beyond the Beauty Strip), "Those cheap bastard are just don't like to pay taxes."

Abenaki Fish-in Challenges VT Over Aboriginal Fishing Rights

by Fife Hubbard

On September 10 more than 100 Abenakis were issued citations to appear in court in St. Albans on November 14 to answer charges of fishing without Vermont state fishing licenses. Over 200 Abenakis and their supporters took part in the protest that began with the long-term impacts of the port and the induced industrial development to Penobscot Bay unacceptable and urged DeVillars to use his power under the Clean Water Act and veto the project.

 DeVillars said that with the economic and political leaders of the state firmly in favor of the port, opponents needed to come up with alternative plans that would meet economic as well as environmental needs.

Published reports of the meeting led to a call by proponents of the project for a meeting of their own with DeVillars, which should take place in late Fall or Early Winter.

Sierra Club, CLF file Clean Water Act Suit Notices with EPA

On July 18, the Sierra Club and the Conservation Law Foundation filed a notice of intent to sue under provisions of the Clean Water Act with Carol Brown of the Environmental Protection Agency and Dana Connors of the Maine Department of Transportation.

The two groups are charging the EPA with failing to enforce the Act, which calls for penalties and corrective action for illegal filling of wetlands. The suit maintains that the filling of 10 to 15 acres of wetlands in preparation for port construction on Sears Island in 1985 was illegal, and that, according to Sierra Club attorney Virginia Holt, the EPA "looked the other way."

Propositions of the port, including the Maine Department of Transportation (MDOT), said that they followed guidelines existing in 1985. But MDOT records reveal that agency knowledge of wetlands on the port site extensive enough to require protection even under the old rules.

In late September, the Sierra Club and CLF agreed to a request by the EPA for more time to answer the groups' charges. The deadline has been extended to October 21, by which time either the EPA and the groups agree to a settlement, or the Clean Water Act suit proceeds into federal court.

Sears Island Draft

Supplemental EIS Release Delayed Again.

The Maine Department of Transportation recently announced that the release of the long-delayed Supplemental Environmental Impact Study would be delayed once again. (A supplemental Environmental Impact Study was required after the original study was found to boil down of flaws and errors that the consultant that prepared it, Normandeau Associates, was briefly banned from doing business with the federal government.)

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For more information about the Sears Island Project, contact the Coastal Waters Project at POB 1811, Rockland, ME (207) 596-7693.

Fight Against Sears Island Woodchip Cargoport Continues

by Ron Huber

Since last Summer, adversaries of the Sears Island cargoport proposal have pressed ahead with their opposition. (See Northern Forest Forum Volume 2 #6 for details of the port issue)

EPA Meets Port Opponents

On August 2, John DeVillars, recently appointed regional director of the Environmental Protection Agency, met with labor and environmental groups concerned about the Sears Island Cargoport project. DeVillars, who professed unfamiliarity with the issue, heard a variety of concerns about the project: Representatives of the Sierra Club and the International Brotherhood of Carpenters and Joiners spoke at length about the damage to forests and forest based economies of large scale woodchip exports of the sort contemplated for the port.

Representatives of the Island Institute, Coastal Waters Project and the Maine Coast Heritage Trust expressed concerns over impacts to Penobscot Bay biota stemming from the construction and operation of the port. Both the Island Institute and the Maine Coast Heritage Trust told DeVillars their organizations had not taken a formal position for or against the port, while the Coastal Waters Project pointed to the long-term impacts of the port and the induced industrial development to Penobscot Bay unacceptable and urged DeVillars to use his power under the Clean Water Act and veto the project.

DeVillars said that with the economic and political leaders of the state firmly in favor of the port, opponents needed to come up with alternative plans that would meet economic as well as environmental needs.

Published reports of the meeting led to a call by proponents of the project for a meeting of their own with DeVillars, which should take place in late Fall or Early Winter.

Sierra Club, CLF file Clean Water Act Suit Notices with EPA

On July 18, the Sierra Club and the Conservation Law Foundation filed a notice of intent to sue under provisions of the Clean Water Act with Carol Brown of the Environmental Protection Agency and Dana Connors of the Maine Department of Transportation.

The two groups are charging the EPA with failing to enforce the Act, which calls for penalties and corrective action for illegal filling of wetlands. The suit maintains that the filling of 10 to 15 acres of wetlands in preparation for port construction on Sears Island in 1985 was illegal, and that, according to Sierra Club attorney Virginia Holt, the EPA "looked the other way."

Proposers of the port, including the Maine Department of Transportation (MDOT), said that they followed guidelines existing in 1985. But MDOT records reveal that agency knowledge of wetlands on the port site extensive enough to require protection even under the old rules.

In late September, the Sierra Club and CLF agreed to a request by the EPA for more time to answer the groups' charges. The deadline has been extended to October 21, by which time either the EPA and the groups agree to a settlement, or the Clean Water Act suit proceeds into federal court.

Sears Island Draft

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Fight Over Breached Clyde River Dam Continues

Since the breaching of Citizens Utilities Dam #1 on the Clyde River in Newport on May Day of this year, the fate of the section of river below the dam has been handled by in courthrooms throughout Vermont. On one side Citizens Utilities is attempting to obtain the right to produce peaking power from the water diverted from the river, while on the other Trout Unlimited and Vermont Natural Resources Council are concerned with continuing the healing process begun by the high water in May and restoring the fishery.

Originally Citizens Utilities simply wanted to repair the dam, but due to the efforts of sportmen, environmentalists, and members of the Vermont Natural Resources Council, this was not given to the Connecticut based utility as an option. On September 19th Citizens Utilities proposed a compromise. In an application for a permit from the federal Environmental Protection Agency, they offered to remove the dam and stabilize the bank that was torn away when the river surged around the dam. In addition CU wants to extend the existing canal that now runs alongside the river below the dam to the power generating station above the dam. The canal would be used to bring water from the Number 1, 2, and 3 Power Station (the numbers refer to the three generating units in the station above the dam) to the #1 powerhouse which has been idle since the breaching. This would enable CU to produce peak power through generators 1 and 2. The water from these two units would then flow over the dam, then under the river in pipes to powerhouse #11, and eventually back to the river. The remaining water which would flow from the natural river bed at 63 cubic feet per second at all times. CU maintains that this is the August median flow at that point on the Clyde. In a startling coincidence, 63 cfs also happens to be the flow rate of generator #3, the oldest of the lot.

Trout Unlimited as well as VRNC have been unenthusiastic regarding CU's application. 63 cfs is just not enough water for that stretch of river (conservative estimates put the August median flow at around 75 cfs and some estimates for Spring flow rates by Fish and Wildlife have been as high as 360 cfs). Trout Unlimited and VRNC are demanding that the #11 facility be removed, and that there should be upstream and downstream fish passage at Number 1, 2, and 3 powerhouse. In addition, they want that station to operate on a run-of-the-river basis, meaning that water is not stored for generating peak power but is allowed to flow naturally.

—Fife Hubbard

Mid-Autumn 1994

The Northern Forest Forum
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Alaska: The Real Northern Forest

This summer I had the privilege of visiting the wonderful folks of the Alaska Boreal Forest Council of Fairbanks, Alaska. The ABFC is a collection of dedicated and talented citizen forest activists.

Larry Mayo of ABFC has compiled 65 values of the taiga ecosystem (box to right). As you read through this list, you will recognize that a great many of these values apply to the forests of the Northern Appalachians. The Forum welcomes suggestions for a similar list of the values of the Acadian and Adirondack Ecosystems.

I have one value to add to Larry's list. To compliment "entertainment for curious children," I suggest the forest is also "entertainment for curious adults."

—Jamie Sayen

TAIGA ECOSYSTEM
VALUES AND BENEFITS

—Views expressed by citizens of Fairbanks, Alaska—

Compiled by L.R. Mayo, Alaska Boreal Forest Council

INFRAPRASIC
Wildness
Existing for thousands or millions of years
Unique to Earth
Having unwritten rights
self-knowing
self-regulating
self-healing

Home of the circumpolar Boreal Forest
Home of Lakes, Bogs, Marshes, Meadows, and Rivers
Solar powered energy reservoir of the sub-arctic
Shoreline of natural Genetic Materials
Ecotype and Niche Diversity

Makes its Soil from Rock
Makes and stores its complex chemical Nutrients
Habitation for all sub-arctic animal life

PRACTICAL
Supply of abundant clean Water
Air shed, the source of clean Air with moisture, fragrance, and oxygen
Recycles our wastes such as sewage and C02
Setting for physically healthy Living
Tent sites and Campsites
Fish and game Meat
Wood for Shelter and Furniture
Wood for Industry
Fuel
Wood for Export
Wood for Art and Toys
Entertainment for curious Children
Water Storage in times of flood and drought
Holds soil against wind and water Erosion
Stabilizes Climate
Scenic resource for Tourism
Shelter from Winds

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Mid-Autumn 1994
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The Real Northern Forest

NFCF Feared Adironacks
Continued from page 8
after all, summoned by the Congress, and most especially by Senators Leahy and Rudman who knew what the outcome of their deliberations should be before they even began: "The current land ownership pattern and management patterns have served the people and the forests of the region well." But that is of, course, debatable. And having been summoned, the Council members had the intellectual responsibility to debate it—to ask how well served the forests and people are. The "listening session" I attended in the Adirondacks was filled with people who said that many communities were drying; a simple plane flight over the North Woods of Maine would show how well they had been served by the last decade. I'm not sure that the Council listened hard enough.

Bill McKibben, author of The End of Nature & The Age of Missing Information, is currently finishing a book about places that offer some hope for people and nature. The last third of the book will deal with the forests of the east.

Salmon Alert
Continued from page 3
Wildlife Service and Rolland Smitten, Director of the National Marine Fisheries Service—and tell them to take strong action to protect the Atlantic salmon.

The Atlantic Salmon Needs Endangered Species Act Protection

Protecting the Atlantic salmon under the Endangered Species Act would:

a) protect vital habitat for the salmon and other imperiled species such as the bold eagle, the shortnose sturgeon, and the dwarf wedge mussel;

b) require that dams and other barriers in rivers allow fish to travel upstream and downstream;

c) mandate a comprehensive restoration plan for the salmon throughout its historic range;

Let Your Voice Be Heard

This is it. A decision will be made in the next few weeks about the survival of the Atlantic salmon. Now we need your help. PLEASE WRITE OR CALL MOLLIE BEATTIE AND ROLLAND SCHMITTEN TODAY. Tell them that you support protecting the Atlantic salmon under the Endangered Species Act as threatened or endangered throughout its historic range.

Please call or write to:
Mollie H. Beattie
Director, USFWS
Interior Building 1849 C Street NW
Washington, DC 20240
(202) 208-4717

or
Rolland Schmitten
Director, NMFS
Office of Fisheries
1335 East-West Highway
Silver Springs, MD 20910
(301) 713-2229

For more information contact RESTORE. If you can, send a copy of your letter. Thank you for your help.
In Celebration of the First Century of the 'Forever Wild' Clause of the New York Constitution

The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

Article XIV Section 1
New York Constitution

This rendering of Article XIV Section 1 of the New York Constitution was done around 1960 by Louis A. Di Giorno of Seneca NY, an internationally known calligrapher, at the request of Paul Schaefer of the Friends of the Forest Preserve. Courtesy of Friends of the Forest Preserve, Inc. and The Association for the Protection of the Adirondacks, Inc. Moose photo © by Bill Slickson Jr.