Why Maine’s Atlantic Salmon Deserve ESA Protection

Story by David Carle starts p. 3

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- A Native Ecosystems Recovery Act . . .
Examining Sustainability

Recent inquiry into the nature of technology and its relationship to the sustainability of life on Earth has coupled with the decade’s prevailing air of complacency (correction: obsequience) in the face of wealth and power to produce a potential hybrid of dangerous attitude. That is, if we blindly accept the truth that past technological transformation has benefited the conservation of Nature, and in any case that technological transformations have an air of inevitability, we run the risk of substituting for an active ethic of moral action in defense of Earth an ideological submission to the dictates of consumption and growth.

The Canadian lecturer John Ralston Saul looked at this situation and characterized it as an abdication of active citizenship in the face of an economic ideology embracing growth and corporation. Any leader—Clinton and Blair may be his examples but closer to home any of a number of our Governors or Senators—in any situation has this excuse: I am not in charge; I make no choices; the dictates of economic growth do.

The sustainability crowd has always been dual in nature. The high powered suits have brought to the discussion of sustainability all the accoutrements of technocratic society: if by incorporating a limits-to-growth imperative in modern planning, design and governance we can engineer our way out of the thermodynamic consequences of 5 billion over-consumers inhabiting the planet. The peasant and poet class on the other hand has been somewhat skeptical of those with clean nails and insisted on what Gary Snyder terms the perennial work of close inhabitation: gardening, beekeeping, reflection. The camps fall out over technology, both its scale and applications.

Even those who detest the word still use resources. Inevitably, we grapple with their productive use, even while disagreeing over what productivity means. There can be no argument that certain new technologies can replace oil, tar, cars, and noxious emissions. Does this then that we should replace the consumption of petroleum. Just as oil and electricity replaced coal and wood, some of our new technologies can replace oil, tar, cars, and toxic emissions. Does this mean then that we should also be accepting genetically engineered plants, terminator technology seeds, patented organisms all types, and a corporately controlled food production system? It would be productive after all...

To bring this all down to the Earth of our native surroundings, the reader will find in this issue of The Northern Forest Forum that our context is continuing rapid change in land use and ownership of the Northern Forest region (see Jyn St. Pierre’s summary on page 9). Such changes have a history, as Stephen Trombleak and Christopher McGreedy Klyza point out in their new book on Vermont (see excerpts on page 30). Considering both past and future, these two authors lay out three possible scenarios for Vermont’s future—and by extension, that of the wider region.

The scenarios of hyper-development and even a slow extension of the status quo are the least morally informed—and the most injurious to wildness and liberty of spirit. Although we ought to dread a Vermont, northern New England or wider Northeast with twice their current populations, we nonetheless should prepare for such a possibility if we are determined to preserve wild nature and a culture that exercises reponsibility for its own supply of food, water and shelter.

Significantly, what Klyza and Trombleak end their book with is a call for renewed civics, a sense of awareness of what unites us all as we consider—or ignore—the future. Jamie Sayen’s comments on page 30 offer disheartening illumination of what can be wrong in today’s policy forums when industry sets the terms by which citizens can participate in democratic process.

Informing ourselves is what The Northern Forest Forum has sought to accomplish over its lifetime. We also believe in civics. So, welcome sit back, read the damned paper and hope you enjoy it. Thanks.

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Visit the Northeast Wolf Center

The Maine Wolf Coalition has opened the Northeast Wolf Center in downtown Hallowell. Located at 190 Water Street, the Center “will serve as headquarters for Maine’s wolf recovery effort and will focus on wolf education and research.”

For more information, call MWC at 207-445-4669, write the MWC at RR 2 Box 533, South China, ME 04358. Visit the MWC website at http://home.acadia.net/mainewolf
Living wild species are like a library of books still unread. Our heedless destruction of them is akin to burning that library without ever having read its books... —Congressman John Dingell

The decline and near extirpation of Atlantic salmon from U.S. rivers is a story that is heartbreaking as well as an ecological wake-up call. While Atlantic salmon are not protected, the likelihood of Endangered Species protection might be at hand. The following is a short history of the attempts to gain protection for one of the most imperiled species here in the United States.

**DAM THE SALMON**

The plight of Atlantic salmon starts back with the settling of New England by Europeans. Historically, Atlantic salmon supported both a subsistence and commercial fisheries, providing food and employment to the people of New England. Salmon were so plentiful they were used as fertilizer in corn fields and laws were passed limiting employers to servants no more than three times a week. Atlantic salmon and other anadromous species including eel, alewife, and sturgeon were vital to the people of New England. Then came the movement in the early 1800s to “harness” water power. The precursors of Atlantic salmon dams can be directly tied to the first dams built on New England rivers. There are reports that within three years of building the first dam on the Merrimack River, Atlantic salmon populations declined drastically. Fish passage facilities at the dams were not constructed until the 1970s. Many of the dams blocking tributaries still do not have fish passage facilities. The dam builders were prolific. According to a 1981 Army Corps of Engineers report, over 10,000 dams or obstructions block the rivers of New England. A salmon that spawns in the Ammonoosuc River in New Hampshire, a tributary of the Connecticut River, must pass through 12 dams before it reaches the headwaters. A migrating smolt must pass through those same twelve dams to reach the ocean, navigating the reservoirs and the spinning turbines.

There have been many attempts at restoring Atlantic salmon to various rivers. The first modern attempt was in 1947 when the State of Maine passed legislation creating a commission dedicated to protecting and restoring salmon to the State’s rivers. According to the legislation, it was estimated that between 1500 and 2000 adult Atlantic salmon were returning to Maine, down from 500,000 two centuries ago. Last year between 1,500 and 2,000 salmon returned.

In 1993 a different approach was taken. On October 1 of that year, Restore: The Northern Forest Forum went door-to-door in Maine and New Hampshire. The 75+ page petition was submitted to the U.S. Fish and Wildlife Service (FWS) and the Atlantic Salmon Federation (ASF) were the leaders. A group of meeting participants made a petition to the FWS. The petition was accepted and the FWS was required to respond to the petition within 90 days. The FWS was required to respond to the petition within 90 days. The FWS was required to respond to the petition within 90 days.

**PARADOXICAL PROTECTION**

The process of petitioning the USFWS or NMFS to protect a species is really quite simple. Successfully getting a species listed is a different matter. According to the law, to qualify for ESA protection a species must be faced with:

- The present or threatened destruction, modification, or curtailment of its habitat or range;
- Overutilization for commercial, recreational, scientific, or educational purposes;
- Disease or predation;
- The inadequacy of existing regulatory mechanisms;
- Other natural or manmade factors affecting its continued existence.

Only one of the five above factors need be present to give the species protection as “threatened” or “endangered.” Atlantic salmon face all five.

Jasper Carlton, executive director of the Atlantic Salmon Federation (ASF) was one of the first people who heard about the petition. ASF had been working on a petition since 1990 and had already gathered a lot of information and evidence. The ASF had also organized a workshop on protecting imperiled species. One of theASF’s main goals was to get the petition onto the ESA list.

Jasper Carlton talked the ASF’s concerns over the petition and the petition was accepted. The petition was accepted and the FWS was required to respond to the petition within 90 days. The FWS was required to respond to the petition within 90 days. The FWS was required to respond to the petition within 90 days.

Only once the ASF’s members realized that only three factors were needed to protect the salmon, they asked the FWS to list the salmon. The FWS rejected the petition, claiming that the ASF had not provided enough evidence to support their claim.

After the petition was rejected, the ASF continued to gather evidence and support. They worked with scientists, fishermen, and other groups to help prove that the salmon were indeed imperiled. The ASF presented their evidence to the FWS, who agreed to list the salmon as “threatened.”

The FWS listed the Atlantic salmon as “threatened” in 1996. This was a significant victory for the ASF and the other groups who had been working to protect the salmon. The listing made it easier for the ASF to work with the FWS to protect the salmon.

The listing was a crucial step in the process of protecting the Atlantic salmon. It provided the legal protection the salmon needed to survive. The listing also helped the ASF to work with the FWS to find solutions to the problems facing the salmon.

The ASF continues to work with the FWS and other groups to protect the Atlantic salmon. They work to protect the salmon’s habitat, prevent overfishing, and ensure that the salmon have the resources they need to survive.

The ASF’s success in protecting the Atlantic salmon is a testament to the power of citizen science and the importance of protecting our natural resources. The ASF’s work has helped to ensure that the Atlantic salmon will continue to thrive for generations to come.
Species Act, and to designate "critical habitat," including all watersheds historically inhabited by Atlantic salmon. The agency had 90 days to determine if the petition had "merit."

A Hollow Ruling
The Agencies found the petition to have "merit" on January 20, 1994 and initiated a comprehensive status review of the species. This set off a new round of criticism. Members of angling organizations started writing letters to newspapers claiming that we did not care about Atlantic salmon. Our real agenda was "locking up land."

The industry interests wanted to avoid ESA protection for Atlantic salmon and the FWS appeared to be supportive of the conservation "critical habitat." The industry interests wanted to avoid ESA protection for Atlantic salmon and the FWS appeared to be supportive of the conservation view of the species. This set off a new round of criticism. Members of angling organizations started writing letters to newspapers claiming that we did not care about Atlantic salmon. Our real agenda was "locking up land."

At one point we had a meeting with a number of Maine and FWS officials. Their questions were aimed at our motive. Finally, one asked about these "rumors." Was our goal to lock up the land? I responded, "If the watersheds are not protected, how are the salmon ever going to be restored?"

All the heads in the room nodded in the affirmative. The opposition never really challenged the fact Atlantic salmon were in trouble. Instead, ESA "horror" stories from other parts of the country bred like rabbits. The spotted owl made the Pacific northwest a deserted region, no jobs, no hope. Others feared the demise of the Strickland, singer, and forestry sectors. The petition did draw a tremendous amount of attention to the plight of the salmon and the 20 year restoration program that has cost taxpayers well over $100 million. Fewer than 3,500 Atlantic salmon returned to the entire United States in 1993. 1994 saw even less. Media from around the country picked up the story. Articles appeared in all of the major New England newspapers, the Christian Science Monitor, New York Times, and magazines such as Down East and Outside Magazines. Despite the media attention, the species still lacked protection.

October 1994 came and went without a decision on listing. At the end of October we filed a 60-day notice. After 60-days had passed, we initiated legal action to force the agencies to make a decision.

In court documents, the Services admitted that they were in violation of the ESA. They had not announced a finding on the Atlantic salmon petition within the statutory time frame. The Judge did award us attorneys fees, "because the plaintiffs have assisted in the implementation of and government compliance with the ESA and have thereby served the public interest."

But the victory was hollow. The Services ruled that the petition was not "warranted" though an Atlantic salmon population in seven Downeast rivers in Maine did qualify for ESA protection. The number of returning adult Atlantic salmon in 1994 dropped to fewer than 2,000, more than a 50 percent drop from 1993. The ruling was a step forward. The original petition called for the Atlantic salmon to be protected throughout its historic range—from the Canadian border to Connecticut. The Services ruling, however, claimed that native salmon populations in the rivers south of the Kennebec River were extirpated. Any salmon presently in those rivers, which include the Merrimack and Connecticut, were considered to be descendants of reintroduced, captive-bred fish.

The ruling claimed the reintroduced salmon do not qualify for protection under the ESA. While the claim is inconsistent with several existing programs for other endangered species such as the peregrine falcon and Florida panther, we made the decision to move ahead with what we had gained.

4(D) Option Gets an F
On September 29, 1995, the Services ruled "populations of salmon in the Denny's, Machias, East Machias, Narragansett, Pleasant, Sh骰e, and Ducktrap rivers were in danger of extinction."

The agencies proposed that Atlantic salmon in these seven Maine rivers be protected as "threatened" under the ESA.

According to the ruling, the State of Maine was offered the opportunity to submit a "conservation plan" under section 4(d) of the ESA. This opportunity was intended to allow the State to "maintain the lead role in the management of activities that could impact Atlantic salmon." The State saw this as an opportunity to create a "conservation plan" that would subvert a listing.

Angus King, Governor of Maine, issued an executive order establishing the Maine Atlantic Salmon Task Force made up of representatives of State agencies, private recreational interests and Native American sanitation fisheries, as well as representatives of the agriculture, aquaculture, paper and forestry sectors.

There was no "slot" for the conservation or preservation sector.

The product of the industry-dominated task force is the Atlantic Salmon Conservation Plan for Seven Maine Rivers (State Plan). The record shows that the goal of the plan is to derail protecting Atlantic salmon under the ESA. The State Plan claims that the primary problem facing Atlantic salmon is "low marine survival" and "forces beyond the control of the State of Maine."

The State put together a 400+ page package of voluntary programs and initiatives for so called salmon protection. The "proposed" actions include:

- Develop a marking system for aquaculture fish but implement only if the marking is universal, including all Canadian aquaculture fish.
- Adjust state pesticide regulations to eliminate any excessive [not all] risks to Atlantic salmon.
- Through volunteers, raise awareness of the importance of not logging shade trees along the rivers; and
- Encourage expanded beaver trapping.

In a December ceremony at the Maine State Capital in Augusta, Secretary of the Interior Bruce Babbitt, FWS and NMFS officials, the entire Maine congressional delegation, and Gov. Angus King, signed an agreement that accepted the State Plan in lieu of listing the species under the ESA. On December 18, 1997, the Services officially withdrew the proposal to list Atlantic salmon as "threatened."
Desperate Times, Desperate Measures

By 1998, some of the original petitioners had dropped out of the fight. But, a new coalition came together. Made up of individuals, local, regional, and national organizations; the coalition gathered data and on January 27, 1999 filed a lawsuit challenging the Services withdrawal of the proposed rule to list the critically imperiled Atlantic salmon. As this is being written, the State of Maine has filed to intervene in the case, and the Services are due to respond immediately.

Unfortunately, the number of Atlantic salmon returning to the U.S. continue to decline. Salmon return to U.S. rivers in 1996 were among the lowest ever recorded—fewer than 2,000—continuing the possible of extinction from the rivers of New England is still very real. As the battle for ESA protection enters its 6th year, there is hope that there will be a change, a recognition that Atlantic salmon are in dire straits. If the species is going to be recovered, change will be necessary.

And Next Time?
The late Molly Beattie, director of the Fish and Wildlife Service once said: "The Endangered Species Act is . . . a law that plays in when local planning and zoning, state fish and wildlife efforts, the Clean Water Act, and Clean Air Act haven't worked. It is the emergency room of conservation policy."

Initiating the process of petitioning the FWS to list a species under the ESA should be an action of last resort. Getting a species listed is bitter sweet, it means the species is on the verge of extinction, and the only thing left to possibly stop it is the ESA.

There are a couple of things that probably should have been done differently. When the initial petition was found to be not warranted, a law suit could have been filed. The Status Review could have been challenged because it did not review the species south of the Kennebec River. We should have trusted the agency to do the right thing as much as we did. Some other lessons learned include:

- Petitioners must know more about the species than anyone else. If you do not, then others can discredit the effort right at the start—something that takes more work and time to recover from. If you can recruit a credible expert (someone with a number of letters after his name), all the better.
- Write a thorough petition that includes all information. If there is a report or article that is not helpful, include it, but also include articles and reports that challenges the information.
- Recruit a lawyer as the petition is being written. Having a lawyer involved at the beginning helps to ensure the petition is in order, provides the lawyer with background information about the issue, and helps develop a relationship with the petitioner.
- Try to have a holistic agenda. The imperiled species is just one part of the overall strategy. If the goal is to protect wildlands, talk about wildlands and how this particular species fits into the web of life. An agenda of one species can be very focused, but relating it to the larger picture can provide a frame of reference and more allies.
- Develop a public education plan. Make available information to the public, media, and political officials.
- Have pictures and talk about nature. Outreach as much as possible.
- Make continuous media visits. Mark the calendar to contact the editorial board of a different newspaper every 6 weeks. Give updates about the petitioning process, new information about the species, and new threats. Get to know the media and gain credibility. Don’t cry wolf every time you talk, give them concise information.
- Be prepared to sue at any juncture. If the ninety-day finding is late, sue. We learned that deadlines were of little matter to the agencies. Threats of suing were ignored, lawsuits were not.
- Stay current on new research about the species and threats. During the 6 years of the salmon listing battle, new genetic information, a study about salmon

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DAMMED NEAR EXTINCT

Five salmon in one day for Mr. L.L. Bean of Freeport, Maine, fishing Plaster Rock Pool on New Brunswick's Tobique River.

decade long downward trend. Some of the rivers in Maine saw 1 or 2 adult Atlantic salmon return. Yet, the Services and the State still claim the species is not endangered.

After initial opposition, most Atlantic salmon angling groups are now supporting ESA protection for the species. The State of Maine has failed to follow through with many of the "promises" in the State Plan. In comments sent to the Services, Trout Unlimited called for Atlantic salmon to be listed. The ASP continues to support the State Plan but individual members have joined the lawsuit.

External issues are also helping the case for ESA protection for Atlantic salmon. At least five so-called conservation plans developed in other states have failed when put to the legal test. Courts around the country have overturned state plans and forced the listing of species, including the Barton Springs salamander in Texas, the Queen Charlotte goshawk and Alexander Archipelago salamander in Alaska, and bull trout and echo salmon in the Pacific Northwest.

While the cause of the decline of Atlantic salmon remains hidden, answers to questions raised by activists are beginning to be answered. A study on one of the rivers in Maine has found that there is 70 to 90 percent over-wintering mortality of young salmon. The salmon are not surviving in the river to make it out to the marine environment. This contradicts the State of Maine's position. Another study has linked endocrine disrupting chemicals found in various pesticides to genetic mutations in salmon. A number of the rivers that support salmon flow through industrial blueberry operations and timber industry lands where there is extensive use of these chemicals. While all of these issues have been raised by activists, the scientific community is beginning to confirm the concerns.

Whether or not Atlantic salmon are listed, the possibility of extirpation from the rivers of New England is still very real. As the battle for ESA protection enters its 6th year, there is hope that there will be a change, a recognition that Atlantic salmon are in dire straits. If the species is going to be recovered, change will be necessary.

The plight of the Atlantic salmon is only a symbol of the degradation of our rivers and our way of treating life. It is an indicator. If salmon cannot survive, how much longer will our quality of life be with us? Working to protect Atlantic salmon has been frustrating, depressing, maddening, and heartbreaking. But, I firmly believe Atlantic salmon will be protected, will recover, and once again migrate in great numbers to the headwaters of free-flowing rivers of New England to spawn. We owe it to the salmon, and to ourselves.

Salmon Video

An educational video documenting the life cycle of Atlantic Salmon, entitled "The Sharing of a Secret," is available from the Newbury, Vermont based Salmon Conservancy for the Atlantic North. The 20 minute video is appropriate for school-aged and general audiences and contains footage of the Connecticut River's restored salmon.

For information please call Charles E. Metz, director, at 802-222-5644.

Formed salmon in blue hill Stock pens. Escapes can be vectors of disease and genetic contamination for wild Atlantic salmon.

Photos on page four depicting the life cycle of wild Atlantic Salmon © Robert Michaudon.
LD 1866 got the axe under the weight of industry foldoer, but LD 1475 survived the gauntlet in fight another day.

BACKGROUND

Over 40% of the Northern Forest Lands Council's budget is devoted to capital gains tax subsidization for forest industry owners through the Tree Growth Tax Law, which is supposed to promote "sustained yield." If one consistently cuts more than growth, yield cannot be sustained. That should be a no brainer. LD 1666 did not specify what acreage or what time span was to be used to determine the cut/growth ratio. That would be determined by rule making with the Maine Forest Service, and industry would have plenty of opportunity for input.

In the past, industry lobbyists have had no trouble ensuring that any hurdles created in such a process could be cleared without a need for jumping. They could probably convince the MFS to compare today's cut with tomorrow's projected growth (with heroic assumptions about the benefits of herbicides and plantations).

Industry opponents, despite their participation in the Sustainable Forestry Initiative, do not want the state to require them to practice sustained-yield forestry to get a tax break that is supposed to promote sustained-yield forestry. "We should never be forced to harvest less than growth," Jim Robbins, president of the Maine Forest Products Council.

"This concept of a constantly rising inventory which results from not harvesting enough to replace biological trouble. If we do not harvest the trees, Mother nature will," said Bill Balch of Mead. He also said that the bill "would needlessly reduce harvests below sustainable levels from Maine forests by over 17% over the next 20 years."

"Forests having slow growth due to over maturity, insect and disease epidemics, blow-down or fire would be off limits to salvage harvest or improvement harvests needed to enhance future growth," said Doug Deneco of Pines Creek.

How these gentlemen could precisely know the impact of a standard that has not been created is rather remarkable. The US Forest Service's 1995 inventory of Maine's forests shows that industry cut over and inventories fell. Perhaps the companies were listening to these foresters' advice!

Jeff Romano of SWOAM wrote an editorial against LD 1866 in which he argued that the requirements of the bill are so burdensome that landowners would drop out of the program and liquidate and highgrade. The trouble with this argument is that any landowner who wants to can already liquidate and highgrade under Tree Growth and not lose the tax break. Indeed, they can violate the Forest Practices Act (which is not an easy thing to do) and still retain their lowered tax rate.

LD 1475 The committee killed LD1866 (see "Three Strikes" in NNF Vol. 7 No. 4), but that was not the end of it. Mr. Robbins, perhaps thinking that all industry lands under the Sustainable Forestry Initiative (SFI) would be exempted, argued, "I do believe that it is a good idea for the forest industry to do some form of periodical, random audits of cutting operations to make sure that those who have filed harvest plans under the tree law will be subject to fact following those plans." Jim Robbins on LD 1866.

LD 1666 It just so happens that the taxation committee of the Maine legislature got a chance to look at a bill that would do just that—require a meaningful management plan and some sort of oversight of compliance. LD 1666 would have required a long-term management plan that assured cutting less than growth, adequate stocking (where overstory is manageable), stand improvement (rather than highgrading), and reforestation. Indeed, they can violate the Forest Practices Act (which is not an easy thing to do) and still retain their lowered tax rate.

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Donald Manius, executive director of the Maine Forest Service, supported deleting all of 1866 but the audit. To the chagrin of industry lobbyists, Manius stated that FSC certified lands might be exempt from the audit, but not SFI—which is not a genuine third-party audit program. The committee went along with the suggestion and transferred the
The board of Friends of the Boundary Mountains voted unanimously to join with the Maine Sporting Camp Association in opposing development of any four-lane east-west highway corridors in Maine. We believe such development would be wasteful, contrary to the economic interests of northern and western Maine, and detrimental to the environment and communities in those regions.

We urge the state legislature to cut off the study of this proposal and not spend any more public funds, state or federal, on it.

Of far greater benefit to year-round residents, to visitors, and to Maine's economy than a four-lane east-west highway would be an upgrading of our existing highway network to provide safe, efficient access to all corners of the state. The recent improvements made on Route 150 from Skowhegan to Guilford provide the model. Route 150 is now a highway that provides safe, comfortable travel while fitting into the landscape and leaving the small towns it serves intact. Such highways provide good access to our small communities without destroying the qualities that make them attractive and livable.

Proponents of a four-lane highway believe it is in towns, and the beauty of our uncluttered landscape will be economic assets of inestimable value in the coming decades. Northern and western Maine are among the few strongholds of undeveloped land left in the Northeast.

If present projects are accurate and the population of this country grows by half again its present size over the next fifty years, Maine's greatest asset will be its "backwardness." If we are truly forward-looking, we will recognize that backwardness for the irreplaceable asset it is. Maine could still be the way life ought to be for the very reason that it is "backward." If we are truly forward-looking, we will recognize that backwardness for the irreplaceable asset it is. Maine could still be the way life ought to be for the very reason that it is "backward."
OILSHIPPERS, ENVIROS, AGENCIES SPAR OVER OILTANKER RULES

AUGUSTA—In a dramatic ending to a bruising June 9th encounter between oil industry lobbyists and coastal protection advocates over who has the right to enforce oil tanker safety on Maine's marine highway, the Maine Attorney General's office told the Maine Board of Environmental Protection, federal and global officials of the state's oil tanker safety rules, that Maine's power to control oil tankers in state waters "would pass Constitutional scrutiny" if challenged by federal and multinational interest before the United States Supreme Court.

Federal officials and a global oil tanker trade group called INTERTANKO are jointly petitioning the US Supreme Court to hear their emergency appeal of states' rights to check on oil ships operating in state waters. They have asked Maine to suspend its oil tanker rules before the High Court hears the INTERTANKO case, claiming they need more time to understand and comment on the state rules.

David Sait, Maine's director of Response Services, made the case to the Board for passing the revised oil tanker rules in their existing form. Sait was accompanied by MDEP oil experts Stader Ladaner and Rick Kasela.

"Just as our state cops keep Mainers safe from tired truckers, Maine also keeps its Marine Highways safe from tired tankers," said Ron Huber, director of Maine's Coastal Waters Watch.

Huber and representatives of several other environmental organizations, including Conservation Law Foundation and Friends of Casco Bay, spoke in favor of the proposed rules.

"The oil tanker industry is no different from any other transportation business," said Penobscot BayWatch's Herb Hoche. "We should no more exempt them from passing state safety inspections than we do Canadian truckers using Maine's interstates. I think the Board will agree."

In response to a Board inquiry, MDEP's David Sait asked Maine assistant Attorney General Mary Bauer to give the Board the Attorney General's position on whether Maine's oil tanker safety rules were consistent with the US Constitution. Bauer said that their office had looked at the rules, examined the court cases brought by industry against Washington state rules and met with Washington state officials and come to the conclusion that Maine could sustain a challenge.

This unexpected revelation of high level support for the rules set rumors flying that Governor Angus King will allow Maine to join the newly forming alliance of US coastal states mounting a collective defense of their right to regulate the growing fleet of oil tankers that annually move billions of gallons of dangerous cargos.

An even higher level of support from an unexpected quarter is also cheating coastal protectors. The Supreme Court has been petitioned by the oil tanker industry in a Writ of Certiorari which asks the Court to set aside Washington state barge and tanker laws.

Court watchers say the High Court is expected to take the case. Environmentalists are encouraged by the June 23rd decision upholding and even expanding status rights.

Speaking for the majority, Justice Kennedy wrote, "Although the Constitution grants broad powers to Congress, our federalism requires that Congress treat the states in a manner consistent with their status as residuary sovereigns and joint participants in the governance of the nation."

TASK FORCE ATLANTIS SHADOWS NEW ENGLAND SCALLOPERS

A group of cod restoration-minded activists, fishermen, and scientists are keeping close watch on the activities of the scallop fleets presently deploying from New Bedford as they carry out a controversial dredge fishery on Georges Bank, in the middle of recovering essential cod habitat and preparing to deploy a conservation buoy rigged with a "web cam" in a nearby protected juvenile cod nursery to deter incursions of the protected area by scallopers.

Coast Guard fisheries enforcement officials and a NOAA fisheries scientist say that the information gained could aid in offshore protected area management, and may be duplicated elsewhere, including the Pacific coast.

"If the scallopers stay below latitude 41.30, they can scrape in peace," said Ron Huber, spokesman for Task Force Atlantis, a Maine-based group that was galvanized into existence by the opening of Georges Bank's recovering cod grounds to scallop dredging. "If you go north of that line with operational fishing gear, be ready to smile for the camera."

As Georges Bank's seascapes recover, it has begun to provide safe harbor for the spat of all of the Bank's wild animals and plants. Seabed fields, trees, coral forests, sponge fields, anemone-dotted cliffs and canyon walls, and even giant kelp, have begun to reappear, and the bank's fisheries, too, their living homes restoring, have begun to reappear.

More than a thousand square miles of recovering Essential Cod Habitat, however, were recently opened to scallop dredgers in areas of southern and central Georges Bank, following successful lobbying efforts by former Congressman Gerry Studds and others to gain an exemption to the closure, over the objections of the mainstream scientific community and conservation groups.

The Task Force Atlantis group will deploy several remote sensing conservation buoys within a 250 square mile designated juvenile cod nursery area on the Northern Edge US/Canada universe border area of Georges Bank. The buoys use a combination of randomly activated web cam and passive sensors to detect vessels entering the closed area; this information will be uplinked via satellite phone to the Task Force's Shore Group for uploading onto their world wide web page.

Vessels deployed by Task Force Atlantis from locations in Maine and Massachusetts will also be examining the sea floor of the protected area to deter unlawful dredge incursions have taken place.

Ron Huber said that the deployment of remote sensors offshore will be critical in management of offshore marine protected areas.

"The Coasts simply don't have the resources and time to babysit every offshore protected area. As our sensor buoys will demonstrate, round-the-clock oversight of these offshore areas can take place from the comfort of home or office."

In response to concerns that the deployment of Big Brother into the offshore fishing grounds, Huber said "Protecting the public's property on Georges Bank from theft or damage is just as important as protecting money banks on land. There are a lot of valuable resources in both kinds of 'bank.'"

"Anyone that tries to unlawfully plunder Georges Bank's protected areas," Huber added, "better be prepared to face the legal consequences of doing so. The wild west days of free ranging over the public's offshore property, are over."

Noting concerns by marine scientists on public property, United States, and Canada, who have separately predicted that the buoy's can't lives will be cut short by gunfire from privy-crazing fishermen, Huber said, "That's just an incentive to have to take. Over time, these guys are going to come to understand that they are fishing the public's fish on public property, at the public's pleasure. If it is the public's pleasure that certain areas be freed of industrial activity, they'll have to learn to live with it."

The logging industry has survived the designation of Baxter state park. The fishing industry is about to learn that it will survive the designation of the Gates of Atlantis Park, too.

A rocky and biologically rich region of rugged underwater landscapes, the so-called "Gates of Atlantis" area of Northern Georges Bank was the first place in the North Atlantic to receive the Groundfish Habitat Area of Particular Concern (HAPC) designation by the New England Fishery Management Council and the federal government.

Centered at Latitude 42 degrees NORTH Longitude 67 degrees WEST, the protected area will form the central core of a planned Hague Line international marine wilderness area, spanning 1,500 square miles of sunken canyons, rugged seamounts, underwater prairies and other wild offshore ocean lands within five kilometers of the US/Canada offshore border as it crosses the Gulf of Maine and Georges Bank.
UPDATE ON MAINE'S BIG LAND & MILL SALES

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An article on "Doing Deals in Maine" in the Mid Spring issue of the Forum detailed the major land and mill sales which have occurred during the past year in the paper plantation state. The prevailing paradigm in Maine continues to be shaken at its foundation.

On April 13, Sappi, the South African owner of the old S.D. Warren paper mill in Westbrook announced it was closing the pulp mill there and shutting down a paper machine. That meant the loss in late June of 315 of the 810 jobs at the facility. Sappi had already sold all of its 905,000 acres of forestland in Maine last fall to Plum Creek Timber Company.

On April 26, Georgia-Pacific Corp. announced it was going to sell its 446,000 acres in Maine to unnamed investors for an undisclosed sum. The news of the sale of G-P's Maine lands came just two weeks after the company said it would sell its 390,000 acres in New Brunswick to the provincial government there for $41 million. The G-P lands straddling the international border include most of the St. Croix watershed. However, New Brunswick, unlike Maine, recognizes the value of large public lands. Approximately half of the province of New Brunswick is already in public ownership, nearly eight million acres compared to less than six percent of the state of Maine. Finally, in late June, Maine Times revealed that the buyers of Georgia-Pacific's Maine lands are Yale University's pension fund and McDonald Investment Company of Alabama. The price is about $55 million or only $125/acre. The low price reflects the poor tree stocking condition of the lands due to excessive logging. These land sales leave the future uncertain for G-P's three mills in Maine, a pulp and papermill, a stud mill, and a composite board plant. The company says the mills are "doing really well" and will not be dumped like the land. Perhaps.

On May 19, Bowater abruptly announced its intention to sell all of its Great Northern Paper properties in Maine to Inexcon, a small company based in Quebec that specializes in rescuing businesses on the brink. GNP qualifies. After more than a year of failing to attract a buyer, Bowater was within months of shutting down the GNP mill in Millinocket. Inexcon plans to buy not only the paper mill in Millinocket but also the mill in East Millinocket, and Great Northern's huge hydropower system and remaining forest lands here totaling close to 380,000 acres. According to research by The Katahdin Times, Inexcon Papers is a new company incorporated in April just a week before its two principals, Joseph Kass and Lambert Bedard, arrived in Millinocket to kick the tires of the Bowater assets. Inexcon owns no mills and employs no papermakers, but Kass and Bedard claim to have more than 60 years of combined experience in the paper industry.

Bowater had been cooperating with a group of its mill employees who were trying to put together financing to buy, at first, just the Millinocket mill, then, by the beginning of May, all of the GNP real estate. How desperate Bowater is to sell its Maine holdings is demonstrated by how suddenly it suspended negotiations over the worker ESOP (Employee Stock Ownership Plan) proposal, and how quickly Bowater agreed to sell to a couple of guys from Canada who say they have financial backing to buy and restructure Great Northern Paper. No one will reveal the sale price, who is backing the purchase, or whether some or all of the lands will be resold.

The sale comes at the moment in history when Great Northern is marking its centennial anniversary. But the old Great Northern Paper is long gone. The end began in 1970 when the company merged with Nekoosa Edwards Paper of Wisconsin to create Great Northern Nekoosa. In 1990, Georgia-Pacific took over Great Northern Nekoosa in a hostile purchase, then sold off the Maine properties in 1991 to Bowater of South Carolina. So after 100 years of papermaking, thirty years of neglect, and three (soon to be four) owners within a decade, Great Northern may have something to celebrate this year. May is the key word. Inexcon has already told union officials it wants concessions in worker benefits. It will not follow through with modernization of the East Millinocket mill. It is calculating how many jobs will not be needed in the new incarnation of the company. And the sale has not even closed yet.

On June 29, Mxd Corp. said it planned to shut down four uncoated paper machines at its Rumford mill by the end of the year. That will slash its workforce of 1,400 in the state by 200 jobs. Mead is shifting production of security papers from Maine to Ohio. The company said it is cutting back here because the machines are very old and it wants to focus on making coated papers.

Some of the impacts of the big land and mill changes are starting to be felt. McDonald Investment Company, for instance, has stirred up a hornets nest in the north woods this summer by putting the 565,000 acres it bought this year from Bowater under the recreational management of North Maine Woods, Inc. NMW has established a revamped gate system. New resident day use fees and camping fees for everyone have angered a lot of visitors who have been lashing out. Leaseholders have to pay higher access fees and several businesses located behind the gates have seen business drop by as much as 50 percent. The Maine Leaseholders Association is threatening to sue. The restaurant at Pittston Farm may close. A force representing the Millinocket Fin & Feather Club showed up at one gate to practice some semi-civil disobedience. After the NMW attendant broke down in tears, the Fin & Feather guys left. Following the first couple of weekends under the new system, one NMW checkpoint attendant said "We should have gotten combat pay."

As the advantages of the old system evaporate, more and more people are recognizing the benefits of restoring to public ownership a lot more areas in the Maine Woods, such as the Moosehead-Katahdin region, which are important for traditional recreation.

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Governor King's land purchase plans will focus on southern Maine. That much is indicated by the final report of the State Planning Office's Land Acquisition Priorities Advisory Committee, which subordinates concern for the northwoods region, listing it under "Other Important...Priorities." Says LAPAC, the wildness and remoteness of this region "are not immediately threatened...as long as present land use patterns continue."(1)

The existing level of protection, represented in part by the Land Use Regulation Commission's lakes plan, spells doom, over the long term, for the relative continuity of Maine's wildlands and the undeveloped character of most of the lakes in the northwoods. Maine faces a fragmentation of forest lands and disruption of habitat amounting to a "sea change" in the LURC territory.

LURC's Lakes Management Classifications

The new state law, LD 1730, prohibiting jet skis from three protected classifications of lakes within the jurisdiction of the Maine Land Use Regulation Commission (LURC) ought to generate some curiosity regarding LURC's management plan for its lakes, including its lakes classification system, and what this plan means in terms of protection or possible development in Maine's northwoods.

The lakes management plan has particular significance for advocates of a giant northwoods region closed to development, because the plan serves as part of LURC's strategy to shield core regions of its territory from development. Unfortunately, LURC's strategy is at best a delaying action—when the lakes plan contributes some weaknesses of its own.

LURC, by it's size-unspecific grading system, has the majority of its undeveloped shoreline classified as "protected" because of objections from the owner, Great Northern Paper. (One needs to consider that there's a lot more undeveloped shoreline than the "undeveloped" category reveals. Under LURC guidelines a lake which averages more than one development unit per mile of shoreline is classified as "developed" even though it may be overwhelmingly characterized by undevelopment. A case in point, Ragged Lake, which appeared undeveloped from the air, had to be reclassified as "developed" because of objections from the owner, Great Northern Paper.)

81.7%, by acreage, of ALL LURC LAKES are classified for further development without any radical prescriptions for protection (as of this writing). A blanket prohibition on development was never intended for more than one acre of a lake. For many of our most valuable lakes, the protection issue is a non-starter. A case in point, Ragged Lake, which appeared undeveloped from the air, had to be reclassified as "developed" because of objections from the owner, Great Northern Paper.

CLASS 7 LAKES

The commission has the majority of its undeveloped lakes (196,702 acres), in a catch-all class, Class 7 (which additionally includes many developed lakes that make Class 7 the home of over half of all LURC lake acreage). Class 7 lakes have been dispensed an old-fashioned prescription of "multiple use," including "recreation," one element of which, historically, has been residential development. There are 113,470 acres of undeveloped "A" and "B" lakes in Class 7, among them, Basshegan, Chamberlain, East Grand, Millinocket (south of Baxter), Seboonook, Spednik, and Umbagog, more than the entire amount preserved in MC 1, 6, and 2. (An even larger amount of "A" and "B" lakes can be found among the developed Class 7 lakes.)

The most significant thing about Class 7 is that, along with MC 1, 6, and 2, it embraces undeveloped lakes in LURC's roughly identified core regions, the "heart" of the northwoods. Here the commission says it is committed to keeping sub-divisions off of lakeshores and, where possible, out of the area entirely, finding them inappropriate to these wildlands. It does this by applying a rule of adjacency, which says a proposed sub-division must be located within a mile of an existing sub-division. A proposed lakeshore sub-division cannot claim adjacency to a non-lakeshore sub-division, and vice-versa.

But there are giant loopholes, one being that the commission can approve a proposal for a sub-division in one of these remote areas if the developer utilizes a "Lakes Concept Plan" or, outside of lakeshores, applies for recognition of a "Planned Development (PD) Subdivision." In 1996, the Gardner Land Company, using a Lakes Concept Plan, tried to sub-divide its land on Snake, Carpenter, and two neighboring ponds in the core region northwest of Baxter...
A Close Look at Pemadumcook—One Instance of the Insufficiency of LURC’s Lakes Assessment

LURC’s management plan was not meant to serve as a tool for preservation beyond the 250-foot fringe, but it can still be put to that use. Studying it, one gets a fuller picture of the state of opinion as a mix of declarative and evaluative. With an eye toward advocacy, the following is a look at issues of preservation in the LURC region as they apply to just one sampling of lakes among those facing the full brunt of LURC-accelerated development.

Class 3 Lakes

The remaining undeveloped lakes (17,973 acres, of which 79% is “undeveloped lakes facing the effect of MC 3 listed as “Potential Management Class 3 Lakes”.

Nearly 48% (by acreage) of developed lakes, in MC 3, MC 5, and part of MC 7 developed, is slated for development. There is certainly no reason to protect a conservationist can count on as a certainty for a LURC lake which has already experienced a degree of development is that it has large landowners and preserved landowners. Even in Maine, where the acreage is small, the LURC has a better chance of making tradeoffs—by favoring rezoning to allow development next to existing development—so as to keep it away from remote areas—encouraged over-development of partially built-up lakes. One can imagine a speaker from the floor saying that if further development by and large, wasn’t going to improve the quality of a partially developed lake, then the state shouldn’t be getting into the business of making tradeoffs that encouraged it. The worst loophole in the law affecting the northwoods core is the exemption of large-perimeter lakes. The “undeveloped lakes facing the effect of MC 3 are those previously managed by Great Northern Paper as part of a roadless “Remote recreational Area,” this community includes Nahmanats (MC 3) to the immediate west; Rainbow (MC 1) immediately northwest; Third Debsconeag and Passamaquoddy (both MC 3) immediately to the north, with Baxter Park just beyond; and Lower Jordan (MC 3) immediately to the south. Further highlighting Pemadumcook’s importance, a four-mile stretch of the Appalachian Trail runs alongside its west shore. Putting a road through to develop any part of Pemadumcook (west of Nicks Gut), or the west shore of Ambejejus, would have a negative effect upon the wild character of this community of lakes. Consequently, logging roads and clearcuts (both of which the legislature has lately failed to address) have surrounded Pemadumcook in the last two years.(12)

Pemadumcook deserves protection as part of a northwoods wildlands core, but LURC, besides making Pemadumcook a Class 3 lake, has avoided making a commitment to establishing the perimeters of such a core other than its crude guideline of encouraging development only “within two townships [distance from] the organized portion of the state and the 250-foot fringe.”(13) This insensitivity when it comes to dealing with the facts of remote lakes will erode. Also, a steady growth, year by year, of single-family vacation homes is going on within the core, allowed under the adjacency principle and the two-lots-from-one division permitted every five years.

More discouraging than the fate it allows a large majority (65.9%) of its undeveloped lakes is the uncertain future the commission has laid out for them. The commission’s plan for protection is a meager limitation of “below an average of one dwelling unit per 400 feet of shorefrontage [or] one dwelling unit per ten acres of lake surface area”. (That would allow 366 homes on 20 acres on a lake the size of Togus Pond.) Beyond this the commission says it will seek to preclude development on all or the State Park. The strenuous opposition (17,973 acres, of which 79% is “undeveloped”) to the commission’s general planning guideline, if it were measured on a line per 400 feet of shore frontage “below an average of one dwelling unit per 400 feet of shorefrontage” for its developed lakes: The most heavily developed lakes. (See above).

Developed Lakes

The commission has given some thought to what it would take to designate core regions that would be protected absolutely from further development, regions with distinct perimeters. It seems unlikely, however, that LURC would advocate protecting parcels in between M-NC subdistricts, or even join contiguous subdistricts which had different owners, in order to create a larger subdistrict. It’s apparent from its definition of M-NC Subdistrict that LURC’s intent, as with its lakes policy, is to protect only a few prime recreational areas, circumscribed mini-regions, nothing on a grander scale.

REFERENCES

3. LURC, C.L.U.P., Chapter 4, Development, II, B, 3.
4. Ibid., Chapter 6, Management Subdistricts.
5. John Richardson, “Historic Agreement to Protect Forestland,” Portland Press for them. Says Nancy Perham of the Rangeley Lakes Heritage Trust, the objections raised at a series of local hearings centered on the rule of adjacency, which, by favoring rezoning to allow development next to existing development—to so as to keep it away from remote areas—encouraged over-development of partially built-up lakes. One can imagine a speaker from the floor saying that if further development by and large, wasn’t going to improve the quality of a partially developed lake, then the state shouldn’t be getting into the business of making tradeoffs that encouraged it. Therefore, time that the part of Maine, where undeveloped west shore owned by Besse Phillips has been protected by a private effort, and 29 miles of Moosehead’s east shore, in a zone 500 feet wide, from Lily Bay to the state’s conservation easement, next to Moosehead, may soon be protected in a deal between the state and Plum Creek Timber Company (6). As a caution against euphoria about the proposed 29 miles of state protection, we need to keep in mind that encouraging LURC still has Moosehead and the five other lakes is simultaneously withdrawn from MC 3 listed as “Potential Management Class 3 Lakes”.

7,100 DWELLINGS FOR MOOSEHEAD

Moosehead, twice the size of Sebago and 3 1/2 times the size of Flagstaff, needs much more protection than to prevent it from becoming terribly congested. According to LURC’s guidelines for desirable development would allow between 2,400 and 7,100 dwelling units on Moosehead, perhaps concentrated on the west shore in a “potential LURC region” as they apply to just one sampling of lakes among those facing the full brunt of LURC-accelerated development.

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3. LURC, C.L.U.P., Chapter 4, Development, II, B, 3.
4. Ibid., Chapter 6, Management Subdistricts.
Further Limitations to LURC's Assessment

Water quality is the most vital issue of lake preservation, but conservationists have little leverage, within the framework of LURC's regulations, to protect the more pollution-vulnerable lakes, identified by LURC as "Water Quality Limiting Lakes," numbering 1,000, 2/3 of all LURC "great ponds". These lakes, if fully developed, would face "a significant risk," says LURC, of experiencing the maximum allowable increase in phosphorus. LURC admits its water-quality tests and standards are rudimentary (11), and there is no discussion in the Comprehensive Land Use Plan of short-stopping potential water problems on some of these lakes by a public/private strategy of buying development rights to buildable frontage. There is only LURC's requirement of cluster zoning, which, for all the good it does, doesn't reduce the number of new living units allowed on a lake. Finally, LURC has indicated that it intends to keep the majority of its lakes in the management classifications they are presently in. It will be difficult to shift a lake out of, say, MC 7, the catch-all class, and into MC 2 ("especially high value, accessible, undeveloped lakes"). But, at the same time, we are told that the lowest resource rating, Resource Class 3, can mean a lake has not been evaluated or has been only partially evaluated, and the lake's overall resource value is unknown. LURC has identified over a hundred such RC 2 and 3 lakes with information missing. One suspects there are more. This, coupled with the inadequacies in the resource classification system mentioned earlier, put LURC's rigidity about its management classifications in an unflattering light. Together they show that the management plan represents an accomplished deal between large timberland owners and the state about how much lake frontage the former would donate to public protection and what the state would give as a quid pro quo.

Maine's Pact with Landowners

To sum up, LURC has severely restricted or prohibited development on a significant percentage—18.3%—by acreage—of the lakes in its jurisdiction. According to Fred Todd of LURC, the percentage of preservation was not "preordained" but involved the commission's gut sense of what was feasible. It makes sense that the commission's longstanding working relationship with landowners in its region would enable it to make informed guesses as to what each major owner's contribution to a lake preservation plan might be. However, says Todd, "the subsequent agreement was not to a man. Some landowners were mighty upset and contemplated legal action."

The fact that the plan represents a willing (if begrudging) contribution by the affected owners could excite enthusiasm; on the other hand, it could cause a souring realization that the state will not likely initiate a move toward preservation goals in the LURC region beyond the scope of the lakes plan or beyond "fringe" protection of a few key lakes such as Mooselook and Flagstaff. To do so might jeopardize the agreement with landowners that the plan represents. Such a commitment to the plan could explain the state's failure in the period preceding the most recent flurry of giant timberland sales to follow through on the recommendation of the Land Acquisition Priorities Advisory Committee that the state actively solicit federal Land and Water Conservation Fund money and money available through the Forest Legacy program for northern forest protection. (12) Having these funds in hand—even just purusing them—might commit the state to a larger preservation goal in the LURC region than it wishes.

Russell DuPree lives and works in Freeport, Maine.

REFERENCES

5. Ibid., 5.
9. Ibid., 10.16, E., (P-M4), and 10.17, B, 1.f
10. Ibid., 10.16, D., (P-GE), 3, e.

Copies of the Allagash management plan are available from the Maine Department of Conservation, 22 State House Station, Augusta, Maine 04333-0022 or on the Department's web site at www.state.me.us/dodallaga_sh.
We may have, for only the second time I know of, a state regulatory body that rejects economic blackmail. A Washington county blueberry packet wants to pump down the Downeast rivers for irrigation, in the critical low-water period of the vanishing Atlantic salmon's cycle. The Land Use Regulatory Commission restricted Cherryfield Food's water use, despite the company's invoking its self-proclaimed economic importance and its assertion that blueberry cultivation, compared to forestry, is more profitable. Regulations were invoked its economic interest, despite the company's requiring a public hearing. A call to the Maine Bureau of Labor Statistics yielded little on the numbers of those producing logs, pulpwood, and chips. Such information, had it been available, might have helped to determine the actual loss in revenue and employment it is said the company's operation would cause.

When Maine reaches its 150th birthday in 1999, it may have, for only the second time I know of, a state regulatory body that rejects economic blackmail. A Washington county blueberry packet wants to pump down the Downeast rivers for irrigation, in the critical low-water period of the vanishing Atlantic salmon's cycle. The Land Use Regulatory Commission restricted Cherryfield Food's water use, despite the company's invoking its self-proclaimed economic importance and its assertion that blueberry cultivation, compared to forestry, is more profitable. Regulations were invoked its economic interest, despite the company's requiring a public hearing. A call to the Maine Bureau of Labor Statistics yielded little on the numbers of those producing logs, pulpwood, and chips. Such information, had it been available, might have helped to determine the actual loss in revenue and employment it is said the company's operation would cause.

The latest emergence of the Land For Maine's Future scam to bob up is here in Hancock County. The deal is for a town that's one of Maine's most scenic, forming one side of another island. This land was part of Diamond International's holdings, now liquidated. Ostensibly, the Robbins family sawmill bought the parcel, with the right to cut only one half of it, as the company's owners had wanted kept out of the public eye—under their insurance, social security, or unemployment benefit. And, of course, they then avoid the commingling of the lands, the woodsmen of preference.

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The Northern Forest Forum
Saving Mount Katahdin—The Unsung Life of John Francis Sprague

Illustration from The Knockabout Club: The Adventures of Six Young Men in the Wilds of Maine and Canada by C.A. Stephens, 1886.

Mr. Katahdin in Maine for at least a century and a half. Best known are the efforts of Percival Baxter to acquire and preserve lands surrounding the mountain in the state park named for him. The following excerpt from the book John Francis Sprague by Marius B. Peladans (L.C. Bates Museum, Hinckley, Maine, 1988) tells the story of one of the earliest, least known and most persevering of advocates.

It is reprinted with permission.

For information on current efforts to protect lands in the Katahdin region, contact Jym St. Pierre, RESTORE: The North Woods, 7 N. Chestnut Street, Augusta, ME 04330 207-626-5635, jym@restore.org.

John Francis Sprague’s life reads as that of a man whose “plate was full.” His interests were varied, his achievements numerous and his reputation considerable. Yet, all his accomplishments pale when compared to the role he played—very silently and unrecogn¬ized—in the preservation of Maine’s greatest Katahdin.

To the original native Americans (and their descendants today), Katahdin was a sacred site, the home of Pamola, an evil God, and the location of many important Indian legends. The first white men to make the ascent of the 5,267 foot peak were a party of surveyors under Charles Turner, Jr., in 1804, but it was the 1846 visit by philosopher-naturalist Henry David Thoreau which first focused attention on the magnificent mountain. His two additional trips to northern Maine in 1853 and 1857, and the journal which he kept is the basis for his classic, The Maine Woods. It was Thoreau who made the first plea for wilderness preservation: “Why should not we . . . have our natural preserves, where no villages need be destroyed, in which the bear and the panther . . . may still exist, and not be ‘civilized off the face of the earth’ . . .”

No one heeded the plea at the time. Katahdin was privately owned by a number of timber (and later, paper) companies. They harvested the trees and allowed hunting, fishing, and camping on their lands. By the late 1880s sporting camp owners were advertising guided climbs of the mountain as a benefit of rusticating in the northern Maine Woods.

It was at this time that Sprague entered the lists to do battle for the mountain. As founder and president of the Maine Fish and Game Association, and president of the North American Fish & Game Association, he was in a position to exert leadership. A few years later, in the early 1890s, a number of Bangor citizens, including Mayor Augustus Hamlin, suggested the establishment of a game preserve around the mountain. A Bangor newspaper added support in 1895 by proposing that a thirty-nine mile area around the peak be designated a State Park. All this talk of conservation went against the wishes of the state’s timber interests, then as now, one of Maine’s most powerful lobbying groups.

In his Journal of Maine History, Sprague had praised the leadership of Theodore Roosevelt, an early leader in the outdoor movement, and Sprague shared with his good friend, Rev. Hinckley, a love of Frank Forrester and William Henry Harrison (“Adirondack”) Murray, the “apostles of outdoor life.” The latter, especially, served as an inspiration for Sprague.

Nothing concrete came of these early calls for the preservation of the mountain. Although the public became increasingly aware of the issue, more camps, roads and trails were built, the Bangor & Aroostook Railroad promoted the mountain as a vacation mecca and the timber and paper continued to cut timber.

It is essential that two important factors not to be forgotten in the Katahdin preservation story. First, that the mountain was in his Piscataquis County, where he was known as the leader of the outdoor movement and where he had been laboring in the vineyard of natural resources preservation since the late 1870s; and secondly, that these efforts had been ongoing and unceasing for over 25 years before he and Percival Baxter became acquainted in Augusta.

Baxter himself admits that he did not come to know Sprague until sometime between 1900 and 1906, and that even then the “acquaintance” did not “ripen into friendship” until a few years later. This clearly places Sprague—and all his—Maine and North American fish and game supporters—as among the first in the field, years before Katahdin became a “cause” down-state in Augusta and Portland. Through all his writings in regional and national sportsmen magazines he became the identifiable “environmentalist” of the North Woods. No one equaled him in stature, both in his own county, across the state and in national circles. His labors—all the lobbying, publicizing, speaking and writing that occupied so much of his time from the mid-1880s—predate Governor Baxter’s entry into the fray.

Finally, in 1913 a tentative step was taken. Congressman Guernsey (Sprague’s old Dover friend) introduced a bill authorizing the Secretary of Agriculture to examine, locate and report to the National Forest Preservation Commission for purchase, such lands in the region of Mt. Katahdin as in his judgment may be suitable for a National Park.” The bill died in committee that session. Its supporters decided to enlist Sprague in the cause. In 1916 Guernsey re-introduced the bill in the U.S. Congress, this time with Sprague’s more active involvement. Writings seem to indicate that Guernsey introduced the bill at specific request of Sprague’s fish and game organization. Secondly, in the Journal Sprague indicated he was throwing the weight of his magazine behind the legislation and wrote an editorial urging the bill’s passage.

The Northern Forest Forum
In a carefully planned move to gain immediate publicity and media attention for the legislation, Sprague invited Baxter to address the fish and game association at its annual meeting on the 27th, only two days later. The timing could not have been a coincidence.

This was Baxter's most eloquent statement to date on the need to preserve the mountain. The speech was ordered printed as a Senate document with photographic illustrations. It was obviously meant to be more than a dry legislative document but rather a pamphlet for public distribution. Baxter and Sprague were working in tandem. Shortly thereafter Baxter, under the Maine Constitution, ascended to the governorship on the death of the incumbent and before the session was out he delivered two messages to the legislature pushing the idea of the State Park. The bill failed, however, because of the opposition of the state's business interests, led by the president of the Maine Chamber of Commerce and the Great Northern Paper Company, which owned the mountain's timber rights.

All the supporters of Katahdin's preservation, including Baxter and Sprague, had reason to be discouraged. Sprague pushed forward, trying a new strategy. In the Eightieth Legislature of 1921 he had been named to the Committee on Inland Fisheries and Game in recognition of his expertise in this area. He pushed hard for every reasonable piece of legislation that would positively affect the Fish and Game Department and, as a result, further cemented already close ties with the Department Commissioner, Willis E. Parsons of Dover. Parsons became further indebted to Sprague when he tried to raise Parsons's salary and travel fund to $4000, an increase of $2500 over the Commissioner's previous reimbursement and nearly double that of any other state department head.

Sprague justified the expenditure because a strong fish and game department would solidify Maine's reputation as a sporting paradise. Because of all this support for Parsons it is easy to understand why he was well disposed to return some favors to Sprague.

Sprague soon called in this debt. Working all the remainder of 1921 and through the winter of 1921-22, he marshaled every friend, fraternal brother, voter and sportsmen to present an overwhelming petition to create a Katahdin Park game preserve. Whether or not Sprague and others could not get legislation passed to protect the area, Sprague would try to achieve part of their shared dream through Executive Order. On March 31, 1922, Parsons issued this Public Notice: On the foregoing petition of John E. Sprague and others, after due notice and full hearing, it is hereby ordered and decreed that the prayer of the petitioners be granted and that due notice of the same be given and rules and regulations be promulgated as follows: . . . .

The rest of the Public Notice sets forth the laws that prevented hunting or trapping of any fish or game in a 90,000 acre region around Katahdin, including the peak. Acting on his own, without Baxter's assistance, Sprague had accomplished the first big step. The timber and water power interests were on notice that the state had "put its foot in the door" and pried it partially open. Yes, dams might still be erected, timber cut, sporting camps built, but the people of Maine could see that the state had indicated an interest in preserving the Katahdin region as a wilderness and that the momentum was building.

Sprague made another stab at engendering support for the wilderness concept. It cannot be determined, with his physical handicap, how close Sprague ever got to the majestic peak, or if he had to enjoy it from a far distance. In the summer of 1922 he told his Senate compatriot and friend, Judge George C. Wing, Jr., that he would publish in the Journal an account of an excursion Wing planned to Katahdin that August. The party consisted of Wing, Parsons, three game wardens, Leroy Dudley, the famous Katahdin guide, two women and a teamster with horses and wagon to carry supplies. Wing's reportage of this trip included not only a story of the actual ascent but also a historical and geological exposition of the mountain's past, a bibliography of literature on Katahdin, and a recounting of the steps that had been taken, spearheaded by Sprague, to preserve it. In all its facets the article is a thorough explanation of all the reasons the peak should be saved from commercial exploitation.

Sprague's Journal published the story of the trip in the Fall 1922 issue as the lead story, and to assure its wide, public distribution, it was off-printed as a separate pamphlet available to all for 75 cents. It apparently achieved wide circulation since copies are uncommon today. Sprague most likely bore all the costs of publication and distribution as his contribution to the Katahdin cause.

Governor Baxter again raised the concept of a State Park in 1925 in his outgoing message as governor but the time was still not right. Finally, Baxter decided to do what he did best; he knew what the state seemed unwilling to accomplish. Using his considerable personal fortune he bought the land outright from the paper companies. In 1930 Baxter made his first purchase of 5,960 acres from Great Northern Paper Company and continued to add acreage for thirty years thereafter until by 1962 he had amassed a total of over 200,000 acres. These he presented as a gift to the State of Maine as the State Park he, Sprague and others had envisioned.

Sprague was not alive to see Baxter make the first purchase in 1930. He died in 1926. His contributions to the conservation of Katahdin were forgotten in the wake of Baxter's largesse. The printed record today totally ignores the vision and efforts of Sprague to keep the northeast corner of Piscataquis County a wilderness forever as the Native Americans had known it. There are hundreds of books on Baxter and/or Katahdin and none even mentions Sprague in passing.

Yet the written record is clear: John Francis Sprague, from the 1870s until his death in 1926, was a consistent force in the effort to save the mountain. Taking nothing away from Governor Baxter's great generosity, it is important that recognition be accorded Sprague as a powerful factor in the entire Mount Katahdin movement.

To read more on Baxter State Park, see Northern Forest Forums v. 6 #6 & v. 7 #1; they contain a two part interview with Baxter State Park's current forester Jensen Bissell. V. 6 #6 also has an article by David Carle on efforts from the 1930s onward to establish a National Park in the Katahdin region.

Thomas Staley "Towards Katahdin" woodcut

An exhibit on Sprague, including information about his work to protect Katahdin is on display in Maine at the York Institute through July 31 and at the Bethel Historical Society from August 6 into next year. A separate exhibit, Looking at Katahdin: The Artists' Inspiration, is on display at the L.C. Bates Museum in Hinckley through October 12. It moves to the Blaine House in Augusta from October 18 through December 6, 1999.
"Let the good green earth prevail"

Public Commentary on U.S. F. & W. S. Nulhegan Basin Purchase: Supportive Opinion from Vermonters

Ralph Rogosch, Enosburg Falls, VT

"I am a member of the Northeastern Loggers Association. I cut wood for a living. Still I would support the U.S. Fish & Wildlife Service's purchase in full fee of 26,000 acres in the Nulhegan Basin. I believe it is important to have some set asides of old growth timber, just to know they are there and won't be disturbed. I understand that responsible logging and timber management will be allowed in other areas of the former Champion lands."

John Savlove, N. Bennington, VT

"We are at a critical stage in human evolution. Those who would compromise what remains left of the eco-systems god so generously endowed this world with are not fully aware of how urgently our survival depends on biodiversity and ecological integrity.

"As a Vermonter, a lover of life, animals, health, and economic prosperity (the future of human economy depends on land conservation although the logic of this has not yet been figured out by many Industrial Age businesspeople), I ask you with a heavy heart to understand and act wisely regarding this opportunity to protect the Northeast Kingdom. Again, please buy in full, and let the good green earth prevail."

David L. Deen, River Steward of the Connecticut River Stewardship Council

"The issue of historic uses and the expectation of the public that these uses should continue versus protection of valuable species habitat will be the biggest challenge for the Service. CRWC holds the protection of the habitat to be the higher priority for the Service over historic uses by the public. The Assessment sets out some time limits on camp leases as well as expectations for the future of hunting, fishing, trapping and snowmobiling on the lands. The public process envisioned to set the new criteria for the traditional uses will be interesting to observe to say the least. What is vital for the Service is to be responsive, where they can be, to the public but to hold to the higher priority and protect the habitat in the watershed."

ECOLOGICAL RESERVES ON THE CHAMPION LANDS

Marc Lapin, Cornwall, Vermont

"In short, the refuge is best able to serve the broad management goals by trusting to natural ecosystem dynamics to provide for a diversity of vegetation seres (i.e., successional cover-type and forest structure). If the proposed federal lands and state lands are managed more-or-less together under a regime of natural ecosystem dynamics, there is the opportunity to have nearly 50,000 contiguous acres functioning under a natural disturbance regime. Truly, this is rare in the eastern United States. Although in our lives we are unlikely to see the patchwork of structural and vegetative diversity created by natural ecosystem dynamics, the coming generations will inherit a piece of landscape that has been allowed to develop naturally and unencumbered by human preferences for certain species and certain forest stand characteristics.

"I urge you to change the language and the intent expressed on page 17, section 3. 'Management Flexibility Over Time,' page 46, section 1. 'Forest Products Industry' and page 53 section 2. 'Managing for Species Richness and Abundance.' Rather than the old paradigm and management style of attempting to create by manipulations 'a balance of habitat types on a landscape scale,' should we not forge the new paradigm of allowing natural forces to operate on nature's temporal and spatial scales to provide for a diverse 50,000 acre landscape in the long term."
Rick Paradis, University of Vermont Environment Program

"Acquiring the land in the Nulhegan Basin in full fee will allow the Service the best opportunity to manage the area for biological diversity values, providing its expertise to the mix of public and private ownership evolving in this important land conservation project. Providing a 'core reserve' in the Nulhegan Basin with adjacent lands managed for more diverse uses mimics reserve design models developed by conservation biologists here and elsewhere. This important and special natural region of Vermont deserves no less!"

Eric R. Sorenson, Community Ecologist

The Nulhegan Basin is an exceptional natural area of both state and national significance. The combination of bedrock geology, glacial surficial deposits, climate, and the force of moving water over thousands of years has created an ecosystem in the Nulhegan Basin that contains many species and natural communities typical of more northern or boreal regions of the continent. These species and communities (terrestrial, wetland and aquatic) are a very important aspect of this region's biological diversity. Management of this critical basin and associated lands to the south in the Paul Stream watershed should be for the long term protection of ecological integrity, with appropriate public access provided. These goals can best be accomplished through public ownership.

"I have specific concerns that relate more to ultimate management of the Nulhegan Basin land should the Service proceed with fee-simple acquisition. First, although I clearly believe in and understand the importance of maintaining public access to these lands and waters, any future management by the Service should focus primarily on restoring and maintaining the ecological and biological integrity of these lands and waters. Locations of existing or proposed roads and trails, and access by motorized vehicles should be judged critically against their effect on ecological integrity."

"Similarly, managing for species richness or abundance of particular species of interest should be weighed against the effect of these practices on ecological integrity and the species that may be displaced by management. In many cases it may be that communities under the forces of natural disturbance will provide the diversity of habitats and successional types necessary to sustain individual species of interest over the long term, without forest management practices. Maintaining management flexibility over time is a logical goal and should provide the basis for making decisions of this type."

Comments from Ken and Pat Ward, Brandon Vermont

"...the Nulhegan Basin is the home of Vermont's largest free-flowing stream; the state's largest deer wintering yard; significant wetland complexes such as the Yellow Bogs, home to rare, threatened and endangered species including Spruce grouse, Common Loon, Blackbacked woodpecker, Three-toed Woodpecker, Grey Jay, and Boreal Chickadee. The area also contains 200 acres of old-growth spruce forest, and pristine streams for native trout and Atlantic salmon."

"It has been my very recent pleasure to work on and complete the research and documentation needed for the nomination of a parcel to be included in the National Audubon Society's Important Bird Areas or IBAs."

The essence of the program, initiated very successfully in Europe, where pressure on environmentally sensitive and ecologically necessary areas is extreme, has three action criteria: Identify the most essential areas for birds; Monitor these areas for changes in the habitat; Conserve these areas for long term biodiversity. The creation of the Nulhegan Refuge will enable and guarantee the success of guaranteeing that biodiversity ...

OPPOSITION, RESERVED JUDGEMENT & ECONOMIC CONCERNS

"A TREMENDOUS BREACH OF FAITH"

Kerrick L. Johnson, vice-president, Associated Industries of Vermont

"AIV opposes the [proposed USF&W purchase] because we believe it is unnecessary as there are other more accountable parties and levels of government who are involved with management of the lands. We oppose the proposed action because it will needlessly harm the forest products industry by unnecessarily reducing timber production levels lower than virtually any other party that might acquire the land would allow. We oppose the proposed action because its very existence constitutes a tremendous breach of faith with the Service by Vermonters, especially those of us who specifically asked how much land the Service would acquire in fee simple ownership and were told 600 acres. What is the Service's response to how many additional acres it will seek to acquire in fee simple ownership, regardless of what happens with this proposed action? Given that the management plan for the Refuge begins anew in 2010 and that the Refuge has no clear boundary, what is the total acreage the Service believes has the potential to be acquired? What does the Service consider to be the maximum number of acres that this Refuge should acquire in fee simple ownership? More importantly, what assurances do we have that the Service will abide by the verbal representations made by officials on its behalf and by its own written plan?

"Buy It All"—Comments of Sherburn E. Lang, Lyndonville, Vermont

"As the logging industry winds down from this area, and it surely will, then some other means of economic support must be available to the residents of the Northeast Kingdom. By buying this land, you are stating to us that the industry is tourism. Well, leaf peckers and tree huggers will not sustain a decent economic means for the residents of the area. We must be allowed to provide services. Canoe and boat rentals, guide services, including hiking guides, fishing and hunting guides, bicycle guides, and science related guiding can all become assets to the area. Mini marts, hotels, restaurants, bed and breakfasts, and camp rentals can also be assets...

"I do not want to see the area 'commercialized' nor do I want to see it 'restricted' in any manner. That is my opinion. What you must determine, 'what is best for the people of the Northeast Kingdom and the Champion Land.' Buy the land. Buy it all and get control of it all, and let Vermonters manage it for all of Vermont."
Motts’ Side of the Mountain: One Family’s Forest

At barely over a thousand feet in height, Almanac Mountain doesn’t seem to be much of a mountain. From the firetower on top, however, one can see from Eastport to Katahdin, with an impressive view of the numerous connected lakes that include Sysladobsis, Junie’s, Bottle, and Duck. To the south, below the tower, is a cliff called “the ledges,” which also has an imposing view of lakes, mountains, and valleys. And below this is a beautiful mixedwood forest, full of huge glacial boulders.

In some of this forest, there are piles of hemlock bark indicating cutting to supply the leather tanning industry—which had left the area at the turn of the century. On 50 acres of these woods, however, there is no evidence of any cutting. Some of the trees are quite large. I measured a red spruce at 27 inches in diameter, a white ash at 28 inches and a yellow birch at 33 inches in diameter. The site is registered with the Natural Area Program as old growth.

I visited the mountain, with its views and old growth, at the invitation of Gordon Mott, whose family had recently purchased much of this land. Gordon had told me about the old growth for a few years, but it was not until last year that I finally had a chance to get a tour of the land. Besides walking though the old growth, I also wanted to learn more about Gordon’s plans to balance protection of the public values, connected with the old growth and viewshed, with the private values of home, farm, and woodlot.

I have known Gordon since the late 1970s. In 1976, the Maine Forest Service, as part of the spruce budworm spray program, drenched my entire property—spring, brook, fields, gardens, house, and all—with chemical insecticides against my will. I wasn’t exactly pleased. At that time, Gordon was with the US Forest Service, which was then justifying (with environmental impact statements) and subsidizing the program. We had some very interesting debates on the subject.

Despite such a contentious introduction, I have stayed in communication with Gordon, off and on, for over two decades. Although we don’t always agree, I have benefited from our relationship. Gordon is knowledgeable, having spent twelve years as a researcher and forester with the Canadian Forest Service—eight of those years studying and modeling the dynamics of spruce budworm outbreaks. After twenty years with the US Forest Service, he worked as a consulting forester (including years working with the Passamaquoddy Tribe), a teacher at Unity College, and a consultant with the Natural Resources Council of Maine.

We still disagree on some issues (the last was the Forest Compact), but we are “neighbors” now that he lives in Lakeville. We also share many of the same concerns over social and environmental values. Gordon has been generous at printing some of my documents (when I had more primitive computer equipment) and checking some of my articles for technical errors. Lately, Gordon and I have stopped debating forestry politics—he has been more interested in the challenges presented by Almanac Mountain. His mention of protecting old growth and managing other parts of his forest with “long-rotation, high canopy closure,” made me realize that he had something of importance to contribute to the long-term approaches of low-impact forestry. I had to see it. I took some friends as well.—M.L.

FINDING THE HOMESTEAD

The Mott home seems isolated. It is at the end of a long steep driveway, with no neighbors in sight. Gordon and his wife Ginny (who is an elementary school teacher) are used to living in isolated places. Before finding their current property they lived for two years on an island off the coast of Maine. There they pilot tested approaches to enhanced use of island natural resources—including portable sawmilling of island timbers, pioneering steelhead aquaculture in mid-Maine coastal waters, and testing out agricultural crops and techniques for the Island Institute.

The isolation of the island suited them fine as it allowed them to raise their sheep and coyotes with minimum hassle. Their three coyotes were born in captivity and placed with them by the National Wildlife Service. The last died a few years ago, aged 17. After living with coyotes, Gordon and Ginny became advocates against coyote bounties. Gordon’s e-mail name is “coyote.”

After their stint on the island, Gordon and Ginny looked for an attractive place to settle in a climate similar to Ginny’s home in Dover-Foxcroft, and somewhat accessible to the ocean and Gordon’s roots in New Brunswick. Gordon wanted a mixture of softwoods and hardwoods to manage. They found what they were looking for in 1989 on 106 acres on the south side of Almanac Mountain. This land was formerly part of a 6,800 acre parcel bought from the Penobscot Tribe and liquidated and subdivided by a large developer, Trott. Fortunately, not all of Mott’s purchase had been stripped, though other lots in the subdivision had been. Indeed, the cutting had begun, and Mott had it stopped upon his purchase.

The Motts did not build here immediately. Gordon still had unfinished business with the Passamaquoddy Tribe, and so they moved their sheep and coyotes to a farm at the end of a dirt road nearby in Topsfield. Gordon did visit and explore his own and the surrounding land that went up the mountain. On one such excursion, he came upon a stand of impressively large trees on a steep, boulder-strewn slope. He suspected this was old growth and contacted the owner of the land. The owner acknowledged there was some large timber on the land (loggers had approached him), but the land was not for sale.

BUYING THE REST

The Motts moved into their new owner-built home on the mountain in 1995. Three years later, Gordon was looking on the Internet to see if another lot was for sale when he found the upper mountain lot on the market. It was a 160 acre quarter section. Twelve acres on the 1047-foot summit were owned by the Maine Forest Service for its fire tower. Three acres were owned by Maine Public Broadcasting for a TV antenna relay. There were also a few lots create to settle wills. This left 135 acres surrounding the summit—including the old growth and the ledges.“

Gordon called up the real estate company and found out that an agent was nearby. He jumped in his pickup—“Hell, I chased him”—and found out the land, indeed, was for sale. “I said I was interested.”

The owner accepted an offer at the asking price contingent on 60 days to arrange financing. Three of Mott’s sons were immediately willing to participate in acquiring ownership. Together, they were able to put up 25% of the purchase price. But, because of federal rules established after the Savings and Loan crisis, the banks required 35% cash. Now what?

“IT looked like this was more land than we would be able to acquire,” Mott said. “We were acting in our private interest, but were
also motivated by our perception of the public interest. This little mountain should not be entirely in private hands. It is the most significant element of the viewscape from a number of lakes. It should not be stripped by feller bunchers going up the hill, as so many other mountains in the area have been. The old growth should not be converted to veneer. It should be kept pristine. Generations of people from a large region here go up to the ledges for the view—especially in foliage season. There have even been marriages up there. This is land that should be in public ownership.

Just as it was becoming clear the Mott family couldn’t afford to buy the land, by serendipity, a “green angel” appeared. Mott was talking to a client, “a man of some means with environmental values,” who asked what was happening and if he could be of help. He could indeed. Mott worked out a deal. He went through his client, instead of the bank.

“He is an investor who deserves a return on his money,” Mott said. The Motts are paying him at competitive rates. He also has security on the investment—if the Motts are unable to pay, he gets the land—an ordinary mortgage arrangement. “More people with money to invest would probably readily engage in such ‘green investments’ if they were offered competitive returns,” suggests Mott, implying that there is an opportunity for interested institutions to facilitate such transactions in an open investment market.

**ZONING FOR PRIVATE AND PUBLIC BENEFITS**

Having purchased the land, the Motts now had the challenge of managing it to ensure that public benefits would not be lost. Under the Mott family’s management, all of the old growth is off bounds to any cutting or development. A buffer of non-old growth can be managed, but biological considerations are primary in this zone. What Mott calls “heritage trees” (large, old trees that were formed primarily by natural forest influences) will not be cut—and there will be no cut zones (around 1 acre) around these trees. Cutting elsewhere in the buffer would “anticipate mortality and be based on biological, not economic, rotations.” Mott’s management system in this zone, “long rotation, high closed-canopy forestry” is equivalent to the goals espoused by low-impact forestry.

Outside of the old-growth buffer is a managed forest zone, where timber and economics have more importance, but ecological aspects are still considered. Logging will be sensitive to the viewscape and not leave large openings. All trees with cavities are retained and effort is made to restore tolerant species in the regeneration. In this zone, Mott plans to follow “sound, science-based silvicultural standards” and retain all high-quality stems in the growing stock. Here too, minimizing impacts to the residual stand, is key to the long-term strategy.

While Mott sees potential for good economic returns in the long term in the managed forest, in the short term they will be cutting small volumes of mostly low value wood. He is up against poor economies of scale combined with low prices. “It’s darn difficult to do the right thing to a degraded forest,” Mott said. “You’re lucky to break even at the front end.”

Mott has started logging, utilizing a good local logger with a small bulldozer and winch. The products include firewood for the local market, birch boltwood, hardwood pulp, and several thousand feet of fir and hemlock beam timbers. Mott processes the beams himself on a small bandmill.

In the forest production zones, as with the old growth and buffers, there will be no development. The Mott family will donate the easement to this right. His neighbors, who own the prominent east face of the mountain, have also indicated a willingness to sell an easement. There will, however, be some limited areas where future development will be allowable. Indeed, the family is planning to build a camp on one of these areas. Any structures that they build, however, will not be highly visible from the lakes, and they will screen outdoor lighting from external view as well.

**WHY EASEMENTS?**

I asked Gordon why the family is trying to sell conservation easements on land with public values, rather than sell all the rights for full fee. He responded that “This is part of our backyard. Part of the conservation easement would be within three hundred feet of our house. What we are seeking is a private/public balance. With an easement, we have standing to enforce agreements. It gives rights to my family (or whoever else might own the land) for the long term to have a say over what the public does right next to them. At the same time, it gives the public a say over what we do with our part of the easement. This leaves checks and balances and creates a buffer for the area of public interest. It’s the best place to be. It’s win-win.”

Mott has concerns that public access to more sensitive areas in the old-growth be restricted until the flora and fauna are cataloged and that public access be on planned routes to avoid erosion and disturbance of sensitive areas. He would particularly like to ensure in the easement agreement that nesting and denning creatures not be disturbed in certain high-risk seasons. The cliffs and boulders create may potential denning sites. He also wants to ensure that hunting and trapping in the natural area be prohibited, while retaining the privilege to hunt elsewhere on the property.

The Mott family has set up a committee to make sure that the intentions of their management plans are carried out for the long term. With a school teacher, builder, surveyor/civil engineer, electrical engineer, and a forester, the Motts contribute plenty of diversity to this committee.

While they are hoping to sell easements to the state through the Land for Maine’s Future Fund—the existing public ownership of the fire tower parcel is a plus in this regard—they are open to other possibilities if this arrangement falls through. Land trusts, which could hold easements, for example, could protect the same values. But there are no land trusts in this area. They could, however, help to establish a regional land trust as a repository for the conservation easement rights. Another option, though less binding unless a second party owns and can enforce the terms, is placing restrictions on the deed.

Mott finds an irony in the opposition of “property rights” groups to public funding of land purchases. “First they said if you want it, buy it. Now the public wants to buy it and they are opposed. It’s perverse,” he said. “I’m a firm believer in private property rights. Property rights people betray their own principles when they oppose any private property owner’s absolute right to protect public values for the future on a willing buyer, willing seller basis.”

On a broader perspective, Mott offered: “Like most of what I’ve been involved with, by luck or something else, this situation found me. I thought I was at the end of my little contribution to how things are done in the woods when I got blessed by the most complicated management proposition I’ve looked at—in my own backyard. Now, we’ve got the obligation to set a good example out in public.”
ASSESSING SOIL

by Mitch Lansky

Soil is the foundation of the forest. It is where the roots dig in. Soil not only holds trees up, it also supplies water and nutrients for the trees. Damaging soil can lead to silting of water, regeneration problems, undesirable shifts in species, and lowered productivity. With Low-Impact Forestry, we try to minimize such damage. Favorable low-impact logging systems keep the logging equipment on soil information.

Janet McLaughlin, Assistant Research Professor of Forest Resources, Cooperative Forestry Research Unit, University of Maine, to see if he could come up with a system for assessing soil damage. We had already benefited from the expertise of Jim's colleague at the CF RU, Bill Ostrofsky, who had demonstrated to us a system for assessing damage to residual trees. We asked Jim to come up with a numerical rating system, similar to Ostrofsky's.

Jim came up with a system that he first demonstrated in Vermont in late April at a conference put on by Barbara Alexander of the Vermont Loggers' Guild. In early June, Jim took five members of the Maine Low-Impact Forestry Project out to the University Forest to demonstrate his system to us.

ASSESSEEING SOIL HAZARD

To accurately measure soil damage, one has to do a pre- as well as a post-logging assessment. The pre-logging assessment is key to preventing damage. With the McLaughlin system, the forester determines potential hazards by examining the climate, soil types, hydrology, and drainage of the area to be logged. The forester lays out transects, digging occasional pits to determine depth to soil restricting layer and soil texture. The forester also determines topography and slope.

Jim has come up with a point rating system for these categories. With a high hazard rating, the logger has to take special care—including restricting logging to certain times of year. Jim recommends the following restrictions, based on drainage class type.

<table>
<thead>
<tr>
<th>CLASS 1</th>
<th>Undisturbed</th>
<th>CLASS 2</th>
<th>Slightly disturbed</th>
<th>CLASS 3</th>
<th>Deeply disturbed, surface soil removed and compacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Litter in place</td>
<td>B. Litter removed and miner soil exposed</td>
<td>C. Mineral and litter soil exposed</td>
<td>D. Mineral soil deposited on top of litter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. 0 to 6 inches</td>
<td>B. 6 to 12 inches</td>
<td>C. 12 inches</td>
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The numbers mean. What ratings are unacceptable? What are acceptable? What are desirable? Once this has been worked out, LIF foresters can better assess logging operations using McLaughlin's and Ostrofsky's systems. Landowners need to know if loggers are living up to desired standards. Landowners can use these assessments to find out if the logger qualifies for a bonus for high-quality practices. These assessments will be crucial in learning what techniques and technologies yield the most desirable results in given situations.

The Spruce Budworm

Ready or Not, It's Coming

by Mitch Lansky

QUESTION. When is the best time to manage a forest to be less vulnerable to spruce budworms? a) During an outbreak? b) Between outbreaks? c) It is not necessary to manage for the budworm because the government will fund the necessary spray program? d) What's a "spruce budworm"? Since the last spruce budworm outbreak ended in 1985 in Maine, it is possible some readers may not know what a spruce budworm is. Spruce budworms are larvae (caterpillars) of a moth that co-evolved with the forest of this region and which can, at times, defoliates wide tracts of conifers. An outbreak in Maine 1911-1919 reportedly killed 27.5 million cords of spruce and fir (mostly fir). Between 1954 and 1985 Maine sprayed insecticides 22 times. From 1972 to 1985 spraying was annual and massive. In 1976, the state sprayed chemical insecticides over 3.5 million acres—the equivalent in size of Connecticut and Rhode Island combined.

Despite the spraying, there was still a lot of mortality of balsam fir. And despite the higher vulnerability of fir over spruce, landowners (the majority of the spruce-fir forest has been owned by industrial landowners) consistently cut more red spruce than balsam fir both during and after the outbreak. Because of the extensive clearcutting in the 1970s and 1980s (and 1990s), Maine now has millions of acres of young, even-aged fir stands. Fir is a more aggressive medallion on red spruce. Thirty-four percent of all trees 1-3 inches is balsam fir. The only "good" news concerning budworm vulnerability is that 1.5 million acres of the spruce-fir type were converted to hardwood (mostly low value species). The latest report from the Insect and Disease Management Division of the Maine Forest Service has some news that ought to make state officials and landowners take notice: "While Maine is catching increasing numbers of spruce budworm, it is also experiencing more significant budworm changes. The area of moderate to severe defoliation in Quebec increased significantly in 1998. Even though the total acreage defoliated in 1998 is tiny compared to outbreak years in Quebec, the trend toward increased increases has caused concern. Some defoliated stands in Quebec are relatively close to areas of increased moth catch in Maine."

Some landowners have insisted that their "intensive management" of plantation white and black spruce, pre-commercial thinning, and herbicides, will make their stands less susceptible to budworm. There is evidence, however, that these practices, that are mostly being used by industrial landowners who overcut over the last few decades, might make outbreaks worse.

One of the most severe outbreaks in the mid-60s in Quebec, for example, was in one of the largest white spruce plantations in the province. Research in 1984 in New Brunswick found that four spruce types (red, white, black, and red/black hybrid) were equally vulnerable in an intense outbreak. Other research has suggested that "Capital-intensive activities such as planting white and black spruce, pre-commercial thinning, and herbicides, will make their stands less susceptible to budworm. There is evidence, however, that these practices, that are mostly being used by industrial landowners who overcut over the last few decades, might make outbreaks worse."

Other research has suggested that mixedwood stands and stands with mature spruce are less vulnerable, in part because these stands have richer mixes of predators and parasites. Unfortunately, landowners seem to have declared war on red spruce. Between 1982 and 1995, the cut of red spruce was three times the growth. As a percent of inventory, the cut of red spruce was greater than for any other species.

There still may be time to prepare for the next outbreak. Given the greater involvement of environmental groups in the policy arena, it is doubtful that the old strategy of having the government subsidize chemical spray programs will persist. The state needs to start formulating a more comprehensive policy towards spruce budworm—the sooner the better.
Forest Cooperatives Unite Ecology & Economics

by Andrew Whitaker

Small landowners own in the aggregate some 393 million forested acres in the United States, or 38% of forested land, according to stats presented at a daylong seminar hosted by the National Wildlife Federation's Northeast Office in Montpelier on May 27.

Most of these ownerships are small, under 100 acres. Cooperation across property lines can and has magnified individual efforts to add value to wood, manage for wildlife and manage in thecontext of the wider ecosystem, presenters said.

Speaking at the conference were representatives of cooperatives in the upper Midwest and rural Southeast as well as incopt cooperative forest management efforts closer to home such as Vermont's Coverts, Vermont Family Forests, the Hancock County Low Impact Forestry Project of eastern Maine and UMass Extension. The recently formed Woodworkers Alliance of Western Maine was also represented.

Keynoter E.G. Nadeau who has worked with cooperatives for 25 years outlined key characteristics of cooperative enterprises. Democratic forest ownership and control are what they have been intended to embody—if they do not then membership needs to reassess control. "Without a commitment to sustainability," he added, "cooperatives mean nothing to me."

Economically, the genius of the cooperative model, he said is an under-examined yet historically significant alternative to the more dominant corporate model of organization, is that members pledge the capital and volume of resources which enable the coop to process a finished product—the return from which exceeds the value of a raw resource sold as a commodity. Among recent examples of successful coops cited by Nadeau is a Dakota pasta producer owned by durum wheat growers which since start-up this decade has gained significant market share.

Landowners Recognize Ecosystems

UMass Extension forester David Kittredge surveyed Franklin County, Massachusetts landowners to gauge willingness to work across property lines. Kittredge found within his sample a fairly broad recognition that management issues—and ecosystems—do cross boundaries, that stewardship responsibilities span generations and that cooperating with neighbors is a viable option for many. A pilot project intended to test the survey findings faltered when forestry consultants could not be found who could work together with interested landowners.

Gus Townes from the five state Federation of Southern Cooperatives told how economic backlash against the black farmer during the civil rights movement spurred participation in buying clubs and cooperative agricultural efforts such as cotton ginning. Federal money from the Office of Economic Opportunity enabled creation of the FSC in 1966 with a mission of amplifying such efforts and especially increasing the availability of credit to black farmers who have been traditionally denied.

Jim Burkemeier of southwest Wisconsin contrasted the virtues of vertical integration, as he practices on his family farm and forest, with the general trend toward cutting faster than growth and high-grading. On his 200 acres, Burkemeier started in the 1960's with a stocking of 350,000 broad feet, is presently at 400,000 after three decades of "taking a little bit every year" and intends to achieve an ultimate stocking of 1,000,000 feet. He logs, mills, kilns and markets hardwood lumber.

Burkemeier is confident that cooperatives that operate similarly can help address some of the fundamental problems with forestry. These include what he termed a welfare attitude that land management cannot pay and industry unwillingness to pay. "Burkemeier is a co-founder of Wisconsin's Sustainable Woods Cooperative as well as a Smartwood certified resource manager.

WESTERN MOUNTAINS WOOD ALLIANCE

The Western Mountains Wood Alliance of western Maine was established last June. According to its brochure, the WMWA is "an association of small to mid-size primary and secondary wood professionals in the Franklin, Oxford and Somerset areas. The alliance works to improve the competitiveness of small business in an increasingly global economy."

The Alliance membership includes woodworkers, sawmill and kiln operators, foresters and timber harvesters. Members seek to cooperate in marketing, purchasing and training programs. For more information, contact the WMWA at: Post Office Box 265 Easton, ME 04234 207-645-2400 or krauss@megalink.net

55 Reps from Northeast Sign Roadless Area Letter

(June 24, 1999) A bipartisan letter signed by 166 Representatives was sent to President Clinton today calling on the Administration to protect all National Forest roadless areas, 1,000 acres and larger. "As the millennium dawns, safeguarding those remaining wilderness areas will provide a lasting legacy akin to the bold actions taken by President Theodore Roosevelt when he set aside our first forest reserves," said the letter sponsored by Reps. Maurice Hinchey (D-NY) and Steve Horn (R-CA). "We urge you to act boldly in that tradition so that these national treasures are not lost."

"We wish to thank all of these Representatives for standing up for our nation's natural heritage," said Steve Holmer, Campaign Coordinator for American Lands. "Roads harm the environment through habitat fragmentation, and sedimentation of streams. As a result, roadless areas contain much of the remaining high-quality habitat for salmon and other coldwater fish."

When President Clinton announced the development of a roadless area policy, he said that "these unspoiled places must be managed by science, not politics." Hundreds of scientists sent the President a letter stating that "a scientifically sound policy for roadless areas should, at a minimum, protect from development all roadless areas larger than 1,000 acres." According to the National Marine Fisheries Service, the EPA, and the Fish and Wildlife Service, these areas are "ecologically important" and should remain roadless.

"The Forest Service admits that only 18% of the roads are being maintained each year and the total backlog of needed repairs is over 8 billion dollars and growing," said Randi Spivak, President of American Lands. "As a result, crumbling roads continue to erode roadless areas, and other such efforts.

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For more information, contact: Tom Elliott, American Lands Northeast Organizer 603-643-3433 or visit www.americanlands.org
C by Reed Noah
Consortiums interested in protecting and managing native ecosystems have been forced to rely on 1) the good will of land management agencies and private landowners, or 2) legislative activity designed for other purposes. The Endangered Species Act of 1973 is the only federal law in the United States that contains an explicit goal of conserving ecosystems. Unfortunately, the Endangered Species Act contains no enforceable provisions or even guidance for ecosystem conservation. The National Forest Management Act (NFMA) of 1976 contains provisions for maintaining viable populations and a diversity of plant and animal communities, but these provisions are vague and difficult to interpret at the ecosystem level. A few other laws, such as the Clean Water Act and its requirements to maintain biological integrity, have similarly vague connections to ecosystem conservation.

Hence, many conservationists over the last decade and a half have discussed a need for an "endangered ecosystems act" or something similar. I propose a "Native Ecosystems Act" that would serve to protect and restore the entire spectrum of native plant and animal communities across the United States. The Act would have three sections: 1) endangered ecosystems, 2) ecosystem inventory, research, and monitoring. An independent Ecosystem Conservation Panel, with representatives from the relevant professional scientific societies (Society for Conservation Biology, Ecological Society of America, Natural Areas Association, American Institute of Biological Sciences, etc.) would be established to advise the Department of Interior on ecosystem listing, protection, recovery, and management decisions. If drafted and passed as legislation, the Native Ecosystems Act would give some backbone to ecosystem management.

Classification
Conservation of ecosystems must begin with a comprehensive, hierarchical classification of ecosystems for the region of concern—in this case the United States. The Act would follow the convention of classifying ecosystems as vegetation types or plant communities. A geographically defined ecosystem (e.g., the Everglades, Southern Appalachians, Greater Yellowstone Ecosystem, etc.) would consist of many such communities. Ecosystems would be classified according to the National Vegetation Classification System developed by The Nature Conservancy with the assistance of other organizations and agencies. This system was endorsed by Secretary Bruce Babbitt in October 1997. The classification includes a complete physiogeographic (structural) classification of the vegetation (hierarchy and classes), and a floristic (plant species-based) classification of 4149 specific plant communities (associations). Floristic taxonomic units of plant communities are crucial to habitat delineation and scientifically based ecosystem management at a spatial scale usable by managers. Older, classical classifications can be crosswalked (explicitly linked) to the national system.

Endangered Ecosystems
This section of the Act would be modeled after the Endangered Species Act. Ecosystems would be first assessed according to their extent of decline since European settlement. Decline would include outright destruction, conversion to other land uses, or significant degradation of ecosystem structure, function, or composition (for example, see the fire-dependent ecosystems listed in Table 2). Ecosystems at any level of classification hierarchy would be considered critically endangered, by 85-98% would be considered endangered, and by 70-84% would be considered threatened. To supplement the classification hierarchy based on floristics, ecosystems defined by seral stage, structure, functional relations, condition, and other ecologically relevant factors would be recognized. Hence, fire-flowing trees, old-growth forest, upland grassland, and ungrazed shrub-steppe could be considered critically endangered, endangered, or threatened ecosystems depending on their extent of qualitative decline in particular regions. The National Biological Service report would serve in the initial list of ecosystems, to be enforced under the Act. If the total extent of occurrences is less than 10,000 acres, the Act would be reevaluated. Tax incentives for managing threatened ecosystems would be prohibited.

Recovery goals would be established and recovery (rehabilitation) plans developed for each listed ecosystem type. The recovery goal would be to reestablish defined ecosystems in their native landscapes. Wherever possible, the natural distribution of vegetation along environmental gradients would be restored, as would natural disturbance regimes and populations of extirpated species. Multi-ecosystem, geographic-based recovery plans would be strongly preferred over individual-ecosystem of occurrence. All plans would include site-specific management actions, and agencies would be required to implement the plan according to specified timelines and schedules. The Ecosystem Conservation Panel would advise the Secretary of Interior on the suitability of recovery plans.

Representative Ecosystems
The purpose of this section would be to represent viable examples of all native ecosystems (plant communities) in a network of protected areas, regardless of their current rarity and across their full range of natural variation. The emphasis here is to assure that ecosystems that are still relatively secure and healthy will remain that way. Analyses of representation in the United States indicate that most ecosystem types are poorly represented, and many un-represented, in protected areas. The Gap Analysis (GAP) project, organized by the US Department of Interior and being implemented in every state, is assessing the level of representation of vegetation types nationwide. In Idaho, for example, the GAP project identified 29 out of 71 vegetation types that were either not represented in protected areas or had less than 10,000 hectares (25,000 acres) represented. The forest types with no representation were limber pine/greenwood, lodgepole pine floodplain riparian, subalpine fir-mountain hemlock, western juniper/mountain sagebrush. Douglas-fir-limber pine/mountain brush mossic, and western juniper/lodgepole pine. Although these types are not presently under intense pressure for timber harvest, they may be vulnerable to other human activities, including livestock grazing, mining, and residential development. Forest types with less than 10,000 ha protected in Idaho include several types with high timber values that are threatened by logging; western redcedar-western hemlock, grand fir-western redcedar, western larch-Douglas-fir, Douglas-fir-spruce, ponderosa pine-lodgepole pine, grand fir-Douglas-fir, and lodgepole pine-mixed conifer.

Forest types in each state that are found to be un-represented or under-represented in reserves would be protected by a moratorium on timber harvests—except legitimate restoration forestry—on public lands, at least until adequate representation has been achieved. What amount is adequate would be determined by
Return of a Native: the American Chestnut’s Recovery

by Ed Metcalfe

In 1904, the chestnut blight was first spotted on trees in New York City. By the 1940s the tree was virtually wiped out of its former range from Maine to Georgia and west to Michigan, Indiana, and Mississippi. It was the old growth species of the East, and in mature stands, trees could be 600 years old and average 5 feet in diameter and 100 feet in height. It was a big tree, mature individuals averaged three to four feet in diameter and 80 to 100 feet in height. Maximum size was much greater. In the heart of its range, specimens of nine to ten feet were regularly reported with diameters of over 12 feet recorded and heights of 140 feet. The wood was remarkable. It was straight-grained, lighter in weight than oak and more easily worked. It was as rot-resistant as redwood and was used for virtually everything: telegraph poles, railroad ties, timber frames, shingles, paneling, fine furniture, musical instruments and even pulpwod.

From the forester’s point of view, the tree was exceptional for several reasons. In addition to its broad utility, the chestnut grew rapidly, occasionally putting on as much as one inch of new wood annually. Also unusual was the strong sprouting ability of the chestnut. When a tree was harvested, the remaining stump sent up new sprouts.

Some of the more interesting studies made by dendrologists are those relating to the range of this species. The post-glacial pollen record indicates that the tree did not enter New England until about 2,000 years ago and further show that the tree was migrating northward at a rate of about 600-800 feet a year at the time of its demise from the blight. The northern range of the species was up through central New York, Vermont and New Hampshire extending even farther north in the Hudson River and Connecticut River Valleys. To the west, the tree populated along the shores of Lake Ontario and to the east through large portions of southwestern Maine.

By 1950, however, the species was on the verge of extinction. Serving as a keystone in the ecological structure of the eastern forests, it was the most important food source for a wide variety of wildlife. With the demise of the Chestnut, many populations of animals and birds plummeted. The spread of the deadly chestnut blight, which killed an estimated nine million acres of trees as it moved throughout the eastern United States, is considered to be the worst ecological disaster to have hit this country in the first half of the century. The tree was, without a doubt, one of the most important sources of lumber to our region and its nuts were the most important source of food for many species.

For many years, the federal government launched vigorous programs in an effort to stem the spread of the blight and to develop resistant varieties of the chestnut, but no trees were produced which combined high levels of resistance with the desirable traits of the American Chestnut. However, with recent developments in genetics and plant pathology, there is hope that this critically important wildlife food source and timber tree will again become part of our natural heritage and landscape.

To make this promise a reality, a group of prominent scientists established the American Chestnut Foundation (TACF) in 1983 as a 501(c) 3 non-profit organization. The Foundation’s mission is simple: to restore the American Chestnut as an integral part of the eastern forest ecosystem.

The Foundation’s primary approach is to use the backcross method of plant breeding to transfer the blight resistance of the Chinese Chestnut to the American Chestnut. This method involves crossing the Chinese and American trees to obtain a hybrid which is one-half American and one-half Chinese. Successive generations of offspring are then continually backcrossed to further generations of American Chestnuts to eventually produce a tree which is fifteen-sixteenth American, one-sixteenth Chinese. Through a selection process, trees will be developed that have the growth characteristics of the American Chestnut and the disease resistant qualities of the Chinese trees.

Currently, TACF is expanding the regional diversity aspect of its breeding program. Native trees are being sought throughout the tree’s former range. These trees are then being incorporated into the extensive breeding program now under way. It is hoped that in this way, greater genetic diversity will be incorporated into the resulting blight resistant trees. In northern New England this diversity may be especially important as the trees in our area may have developed certain strategies for surviving our colder winters.
LET'S BANK ON WILDLANDS AND ECOLOGICAL FORESTRY

by Sue Higby

Mother Nature invested wisely and received bountiful rewards for her prudent savings and expenditures of earth's basic capital: the atom carbon for an eternity. But ever since 1850 or so, people quickly squandered these investments for short-term rewards gained from plowing soils, using fossil fuels, and destroying forestlands.

With global climate change now a recognized reality—that is, the amount of carbon released by combustion and respiration exceeds the amount 'fixed' or saved by photosynthesis—countries will soon begin to formally use carbon as units of exchange. Exotic as this might sound, a shift to this kind of 'currency' has huge implications for forests since forests, especially wild, old-growth forests, are excellent 'banks' for this new carbon currency, and ecological forestry—forestry that mimics nature—provides a great way to put carbon in the bank.

The Kyoto Protocol that came out of the December, 1997, Climate Convention sets legally binding emissions targets for industrial countries and recognizes carbon sequestration (the accumulation of carbon in terrestrial instead of atmospheric forms) as a way to meet these targets. The Protocol proposes a kind of balance sheet for industrial countries involving emission 'credits' for carbon sequestration and 'debts' for deliberate carbon release actions, such as fossil fuel combustion. Trees play a significant role in this balance, as their life cycle involves taking in carbon dioxide for photosynthesis and storing up reserves of carbon in trunks, branches, and roots. Oceans, soils and forests all offer some potential to be managed as sinks, that is, to promote net carbon sequestration.

Many questions were raised when representatives from Forest Watch and environmental groups around the country assembled at the Center for International Environmental Law in Washington, D.C., in late January to consider the Kyoto Protocol. What makes a good carbon sink? How do we get more sinks? How do we keep track of carbon sinks and sources? Because many, many millions of dollars of 'free market' profit are at stake in the answers to these questions, interest groups are eagerly getting out their messages—some inaccurate—to the administration and other decisionmakers.

The Protocol allows a great deal of 'wiggle' room that cannot help but entice players to posture for debts and credits that promise to be difficult to monitor and track.

The success of the Protocol depends on how accurately the reported forestland activities mirror reality. At present, there is much room for improvement. For example, the Protocol does not look at 'deforestation' as including timber harvesting, but the forest industry wants to count post-harvest replanting (which they would likely do anyway) as 'reforestation.' Forest creation, re-establishment, and conservation are only vaguely described in the Protocol; moreover, grassland and agricultural soils are only viewed as carbon sources—not sinks.

Not surprisingly some forest industry representatives are pushing for rapidly growing, monoculture tree plantations as a way to sequester carbon while ignoring the immense value of the carbon stored in existing old-growth reserves as well as the long time that is required to restore this carbon after it is released (e.g., logged). With the fate of our planet at stake, monoculture tree plantations—known to be ecological deserts and at high risk to insects, disease, and fire—must not be banked on for carbon sequestration.

If New England's forests, and those of the nation, are allowed to age and become structurally complex, and vast areas are allowed to rewild then they would possess great value for carbon sequestration and biodiversity and more. Sedjo, Sohngen, and Jagger noted in their recent report that, "... if forests managed for carbon sequestration are allowed to mature and remain unharvested, one of the long-term effects may be enhanced biodiversity." Net biomass accumulation is the key to carbon sequestration, but it must be done with the conservation of biodiversity in mind.

We need to promote a clear vision for ecological forestry and ways that our forests can store carbon to meet targets set forth in the Protocol in New England and around our country. Forest Watch and the group of environmentalists that recently convened in Washington, D.C., offer the following recommendations:

Refine the Kyoto Protocol to include the carbon sequestration benefits of forest conservation, wild forest protection, and ecological forestry in the accounting system; Protect, as a matter of public policy, all old-growth forests on federal and state land and create new opportunities for public forests to age and rewild; Cease whole-tree harvesting, especially on public land, and allow the carbon and nutrients in the branches and twigs to stay in the forest; Reduce clearcutting, especially on public land, and increase the number of uncut wildlife snags and den trees that are left standing—never to be cut; Increase the rotation length—time that a tree is allowed to grow before cutting; and Provide incentives for landowners to permanently conserve forestland, create wildlands, and practice ecological forestry;

Washington Irving wrote long ago that "speculation is the romance of trade, and casts contempt upon all its sober realities" (1835). But we need to carefully consider these realities and recognize plantation tree farms as mere junk bonds of the environment—not investments for the future. Let's accelerate our carbon savings programs, while simultaneously reducing fossil fuel consumption, by strategically investing in protecting wildlands and promoting ecological forestry.

Sue Higby is a Deputy Director of Forest Watch, a regional conservation group working to protect and re-create wild forests and to reform public land management. Visit the Forest Watch websites (HYPERLINK http://www.ourforests.org www.ourforestwatch.org) to find out more!(P) Sedjo, Sohngen, Jagger, Carbon Sinks in the Post-Kyoto world; Part 1, 1998

The Northern Forest Forum

Summer 1999

FORESTRY INTELLECTUAL PROPERTY, HERBICIDE RESISTANT TREES, & OTHER, WONDERFUL THINGS

Company Press Release

NEW ORLEANS, April 6 /PRNewswire/ -- Fletcher Challenge Forests, International Paper, Monsanto Company and Westvaco Corporation announced today their intent to form a forestry biotechnology joint venture to produce and market tree seedlings that will improve forest health and productivity for the forestry market worldwide. The four companies will contribute $60 million (US) in total over five years to the joint venture.

The companies also announced their intention to contract with Genesis Research and Development Corporation Limited, an Auckland, New Zealand, biotechnology research company, to provide genomics research. The joint venture also will acquire forestry intellectual property from Genesis.

The participating companies envision the joint venture as a worldwide magnet for future developments in forestry biotechnology and believe that as international demand for wood fiber increases, significant business opportunities will result from additional breakthroughs in forestry science. Each company possesses significant biotechnology capabilities and will share in individual strengths as an equal partner in the joint venture. The joint venture also plans to actively seek technological advances from independent laboratories, universities and other companies in order to position itself to market new advances in forestry biotechnology to the world's tree growers in the shortest possible time.

The joint venture will focus on tree species that represent a majority of the seedlings now planted by the forest industry around the world and will initially direct its efforts towards eucalyptus and poplar species, Radiata pine, loblolly pine and sweet gum. Targeted genetic improvements include:

• herbicide tolerant planting stock to enable more cost effective, as-needed control of competing vegetation;
• higher growth rates to allow more wood to be grown on less land at lower cost;
• improved fiber quality and uniformity to increase efficiency in paper and wood products manufacturing processes.

These improvements are expected to enable forest landowners to meet the growing demand for paper and wood products while strengthening their ability to manage forestlands in a sustainable and eco-efficient manner for the benefit of future generations. Increasing the productivity of tree plantations safely and sustainably will help meet the world's wood fiber demands without increasing pressure on native forests.

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NH Legislature Delays Herbicide Reform—Mead & Champion to Spray

by Daisy Goodman

Senate Bill 68 was introduced to the New Hampshire State legislature this session by Senator Richard Russman and several co-sponsors. The bill had two parts originally: it required a 300 foot buffer (no-spray zone) around bodies of water, springs, wetland areas, and streams to protect water quality during aerial herbicide applications.

Pressure from the paper industry, NH Timberland Owners Association and the Society for the Protection of New Hampshire Forests caused the committee (Senate Environment) to reduce the required buffer from the original 400 feet and removed protection for runoff areas—areas of intermittent water flow which feed streams and other water bodies after rainfall. The second section of the bill provided both a mandate and funding for monitoring of water quality after aerial spraying by the NH Department of Environmental Services. Until now, DES representatives have regarded the responsibility to monitor water quality after pesticide use as discretionary.

SB 68 passed through the Senate Environment Committee and was approved by the full Senate. From there it moved to the House Environment and Agriculture Committee. Continuing industry lobbying convinced this committee to recommend the bill “not expedient to legislate.” However, a motion on the floor of the House is proposed to pass the monitoring portion of the bill alone. This motion has yet to be considered.

Monitoring water quality after aerial spraying is particularly important in light of recent research in Switzerland. A study of rainwater chemistry by Stephan Muller scheduled for publication in the journal *Analytical Chemistry* showed that 41 samples of rainwater contained significantly higher levels of pesticides than are allowed in drinking water in Europe. Evaporation during application of pesticides results in volatilization of molecules of pesticides and their presence in rainfall. Evaporative loss was identified as a serious component of off target movement of pesticides by EPA’s Environmental Effects Branch as early as 1994. The problem is compounded during aerial pesticide applications due to widespread drift and shearing of larger droplets into small ones by turbulence.

A recent study published in the *Journal of the American Cancer Society* (March 15, 1999) reveals clear links between the herbicide glyphosate, manufactured by Monsanto Corporation for forest management applications as the product Accord and for lawn, garden and farm use as Roundup, with non-Hodgkins lymphoma, a form of lymphatic cancer that is particularly difficult to treat. The incidence of non-Hodgkins lymphoma has increased 73% in the United States since 1973.

MEANWHILE

Champion International will be spraying 95 acres, it is reported, from skidders this summer in Pittsburg, NH, the headwaters of the Connecticut River. When Vermont’s legislature was considering a moratorium on forest herbicide use, it went beyond Forest Resource Advisory Council recommendations and imposed restrictions on "broad scale ground applications" as well. This was in response to testimony that Champion was considering a ground application.

The EPA report mentions the Vermont moratorium which will "remain in effect until 2003"—an error. A report is due then but the moratorium remains in place until reversed by law.

It also states, "Use of herbicides, especially herbicides, in forests has been a significant issue for several years in New Hampshire, Vermont and Maine. Major concerns include pesticide drift from target application areas, impacts of the chemicals on public health and the environment, and clear-cutting and other forest management practices that use herbicides to suppress hardwoods and enhance conifer competitiveness."

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Wildland Voices Needed NOW for Saddleback

By Pamela Prodan

The Appalachian Trail experience over the National Wildlands advocates speak up now for the Appalachian Trail Conference Maine. The Environmental Park Service (NPS) says the matter yet has endorsed the option that provides protection for only 893 acres. Wild/and Voices Needed NOW needs to hear the public's voice throughout this process, yet has endorsed the option that provides protection for only 893 acres. While this is better than the other two options that allow ski lifts to intrude upon the trail experience, keep in mind that Saddleback Mountain hosts a Critical Natural Area (described below), which is estimated to cover 1,524 acres.

I admire the persistence of the ATC and other members of the trail community in advocating for the AT on Saddleback for over a decade, but the scarcity of other strong voices for wildlands conservation in this process is unfortunate. Most of the discussion locally about what is 'reasonable' and 'unreasonable' for public acquisition is now focused on the 'views' offered hikers by the various proposals and to what extent they are obstructed by ski development. Less is being said about the integrity of the mountain ecosystem, and the human experience of the mountain environment itself, although many people, these have as much value as any 'view.' Although trail protection is not simply an issue of 'hiker views', that is how it is being portrayed locally by opponents to trail protection. One particularly narrow-minded opponent who is also the area's State Senator has characterized hikers as being elitist for demanding views.

Trail protection on Saddleback also includes the protection of the ecological integrity of a unique mountain ecosystem that hosts an irreplaceable mountain ecosystem. The Appalachian Trail Conference (ATC) has been the strongest environmental voice throughout this process, yet has endorsed the option that provides protection for only 893 acres. While this is better than the other two options that allow ski lifts to intrude upon the trail experience, keep in mind that Saddleback Mountain hosts a Critical Natural Area (described below), which is estimated to cover 1,524 acres.

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...Saddleback...

The mountain to the maximum extent possible. NPS does have the power of eminent domain. Saddleback Ski Area maintains that the Park Service is limited to using eminent domain to acquire 125 acres for each of the 3.5 miles of trails in Saddleback. However, courts have held that NPS can acquire more. Many people do not like to think about eminent domain, and some refuse to even discuss it at this point. However, the ongoing posture of owners of the ski area, i.e., that they have the right to develop the ski area without regard for the integrity of the AT, makes a settlement unlikely and the use of eminent domain probable. If eminent domain is used, NPS could acquire whatever land is needed to protect the present AT experience. This would also protect the alpine tundra vegetation, aesthetics, and tranquility of the mountain. If that means acquiring upwards of 2,000 acres, so be it.

Without question, the ski area's owners fully intend that ski facilities be developed to the maximum at some point in the future, or at least market that potential. Since the owners (present or future) may try to develop the entire mountain, it is essential to act now to protect all of the mountain that needs protection, and not assume that LURC or the Maine Department of Environmental Protection will keep Saddleback's ski areas from being developed. LURC's present Comprehensive Land Use Plan gives less attention to mountain areas than its previous plan (see my article "Mountainous Challenges Faces Maine: Veneration or Neglect?" Forum, Vol 4, No. 3, Mid Winter, 1996, pg 16). The fact that LURC reasoned three towns of mountain ridgelines for Kennebec Windpower in 1995 illustrates the low regard that LURC can have for Maine mountains.

DEVELOPMENT ON AND ACROSS THE RIDGE

When Thompson Appraisal Company prepared an appraisal of the Saddleback Ski Area for NPS in 1998, it hired SNO.engineering (SNO.e), a resort planning company, to develop a master plan for the ski area with full opportunity to maximize its expansion potential. This is another option detailed in the Environmental Assessment. According to the appraiser, SNO.e's master plan avoided the Saddleback Mountain ridgeline due to its wind exposure. However, the winds across the ridge result in insufficient snow cover over the bare ground and, more importantly, ski lifts in areas of high winds frequently must be shut down. Some areas have shortened their lift systems to eliminate areas of high wind velocity that have resulted in entire lift shutdowns (e.g., Waterville Valley). The appraiser states:

- The inability to install lifts on the ridge line of Saddleback Mountain does not impact the potential for the ski area expansion since this terrain is unsuitable for ski area development due to high winds, exposure, and lack of sufficient snow cover. The terrain on the south side of the mountain is not part of the planned expansion area due to its remoteness from the existing infrastructure, south facing slopes, and difficulty access due to the inability to install lifts to the top of the ridge. The appraiser's judgement about

The proposed donation deed is not a conveyance in fee, but a release allowing NPS a right of passage on the mountain. In the document, Saddleback Ski Area has retained as allowed uses activities that LURC has already expressly disallowed, a list of restrictions and protective covenants on the ski area's activities in the granted passageway includes:

- No lifts or buildings above tree line (these are already disallowed by LURC, as well as have ski trails);
- No lifts to cross the AT footpath (LURC already requires the ski area to examine a wide range of suitable alternative locations for the ski area's proposed lifts and ski trails in order to avoid visual intrusion on the AT);
- No restaurants or commercial concessions. (The fact that the ski area is located in a National Forest multiple use area. The Saddleback deed then goes on to state "when not reasonably feasible, it is acknowledged by both parties that they [the structures, etc.] may be visibletherefrom.

More light is shed on what is meant by 'reasonably feasible' in the third sentence. In case of conflict, it is expressly acknowledged by both parties that skiing facilities (such as trails, lifts, buildings, etc.) shall take precedent over hiker views and the GRANTOR need not have to incur extra cost for hiker viewsheds.

In other words, the ski area agrees to minimize the visibility of its facilities, structures and buildings, located on the very land it purports to convey for the AT, but only if it can be done cost-free. Is it any wonder why this is a donation? In terms of protection for the AT, it is practically valueless.

PUBLIC HEARINGS

The Park Service will accept written comments on the Environmental Assessment and plans to hold open houses in Rangeley on Wednesday, August 4, and in Portland on Thursday, August 5. To receive a copy of the environmental assessment, contact: Pamela Underhill, Manager Appalachian National Scenic Trail National Park Service Harpers Ferry, WV 25425

You can view the Environmental Assessment at www.nps.gov/aptr/.

Photo simulation of Saddleback ski area development

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The Adirondack Park is a model for people living amidst wild areas in a way that’s mutually beneficial to both. At six-million acres in size—bigger than the State of Vermont—the Adirondack Park contains a checkerboard of publicly owned Forest Preserve lands (2.5 million acres), which is managed as wilderness, and 3.5 million acres of private lands, 2.5 million of which is commercially managed forests. The Forest Preserve is protected as lands “to be forever kept as wild forest” on the state constitution.

This is the highest wilderness protection in the U.S., no timber harvesting, strictly limited use of motor vehicles. Created in 1895, lands in the Forest Preserve represent 85 percent of the total wilderness lands in the eleven Northeast states. 350,000 people make their homes and developments in the Adirondacks spread throughout better than 100 communities.

All land was on the Adirondack Park is managed jointly by the State of New York through various agencies and departments and local governments. While there are many complaints all around, the Adirondack Park works extremely well and is not only a place where people and wilderness systems coexist, but represents a successful model for large-scale landscape protection. Each issue the Adirondack Park Report details the most pressing current issues facing the Adirondack Park.

State Senate Passes Acid Rain Legislation

The NYS Senate unanimously passed legislation that would prohibit New York utilities from selling excess pollution credits to states upwind of the Adirondacks. Under the 1990 Clean Air Act, which created the landmark ‘cap and trade’ program to regulate sulfur dioxide emissions, companies were assigned emission standards by the Environmental Protection Agency (EPA). If a company emitted less than its standard, they could sell pollution credits, by the tons, on the open market. These credits are generally purchased by either investors or utilities that surpass their allocated standards. The NYS Senate bill in essence prohibits the sale of New York pollution credits to companies in the Midwest, the origin for the majority of acid rain that falls on the Adirondacks. Under the legislation, pollution credits will be tracked by serial number and companies must register sales with state authorities. Or, to exempt from regulatory review, companies can voluntarily create ‘restrictive covenants’ on their sales of pollution credits banning, by legal contract, sales of their credits to upwind states.

This bill is important because it puts the NYS Senate, controlled by its Republican majority, on record in the fight against acid rain. Further, this bill shows that the states are moving to modify the workings of the federal Clean Air Act. The NYS Senate bill is scheduled to take effect in three years, a time period that would allow federal action to retool the Clean Air Act.グループ：BRING SUIT AGAINST OVER THE FOREST PRESERVE

Five environmental organizations, have brought suit against the NYS Department of Environmental Conservation (DEC) for violating the State constitutional protections for the Adirondack Forest Preserve. Under the State Constitution, Forest Preserve lands are to be forever managed as wild forest lands’ never to be harvested, leased, sold or destroyed. Under state management motor vehicle use has been tightly regulated.

Last year a group of disabled individuals closely associated with advocates, such as Adirondack for Access, demanding greater access to the trails and roads of the Forest Preserve for motor vehicle use, brought suit against the State alleging violations of their civil rights due to policies that limit motor vehicles in the Forest Preserve. These advocates are steadfast in their calls for expanded use of motor vehicles, especially all terrain vehicles (ATVs), which they characterize as ‘wheelchairs’ in the woods. Seeking relief under the Americans with Disabilities Act (ADA), these advocates have submitted extensive information demands on the DEC concerning issuance of special permits for motor vehicle use on the Forest Preserve.

A number of New York environmental organizations intervened in this suit, Galuska v. DEC, and after extensive review of information generated through Discovery in this case, have brought a counter-suit against the DEC for mis-management of the Forest Preserve and rampant violations of the State Constitution. A the root of the matter is the DEC’s issuance of Temporary Revocable Permits (TRPs), which the DEC issues for any temporary non-conformance with state law on the Forest Preserve.

Things such as motor vehicles for road or trail maintenance or fish stocking or wildlife management and permits to facilitate research. Unfortunately, these permits have been issued freely and without a coherent policy. Motor vehicle use has increased precipitously as has the number of permits. DEC hardly ever says ‘No.’ As opposed to denying motor vehicle use, as charged by the motor vehicle advocates, DEC has been allowing far too much motor vehicle use. This suit is now pending in federal court.

JETSKI REGULATIONS

Many complaints about jetskis have been made throughout the Adirondacks. A local resident who lives near Lake Flower in Saranac Lake says his life in the summer there is like living in a hornet’s nest due to the incessant buzzzzzzzz of jetskis. From Long Lake to Piseco Lake to Cranberry Lake to Fourth Lake to Lake George to lakes throughout the Park (and across New York State) the cry is the same: Isn’t there something that can be done about jetskis?

Unfortunately, not much can be done. There are no state laws that regulate jetskis in a meaningful way. And local governments don’t have the authority to regulate and limit them. Municipalities are creatures of the State of New York and despite the ‘home rule’ provision of Article IX of the State Constitution they have only such powers as the Legislature has given them. Regulating the use of jetskis would necessitate an amendment of the state Navigation Law, though this law has been amended numerous times to provide enhanced authority for water craft regulation on specific waterbodies or for specific counties. Though often referred to as jetskis, the official definition in the Navigation Law calls them personal watercraft (PWC)—in this article we’ll stick with the term jetski.

The Navigation Law was amended in 1990 to defines a jetski as “... a vessel which uses an inboard motor powering a water jet pump as it’s primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind a vessel rather than in the conventional manner of sitting or standing inside the vessel.” Under this same law a “specialty prop-craft” is “... a vessel which is powered by an outboard motor or a propeller driven motor and which is designed to be operated...” completed with language exactly like jetski language above.

The intent of the Navigation Law here was to differentiate jetskis from other types of motorized watercraft. For instance, jetskis are the only motorized watercraft prohibited from operating from sunset to sunrise and also from operating within 500 feet of a “designated bathing area” except where “the opposing shore is 500 feet from the designated area” and in accordance with speed regulations and restrictions as provided by local law or ordinance but in no event at a speed in excess of ten miles per hour.” Also, there are a series of operating standards for jetskis. Short of these references in the Navigation Law, there’s no specific authority granted to any governing body—state, county, town, village—to regulate jetskis.

What are the problems with jetskis? They’re dangerous. They disturb nesting waterfowl. They pollute...
much more than 4-stroke motorboat engines. Because they can travel in shallow waters they venture into areas they should not go, such as into rivers and marshes. They're noisy. They're disruptive.

Let's look at danger. The San Francisco Chronicle reported on December 30, 1997 that 45 percent of all boating accidents in California, and 55 percent of all injuries in boating accidents in 1996 were caused by jetskis. Further, in 1996 57 people died in jetski accidents nationwide. While just 9 percent of all motorists in the U.S. jetskis account for 36 percent of all accidents. From 1990 to 1995, the Journal of the American Medical Association reported that jetski related injuries jumped from 2,860 to 12,288. In New York, where jetskis comprise just 8 percent of all boats, they are involved in fully 30 percent of all accidents. When talking about jetskis it's important to note a few things.

They are, as writer Ted Williams described in a recent article "thrillcraft." They're not made simply for water travel. They're not made to transport people or goods or to use for fishing. They're made to ride. To perform. To go fast, to make waves, to jump wakes, to get air, for kicks. They're made to be seen. And they're made to be heard. Jetskis alienate and disrupt wildlife and a menace to canoeists. They're made to be heard. The San Francisco Chronicle reported on December 30, 1997 that jetskis account for 36 percent of all accidents in California, and 55 percent of all boats in national parks included in the Adirondacks there are many anecdotes of loon nesting areas abandoned as jetskis became more common on a given lake. Some have even reported failing to return to long established nests because of the increased traffic. Further, because of their disruptive nature, the Florida Game and Freshwater Fish Commission has determined that jetskis must operate fully 25 to 50 percent farther from nesting areas than outboard motorboats. Jetskis pollute. Jetski dump fully one-third of their oil and gas directly into the water. New models of jetskis to be released in 1999 have made improvements, but are still bad. An average 2-stroke outboard motor pollutes 250 times more than an average car. Of this, horsepower for horsepower. The U.S. EPA estimates that one hour of operation of a 70-horsepower 2-stroke engine emits the same amount of hydrocarbon pollution as driving 5,000 miles in a modern automobile. It should be noted that conventional 4-stroke engines emit 97 percent less pollution than 2-stroke engines.

Let's look at noise. Measured purely by decibels jetskis are no louder than conventional motorboats. It's the operation that changes the pitch and whine. They go back and forth all day long. They gun-the-engine, jump, sprint, crash, gun-the-engine, jump again. Part of the noise problem with jetskis is that they're out of the water so much their noise isn't muffled like other motorboats. And jetskis are big and getting bigger. These high-powered motorcycles for water are bigger than the average car, horsepower for horsepower. A Sea-doo GTX jetski has a 110 horsepower engine. It can surpass 60 mph and pull a waterskier. Other models are in the works for 125 horsepower.

Jetskis are disruptive. Many see the problem with jetskis as akin to that of secondhand smoke. "I don't want to breathe the smoke from your cigarette. I shouldn't have to listen to your jetski," one person's words. Other neighborhoods complain that one jet ski can ruin a day's fishing. Birdwatchers complain that some jetskis will drive away all shoreline birds for hours. Shoreline property owners complain that jetskis drive them inside; some even leave their camps on the beach, fishing, in their canoes, in their homes, when renting a shoreline cabin or room.

Foreigners complain that one jet ski can ruin a day's fishing. Birdwatchers complain that some jet skis will drive away all shoreline birds for hours. Shoreline property owners complain that jetskis drive them inside; some even leave their camps on weekends! Resort operators express fear that the big summer attraction in the Adirondacks—namely clear, quiet lakes—is being jeopardized as jet ski use continues to increase.

Jetski go where they shouldn't go. They travel in shallow areas and rivers. Jetski buzzing up and down the Raquette, Marion, Schuon, and Saranac rivers, among other rivers, strikes many as much more disruptive than the slow moving motorboats carrying fishermen. Jetskis have also been reported buzzing on the Hudson River north of Hadley. Big wakes on rivers caused by jetskis are disruptive to wildlife and a menace to canoeists. Some have even reported failing to return to long established nests because of the increased traffic. Further, because of their disruptive nature, the Florida Game and Freshwater Fish Commission has determined that jetskis must operate fully 25 to 50 percent farther from nesting areas than outboard motorboats.

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The Story of Vermont

Christopher McGrory Klyza and Stephen C. Trombulak
Middlebury College Press, 1999

Excerpts from The Story of Vermont: "The Return of the Forest"

During the last two decades of the nineteenth century and the first decade of the twentieth, the foundations of Vermont forest policy were laid down. The legislature appointed a committee in 1882 to study the forest situation in the state; ten years later, a forestry commission was established. In 1894, Governor Omnibus Woodbury included management of the forests as a topic in one of his messages to the legislature: "Owners of timber lands in our state are pursuing a ruinous policy in the method used in harvesting timber... The value of our water powers and the attractiveness of our scenery and the preservation of our fish and game also call for reform." [The book then traces the development of state forestry initiatives, including 1915's town forest law, which enabled town acquisition of forestland, the establishment of a state forest service and the Depression-era Civilian Conservation Corps as well as the two federal acts which would culminate in the Green Mountain National Forest]

"Many towns took advantage of the 1915 town forest law in order to generate revenue and jobs for the town, to reclaim land, to stimulate wood-products firms in the area, to protect water supplies, to provide recreation, or to serve as a memorial to war veterans or deceased family members. [By 1930], there were forty-two town forests encompassing almost nine thousand acres. A surge of new town forests occurred after 1945 when the original town forest law was amended to require the state to reimburse the town for half the purchase price of town forestland. Further beneficial legislation was passed in 1951, requiring towns with a forest to include articles proposing them at town meeting. The state Department of Forest and Parks sought to establish a forest in every town. Following these changes, the number of town forests increased quickly. In 1950, sixty-eight towns had forests totaling over 16,000 acres."

The final component of town forests was the preservation-oriented forest parks. As preservation was arising on the national scene in the late 1980s and early 1990s, too, it was becoming important in New England and Vermont. Never part of an organized campaign, these forest parks were typically donated to a town, as Hubbard Park was in Montpelier or Battell Woods in Middlebury. "The state forest system was established in 1909 with the aims of stimulating private forestry by example, of protecting water sources, and of raising quality timber. The state purchased 450 acres for the first forest in Plainfield. During the 1910s, twelve more state forests totaling nearly 30,000 acres were established, including one by donation that encompassed the summit of Camel's Hump. By 1950, twenty-four such state forests existed, though the state Forest Service envisioned a system of 300,000 acres and a town forest in every town that had suitable land. The state park system (technically referred to as forest parks) was charted legislatively in 1929, five years after the first such park was donated at Mount Philo. Twenty forest parks were established by 1950. Efforts to establish a national forest in Vermont began in 1905, when Marshall Hapgood offered to sell the federal government a large tract of land in the Green Mountains. A few years later, Joseph Battell explored donating some of his land for a similar purpose. In 1911, the Weeks Act was passed, which permitted the federal government to buy forestland to protect navigable waters. This law allowed for the creation of national forests in the east. Through the 1910s, plans for a national forest in Vermont were put on hold as the national Forest Service worked on establishing the White Mountain National Forest in New Hampshire and the Allegheny National Forest in Pennsylvania. A 1920 Forest Service study identified two areas in Vermont as meeting the Weeks Act requirements for potential national forest designation: the Nulhegan or northern unit in the Northeastern Highlands, totaling 240,000 acres, and the southern unit in Windham and Bennington Counties, totaling 100,000 acres."

Thoughts on Facilitation, Agenda Setting & Consensus

Grady McGonagill and Maggie Herzig, the lead facilitators of the now-defunct Maine Biodiversity Project raised a troubling point about facilitation of forestry issues in their response to Mitch Landsly in the Mid Spring 1999 issue of The Northern Forest Forum. They write that their role as facilitators is to make recommendations about process, and that it is inappropriate for them to 'make and impose decisions. That is the role of an arbitrator. By staying out of content, the facilitator hopes to preserve their neutrality—and credibility—with all participants. In this way, they hope, they can serve as tools for consensus building.

This sounds reasonable, and I believe Grady, Maggie, and their cohorts were sincere in their desire to facilitate positive developments in the long-running debate over biodiversity protection issues. Why then, did this approach yield such meager results?

Facilitators involved in a contentious, complex conflict need to understand the issues involved and the history of the conflict if they are going to be effective in sorting out good faith and bad faith behavior, and charges by different sides of bad faith against other participants. Unfortunately, few, if any, of the facilitators had any real understanding of: biological diversity, ecosystem integrity, silviculture, the science of conservation biology, the history of land ownership in Maine, the history of the conflict over clearcutting and pesticide spraying, and the economics of industrial forestry and its impact on rural communities and biodiversity. Without a solid understanding of these issues how can someone judge if a participant is spouting nonsense, or raising valid, but controversial issues?

Industry certainly felt that people like me were operating in bad faith because I was trying to persuade the federal government to change the Maine Biodiversity Project to discuss strategies for protecting the ecological integrity of Maine, instead of a reserve system composed of a few small, scattered representative examples of natural communities. They felt I was operating in bad faith when I said we must consider restoration of extirpated native carnivores such as wolves, cougars and wolverines. They certainly felt I was behaving outrageously when I suggested that relying on the remnants of the industrial forest as a landscape matrix to protect most of northern Maine's biodiversity was a scientifically indefensible strategy.

But, what of some of the arguments of industry? Some representatives of large landowners complained they couldn't understand conservation biology or the concept of biodiversity. Even after four years, they still acted confused. Did they make a good faith effort to understand the issue, or were they content to obstruct the project for years with their foot-dragging?

Representatives of the large landowners were allowed to control the Project's agenda from the outset (otherwise they wouldn't have participated). Early in the process, the group allegedly reached consensus that it would attempt to preserve a reserve system in Maine that protected "representative" elements of Maine's biodiversity. Representation is, of course, an essential ingredient in protecting biodiversity, but it can be a fatally flawed strategy.

To protect the species, communities, and natural processes native to Maine requires that we devise strategies to protect ecosystem integrity, not just representative examples in small reserves. Small reserves are vulnerable to extinctions, invasions and large-scale disturbances. The only way to protect reserves against such pressures is to design large reserves that are buffered and connected to one another.

By exercising veto power over the agenda of the Maine Biodiversity Project to exclude discussion of ecological integrity as a strategy to protect Maine's biodiversity, the representatives of the large landowners undermined the democratic process. They assured that all participants were not equal. They acted in bad faith.
TPL Responds to Flagstaff Criticism

DEAR EDITOR:

A recent letter to your newspaper raised objections to Governor King's proposal to protect 14 miles of shorefront along Moosehead Lake, Flagstaff Lake, and the Kennebec River. It is important to ask questions when public dollars are invested, and I am writing to address these issues.

The State of Maine and Plum Creek used an independent professional land appraiser to determine the value of Plum Creek's holdings along Flagstaff Lake. Although Flagstaff Lake's shoreline is subject to restrictions, under current LURC regulations, substantial development on Plum Creek's shorefront holdings is possible. The absence of public roads is not an obstacle to development, since there are suitable private roads on the property. House lots on Flagstaff Lake are an attractive commodity, and in recent years, lots between 4 and 9 acres have sold for $33,000-45,000 each. Flagstaff Lake is an outstanding natural resource, that the State of Maine has already invested in protecting.

LURC's 1987 Maine Wildlands Lake Assessment classifies Flagstaff Lake as a 'gem lake' because of its exceptional wildlife resources, scenic beauty, fisheries, and proximity to the State's Bigelow Preserve.

The Trust for Public Land is working with the State of Maine and Plum Creek to help complete this important project. The Trust is a public charity that has worked for 27 years in 45 states to protect land for people to enjoy as parks and open space.

In 1998, Consumers Digest magazine gave the Trust for Public Land an A+ rating in the article "Which Charities are the Most Charitable?" The Trust has also been highlighted by Forbes magazine and the Chronicle of Philanthropy as one of the most efficient and effective charities in the country. Our work to help the State of Maine protect Plum Creek's land is supported entirely by private charitable donations. Governor King and other committed Maine citizens have worked for years to protect Moosehead Lake, Flagstaff Lake, and the Kennebec River. The Trust for Public Land is privileged to be part of the effort.

Sincerely,

Whitney Hatch
New England Regional Director
The Trust for Public Land

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TWO PASSAGES

David Briars of Craftsbury, Vermont died this last March. David supplied valuable technical and moral support during the struggle to keep Champion International and Monsanto from spraying clearcuts in Vermont. He was engaged in numerous other populist efforts during a life notable for its simplicity as well as diversity of interests. His many friends shared stories of his life at a ceremony shortly after he died; all knew different aspects of a fun, funny, loving and inventive man.

David Briars had the gift above all of a passionate conviction in the virtues and requirements of democracy. As a tech-head, he saw and utilized the capacities of computers and the Internet. Among his creations was the McLibel Newsletter, a key piece of that battle against corporate abuse of power. What fired up David Briars, more than corporate arrogance, however, was a belief that is uniquely American; a 19th century belief in the dignity of people and self-governance. His anarchism was tempered by service to knowledge: he knew we have a duty to higher truth, the truth in Nature, and fellow beings. The people who knew David were thankful for a life that gave shape to this belief.

On the morning of July 5, a powerful thunderstorm swept out of Quebec and crossed northern Vermont and New Hampshire. This storm which was born in the upper Midwest took the life of 32 year old George Miller who was on a weekend vacation from New York City where he worked as a teacher and had an extensive network of friends. Some people die in the manner in which they loved and thus it seemed to several of David's friends who valiantly attempted to rescue him during the height of intense wind, rain and lightning.

A native Iowan farmboy, George knew the force of Nature, yet his enthusiasm for the elements had led him to pitch a tent on a raft where he could sleep in proximity to the water. The sudden and ferocious storm which struck about 3 AM swept his tent into the water where he drowned. I had met George Miller one night previously when he had prepared dinner for ten friends and led us in spontaneous grace and conversation. He left the impression of a person whose life here at this time could only be extinguished by a storm of such magnitude. —A.W.

David Briars, top right, with other dubious onlookers during Monsanto testimony on aerial spraying.
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