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Report From Headwaters

by Lang Russel

At 8:30 in the morning on September 15, Sheila, Dale, Marion and I made our departure from Mendo-land, only about an hour later than our good intentions. We'd stayed up late the night before, making placards and brainstorming names for our affinity group. Sheila came up with several winning slogans for the signs, and I was partial to my own suggestion for an a.g. moniker, "The Forest Virgins".

We had a pleasant drive up to Carlotta, stopping for brunch at the Woodrose Cafe in Garberville. The place was packed with others on the same mission as ourselves, and we were heady with feelings of camaraderie and anticipation. The word was out that this demo was going to be big, and we weren't to be disappointed. This was the eleventh hour for Headwaters Forest, the last large complex of virgin redwood groves not yet protected in state and national parks. Only about 4% of the ancient redwoods remain, and their fate is shared by old-growth dependent creatures like spotted owls, marbled murrelets, coho salmon, red tree voles and olympic salamanders. Short of a miracle, the logging of Headwaters could start at midnight.

The Rally

The Coalition to Save Headwaters Forest had done its job. When we arrived in Carlotta, the roadsides were already lined with vehicles from the North Coast, the Bay Area, Oregon and far away places. A succession of speakers and singers (even an outrageous comedian) were climbing on and off the old flat bed truck that served as a stage, information tables

were set up, and placards like our own bobbed above a large, diverse crowd: "Save Our Ancestors"; "No Place to Nest, No Place to Spawn"; "Jail Hurwitz"! Ambience was provided by dozens of riot-outfitted law enforcers and an obnoxious, low-hovering CHP helicopter. This, the biggest rally / civil disobedience action ever on a forest preservation issue, was in full swing.

Starting with Judi Bari, the speakers' main message was "Debt for Nature!" This concept alludes to the infamous junk bond debacle, through which Charles Hurwitz and his Maxxam corporation forced an unfriendly takeover of Pacific Lumber Company, with the resultant burning of us American taxpayers for a \$1.6 billion (that's billion) bailout of his failed United Savings Association of Texas. The proposal to Hurwitz is this: "We've already paid for Headwaters - deed it back to the people and we'll forgive your debt." Others spoke on issues such as the fragile biology of old growth ecosystems, and still others like nature photographer Doug Thron bared their feelings and spoke and sang straight from their hearts.

The tiny logging and farming town of Carlotta is the site of one of several PL/Maxxam mills and is a gateway to Headwaters Forest. It's a pastoral setting, but blemished by swaths of clearcut on the wooded slopes cupping the valley. The rally took place in a vacant field adjacent to the mill, and across the road a small, halfhearted counter-demonstration was taking place. It was just a handful of people with signs on the themes of "Go Back Where You Came From", and "Get a Job, Hippies". I was impressed that



Photo by Annie Esposito

there wasn't more of a negative reaction to our presence and our messages. There was very little hostility, for example, from the occupants of vehicles slowed to what must have been an agonizing crawl as they passed our burgeoning rally. My impression is that many of the locals have an understanding of the issues at stake and/or don't like Maxxam. For many decades, pre-Maxxam Pacific Lumber practiced sustained yield forestry and showed real caring for their workers. Maxxam created ill will by raiding their employees' pension fund, and people must realize on some level that this cor-

poration's frenzied rate of cutting can't be good for either the forests or local economies, in the long term.

Earth First! has been exemplary in attempting to build bridges of understanding and respect between environmentalists and forestry workers, maintaining that our common enemies are the large, impersonal corporations which care about little but the charts on their walls. I subscribe to this principle, but my resolve was tested when Sheila suggested that we walk across the road and

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Minorities, the Poor & Ending Corporate Rule

by Richard L. Grossman and Ward Morehouse

In [Santa Clara v. Southern Pacific Railroad] 1886, the Supreme Court held that a corporation was a person under the Fourteenth Amendment and thus was entitled to its protection. -Morton Horwitz, *The Transformation of American Law 1870-1960*, p. 66.

Giant Corporations in banking, food, pharmaceuticals, railroads, publishing, petrochemicals, utilities, forestry, real estate, insurance, data, entertainment, health care, weapons - you name it - rule us. Over a century of corporate expropriation of law and land, along with corporate violence against nature and communities, have undermined our independence and colonized our minds.

Today, We the People give legal fictions called corporations greater rights than we give to people. We concede to them the sole right, the constitutional authority to make investment, production, technology and work decisions which shape our communities and our lives.

The largest 500 U.S. industrial corporations control 25% of the assets of America's 3.8 million corporations. And corporations are awash in money, according to *The Wall Street Journal*, the first quarter of 1995 brought "the highest level of corporate profitability in the postwar

era...Life in corporate America is about as good as it can get." As a result of corporate decisions, poverty is up, wages are down and millions - largely people of color - are literally working their way into poverty. David Dembo and Ward Morehouse, in *The Underbelly of the US Economy*, call this the corporate "pauperization of work...replacement of higher paid jobs by those at or close to the minimum wage, often part-time, and below the poverty line."

Corporate leaders and their skills in effect direct Congress, state legislatures and local officials to close libraries, schools, hospitals and parks; to gut health and environmental protections; to withhold services to young people, the poor, the sick and elderly; to obstruct citizen lawsuits. A recent *New York Times* headline says it well: "State Budgets Are Cut, Millions in Tax Breaks Go To Companies."

Most Americans exercise little authority over corporations. Poor Americans and Americans of color have even less say. They are especially assaulted as corporations warp elections, legislatures and the courts, move vast amounts of capital seeking the cheapest labor, manufacture poisons, disinvest and intimidate.

Corporations vs. the People

Great gaps have always existed be-

tween the ideals and the achievements of the American Revolution. Our Constitution and the law have served as tools for legalized oppression as well as for inspiration and liberation. The founders, who boldly extolled equality and liberty, denied Africans, Native peoples and women the rights of personhood. But the American Revolution did launch a struggle that has lasted until today: people excluded from constitutional personhood agitating for inclusion in "We the People."

Since the last third of the 19th Century, corporations - unmentioned in the Constitution - have opposed this popular struggle by shaping judicial doctrines, claiming corporate rights as property, imposing their hierarchical-profit-and-production-oriented values and interfering with the mechanisms of government. In 1877, for example, Thomas Scott, president of the country's largest corporation, the Pennsylvania Railroad, helped broker a deal between the Republican Party and politicians from former slave states to withdraw federal troops from the South and bring Reconstruction to a screeching halt. Nine years later, in a case brought by a railroad corporation, the US Supreme Court declared corporations to be legal persons, whose life, liberty and property were constitutionally protected by the Fourteenth Amendment (even though that amendment had been written and ratified in 1868 to protect the rights

of freed slaves).

By 1904, corporations controlled four-fifths of the nation's industrial production, had begun to perfect a corporate system of finance, industry and governance, and had brought about what Morton Horwitz calls "the transformation of American law." Corporations actually turned themselves into *de facto* persons able to participate in elections and the process of self-governance - well before indigenous peoples, women, African Americans and other persons of color, well before most people without property.

The Sovereign People

In every generation, valiant organizing by millions of "non-persons" has expanded the civil and political rights of people, gaining (in theory, at least) equal protection of the law. And there has been a continuous history of struggle in this country against corporate harm-doing. But in these struggles against poverty and discrimination, and for equity, health, jobs and the environment, the focus has not been on breaking corporations' grip over capital, production and jobs; on changing bedrock legal doctrines relating to property; or on getting corporations entirely out of our elections, out of our legislatures, out of our govern-

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The Wise Use Radicals

by Tarso Ramos

"Jobs versus the environment," "people before spotted owls," "protect private property rights" and "Clinton's war on the West" are familiar slogans of the so-called "Wise Use" Movement. In the seven years since its birth at the 1988 Multiple Use Strategy Conference in Reno, the Wise Use Movement has developed into a powerful social and political force in the West and the nation. Wise Use was one of the converging forces that delivered the November 1994 congressional putsch, sending such ultra-conservatives as Idaho's Helen Chenoweth to Congress for the first time. The dramatic rightward shift of domestic politics, exemplified by the '94 election, has created space for increasingly militant groups on the rightmost edge of the political mainstream (witness the recent Senate platform provided to militia groups by Sen. Arlen Specter). In the West, significant factions within the Wise Use Movement have become increasingly radical, and radical factions increasingly influential. The results include rising militancy and ties between Wise Use and armed citizen militia groups.

The Western States Center has monitored and documented these trends through its *Wise Use Public Exposure Project*. While the Wise Use Movement remains distinct from white supremacist and paramilitary groups like the militia, our research shows that they are linked by crossover leaders, an increasingly overlapping constituency, and some common ideological views - most notably belief in the illegitimacy of the federal government and assertion of state and county "rights" over federal authority. We are deeply concerned that Wise Use may launder the involvement of militia and other far-right groups into the electoral process, and hence the political mainstream. We are similarly alarmed at a growing trend of intimidation and violence directed at Wise Use adversaries, especially environmental activists and government natural resource agency workers.

The initial xenophobic rush to blame Arab terrorists for the April 1995 bombing of the Oklahoma City federal building shortly gave way to a flood of media and government interest in the rise of militant and overwhelmingly white domestic right-wing groups. One result has been national coverage, rare before now, of radical right-wing figures associated with the Wise Use Movement. Aided by this flash of notoriety, we have an opportunity to peel back the Wise Use public relations front, reveal the Movement's true workings and undercut its credibility and ability to recruit. In this article we examine the relationship between the



Wise Use Movement and the extreme right wing. With these revelations, citizens can hold public officials and corporations accountable when they support Wise Use leaders and groups that may countenance violence and extremism.

The Extreme Right And Wise Use; Hand In Glove From The Start

Although corporate financial support has underwritten many Wise Use organizing campaigns, some critics have portrayed the Movement as simply a network of industry front groups and discounted the vital role of right-wing activists and organizers. But the Wise Use Movement is driven by two main motors: corporations and right-wing ideologues. Natural resource, property development and other business interests expect to profit from new laws promoting private exploitation of public resources, and weakening or eliminating environmental and other government regulations. For their part, right-wing activists of various stripes have used anti-environmental and "property rights" messages as an organizing handle; a means by which to convert widespread economic insecurity and political disenfranchisement into a broad reactionary political force.

Multiple factions of the right wing have participated in the Wise Use Movement since its inception. Some Wise Use themes were developed earlier by the neo-fascist Lyndon LaRouche and his organizations, and today LaRouchians play an active role in Wise Use domestically

and abroad. In the early years of Wise Use, founder and principal spokesperson Ron Arnold and other leaders worked closely with the American Freedom Coalition, an arm of Rev. Sun Myung Moon's Unification Church. Other right-wingers involved in Wise Use include the John Birch Society, the New Right media and think tank networks of Paul Weyrich, and elements of the religious right. The end of the Cold War led most of these groups to seek domestic bugaboos, and many have added environmentalists to their lists of scapegoats. A favorite Wise Use term for environmentalists is "watermelons - green on the outside and red on the inside," and one Movement leader boasts that his group helped to make environmentalism "the perfect bogeyman" for society's ills.

The blueprints for the Wise Use Movement were drafted by Ron Arnold of the Center for the Defense of Free Enterprise (based in Bellevue, Washington), in a series of articles published by *Logging Management* magazine in 1979-80. In these articles, Arnold made clear his intention to use industry dollars and technical support to create an actual pro-industry citizens movement - and not just the appearance of one - by using community organizing techniques developed by progressive social movements. Beginning in the late 1980s, and following Arnold's model, Wise Use organizers used corporate financing to mobilize company employees in the timber and mining industries behind an industry agenda of deregulation that targeted environmental laws. Exploiting the credible threat of job

loss, Wise Use cleverly blamed the environmental movement as the reason for layoffs and plant closures. The result was the ostensibly spontaneous appearance of pro-industry citizen activist groups across the West. Over the years, the Movement has expanded in size and depth, building national associations and cultivating a locally based network of groups and individuals ideologically committed to Wise Use goals.

Wise Use; A Militia Piggy-Back Ride

If the Oklahoma City bombing put right-wing anti-governmental militants on the nightly news for the first time in years, such groups had already become a fact of life for many living in the West. According to civil rights groups, militia organizing in the Intermountain West (such as that conducted by the Militia of Montana) began in response to the August 1992 standoff between federal agents and Idaho white supremacist Randy Weaver, and is driven largely by racist, "Christian Patriot" organizers. Key organizing themes for militia groups include government misconduct in the standoffs with Weaver and with Branch Davidians in Waco, Texas; gun rights; and an alleged New World Order conspiracy to undermine the sovereignty of the United States and its citizens.

The Wise Use and militia movements developed separately and mostly function independently of one another. However, in rural communities, militia organizing has often come on the heels of Wise Use county rule campaigns to take over local government and declare authority over federally managed public lands. Many militia groups believe county boards of commissioners to be the most legitimate government bodies and call for expanding local power at the expense of the federal government. These views derive from the *Posse Comitatus* (literally, "power of the county"), forerunner to the Christian Patriots and Northwest militia groups.

The assertion of county rights to federal powers provides an ideological bridge between Wise Use and the far right. For example, the Utah-based National Federal Lands Conference (NFLC), one of the founding organizations of the Wise Use Movement, promotes the Wise Use county rule campaign through seminars conducted around the West and the nation. Titled *The Power and Authority of County Government*, the seminars frequently are held in conjunction with larger Wise Use conferences, or are sponsored by local Farm Bureau chapters or timber companies seeking to increase their access to

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In Search Of The Few, The Proud, The Strong & The Brave

Nominations For MEC Board Are Open

by Gary Ball

Looking for a challenge? Wishing you were in a position to really make a difference in the community, or in the world? Do you like long hours of hard work for no pay and precious little thanks? Are you adept at miracles, like squeezing blood from turnips (i.e., fundraising), or parting the sea (i.e., convincing the powers that be or the general public to give priority to environmental concerns when setting policy)? Do you enjoy spending large hunks of your weekends sitting in meetings? Are you committed to dreaming the impossible dream and fighting the unbeatable foe?

If you answered yes to all these questions, then take heart! For you may number among the few, the proud, the strong and the brave who are suited to serve on the MEC Board of Directors. If you're ready to accept the challenge, here's your chance. Nominations are now

open!

Nominations Due

By Nov. 27th

Terms are expiring for three of the eight positions on the MEC's Board of Directors. Board seats currently held by Dale Glaser, Linda Perkins and Carmen Christy are open for this fall's election. If you would like to run in the election for one of the open seats, submit your name and ballot statement (not to exceed 500 words) to the MEC by the Nov. 27th deadline. Remember, you must be a MEC member to run for the Board of Directors and you must be a MEC member in order to vote in the MEC Board of Directors election. Elected MEC Directors serve two-year terms.

Election And Annual Meeting is Dec. 16th

Shortly after Nov. 27th, ballots and ballot statements will be mailed to MEC members. Ballots must be returned to the

MEC by Saturday, Dec. 16th, at 2:00 PM, when the election will close and the votes will be counted. Election results will be announced at the meeting.

Yes, Saturday, Dec. 16th is the day of this year's Annual MEC Membership Meeting. It's not really much of a meeting though. It's actually more of a party, judging from past years. This year's Annual Meeting will feature an open house at the MEC starting at noon on Dec. 16th and lasting probably into the early evening. Refreshments will be served and you are welcome to bring pot-luck goodies to share as well. Also welcome are songs, instruments, poems, prose and other creative expressions for sharing.

Put Dec. 16th on your calendar now and plan to attend the Annual Meeting and open house. It's a good time to meet newly-elected and veteran MEC Board members. It's a good time to meet other MEC members and share some fun. In fact, it's just a good time. Y'all come!

The Mendocino Environmental Center Newsletter

This newsletter is a publication of the Mendocino Environmental Center, a non-profit organization supported solely by its membership with the purpose of promoting the conservation, restoration, and wise use of the Earth's natural resources and to provide a facility where people can work together to achieve this purpose.

Mendocino Environmental Center

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Minorities, the Poor & Ending Corporate Rule

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ors' houses and judges' chambers. Taking back the wealth, power, privileges and immunities that corporate fictions have stolen, and dismantling offending corporations, has not been the subject of public debate and action.

Recently, Cynthia Hamilton has urged all Americans "to demand greater democratic control of economic ownership, production and investment. The environmental justice movement cannot allow questions of land use, land rights and land ownership to remain the province of corporate decision makers. It needs instead to create a democratic alternative."

If people were to demand "greater democratic control of economic ownership, production and investment," from whom should we demand it?

The answer may be surprising: We the People can draw upon our own sovereign authority to impose our collective will upon tyrannical corporations.

For what other reason did so many non-persons educate, agitate and organize since the Revolution? Why else did people build Suffrage, Abolitionist, labor, Populist, Civil Rights, anti-poverty, Indian rights, women's, gay, lesbian and environmental movements across the land... If not to govern ourselves?

Lessons from History

History provides some inspiration. There was a time when corporations were understood to be mere fictions, subordinate to the sovereign people and the public interest. Incorporation was a public trust, a privilege - not a right. The legal powers corporations wield today were nothing more than the wish list of corporate lawyers.

Elected state legislators issued corporate charters and wrote state corporation laws that carefully defined the nature of corporations. Charters were granted only for fixed terms, which meant that corporate directors had to come back to the people at regular intervals to request renewal of their charters. Corporate owners, managers and directors were liable for corporate debts and for harms their corporations caused (sometimes doubly and triply so). Corporations were prohibited from functioning except as specifically permitted, as this 1864 Wisconsin law decreed: "The purposes for which every such corporation shall be established shall be distinctly and definitely specified in the articles of association, and it shall not be lawful for said corporation to appropriate its funds to any other purpose." A 1923 Wisconsin Statute read: "The legislature may at any time limit or restrict the powers of any

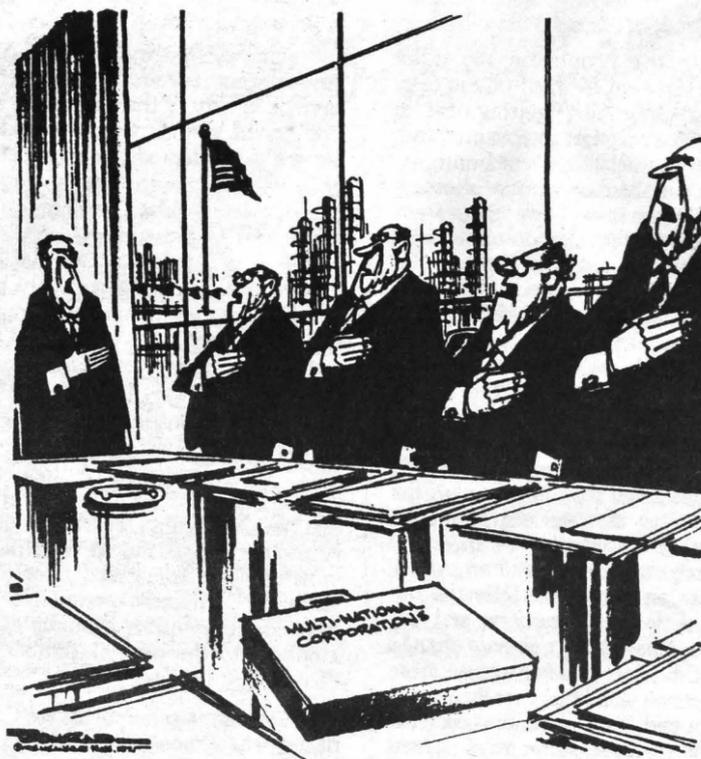
corporation organized under any law." An early 20th Century amendment to the Maine Constitution stated: "...However formed, [corporations] shall forever be subject to the general laws of the state."

Citizen authority clauses dictated rules for issuing stock and for public access to corporate information. The power of large stockholders was limited: large and small investors had equal voting rights. Interlocking directorates were outlawed, and the rates corporations could charge were sometimes set by legislators. Turnpike charters frequently exempted the poor, farmers or worshippers from paying tolls. In New York, turnpike gates were "subject to be thrown open, and the company indicted and fined, if the road is not made and kept easy and safe for public use." Banking corporations had to get legislative approval to increase their capital stock or to merge. Some states required banks to make loans to local manufacturing, fishing and agricultural enterprises, and to the states themselves. Other states banned private banking corporations altogether.

People did not want business owners hiding behind legal shields, but in clear sight, so corporations were prohibited from owning other corporations. And corporate property and capital holdings were routinely limited. As the Pennsylvania legislature stated in 1835, "A corporation in law is just what the incorporating act makes it. It is the creature of the law and may be moulded to any shape or for any purpose that the Legislature may deem most conducive for the general good."

Most important, people reserved the right to amend corporate charters, and to dissolve a corporation by revoking its charter if the corporation exceeded its authority or caused harm to the body politic. In 1825, Pennsylvania legislatures adopted broad powers to "revoke, alter or annul the charter" at any time they thought proper. The Rhode Island legislature declared in 1857: "The charter or acts of association of every corporation hereafter created may be amendable or repealed at the will of the general assembly." Pennsylvanians adopted a constitutional amendment in 1857 instructing legislators to "alter, revoke or annul any charter of a corporation hereafter conferred... whenever in their opinion it may be injurious to citizens of the community."

We the People have always been sovereign over the fictional entity called the corporation, and today 49 states (all but Alaska) have charter revocation clauses. By revoking corporate charters, we can uproot the most abusive corporations from our communities. By amend-



"I pledge allegiance to the flag of the country that gives me the best deal. . . ."

ing state corporation codes and the charters themselves, we can define corporations any way we want.

Organizing Against Corporations

Working through The Program on Corporations, Law & Democracy, we have been striving to place the corporation as an institution, and resistance to corporate rule, onto the agendas of people aspiring to justice and self-governance. Towards these ends, we have organized ten "Rethinking The Corporation - Rethinking Democracy" gatherings, involving about 250 people, from Washington State to Maine; half a dozen more meetings are planned for the coming months. We've also been coordinating popular research on the history of corporations and corporate law in our states and documenting citizen use of state mechanisms to limit corporate authority.

Out of these initiatives is emerging a growing network of people and a strategic agenda. Among other things, people are exploring ways to:

- Dismantle especially harmful corporations;
- Re-charter corporations for limited time periods, subject to precise re-

strictions;

- Reduce the size of corporations;
- Establish worker and community control over production units of corporations to protect the property interests and other rights of workers and communities, ban specific toxic chemicals and technologies and the hiring of replacement workers during strikes, cap management salaries, etc., by writing explicit rules into charters and state corporation laws;
- Organize referendum campaigns to strip corporation of "personhood" and constitutional rights appropriate only for natural persons;
- End corporate extortion and subsidy abuse, by which corporations have been raking off billions of taxpayer dollars;
- Prohibit corporations from making any contributions to electoral campaigns, from all lobbying, from using any money to influence public policy;
- Prohibit a corporation from owning another corporation;
- Nurture cooperative worker-community-owned and-controlled enterprises;

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The Struggle For Democratic Control of Corporations: Taking The Offensive

Suggestions for an Agenda of Action in Arenas We Define

- Revoking the charters of especially harmful or abusive corporations under existing laws as in New York, Washington, Wisconsin, Maine. Most states still have provisions in their corporation such as Section 1101 of the New York Business Corporation Law which specifies dissolution when corporations act "contrary to the public policy of the state."
- Rechartering corporations to limit their powers and make them entities subordinate to the sovereign people, by e.g., granting charters for limited time periods, requiring approval by communities and workers to continue in existence, making corporate managers and directors liable for corporate harms, etc.
- Reducing the size of corporations by breaking them up into smaller units with less power to undermine elections, lawmaking, judicial proceedings and edu-

cation; restricting size and capitalization of corporations; prohibiting one corporation from owning another corporation (some of which was accomplished by the Public Utility Holding Company Act of 1935).

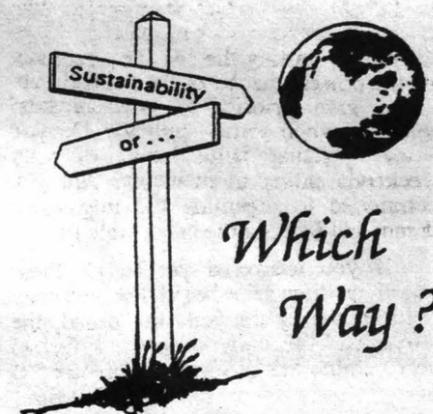
- Establishing worker and/or community control over production units of corporations to protect the "reliance interest" and other rights of workers and communities. This can be done by writing rules directly into corporate charters such as prohibiting the hiring of replacement workers during strikes, requiring independent health and safety audits by experts chosen by workers and affected communities, and banning use of deadly chemicals, such as chlorine.

- Initiating referendum campaigns, or taking action through state legislatures - and in the courts - to end constitutional protections for corporate "persons" and to require state attorneys general to undertake charter revocation or rechartering actions when petitioned by citizen groups.

- Prohibiting corporations from making campaign contributions to candidates in any elections, and from lobbying any local, state and federal government bodies.
- Stopping extortion and "subsidy abuse" by which large corporations rake off billions of dollars from human taxpayers through direct pay-offs and tax breaks.
- Launching campaigns to cap salaries of corporate officials and tie them to a ratio of average compensation levels of production workers (say, 5:1 or 10:1), to gain greater transparency in corporate decision-making, and to end corporate tax deductions for legal fees, advertising and fines.
- Encouraging worker and community-owned and-controlled cooperatives and other alternatives to conventional limited liability profit-making corporations by using law and public treasury.
- Preparing a model state corporation code based on the principle of citi-

zen sovereignty and campaigning for its adoption, state-by state.

- Invigorating from the grassroots up a national debate on the relationship between public property, private property (including future value), and the rights of natural persons, communities and other species when they are in conflict, and on the role of the law in resolving such conflicts in a democracy.



Report From Headwaters

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dialogue with the people on the other side. Memories were fresh of others (e.g. Mem Hill and Greg King) getting beat up in situations like this, not to speak of Judi getting almost killed in the car bombing. Sheila led; Dale, Marion and I followed, and the encounter turned out OK, if not decisive. We mingled our placards with the aforementioned banal sentiments, but received only puzzled stares in response. Mildly discouraged, we started back, but were hailed over by three woodsy types hanging around a pickup. These guys were into talking, but set in their opinions. They felt that more than enough redwoods are already locked up in parks, that Maxxam has a perfect right to log its forests, and besides, they appreciated the \$35 per hour they are earning for themselves and their families. I'm sure that our logical retorts didn't make an immediate impression on these fellows, but who knows - delayed reactions and cumulative impacts typify social change processes. It did feel good to assure them that we environmentalists really aren't against them and their communities. Later, when one of these same guys passed us on the road, he gave us a not-unfriendly wave.

During the rally at the mill site, it was obvious that a whole lot of us had turned out, but it wasn't until we started walking the mile and a half down to the Headwaters log road gate that it really hit. The four of us were among the last to join the march, so we could see what 2,000 people looked like as we streamed down and around, several abreast, almost as far as the eye could see. It was all the more impressive because the 15th was on a Friday, a work day for most.

The Civil Disobedience

The stage truck followed us to the gate, and the rally resumed, providing accompaniment to the arrest scenario. Several hundred of us crowded around the green line and awaited our turns, chatting and singing as arrestees stepped forward one at a time, were informed of their trespass, and then led down to a makeshift booking center next to a log deck. This process dragged on for many hours, and was the most choreographed, unscarey civil disobedience I've ever been involved in. There is strength in numbers, and in exchange for us not pouring over the gate or resisting arrest, the police handled us with kid gloves and released us on O.R. (own recognizance - no bail required). Gandhi's term for nonviolent civil disobedience was *satyagraha*, which translates into "truth force". Our gentle numbers were so forceful that after 264 arrests the cops cried "uncle!"

and quit, saying they were out of arresting officers (even though there must have been fifty of them standing around). The Forest Virgins were the next in line, but we were denied our moment of glory.

The Victory

The dramatic climax of the day came with a phone call from San Francisco at about 6:00 p.m., as the arrests continued. The miracle happened! Headwaters was spared, at least for a week. Federal Judge Maxine Chesney issued a Temporary Restraining Order while she reviewed the merits of a law suit filed by EPIC (Environmental Protection Information Center). EPIC's suit maintains that the California Department of Forestry and the U.S. Fish and Wildlife Service violated the Endangered Species Act in issuing PL/Maxxam permits to do "salvage logging" under a bogus exemption loophole to the normal Timber Harvest Plan review process.

The significance of Judge Chesney's ruling was almost earthshaking. Had she not issued the TRO, a sad new chapter in the Headwaters saga would likely have commenced at midnight. This was the magic hour at which the marbled murrelets' "official" nesting season would end (although, as someone pointed out, no one consulted the murrelets) and PL/Maxxam would be free to log. As it turned out, the TRO was a significant

hopefully arrange, a debt-for-nature swap. Although it ignored the issue for years, the Federal Deposit Insurance Corporation has filed suit to recover \$250 million from Hurwitz in connection with his failed savings and loan. Congressman Ron Dellums believes that Hurwitz will eventually be liable for over \$1.6 billion, and has asked the FDIC to make Maxxam turn over all of its PL holdings as compensation. During the past several years, the debt-for-nature idea has gained popularity and been promoted by the California Sierra Club, the National Audubon Society, the Natural Heritage Institute, and Citizens for a Better Environment. Vice President Gore, Reps. Henry Gonzales, Pete Stark and Maurice Hinchey, and Sen.

Barbara Boxer have endorsed the concept.



Photo by Annie Esposito



milestone in the nine year struggle over PL/Maxxam's rapacious logging practices and cynical disregard for the law. It

follows a number of crucial legal victories by EPIC, the galvanizing of public attention by Earth First! during Redwood Summer and beyond, and persistent lobbying, negotiating, networking and educational outreach by numerous environmental organizations (including our own MEC).

The Struggle Continues

The very good news is that on Thursday, September 28, Judge Chesney converted her TRO against logging in Headwaters into a Preliminary Injunction. This means that all "exemption" logging in the roughly 40,000 acre greater Headwaters area is banned until the outcome of a trial on EPIC's current lawsuit. No trial date is set, but it could be up to a year or more away.

This welcome reprieve will give some time to press for, and

There have also been numerous proposals throughout the years for federal, state and joint buyouts of Maxxam's old-growth holdings, ranging from all of them to just the main Headwaters Grove. Currently, AB 802 has passed both houses of the state Legislature. It is endorsed by Maxxam and covers only the 3,000 acre Headwaters Grove and a 1,700 acre buffer zone; the administration of Governor Wilson has belatedly jumped on the bandwagon. In addition to debt-for-nature swaps and public buyouts, there have been proposals for timber-for-timber exchanges, such as Headwaters for Jackson State Forest. Local congressman Frank Riggs has endorsed this idea.

Not surprisingly, Maxxam has expressed no enthusiasm for any kind of debt-for-nature swap. Hurwitz has friends in high places and has succeeded for years in evading any accountability for the damage he has caused; no doubt he intends to stay with the program. He seems open to a public buyout or a timber-for-timber swap, but only one that is to his financial advantage and involving minimal acreage. Let's not let this crook off the hook! See the end of this article for suggestions on how you can help push for a just resolution.

Elk River

The not-so-good news is what is happening right up against the main Headwaters Grove. Elk River Timber Co. owns 9,600 acres immediately north of Headwaters, and is currently clear-cutting a 155 acre parcel. These mature second-growth trees are the last buffer to

Headwaters Grove, otherwise surrounded by clearcuts. Since they are not owned by Maxxam, they are not covered by the Preliminary Injunction of September 28, and are in dire need of protection.

The property owners have expressed a willingness to sell or trade, but when legislation authorizing a federal purchase fell through, they resumed logging. In response, Earth First! has set up base camps in the vicinity, and for nearly two months has been waging backwoods actions to try to stop the cutting. The strategy is to save as many trees as possible, while keeping the focus on what is happening and putting pressure on the owners to stop logging and enter into serious negotiations for public acquisition of their holdings.

Small, protracted, civil disobedience actions in the woods are similar to the big one in Carlotta on September 15, but differ in emphasis and in the challenges which must be overcome. In all acts of civil disobedience, participants voluntarily and openly break a law such as trespassing; risk arrest and possible mistreatment; endure the "criminal justice" system (jail, court appearances, etc.), and accept whatever punishment may be doled out. Motivation is usually frustration with the inability of conventional means to deal with the problem at hand, and/or a belief that CD is a complement to other approaches. For most, putting oneself on the line is a strong personal statement: "I can't let this happen!"

On the 15th, the main challenges were the networking and publicity which resulted in such an impressive turnout, arranging for the rally site, dealing with logistics like traffic safety, and "pre-negotiating" with law enforcement for an orderly arrest scenario. The large number of arrests were at one with the rally and march, and altogether the day was a resounding success. Notice was given that multitudes of people are not about to let Headwaters fall. The event was well covered by the mainstream media, providing a vehicle for publicizing the issues and encouraging more people to get involved. Personal investment of participants was minimal: a few hours of time, a citation (like a traffic ticket), and what will probably be only a small fine.

In the Elk River CD actions, the urgency is to stop, or at least slow down, logging that is currently happening. A number of daring and creative tactics are being employed, including tree sitting

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Photo by Annie Esposito

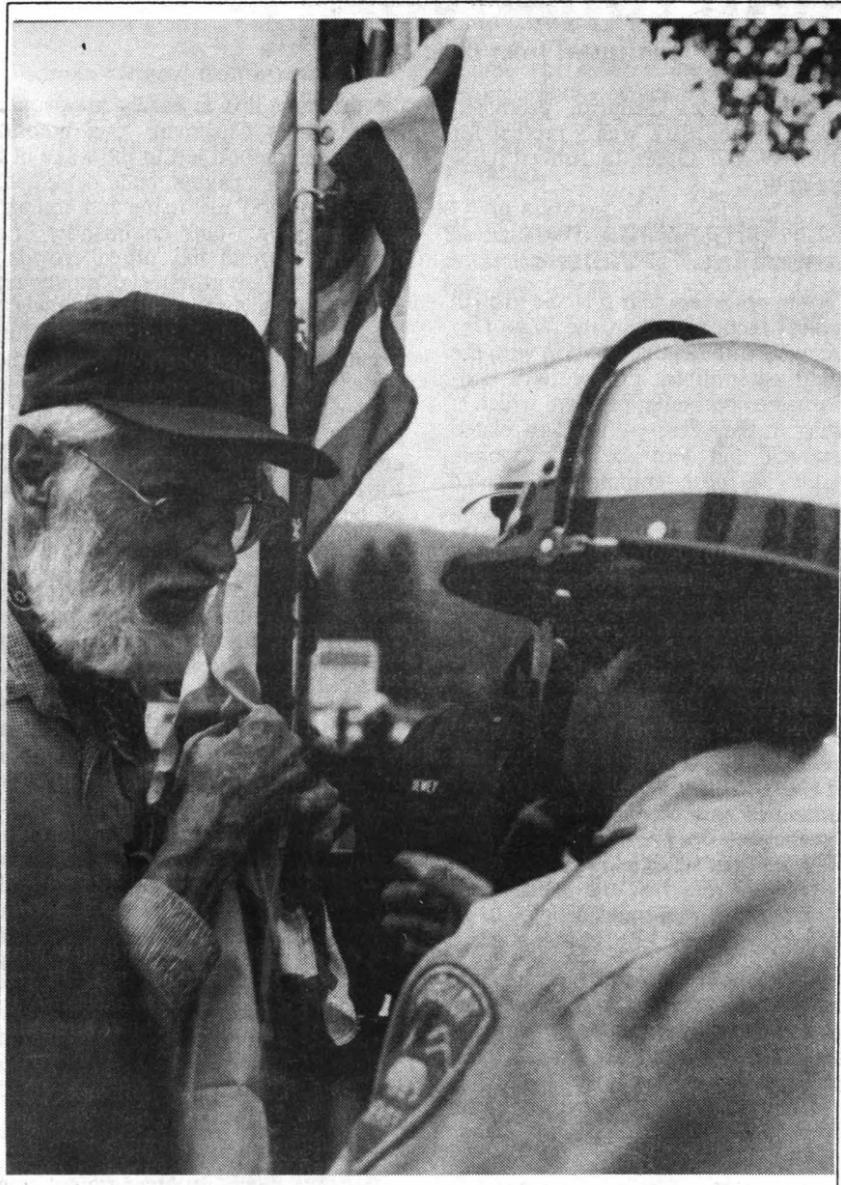


Photo by Annie Esposito

and "lockdowns" at log road gates. There is no media presence to temper possible violence on the part of loggers and police (individual workers and deputies vary from sympathetic, to hostile, to business-as-usual). Arrestees are charged with misdemeanors and booked into the Humboldt County jail.

I returned to the Headwaters area on Friday, September 29, checked in at the Earth First! base camp and joined an affinity group. Early the next morning (very early, wake-up was 1:45 a.m.), we drove to the two Elk River gates and attempted lockdowns to keep loggers from getting to work. This entailed locking ourselves to the gates and to each other (and at one gate, to an old refrigerator full of concrete). Five of us were arrested, and spent twelve hours cooling our heels in a holding cell in the county jail in Eureka before being released on O.R.

It was somewhat discouraging that these small actions on September 30 did not succeed in hampering logging operations that day, but they were part of the bigger picture. Several other actions at Elk River have slowed the cutting significantly. By continuing to confront the clear-cutting, we repeat the message that logging must be done sustainably, and that the last remnants of old-growth must

be preserved. Also, we contribute to a real strain that is being put on the Humboldt County sheriff's department and court system. It's too bad that this is the case, since county government isn't the main problem, but this is part of the ferment. Maybe the owners of Elk River Timber play golf with the D.A., and he/she will be moved to say: "Can't you reach an accord with these people? They're driving us crazy!"

Nonviolent civil disobedience actions continue at Elk River as representatives from EPIC, the Headwaters Coalition and Earth First! attempt to negotiate with Elk River Timber Co. A tentative arrangement was made with the Department of Interior, but the agency's time frame is two years, and Elk River Timber says that is too long to wait. Letters and phone calls are urgently needed right now. Again, see the end of this article for what you can do.

Working Together

Earlier in this article I referred to Judge Chesney's TRO forestalling logging in Headwaters as a "miracle", but this was rhetorical on my part. At the time, it seemed miraculous, but it was really the rightful outcome of the events of the day, and of years of dedicated

work by many individuals and organizations. Unlike juries, judges are not sequestered - they read the paper, watch the evening news, and hear the voices of people gathered for a cause 265 miles away. In harmony with EPIC's lawyers, what we said and did on September 15 had everything to do with Judge Chesney's decision.

Besides the big turnout and the legal victory, September 15 was remarkable in another way - the number and diversity of organizations that made the day happen. Consider this list: the Environmental Protection Information Center, the Mendocino Environmental Center, Earth First!, Bay Area Coalition for Headwaters, the Trees Foundation, Rainforest Action Network, Earth Island Journal, UC Berkeley Student Environmental Action Coalition, Food Not Bombs, Sierra Club Ancient Forest Subcommittee, Native Forest Network, The Rose Foundation for Communities and the Environment, Albion Nation, Native Forest Council, Intertribal Sinkyone Wilderness Council, Green Egg Magazine, San Francisco Green Party, Church of All Worlds, Purple Berets, Native Support Network, Mendocino Coast Environmental Center, Bay Area Action, Cannabis Action Network, David Brower, Randy Hayes,

Headwaters Coordinating Committee, Humboldt SEAC, the Willits Environmental Center, Abalone Alliance, Ancient Forest International, Humboldt Organized for People and the Environment, and the Berkeley Ecology Center. Now that's a coalition!

For a long time, Earth First! as a group and civil disobedience as a tactic were looked at askance by the more conventional environmental organizations. This always seemed off base to me, considering the venerable history of nonviolent direct action, from Gandhi through the civil rights, farmworkers, feminist, safe energy, nuclear disarmament and endangered species movements over the past three-quarters of a century. Maybe it's a matter of tone: Earth First! is perceived as uncompromising, strident, and not concerned enough over appearances. It hasn't helped that the timber corporations' PR mercenaries have used terms like "ecoterrorists" in their war of words. (Earth First! has never advocated violence, despite intense provocation, and for some time now, North Coast Earth First! has renounced tree spiking and property destruction as well). Anyway, it's great

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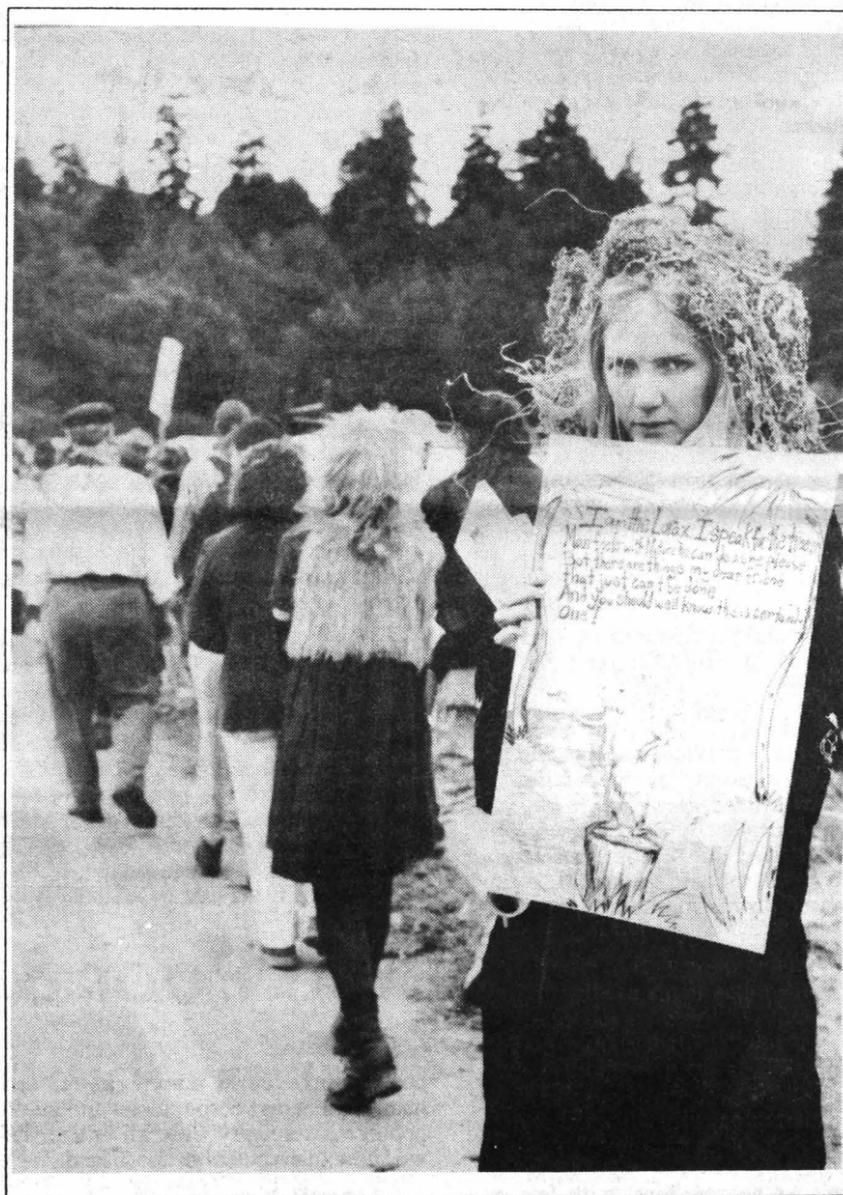
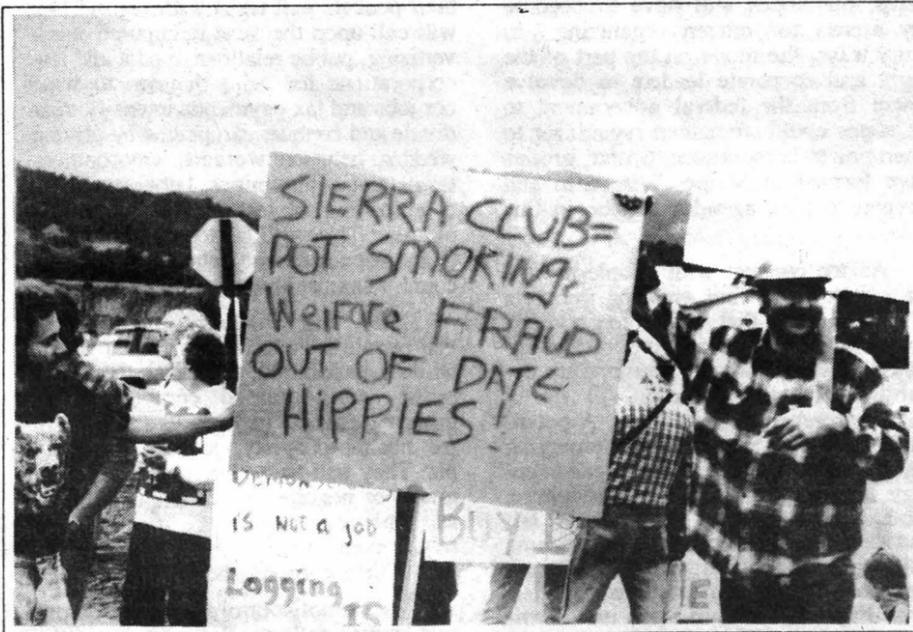


Photo by Annie Esposito



Counter demonstrators show off slogans they made up all by themselves.

Photos by Annie Esposito

Wise Use Radicals continued from page 2

public resources. The cornerstone of the county rule effort is model ordinances sold by the NFLC that promise to confer upon counties authority over federal lands within their boundaries. Several dozen counties have to some extent adopted the ordinances, which the NFLC continues to sell even though they've been ruled unconstitutional by an Idaho district court.

Ken Toole, president of the Montana Human Rights Network, argues that the rapid spread of militia organizing is partly due to Wise Use campaigns. "The Wise Use Movement has softened the ground for militias by politically mainstreaming virulently anti-government themes," asserts Toole. "Militia organizations have ridden in on top of that." Eric Ward, associate director of the Seattle-based Northwest Coalition Against Malicious Harassment, concurs. He observes that, "Militias have taken up any number of entry points into communities, including land use, private property rights and anti-Indian organizing - all issues associated with the Wise Use Movement." Continues Toole, "We see definitive overlap between county rule, local planning disputes and far-right militia activists. We anticipate this will get worse because of the massive growth we're experiencing in Montana and because the property rights people have gained political influence.

The overlap between Wise Use and far right organizing first became apparent to Toole in the summer of 1993. A July NFLC seminar held in Jordan, Montana featured "Red" Beckman, a tax protester, notorious anti-Semite, and activist with the Fully Informed Jury Association. In October of the following year, the National Federal Lands Conference proclaimed its support for militia groups with an article in its monthly newsletter, *Federal Lands Update* (the masthead motto reads, "bringing to the federal land user, helpful information for protecting private rights"). Written by NFLC staffer Jim Faulkner and titled, "Why There Is a Need for the Militia in America," the article asks: "Do we really need a militia, and why? Because we have scoundrels and rascals and mischievous persons and people open to temptation and flat out liars and thieves in places of power in our federal government."

The article provides address and telephone information for the Militia of Montana and the *Deseret Political Journal* published by Samuel Sherwood of the Idaho-based US Militia Association. Sherwood has recruited miners and timber workers to his militia group, urging

them to resist the "green gestapo." Sherwood also warns of an imminent civil war, and as reported by the Associated Press, he told one Idaho audience, "Go up and look legislators in the face, because some day you may have to blow it off."

Endorsement of militia groups by the National Federal Lands Conference is a significant development. The NFLC is a staple organization of the Wise Use Movement, and its advisory board includes important Movement leaders, such as property rights guru Mark Pollot and Nevada public lands rancher Wayne Hage, both of whom work for Ron Arnold's Center for the Defense of Free Enterprise, and Arnold himself. After the Oklahoma City bombing, Arnold suddenly denied involvement with the group. However, Arnold has not publicly repudiated the NFLC, which continues to distribute literature with Arnold's name on it.

Wise Use Movement involvement with the far right extends beyond the National Federal Lands Conference. One crossover figure is Dick Carver, a Nye County, Nevada commissioner who has traveled the West declaring federal ownership of Western lands to be illegal and claiming states' rights to such lands. Dramatically acting out his beliefs before an armed band of supporters, on Independence Day 1994, Carver bulldozed open a closed road in the Toiyabe National Forest and threatened the Forest Service ranger who tried to stop him. Such militancy has made Carver a popular Wise Use leader.

Carver also is admired by some on the far right and has been a recurrent speaker at events sponsored by the *Jubilee* newspaper, the premier Christian Identity publication in the country. Christian Identity is a pseudo-theology which holds that Jews are the spawn of Satan, people of color are subhuman "mud people," and whites are the true Israelites. Identity doctrine is espoused by the Aryan Nations and by Militia of Montana leader John Trochmann, among others.

Numerous examples exist of cross-fertilization between Wise Use and the far-right. The *Oregon Observer*, a Wise Use publication, advertises for the Oregon Militia, and local property rights groups in Washington state disseminate militia literature. A recent campaign against a proposal to join Washington's North Cascades National Park with a park across the Canadian border, featuring a barnstorming tour by national Wise

Use leader Charles Cushman, promoted the idea that the Park was a pretext for the New World Order to subvert U.S. sovereignty.

Who's Terrorizing Whom? Connections To Violence

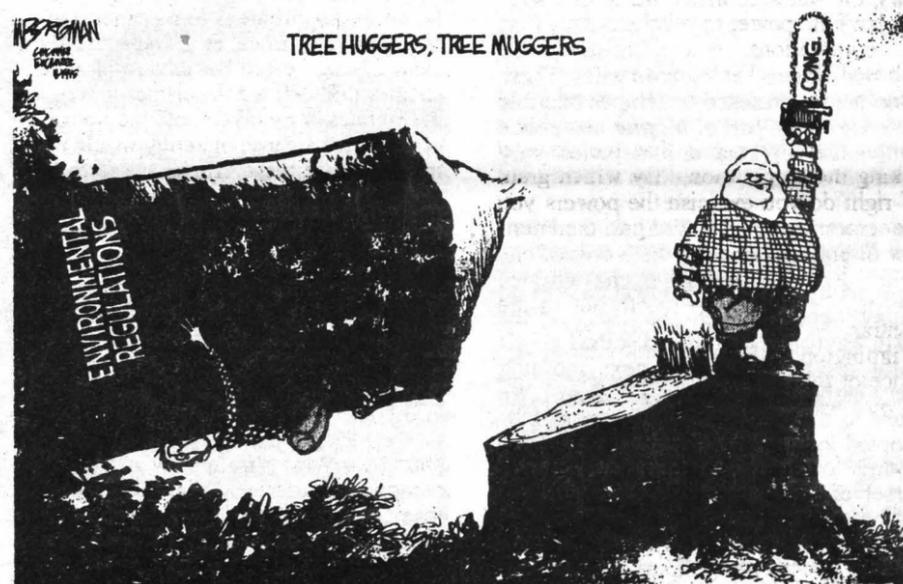
Some observers fear that the growth of radical factions within the Wise Use Movement, and their association with the far-right paramilitary groups, will contribute to one particular problem which is growing in the West - Wise Use-related harassment and violence. The violent pressure is most commonly directed against environmental activists and government natural resource agency workers. David Helvarg, author of the book *The War Against The Greens*, which examines the Wise Use Movement and anti-environmental violence, states, "You see in Militia materials the incorporation of grassroots environmental activists as part of their New World Order conspiratorial view. People in this country are suffering from economic decline and Wise Use and other organizers come into communities and provide easy answers and scapegoats for these complex problems. When that starts happening in rural areas, like in much of the West, there aren't many Jews or 'mud people' to go after, so they go after environmentalists."

Ron Arnold accuses Helvarg and others who call attention to links between Wise Use and militia groups of using the Oklahoma City tragedy as "a public relations ploy to smear the Wise Use Movement." But while Wise Use-inspired harassment and violence appear to be on

the increase, this is hardly a new problem. Charles Cushman, long notorious for the destruction left in the wake of his organizing campaigns, once delighted in his "rent-a-riot" nickname and compared himself to Nazi tank commander Erwin Rommel. Arnold has urged crowds to "destroy the environmental movement," and use the "sword of political power" to "kill the bastards." Following a spate of negative publicity, Cushman and Arnold issued a Wise Use "Declaration of Non-Violence" in 1993. Appearing to take the moral high ground, Arnold writes in a recent newsletter, "It would be all too easy for us...to accuse every environmentalist of being 'linked' to the recent rise in Earth First! attacks and the (Unabomber) bombing death." In fact, Wise Use activists aggressively promote the idea that the environmental movement is rife with "terrorists," a tactic pioneered by the LaRouchians.

Among those spinning such stories is Barry Clausen, a private investigator, co-publisher of a newsletter titled *Ecoterrorism Watch* with LaRouchian Rogelio Maduro, and co-author of *Walking On The Edge*, recounting his infiltration of Earth First! on behalf of natural resource interests. Clausen has been promoted at events organized by Ron Arnold's group, his book is distributed by a company owned by Arnold's boss, Alan Gottlieb, and Arnold designed the cover for the volume. Clausen gives presentations in struggling natural resource communities, where he brands Earth First! as a terrorist organization and promotes vigilantism

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Minorities, the Poor & Ending Corporate Rule

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• Invigorate debates on property and the rights of natural persons, communities, other species and the Earth, and on the role of government.

Because corporations, with few exceptions, are created by state governments, our states will have to become key arenas for citizen organizing. In many ways, the move on the part of the Right and corporate leaders to devolve power from the federal government to the states could strengthen organizing to disempower corporations. So far, groups have formed in Maine, Wisconsin and Oregon to plan agendas and begin this work.

As we connect with people around the country, we find growing numbers who recognize that giant corporations now govern... that these corporations are major causes of poverty, community destabilization, discrimination, ill health and environmental destruction. A potentially powerful consensus is emerging that to begin investment transitions in energy, housing, transportation, agriculture, food, timber, finance, etc.; to have fair and democratic elections and lawmaking where people (not corporations) are represented; to create institutions of enterprise that will not turn upon us like the sorcerer's apprentice; to get justice in our courts - We the People will have to learn about the sources of corporations'

powers, take those powers away; dismantle the worst corporations and assert popular sovereignty over all enterprises we allow to do business in our land.

Logical? Yes. Difficult? Of course. Corporate leaders and the politicians in their pockets will resist with vigor. They will call upon the most manipulative advertising, public relations, media and law corporations for help, threaten to wipe out jobs and tax payments, intensify their divide and conquer campaigns by driving wedges between workers, environmentalists and communities; between people of color and whites, and among people of color. They will try to split community against community, state against state, country against country.

They will challenge the histories that people are uncovering in their states, while they continue to unleash their non-profit, subtly named corporate front groups designed to look like just folks for health, property, justice and apple pie. They will try to buy people off with grants or negotiations or empty promises. When citizen pressure mounts, they might even invite token representatives to join their corporate boards.

We cannot control the tactics corporate leaders will use. But we can end the colonization of our own minds, what Edward Said calls our "ideological pacifica-

tion," by helping one another dispel the absurd idea that today's giant corporations were inevitable and that there is no alternative to these global fictions ruling our lives. And we can and must reach out to people in other countries organizing to end corporate rule. Indeed, there is much we can learn from them; witness the community groups in India that forced two American giants - DuPont Corporation and Cargill Corporation - to close down their operations through well-planned and persistent direct action.

Since the 1776 Declaration of some Americans' independence, people excluded from personhood have organized to gain the rights of citizenship and the constitutional guarantee of equal protection of the law. We the People are now numerous enough and strong enough to govern ourselves. We can dismantle corporate tyrants. We can establish the institutions of enterprise we want and need. The alternative is abandoning our children and the Earth to global corporate authority, and living out disenfranchised, toxic lives, not as citizens, but as automatic consumers squabbling over corporate crumbs.

(Reprinted with permission from the September/October 1995 issue of *Poverty & Race* a publication of the Poverty & Race Research Action Council. Richard Grossman and Ward Morehouse are co-

directors of *The Program on Corporations, Law & Democracy*. Grossman was director of *Environmentalists for Full Employment* from 1976 - 1984 and is co-author (with Frank Adams) of the pamphlet *Taking Care of Business: Citizenship And The Charter of Incorporation*. Morehouse, president of the Council on Public and International Affairs, is a human rights activist and co-author (with David Dembo) of the 1995 publication *The Underbelly of the US Economy: Joblessness and the Pauperization of Work in America*. To obtain these publications, or for further information, contact the Program at 211 1/2 Bradford Street, Provincetown, MA 02657; (508) 487-3151 or (212) 972-9877. Contacts for the 3 states where Program groups already have formed are as follows: Maine: Pine Tree Folk School, RR2, Box 7162, Carmel, ME 04419; Wisconsin: The Wisconsin Campaign, 731 State St., Madison, WI 53703; Oregon: The Oregon Campaign, HCR-82, Fossil, OR 97830.)

Interested in this project?

If you'd like to help form a local North Coast group to pursue these issues, please contact Betty or Gary at the MEC, (707) 468-1660. If there is interest, Richard Grossman has indicated a willingness to come and help us get started.

Revoking the Corporate Charter

by Thomas Linzey, Community Environmental Legal Defense Fund

Corporations and the corporate form of business, presently a dominant formation of capital in our market-oriented economy, did not have their origin as the multi-national, environmentally destructive beasts that we know today. Instead, in the early history of our country, corporations were subjected to excruciating and limiting control by the colonial governments. In early American history, the corporate existence was only possible with the "grant" of a special privilege of operation that was given directly by the state legislature. Corporations existed only to perform public services that the state did not have the capital to provide. These services included the construction of canals, bridges, and toll roads. The legislative test for chartering of a corporation was whether the corporation would perform a service for the "public good". In return, the corporations were granted the power to purchase and hold property, the right to sue, and the right to hold a monopoly in the specific charter power area granted to them. A rather significant limitation on the corporate form was a limitation on the amount of time that the charter was valid. Today, of course, most corporations are granted perpetual existence. Under these limitations, the number of chartered corporations remained small. By 1800, only 355 corporations were incorporated in the United States.

In accordance with the strict legislative control exercised over corporations who sought the privilege of incorporation and following in the path of centuries of English commonlaw (case made law), the states codified (made into written law) the power to revoke the charters of corporations who "misused" or "abused" their charter powers. The English foundation for these statutes can be traced to the theory of *quo warranto*, which literally means that the state is asking the corporation, "By which grant of right do you exercise the powers you are exercising?" The English commonlaw of *quo warranto*, in the words of one judge, has existed from "time whereof the memory of man runneth not to the contrary." (Wilmington City Ry. Co. V. Wilmington & B.S. Ry. Co.) The existence of this extensive history of the use of *quo warranto* theory to revoke charters adds credence to its contemporary use. In addition to this commonlaw theory, the states codified the law, and in most states, granted the power to revoke the corporation's charter for misuse or abuse to the Attorney General of the state. Forty-nine states have adopted *quo warranto* statutes. Some states offer even stronger protection, allowing for revocation of corporate charters in specific situ-

ations, such as when the corporation has engaged in a conspiracy (Washington) or when the corporation has engaged in bid-rigging or anti-trust activities (Pennsylvania).

In addition, state courts addressing the issue of corporate charter revocation in cases from 1900-1950 uniformly have held that a legislative repeal of the *quo warranto* statute would not have the effect of extinguishing the charter revocation remedy. Courts have stated that the commonlaw theory of *quo warranto* exists independently of the state statute. In effect, this prevents a backlash from the state legislature (who would seek to repeal the statute) if the corporate charter revocation remedy is invoked. This long commonlaw history is similar to that

tion statute and has sent him a communication that details the consistent history of environmental statutory and anti-trust violations that have been committed by WMX and its subsidiaries. CELDF has also located potential plaintiffs in Delaware that would be willing to participate in a lawsuit to revoke WMX's charter.

One of the problems encountered when researching the ability to revoke a corporation's charter is that the *quo warranto* statutes give only the Attorney General the power to bring a corporate charter revocation action. Many times, the state statute gives the Attorney General the discretion to bring such an action. The language is usually couched as "the Attorney General may" initiate proceedings to revoke the corporation's

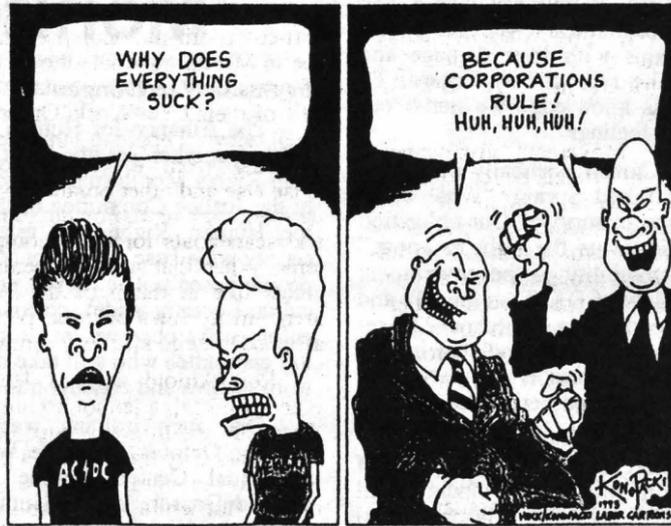
to review an agency decision. This standard, of course, is tough to prove in most situations because the courts will usually uphold a decision by the Attorney General as long as it is "rational" and supported by some evidence.

That's the bad news. The majority of states have the "may" discretionary language lodged in their *quo warranto* statutes. The good news, ironically, is that Delaware, that king of corporate moguls, has the strongest *quo warranto* statute of any state that the CELDF has researched. Under Delaware law, the Attorney General "shall" bring a charter revocation suit if requested to do so by a "proper party". The statute, therefore, is not discretionary, but mandatory. This area of the law offers a new opportunity - a lawsuit that requires the issuance by the court of a writ of mandamus - this type of law is used to force state employees who have refused to take a non-discretionary action. CELDF believes that this gives citizens the necessary opening to force the Attorney General to bring a corporate charter revocation lawsuit against a corporation that has "misused" or "abused" their charter powers. Courts are much more willing to force the Attorney General to act in a "shall" situation than a "may" situation, because the legislature has specifically spoken about the activities that they wish the A.G. to pursue.

How does a corporation "misuse" or "abuse" their charter powers? One needs to look to prior caselaw to discover what activities fall into this category. Obviously, illegal activity falls outside of any charter powers that could be granted by the state. In Delaware law, as with many other states, corporate charter revocations were commonplace until around 1950. The drop-off of charter revocation actions can be blamed on the rise of the "regulatory state", in which regulation in the corporate area was passed to administrative state agencies established for these purposes. These revocation cases have defined "misuse" and "abuse" as a consistent history of statutory violations that caused public harms. CELDF believes that many of the largest U.S. corporations, including WMX Technologies Corporation, Weyerhaeuser Corporation, Monsanto Corporation, Union Carbide Corporation, and CSX Transportation Corporation fall into those categories of companies that have misused and abused their charter powers.

This brings us to the current situation. CELDF has drafted a fourteen page letter that delineates the past fifteen years of WMX violations and outlines Delaware case law that would support an action to revoke a corporate charter. This

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found in the tort areas of nuisance, battery, arson, murder, etc. These crimes existed long before the advent of state statutes that defined the crimes. Even if the statutes were taken "off the books" or repealed, a cause of action would remain because these crimes are so thoroughly anchored in centuries of case law as it has developed from English origins.

The Community Environmental Legal Defense Fund (CELDF) is currently researching the opportunities presented by the existence of these *quo warranto* statutes. Specifically, CELDF has explored the possibility of revoking CSX Transportation's charter in West Virginia, WMX Technologies' charter in Delaware, Weyerhaeuser Corporation's charter in Washington, and Union Carbide's charter in New York. The WMX Technologies' case is furthest along in the process. CELDF has apprised the Attorney General of Delaware of the existence of the corporate charter revoca-

tion. This "may" is very difficult for citizens to enforce because it grants broad discretion to the Attorney General that the courts are reluctant to enforce. To attempt to force the A.G. to take action in this situation is a losing proposition unless a massive citizen movement can be launched that convinces him/her that his/her political future rests upon his/her decision to take action against the corporation. In legal terms, to force the A.G. to revoke a charter under this "may language", the citizen lawyer would be forced to jump two hurdles. First, the courts have been leery of forcing the A.G. to prosecute; in other words, they are hesitant to impose their will on an area called "prosecutorial discretion". The second hurdle is the standard that the court would impose even if they did decide to review the A.G.'s decision not to bring charter revocation proceedings. The citizen lawyer would have to prove that the decision not to bring a revocation suit was "arbitrary and capricious". This standard of review is the standard used in cases in which the court has been asked

Wise Use Radicals continued from page 6

against environmental activists by inferring that the entire environmental movement has been infiltrated by Earth First! agents. In response to environmental efforts to halt logging in the Cove Mallard area of Idaho, in April of 1994, a Wise Use timber industry front group announced a meeting featuring Clausen and three men with expertise in surveillance, counter-terrorism and military operations. Environmentalists report a rise in incidents of harassment in the wake of Clausen's visits.

Environmentalists are not the only targets. Nineteen days before the Oklahoma City bombing, the U.S. Forest Service office in Carson City was bombed. Wise Use's Cushman tried to pin the attack on environmentalists. The Bureau of Land Management office in Reno was bombed the preceding year, and several federal land management agency installations and the property of agency personnel have been bombed since then. In some areas, federal employees find that they are refused service in local stores, and have taken the precaution of removing identifying labels from government vehicles. Anticipating further harassment, the Forest Service has instructed its employees not to resist arrest by county

law enforcement agencies for violations of Wise Use ordinances.

Targeting The Voting Booth

Evidence is building that the Wise Use Movement may provide greater access for militia and other far-right groups to the electoral process and the political mainstream. For example, in Idaho militia leader Samuel Sherwood has claimed partial responsibility for the elections of Representative Chenoweth and Secretary of Education Anne Fox. Since taking office, Chenoweth has injected militia themes into the public debate with her suggestion that natural resource agencies are using mysterious "black helicopters" (symbolic to militia groups of "New World Order" forces) to harass property owners, and by sponsoring a bill that requires federal law enforcement agencies to gain the approval of the local sheriffs before making arrests or performing other duties. Chenoweth and Fox have both refused to denounce militia groups. Another Idaho elected official, Secretary of State Pete Cenerussa, has introduced the idea of conferring legal status on the Idaho militia.

"What terrifies me," says Eric Ward, "is the idea of militias being able

to utilize the electoral force of Wise Use groups." Jonathan Mozzochi, executive director of the Portland-based Coalition for Human Dignity, expands: "White supremacist elements add a degree of militancy and experience in conflict with the Federal Government that folks in the Wise Use Movement and militias appreciate, and the Wise Use folks like Carver offer electoral experience, which is important in the fight." Helvarg asserts that the corporate backers of Wise Use are partly to blame for mainstreaming the extreme right, noting that "the Farm Bureau and other industry folks have consistently provided a platform for the county rule radicals, LaRouchians, Birchers and so forth in the Wise Use Movement, and in so doing have given these groups and their views credibility."

Confront Lies With Truth, And Organize, Organize, Organize!

The Western States Center's *Wise Use Public Exposure Project* has documented growing ties between the ostensibly law-abiding Wise Use Movement and militant militia and white supremacist groups. Evidence indicates that far-right movements are penetrating mainstream

politics to a startling degree, aided by the more moderate facade of the Wise Use Movement. Encouraged by the rightward drift of the domestic political center, and their own organizing successes, both Wise Use and the far-right have become bolder with their scapegoating and promotion of violence. The result is an increased sense of threat and polarization in our communities. But with the bright light of exposure, we can reveal the Movement's extremism and demand accountability from its political and corporate supporters. Decent people lured to Wise Use with the false promise of economic prosperity will reconsider their involvement. But exposure alone will not suffice. We must fight regressive populism with progressive populism, and where false promises are now extended we must offer real hope by redoubling our organizing for civil rights and economic justice as well as environmental protection.

(Reprinted with permission of the author, Tarso Ramos, from the *Western States Center News*, Fall 1995, Number 12. You can contact the Western States Center at 522 S.W. Fifth Ave., Suite 1390, Portland, OR, 97204 or by calling 503-228-8866.)

Neighbors Against Herbicides

by Agnes Woolsey

It's just past the politically incorrect Columbus Holiday and my weekend guest has left for Berkeley. I've dabbled at a few canvasses hoping to improve what's there. I tried writing some prose on a subject dear to my heart. The primeval beauty of this place is marred by the grand scale spraying of herbicides by the forestry industry surrounding the Navarro subdivision.

One morning as I contemplated the view of second growth redwood trees that cover the ridges on this 136 acre subdivision, ridges that dip down to the pond, the piercing cry of a soaring osprey greeted me. As I sat on the dam with my easel and oils the staccato of two woodpeckers broke the silence. The morning light loses its sharp edges in the reflections in the water as the hours glide by. A distant raven chucks its mating call like galloping hooves. The pond is growing-in with profuse water hyacinths, shelter to a myriad of frogs which leap to safety as my dog explores the shores. I am glad to capture the beauty of the pond on canvas before the ultramarine blue sky and cottony clouds can no longer be seen in the copper and green cover dotting the surface.

I felt thankful that I had a part in preserving this private place where the endangered osprey can come to feed when parts of the Navarro River become too low or poisoned with herbicides to sustain fish. Could the osprey, heron and geese survive when the fish are gone? The birds are our canaries taken in the mines, if we but heed. Fish die at levels of garlon 4 to 1 part per billion. Louisiana Pacific has sprayed 15,000 acres in the last three years to reduce hardwoods and create a monoculture, not good in the long run for quality lumber. Under warm, dry conditions garlon degrades by

microbial action in topsoil. Microbial activity decreases with soil depth, so once the herbicide gets in the lower soil, it will be more persistent than it would be at the surface. For example, triclopyr residues were detectable 30 to 45 centimeters below the soil surface in a study conducted in western Oregon for 477 days following application. This quote comes from the Bulletin for Environmental Contamination. Toxicology 39: 134-141. "Soil flooding may slow triclopyr degradation." With the breakneck speed of Maxxam and Pacific Lumber junk-bond-clear cuts, much of the topsoil is washed into local Mendocino county rivers. Coho salmon, once abundant here for sportfishing tourists, is now on the endangered species list. Soon there will be no oasis for the osprey, bald eagle, spotted owl and murrelet with continued herbicide spraying. It will just take a few more years for humans to feel the effects of these toxins with liver damage and cancers to the reproductive organs. To live with this knowledge we numb our thoughts and feelings.

Rachel Carson poetically posed the question in Silent Spring, "What about our obligation to survive? Our obligation to survive gives us the right to know." Given the credibility of the government about the safety of D.D.T. in the 40's and 50's and the dangers of iodine 233 released at Three Mile Island's meltdown in 1978, we have reason to question the safety of unregulated herbicides used by the forestry industry.

A petition drive to stop the use of herbicides in Mendocino County will bring educated pressure to bear on local and state governments. We may begin an initiative campaign to put the ban of herbicides in the forest on the ballot and you can help, if you will. Letters to your state legislator to repeal the Food and Agriculture Code, Section 11501.1 will put regu-

lation of herbicides back in the hands of local government, where our voices can be heard.

After all, it's up to us to take care of the nurturing environment for our grandchildren whose parents are busy with daily survival and care of the young. This is our task in old age; we do have a role to play with the wisdom experience gives us. Besides, this is the ultimate expression of love, caring. Do something each day for one hour and take back our democracy.

Concerned neighbors from the area have come together to form a group, Neighbors Against Herbicides, P.O. Box

294, Navarro, CA 95463. We do short term actions, such as taking three resolutions to the Community Services District Board, petitions to local government officials, joining the demonstration at Caspar Jughandle State Park at noon Sunday the 15th of October to protest the planned garlon spraying of 500 acres of the State Park, a meeting with the Board of Supervisors and a postcard campaign to put pressure on to stop the use of herbicides in the Forestry industry. Enclosed is a petition both in English and in Spanish. We need grassroots participation to succeed. We can do it and we will.

Human Rights Monitoring Project

by Susan Van Dongen

The Alliance for Human Rights has created another county "first", the Human Rights Monitoring Project (formerly the Justice Committee of the Alliance for Human Rights) is establishing a county wide base in its groundwork for a people based police review panel (multicultural county wide), consisting of law enforcement observer teams and a working committee who will take declarations from victims and conduct trainings.

One such training was presented Sunday, October 15, at the Willits Environmental Center. Bonnie Blackberry and Ed Denson, of the Humboldt Civil Liberties Monitoring Project, taught the course, which included nonviolent training, observer techniques and taking declarations, and were enlightened with personal experiences from all participants.

The Human Rights Monitoring Project has a recruiting brochure available and is preparing an information sheet as it prepares to go public, meeting with law enforcement agencies and distributing press releases.

The HRMP is being established in response to increasing complaints about law enforcement in Mendocino County, verbal insults, warrantless searches, false arrest and imprisonment and excessive force, sometimes crippling or deadly, are being reported with increasing frequency by residents county wide. HRMP hopes not only to help inform people of their rights, but to gather information about abuses and seek redress at the highest level necessary.

People all over the United States are experiencing the same increase in abuse of police power. The National Coalition on Police Accountability is holding a national conference in Chicago, October 26-29. HRMP is sending a participant, hopefully with the help of donations from supporters.

Interested? Call Louis at 459-9444 or leave messages at MEC 468-1660 (Lynda or Don), WEC 459-4110 (Louis or Susan) or 937-4099 (Nancy), or write to HRMP at P.O. Box 533, Talmage, CA 95481.

August March Celebrates Farmworkers

by Susan Van Dongen

The Alliance for Human Rights, established to combat the potential effects of Prop 187 on the Latino community, especially undocumented workers and their families, organized a first for Mendocino County; a support demonstration, Sunday, August 27, for local farmworkers, affirming their value in our communities as they bring in the crops and enhance the local economy although suffering harsh conditions, low pay and harassment.

Following a noon mass honoring farmworkers at St. Mary's in Ukiah, attended by an overflow crowd, the Alliance led more than a hundred people, including year-round Latino residents, seasonal workers, and their supporters in the wider community through the streets of Ukiah with spirited chants in Spanish

and English. El pueblo unido jama's sera' vencido! The people united will never be defeated!

The march made a triumphal entry into the Fairgrounds where the California Employment Development Department was sponsoring an information fair for farmworkers. Sonia Mendoza, of the Alliance, and her sister, Luisa Lopez, of the Sonoma United Farmworkers Union, spoke to an appreciative audience against the backdrop of a memorial portrait of UFW leader Cesar Chavez. Local youngsters displayed their finery and grasp of regional Mexican folk dances. The Alliance and its subcommittee, now established as the Human Rights Monitoring Project, staffed an information table, as did many local and state social agencies. Even the passive presence of the INS was noted, but the day definitely belonged to the farmworkers and their supporters.

KMUD In Mendocino County?

by Michael Bonni field

Life is really better in Mendocino County since we got KZYX going. Remember all those years when we had nothing but commercial radio? What an improvement now that we have public radio.

So, now we have "public radio" but many people want more choices. Activists are hungry for "movement" radio from the north country. Others feel community issues and news deserve more air time. Some of us want more options when it comes to musical programs.

Whatever! The fact is that this dream, too, could become a reality! I've

been talking to Simon Frech from KMUD radio in Humboldt County. To get straight to the bottom line, it would only take about \$15,000 to establish a translator/repeater station that would expand KMUD's broadcasting capabilities to include Ukiah and outlying areas. The question is, is there enough support for KMUD to raise \$15,000?

Well, let's find out! Fifteen of us could do it for \$1,000 each. Fifty of us could do it for \$300 each. And so on.

So, if you want KMUD, it's not at all out of reach. Call KMUD at 923-3911 and let them know if you support the Ukiah repeater.

Revoking The Corporate Charter

continued from page 7

is the second letter that has been drafted to the Attorney General of Delaware. The first was sent directly from CELDF, but the second will be sent from a "proper party" - an environmental organization headquartered in Delaware. This will set into motion the process by which citizens will begin to regain control of these corporate monoliths that have been allowed to grow into immense, bloated shapes.

The reason for the letter? A legal doctrine, called exhaustion of administrative remedies, demands that all avenues for action be explored by the plaintiff prior to the bringing of a lawsuit to force this type of action. A span of time will be granted to the State to allow them to initiate charter revocation proceedings. If they fail to initiate the proceedings, then CELDF will file suit to force the action on the part of the Attorney General. If we are successful in this action-forcing mechanism, then CELDF will file as an "intervenor" to the litigation, which means that we would stand in the shoes

of a co-plaintiff during the revocation proceedings. We would take this action to ensure that the Attorney General would not settle the lawsuit without approval or input from us. As an intervenor, we could continue to litigate the case even if the Attorney General bows out.

It is our hope that injunctive relief would be granted by the court which would freeze the assets of the corporation during litigation and prevent the corporation from re-chartering in the event that it is dissolved. These actions are essential to the revocation lawsuit because without them, we have done nothing except to force the corporation to transfer their assets into other holding corporations.

That is the plan on the legal front. What is needed, more importantly and in conjunction with legal action, is a movement that convinces the judiciary, the legislature and the politicians that a "rethinking" of the corporate form needs to

take place, and that citizens need to regain their sovereignty over these artificial beasts. Over the years, corporations have invested in law schools and legal programs to ensure that a favorable economic climate would be created to allow them to further their own economic interests. This can be seen by the extension of Bill of Rights protections to corporations, the recognition of corporations as "persons", and the attempts to create a favorable political climate. What was once the role of the citizenry in controlling corporate excesses has become a system in which the foxes guard the henhouses.

The revocation of corporate charter legal theories do not exist in a vacuum. They must be fed and supported by a citizen base that forces a discussion of the role of corporations in our society and the necessity of rechartering them in our image - one that encompasses concepts of sustainable development and creative employment opportunities. That is the challenge and that is our goal. It is our

hope that others begin "Rethinking Corporations", as they have in five other states. It is essential that others accept this challenge and begin working together to formulate a new future in which citizen sovereignty serves as a cornerstone, because these concepts are part of every battle, whether an environmental organization is fighting against wellhead contamination, highway construction, landfill liner leakage, hazardous waste incinerators, cogeneration plants, or worker's issues. It is this solidarity that offers the greatest hope - as persons of differing causes join together for this great adventure.

(This article was written for the MEC Newsletter by Thomas Linzey, CEO of The Community Environmental Legal Defense Fund (CELDF). For further information, contact CELDF at 2244 Lindsay Lot Rd., Shippensburg, PA 17257, 717-530-0931.)

My Love Letter to All Reformers

by John Lewallen

October, 1995, USA

Dear friend,

What a delight it is to tumble in oneness with you through the infinite seas of creation!

I reach my hand to you across time, space, all dimensions. We see what is, and move it toward what can be. We are reformers, you and I.

Know that you are neither the first nor the last. You will not complete the work, but you and I can advance it.

Here are words from my thirty years as a reformer in the United States of America.

As I write, American reformers are reeling in disarray as the military-industrial corporate empire tightens up, becoming more authoritarian and exploitative. If you're reading this in the future, you may see that this is an inevitable phase in the collapse of this empire. It must show its cruel and omniscient face, slashing at more and more people and environments, until all energy is withdrawn from the empire and it is no more.

Now, many reformers are mistaking the imperial death throes for imperial victory. No, no, no! This is a disgusting display of stupid brutality that is needed to awaken the millions who cling to the notion that they and theirs will get along pretty well without going through the

painful process of fundamental economic, political and social reform.

It is time for me to state some principles distilled from my reform experience.

First, no forward motion is wasted. Everything makes a difference, from the most subtle internal shift of consciousness to the most grand and effectively organized reform movement.

Second, there is always freedom of choice. What you and I do, think and are at the deepest levels shapes the present and future. If we surrender to hopelessness, reality is shaped. If we move toward what we know in our hearts is right and true, our world goes in that direction. If you think the world is screwed up now, consider where we would (or would not) be had their been no anti-nuclear, peace, environmental, or other movements!

Third, whatever a person focuses attention on gains energy, and whatever a human being turns away from, loses energy. This truth poses a dilemma for us now. Should I turn away from the political process, letting it self-destruct in greed and omniscient violence, while I weave together a communitarian, Earth-bonded alternative? Or should I strive against all odds to carry the consciousness of compassionate caring for all beings into the political arena, where the struggle for power is so violent? In short, how do I oppose the empire without feeding it, work against it without giving it strength and legitimacy?

I believe that violent revolution is an oxymoron. The revolution is nonviolence. The only true human revolutionaries are involved in the movement toward nonviolence. It is precisely the mistaken illusion that violence is the dominant force in human society that our era is moving to overcome, to transcend and get past.

You may, as I have, come to recognize that you are endless consciousness moving through different forms. The violence I inflict comes back to me. The love and caring I spread returns and becomes me. This is my experience!

Reform work never pays well in coin, but the universe and people have endless ways of dishing out punishment and reward. May you be at least as abundantly rewarded for your reform work as I have been!

To my contemporaries I say: now and into the foreseeable future, our governments have no choice but to systematically eliminate government services.

The military is a gargantuan parasite sapping all economic life from American society.

The U.S. dollar is a Federal Reserve Note issued by a group of private bankers who took over the U.S. money system in 1913, and now not only issue the money which is backed by the people and resources of the United States, but also loan it to the U.S. Government with interest!

There's a wealthy elite who control

the military - industrial - corporate - professional complex, many of whom were my college and law school classmates in the sixties. They've arranged the tax structure so that it does not impact on them, and use the government to give themselves huge subsidies, bail out their savings-and-loan losses, etc.

It is not hard to detect the seeds of self-destruction in this empire. It is coming down hard in absolute terror, proliferating expensive penal systems as it goes. The government slashes all but military and penal expenses, starting by cutting off the weakest and most needy first. A disgusting spectacle, to be ended only by imperial collapse or fundamental reform.

We imperial citizens are expected to run faster all the time, generating wealth to be consumed by this monster of which we are part.

Sorry liberals, glossing things over won't work. We've got to stop feeding the military, take the power to issue money from the private bankers, stop corporate rape of people and environments and demand that the wealthy elite pay their fair share into the community of life.

How far must we sink together into poverty, violence, ecocide and chaos, before the fundamental reforms are made or the imperial collapse runs its course? I don't know. This is my love letter to reformers. We are together forever in love, and victory is always ours.

An Open Letter To All My Colleagues

from Brock Evans, National Audubon Society

24 October, 1995

Dear Friends,

On October 30th in Southern Oregon there will be a massive rally of environmentalists and local people to protest the devastation now being visited on our Ancient Forests by the "logging without Laws" appropriations rider. While the rally will be completely non-violent, there will likely be arrests made.

I am going there because I feel that all I have worked for and all I have loved these past 25 years is now on the line. I expect to be arrested, but the issues and stakes are simply too high and the places being destroyed too priceless, to simply stand aside any more. That is why I am writing - to share my thoughts about this time in our history with you, and to invite you to consider joining your many comrades and colleagues already out there on the lines.

I have been fighting to protect the Ancient Forests of our country for all of my adult life. Coming of age in Seattle in the 1960s, I was first enchanted by the spiritual magnificence of the Northwest forest - and then appalled for their mindless destruction. I made my vow then: that I would give the rest of my life, whatever it took, to rescue as much of this forest treasure from the chainsaw as was possible.

And in the quarter of a century since then, thousands upon thousands of us joined in this cause; and we fought to protect America's forest treasures wherever they were. And we always played by the rules in this fight, didn't we? We shepherded dozens of wilderness and national park bills through endless hearings, markups, votes...and the timber industry and its pals in the Congress fought us every step of the way. We passed NEPA, the Endangered Species Act, and the Forest Management Act - and the industry fought us every step of the way. And when the federal agencies didn't obey the law, we went to court, opposed again every step of the way by industry...but the judges overwhelmingly agreed with us, and upheld the law of the land. Whatever we have succeeded in

making safe of our forest heritage these past decades has been won in the open: fair and square, with public debate, and always by the rules.

Now industry's allies are in power - People like Senators Mark Hatfield and Slade Gorton, Congressman Don Young. And suddenly, no longer is the timber industry interested in any rules. Seeking to grab all of our remaining forest that they can, they didn't even bother to try to change the rules - they just took them away! We all know the resulting abomination: the "logging without laws" bill and other legislation, authored by the above mentioned Members (and others) and now being jammed down the throats of an unwilling Administration and Forest Service.

We have been robbed of our legal defenses: the rule of law is gone in all the Nation's public forests. The chainsaws are whining, and over a thousand giant trees are now on the ground at Sugarloaf Mountain, in Southern Oregon. They will be starting up soon at the China Left sale, the Enola Hill sale, and hundreds of others across the remnant Ancient Forests in nearly every National Forest in the country. If Congress had not suspended the environmental laws, probably none of these sales would ever be permitted, they are so destructive of everything we value and cherish.

This is worse than wrong; it is a robbery, taking from the whole American people a part of their heritage that can never be replaced. And those of us who love these forests, fought for them, bled for them, lived to see them safe (we thought)...we cannot just stand aside now as the slaughter proceeds.

That is why I am going to Oregon, this weekend. I am going to join with the hundreds of other brave Oregonians at a rally near the Sugarloaf and China Left timber sales. When the chainsaws snarl and the Ancient Ones scream down to Earth - we will be there, bearing witness. When the log trucks come racing down the road - we will be there, bearing witness. We will bear witness, not only to the destruction of a priceless forest that can never be replaced...but also witness to the equally savage destruction of something just as priceless: the rule of law, the only glue that holds us together as a people and as a civil society.

So as I go to join my comrades to bear witness to these twin wrongs, it may be that we shall be arrested by the authorities as we express our protest at this travesty. So be it.

These protests in Oregon are just the beginning. As more people realize what the timber Republicans have done, I predict there will be many more such occasions to stand, to bear witness, to be counted. I invite all of you, comrades and colleagues who I know care deeply also about our forests, to consider when the best occasion will be for you to join us.

Sincerely,

Brock Evans

Vice President for National Issues



Mendocino County Environmental Directory

by Doug Strong

Long ago I recognized the futility of transforming life into a tidy package that had some semblance of organization and direction. Learning to live with chaos has been a challenging but essential component to the bed-rock fatalism I accept as a rational response to the random forces in charge of the universe.

Nevertheless, I endorse the notion that tidying up the periphery of existence is sometimes worth pursuing thereby enabling one to live with at least the illusion of order. To that end several of us at the MEC are in the process of developing an environmental directory for Mendocino County.

Purposes of the Directory:

1. To provide readily accessible information to persons wishing to contact agencies or organizations whose sphere of interest or jurisdiction relate to the environment.
2. To specify or clarify the areas of interest, authority and jurisdiction of agencies and organizations concerned with the environment.
3. To provide private citizens with

general directions on how they can take action to correct environmental abuses of which they may be aware.

When one considers the bedlam of jurisdictions and the interwoven constituencies within the broad expanse of the environmental arena, it is little wonder the average citizen feels confused and even powerless. The directory will provide concise descriptions of the purposes and jurisdiction of agencies and organizations listed and directions on how private citizens can take action if they object to practices that have an adverse effect on the environment. This could include information on how to object to a timber harvest plan, to zoning violations, stream pollution or violations of clean water or clear air regulations.

How can you help? Simple! Just call the MEC (468-1660) and leave a message with Gary or Betty indicating your wish to help with the directory. Let us know whether your primary interest is to assist with organization and lay-out or if you would be willing to serve as a resource person or researcher for those parts of the directory concerned with technical information or citizen action. Let us hear from you...we appreciate any help you can offer.

An Apology for Jubilee Proclaimed

by Cindy Pile

In August, the world remembered the fiftieth anniversary of the bombing of Hiroshima and Nagasaki. In a year marked with numerous commemorations, the United States government paid its homage to the victims of the atomic bomb—hibakusha, downwinders, atomic veterans and the poor who are in need of funds for food, housing and health care—by coercing the Non-Aligned States into approving an indefinite extension of the Non-Proliferation Treaty (NPT). Such an extension continues to condone a status quo which allows a few countries to possess and develop nuclear weapons while forbidding the majority of the world's nations to acquire them. The French government remembered these same victims in its own way by deciding to resume nuclear weapons' testing in the South Pacific.

In stark contrast to such widely publicized official responses, one woman and one man also chose to honor the memories of the victims of the first atomic bomb. In their act of remembrance, however, they chose to bring hope to those who suffer because our country directs its resources toward building weapons of war—they embraced Jesus' call to "bring Good News to the poor."

In the quiet of the early morn of August 7th, Fr. Stephen Kelly, a Jesuit priest from San Jose and Susan Crane, a schoolteacher from Ukiah, proclaimed this Good News, this Gospel, by climbing over a fence which surrounded Lockheed Martin Missiles and Space in Sunnyvale, California. They hammered and poured their own blood on a nuclear-capable Trident missile.

Our two friends approached these weapons of death, considered off-limits to the very citizens which would be their victims, in the name of the living God. Calling themselves the JUBILEE PLOWSHARES, they desired to proclaim this fiftieth year a Jubilee Year, a year when Hebrew Scripture tells us liberation is announced to those who are enslaved and the poor are allowed to return to the land which is rightfully theirs. All are given access to the resources which they need

Susan and Steve sought to embody the vision of the prophet Isaiah who speaks of the day when nations will "beat their swords into plowshares". With a few taps of their hammers, they began converting instruments of war into useful, life-giving instruments.

In their action, truly the horn of Jubilee has been sounded with a blast which "will re-echo throughout your land." In such a prayerful, faith-filled endeavor, we can see that God's reign is breaking forth in our midst. Here are two Christians who have chosen to act on their convictions to offer their lives in the pursuit of peace and to accept the painful consequences of their actions: serving several years in a Federal prison.

Because of our friends' deep faith and their willingness to suffer for the sake of justice, we cannot simply dismiss this Jubilee Plowshares. Instead, we need to reflect on the significance of such an event. As Christians, as Catholics, what meaning can we find in a Plowshares action, in such an extreme, seemingly futile, perhaps crazy undertaking?

Certainly, there are many possible critiques of such an action. Some think

that such a literal interpretation of Isaiah 2:4 and Leviticus 25:10 is too radical. We need to work within our legal system. Others believe that damage to government property is an act of violence in itself. And some progressive religious newspapers will not print updates on this type of action because they consider the symbolism to be passe; a Plowshares action no longer speaks to the people of this age.

But, what other symbol could better speak to a country that continues to offer the Pentagon more funds than it even asks for, while simultaneously cutting welfare benefits to women with children and denying immigrants access to health care and a solid education? How else can we, as followers of Jesus, the poor man, the crucified One, respond to the violence and economic injustice in our world, but by beating our swords into plowshares...by contacting our representatives and writing letters-to-the-editor...by vigiling, protesting and praying and telling those in power to listen to the cry of the poor?

The JUBILEE PLOWSHARES is a challenge to us all. We are challenged to do what we can, where we are, to make

this world a more humane place in which to live. We are challenged to examine our lives and to discern what for us is the next peaceful step to take, to consider how we can continue to take more and more risks for the sake of those who await the proclamation of a year of Jubilee.

This action is also a source of inspiration, an affirmation of the good we are already doing and a sign of hope for all of us who have grown weary and resigned in the pursuit of peace. As Isaiah's prophecy exhorts us, then, let us lay down our weapons, pick up our tools and begin to till the soil that it might receive the seed of a new creation.

Cindy Pile is the co-founder of Magdalene House, a Pax Christi Catholic Worker.

NOTE: On August 7th, Jubilee Plowshares East activists (Michele Naar-Obed of Baltimore, Amy Moose of New York City and father/son Rick and Erin Sieber of Philadelphia) entered Newport News Shipbuilding and proceeded to carry out a similar nonviolent act of disarmament on the USS Greenville, a nuclear fast-attack submarine.

LATE UPDATE: Jury Selection for Susan's trial has been scheduled for Tuesday, November 21st at 1:30 p.m. Her trial will begin on Monday, November 27th at 9 a.m. Both will be at the San Jose Federal Building, 280 S. First St., In San Jose. There will be a Vigil and leafletting outside the Courthouse beginning at 8 a.m. on the 27th. Call (510) 839-5251 for further information.

The evening before Susan's trial, there will be a *Festival of Hope*: an evening of Dinner, Music and Fellowship, Sunday, November 26th, 7 p.m. at the Most Holy Trinity Parish, 2040 Nassau Dr., in San Jose. (If you would like to attend the Festival and stay over for the trial, call Bob and Janet Aldridge regarding overnight accommodations: (408) 248-1815.)



A Dedication for Susan Crane

by Gary Blackburn

moving sensitive targets of children with crying pets, the Pentagon views with a telescope cross continents riddled with fear of nuclear missiles and the President's stares. the scene is a world mutilated by War, starvation on a high precipice of cold emotions and people now indifferent to the Bombscare, like men and women get after going to too many funerals 'til they eventually forget—they fear death too like the moving targets of children with sensitive pets!!

some people are still

shocked by the horror and they will violate the traditions of a murderous society in order to save the children and the pets from hot radioactivity: such a beautiful person is Susan Crane who deliberately risked her life and freedom first and foremost for citizens, most of whom have never met her or felt her energy, Spiritual and Humanitarian, as she poured blood on a weapon which could consume millions; do these millions care back about her, or are they busy drinking coca-cola and speeding down the street in gas-gogs, exercising their free-

dom that way in deep apathy, and in that way targeting their own children with nuclear destruction? I'm moved that some Spiritual person still smells the roses of Life enough to risk nearly everything, including mistreatment in jail, so for us it should be to risk nearly everything to see that she becomes still alive and free!!! the fact that there is a Susan Crane makes Life still worth living. Let us strive to Welcome her back home, with the Honor she deserves. the word responsibility implies making a World for the Susan Cranes who love

the World so very much, a World not to be destroyed by big old men carrying radioactive torches.

from generation to generation the targets of the militarists move from country to country, the corporate war makers in an Anarchy of destruction while preaching Law and Order at home and using the Police to keep order for their financial gratification. WE NEED TO POUR BLOOD ON ALL OF THE MISSILES AND TURN ALL WEAPONS INTO PLOWSHARES. THANK GOD FOR SUSAN CRANE!!!

Coordination of Visits to Susan Crane

Contact: Maylie Scott

(510) 848-2924

Susan Crane is now imprisoned in the Correctional Center for Women in Milpitas. Her address is:

Correctional Center for Women
Susan Crane, 95094545
701 Able St., Box 360910
Milpitas, CA 95036-0910

Father Steve Kelly cannot have visitors, but would certainly like to receive letters. His address is:

S. Kelly, S.J., Pre-Trial
FDC J-1 00816-111
5675 - 8th St.
Dublin, CA 94568

Because of the prison's bizarre rules about visits to prisoners, Maylie Scott will be coordinating visits to Susan. Visiting hours are Tuesday and Saturday,

from 2-3 P.M., 3-4 P.M. and 4-5 P.M.

The catch is that Susan can have only two adult visitors per visiting day - and they must be in the same one hour slot. (If you show up at 2, but the next visitor shows up at 3, the 3 o'clock visitor will be turned away!) In addition, in order to allow time to be "processed", visitors need to arrive at the prison at least a half hour before the scheduled visit. You should also call the prison (408) 957-5408 just before your planned visit to be sure Susan is not away on legal business.

Please call Maylie Scott at (510) 848-2924 and let her know when you would like to visit Susan, so she can coordinate your visit with anyone else who wishes to visit on the same day.

Driving directions to the prison: From 880, take 237, East Calaveras, going East, back over 990. Turn right on Able and continue about a quarter of a mile to the prison. Park in the first lot on the left. **PLEASE plan to visit Susan soon and often!**

Susan Crane: Blood and Hammer

by Lynda McClure

I saw Susan Crane and talked with her briefly the evening before she and fellow peace activist, Jesuit priest Stephen Kelly, conducted their anti-war action at Lockheed Martin Missiles & Space complex. It was at an event that she and several other good people in town organized; dinner at the Methodist Church, a procession to Civic Center, a ceremony in memory of the bombings of Nagasaki and Hiroshima, and dedication to world peace. It was a beautiful and heartfelt gathering where representatives from several religious denominations and others spoke eloquently and with coinciding messages denouncing violent acts of war and offering a vision of global peace.

She and I didn't talk long that night. I asked about her upcoming 45-day jail sentence for her trespass action in April at Lawrence Livermore Lab. It seemed like a very long time to spend in jail, but Susan didn't seem too concerned. She didn't mention her planned action for the next day.

When I heard of the Lockheed Martin action and arrest, I knew she'd spend some time behind bars. My heart went out to her and I determined to help in some way. So I wrote a letter and sent it

out to the press. I distributed petitions condemning the use of public money to incarcerate her and keep her out of our community, where she is valued very much. I implored the court to at least give her community service, which seemed a more just treatment of this non-violent woman. What I didn't realize is that my reaction and response was coming from my fear of spending more than a few hours or days in prison because of political activity. My emotion was shouting, "Get her/me out in any way."

A few weeks later I received a letter from Susan. "So Lynda," she wrote, "I feel my community service was hammering on the missile. I would not agree to community service for many reasons." One reason was her unwillingness to agree to not breaking the formal written law again; she believes what she did was reasonable. She restated her strong sense of responsibility for what happens in our world.

I believe what she did was reasonable too, and very principled. In fact the Trident missiles are first-strike weapons and fly in the face of the spirit of the Nuclear Non-Proliferation Treaty. The greatest obstacle to world peace is the

global weapons market whose greed is fed with blood and misery.

"Let's petition Lockheed not to build the missiles," she wrote. "Let's petition the government not to spend one-half of every Federal tax dollar on military expenditures. Let's end the violence in our own hearts, in our communities and in the world."

Susan isn't looking for how to get off easy; she remains focused on the crux of the issue. When asked to enter a plea in court, she said, "I plead that we dismantle our weapons, renounce war and start spending our resources on food, health care, education, housing and jobs for the world's poor."

Since their arrest in August, Susan and Fr. Kelly have been in custody and have had additional charges brought against them through a Federal Grand Jury. Their attorney, Katya Komisaruk, understands the full ramifications of the case as few attorneys can. She too, conducted a Plowshares action in the late 1980's by entering Vandenberg Military Base and doing extensive damage to a first-strike missile computer system. Upon completing her task, she walked off the base and, since she had not yet

been detected, went to the Federal Building in San Francisco and turned herself in. The court manipulated the charges brought against her so that her "Nuremberg defense" could not be used and she spent several years in a Washington state women's prison. An MBA graduate student at UC Berkeley at the time, she since has earned a law degree.

Susan doesn't let incarceration stop her work: same teacher, different setting. She conducts bible study with fellow inmates and keeps putting forth her vision for peace and justice. She writes, "In many ways, the Plowshares action was a spiritual action. We planned it in prayer and with Scripture study. We wanted to enact the biblical mandate to beat swords into plowshares (Is 2:4) and we wanted to follow the nonviolent Jesus in this war-making state we live in. Our faith tells us to love our enemies. Building weapons to kill others just doesn't make sense." There is nothing I can add to her words.

Susan's trial date is November 27th. Letters of support and encouragement are very much appreciated and can be sent to her c/o the Catholic Worker, 528-25th St., Oakland CA 94612.

Ward Valley And Yucca Mountain

by Morris Kaplan

I have heard about the gatherings at the Nuclear Test Site for years, and this year conditions were right for me to go see for myself what goes on there. I planned my trip to include the Encampment to "Save Ward Valley." It's about 700 miles to the Nuclear Test Site (NTS) from Willits, where my journey began Friday morning October 6, 1995. My gas gauge and speed/odometer were both inoperable so this added another element of interest to my trip. I drove east on Highway 20 at a leisurely speed and enjoyed a variety of terrains and climates through agricultural land, resorts, suburban sprawl, shopping centers and fast food/gas stops along the way. Through the foothills of the Sierra's, Highway 20 finally joins I80 and crosses Donner Summit. Beyond the tourist traffic headed for Tahoe and Reno lies the vast expanses of the Nevada desert. At the junction of I80 and Hwy 95, I turned south and the sign to Los Wages said 408 miles. In the high desert, Sierra Mountain water irrigates farms situated in the midst of dry scrub creating a green oasis, which returns to desert again. The driving seemed endless, with vast expanses in all directions, an unmarred landscape except for occasional debris left by careless humans. A few small towns along the way offered services for the local inhabitants and tourists. Roadside casinos offered opportunities to gamble and perhaps "play" - the game of your choice. Decoy police cars dot the landscape as a reminder to pay attention.

One hundred miles south on Hwy 95, I came to the town of Hawthorne where a huge munitions storage facility was built. These large grey buildings and countless mounds cover great areas of the desert. So this is where, from our pockets, some of the billions of defense dollars go! Road signs directed trucks with hazardous materials to take special roads into the facility.

Friday night was very close to full moon, and as I drove south, the sun was setting on my right and the moon was rising over the peaks to my left. (At full moon, the sun sets exactly when the moon rises.) I arrived at the Peace Camp at 9:30 p.m., was greeted by the registrar, told where to park and invited to a sunrise ceremony. I was awakened by drumming calling us to the sunrise circle. Once again the sun and moon danced. As the sky became light in the east, the moon slid behind the hills to the west. Corbin Harney, a Western Shoshone elder, led a beautiful welcoming ritual which brought us together. My first impression of the area was that of a bleak, friendless wasteland and we, a small

group of people, out of place in its midst.

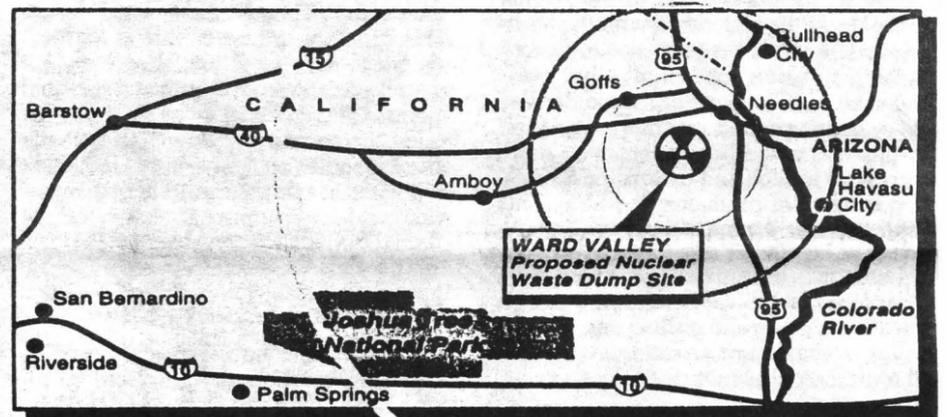
The Peace Camp itself was set up in an orderly fashion and I as a newcomer to the scene was welcomed. Event schedules were posted; clear communication at the registration tent and in meetings made it easy to settle into the rhythm of the camp. I attribute the relaxed atmosphere to the guidance and humor of Corbin who combined a feeling of reverence for all, with patience for individual idiosyncrasies.

Seeds of Peace provided vegan food for the participants at Peace Camp and Ward Valley. After the sunrise ceremony, we were served a pancake breakfast. Tom, an elder in training, presided over the sweat lodge. This ceremony, lasting over three hours, consisted of four rounds of prayers, chanting and singing. Touching stories and songs lifted everyone's spirits. As the morning circle prayers connected me with the environment, my sense of separation departed. After the sweat, I felt grounded. A shower and a place to sit in the sun the rest of the afternoon felt great!

Saturday evening, a full moon ceremony was held at the Goddess Temple located on land adjacent to the Peace Camp. The story goes... while travelling in Egypt 30 years ago, Mrs. X came to a temple in the desert dedicated to Sukvhet, the fertility Goddess. Unable to conceive, Mrs. X prayed to the Goddess as instructed by the priestess of the temple. She vowed that if she gave birth, she would build a temple to honor the Goddess. During a visit to the NTS Peace Camp, she noticed a FOR SALE sign on the land next to the camp. Feeling she had found the perfect place to build her temple, thus fulfilling her vow, she purchased the property. The land was then given to the Western Shoshone by Mrs. X, who years ago had become an anti-nuclear activist.

Striking in appearance, southwest adobe style, the structure was built with straw bale open to the four directions and sky, topped by an eight-sided beamed ceiling, upon which rests a lotus shaped structure made of copper pipe, filled with crushed quartz crystals. The inside flooring is made of large flagstones laid in river pebbles, with a fire pit in the center. Goddess statues adorn the walls, many donated by visitors from around the world. The most prominent are Sukvhet in black stone and Madre de Mundo (Mother of the World) in brown.

A large group attended the ceremony - half of those were local regulars, some from Lost Wages, and half were peace camp folks. The full moon cere-



mony was a mix of singing, energy moving meditation, visualizations, calling the spirits, and prayers. The temple was crowded, people filling the doorways to look in on the scene of priestess and her assistants around the fire. The ceremony was blessedly short, followed by hot cider, snacks and friendly folks.

Next morning sunrise circle at 6:30, I just saw the moon briefly before it slipped below the western horizon as the sun appeared. Good energy at the circle and a short hot sweat led by Corbin, then breakfast followed by presentations about nuclear issues which concern us all. Yucca Mountain, right behind the NTS, is one proposed high level nuclear waste depository as well as six or seven other sites in the desert areas of Arizona, Nevada, and California. Stopping nuclear waste dumping is a difficult task. The consequence of not stopping the dumping is environmental catastrophe.

Sunday night the Alliance of Atomic Veterans had a benefit party in the nearby town of Indian Springs, home to a large Air Force Base. The fund raising was intended to help build a monument on nearby land, owned by the Veterans, to commemorate the victims of radiation poisoning both accidental and intentional.

Monday morning we proceeded en masse to the NTS gate where we held a prayer circle and had lunch, which we offered to share with security personnel. Although they did not accept, it's the thought that counts! Next, we broke camp - some folks returning home, others going on to Ward Valley. For me this entailed a 3 hour drive through the hottest area of the United States past Lost Wages, in the midst of dry desert, with its uncontrolled growth (4000 per month) on to Needles and Ward Valley, 18 miles from

the Colorado River.

We arrived at the airstrip in the desert where our permit allowed camping. A clash of styles was evident; the anarcho-nativism crowd didn't like the idea of pledges (drawn up by BAN Waste Coalition, organizers of the event) or restrictions (agreed to by BAN and BLM). The leaders endured much criticism of their carefully constructed scenarios. Turns out that the local Native Americans wanted to do everything legal. This entailed getting permits and insurance, and following all of the BLM rules. If the instigators of the dump had to follow the same rules, everything would be great but the WMI plan is to get the land transferred to the State of California which will allow the dump even though all indications are that an unlined open pit as proposed will leak radioactive waste into the aquifer that drains into the Colorado River, water source for 20 million people.

The Native elders, Corbin and Bill Passe, Jr., came the next day and led the sunrise ceremony which helped to center all of us. Setting up camp occupied us the next 3 days. Tents for the kitchen, registration, first aid, and traffic control were first; then we put up large banners along the roadside, Highway 40, that said "NO NUCLEAR DUMP - CALL PRES. CLINTON" Greenpeace brought a communications van which helped keep people connected who were monitoring traffic in and out of camp, crowd control and first aid needs.

Someone was broadcasting a taped message about the proposed dump and what they could do about it over the FM radio. This information with a reggae beat played continuously from early af-

continued on page 19

Louisiana Pacific's Sustained Yield Plan

by Hans Burkhardt

Under Louisiana Pacific's Sustained Yield Plan (LP-SYP), which has a 12 decade planning horizon, extremely high harvests in the first, second and or third decades exceed growth. This leads to further inventory reduction in 16 of 17 examined LP-owned watershed units. For example, in the extremely depleted 19,250 acre Noyo River Unit, inventory is reduced to 84% of present stocking; in the 15,500 acre Albion Unit, inventory is reduced to 45% of present stocking and in one watershed, reduction drops to as low as 37% before a phenomenal but erratic forest revival starts in the distant future. Percent of inventory (POI) harvest rates in the initial decades are as high as 5-7%, then drop to values of about two percent and in some instances even below one percent for douglas fir.

What the LP-SYP does not show is the phenomenal further reduction in average age of the remaining trees after excessive harvests. The Mendocino County Board of Supervisors was made well aware of this fact earlier when LP's then-Western Division Manager Joe Wheeler disclosed LP's age-class distribution on their Mendocino holdings to the Board. But inventory liquidation and its consequences - younger and lower quality forest products - continue even today under LP's new "sustained" yield plan which in fact is a sustained liquidation plan (SLP). In my estimation, further reduction in average tree age in the Noyo Unit will decrease from 36 to 22 years, and in the Albion Unit from 50 to 23 years before it starts to rise in 30 to 40 years.

What LP plans to do in the Albion River Unit - the watershed with the highest stocking level - is to reduce inventory to the liquidation level of all other ownership areas. The monetary value derived from the anticipated inventory depletion in this one unit alone amounts to more than \$100 million and dwarfs the \$5 million expense of producing the SYP. This explains clearly why LP will continue to decrease our forest's productive capacity, continue to impoverish Mendocino County and why it has no desire to follow a sustained yield policy, much less a policy of maximum productivity as stated to be their goal in their SYP.

Inventory and harvests are erratic from decade to decade especially in the first 1-3 decades. Albion Unit harvests fluctuate between 14.52 mbf/acre in one decade followed by 4.99 mbf/acre in the next. For the Noyo River Unit the values are 5.32/2.24 mbf/acre. Such detrimental forest practices are the result of the fo-

restland owner's decision to maximize short-term profit, maximize cash flow or maximize net present value. What those owners neglect to consider is the long-term productive capacity and the overall health of the forest as well as the impoverishment of the local community resulting from inventory depletion and forest productivity reduction. More generally, what they neglect is consideration of long-term species survival, our own included.

Another very undesirable effect of the LP-SYP is the fact that LP plans to convert natural species distribution in 8 of 17 of their watershed units from redwood dominance to other conifer dominance. Two examples are the North Fork Big River Unit where a 67% redwood dominance is converted to just 30% of redwoods at decade 12 and the Three Log Creek Unit where an 81% redwood dominance is reduced to 47%. Since redwood inventory has been reduced by our past actions to just 15-20% of original stocking, great efforts should be made to maintain or enhance present redwood dominance in the existing redwood habitat region and not to reduce it as the LP-SYP does.

At no place in LP's SYP is there any mention that softwood inventory depletion is the major cause of hardwood release and eventual hardwood dominance. The best policy to reverse hardwood dominance is to reverse the process that caused the problem by increasing softwood inventory as fast as possible. This process can be further accelerated by cutting of excessive hardwoods and leaving them as a fast decomposing nutrient source in the nutrient-depleted forest. This certainly is the wisest long-term economical path to follow. However, LP has chosen to remove further substantial biomass (hardwoods) from the forest, is using the counterproductive route of additional softwood inventory reduction and plans to use the same alternative silvicultural prescriptions that brought about the hardwood problem in the past two decades.

Mendocino County Rules

There is no further inventory reduction under the County rules. Both inventory and harvests increase steadily. While the initial harvests are lower, total harvests are about the same. Inventory is higher, especially in the initial 2-3 decades. Average tree age increases steadily as does the forest's overall health. Productive forest capacity is continuously increasing as fast as the 2POI harvest

rate allows. There are no erratic changes whatsoever in harvest volumes, inventory, employment or tax revenue because owners must follow sound forest practices that guarantee perpetual maximum benefits to themselves as well as to the community.

Conclusions

The LP-SYP is based on a decision most likely made by LP's recently deposed CEO Harry Merlo. He lost his empire because LP was indicted by a federal grand jury on 56 counts of criminal conduct (cf. *Business Week*, Oct. 2, 1995). Merlo had earlier stated: "We have designed LP so that we do not need a big tree," and, "We need everything that is out there. We log to infinity because we

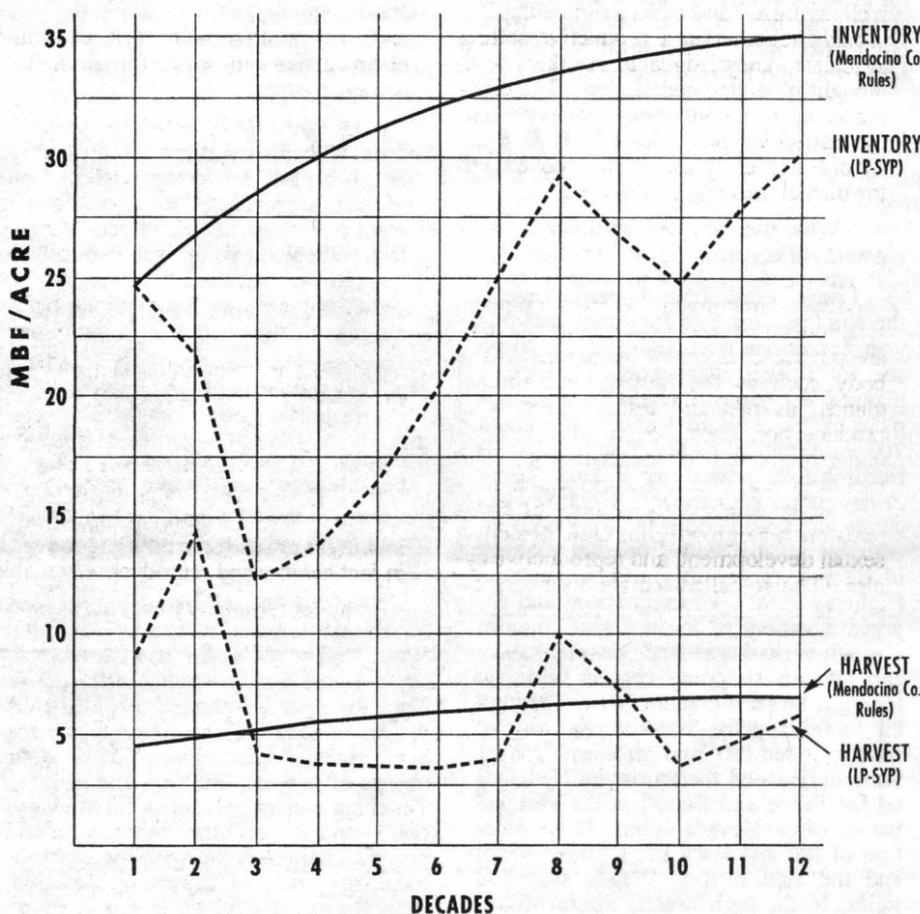
need it all. It's ours. It's out there and we need it all, now." This is exactly what LP has done to our forest and this SYP is attempting to seek governmental and public approval for the last phase of inventory depletion to occur in the near future.

If we, the citizens of Mendocino County, allow this last final forest liquidation and further destruction of our major resource to occur, we certainly deserve it. After analyzing LP's sustained yield plan, I want to make us victims and some of LP's Board members aware of the consequences of Harry Merlo's blueprint. My hope is that we, together, can still prevent the final phase of depletion of Mendocino County's redwood forest and, yes, further threat to our cherished rural lifestyle as well.

Comparison: LP-SYP with Mendocino County Rules

LP-SYP Watershed Unit #78: Albion River

24.3 square miles (~15,552 acres)



An Open Letter to:

Bonnie Guiton Hill, Member,
Board of Directors,
Louisiana-Pacific Corporation
From: Hans Burkhardt, PhD
Biologist

Dear Ms. Hill:

I am writing this letter as a citizen of Mendocino County, a rural county that depends very much on its major resource, the commercially used forest. Mendocino County harbors over 40% of the world's redwood forest and Louisiana-Pacific Corporation owns almost half of the industrially-owned prime acreage of this unique natural resource. It is of utmost importance for the local population to see to it that this precious resource is managed in such a way that all benefits derived from it continue undiminished for our and all future generations. We are very well aware of your involvement - as a member of the Board of Directors of L-P - that led to the swift ouster of CEO Harry Merlo. We believe that the vast majority of our county's citizens is very pleased to see that King Harry's detrimental reign did finally come to an abrupt end.

What you most likely do not know are the catastrophic consequences of Harry Merlo's rise for Mendocino County. In the 22 years since L-P's crea-

tion this county's natural resources have been systematically liquidated instead of sustainably managed by Louisiana-Pacific and its parent Georgia-Pacific Corporation. As I estimated in my book "Maximizing Forest Productivity", which documents the struggle for wise perpetual use of our forest by responsible citizens, the losses inflicted amount to billions of dollars and are directly responsible for the present impoverished state of Mendocino County (see pages 44 - 47, copy of book attached).

The County's monumental struggle to stop resource depletion and implement restoration of forest inventory and productivity failed to a large extent because of L-P's intensive effort to derail the County's efforts. Western Division Manager Robert Simpson's visits with the California Governor - who was in need to finance his anticipated presidential campaign - paid off handsomely for Harry Merlo when the administration advised the Board of Forestry in public hearing to deny Mendocino County's obvious request. What failed was L-P's attempt to influence the outcome of local elections for Supervisor by means of unheard-of large sums of money.

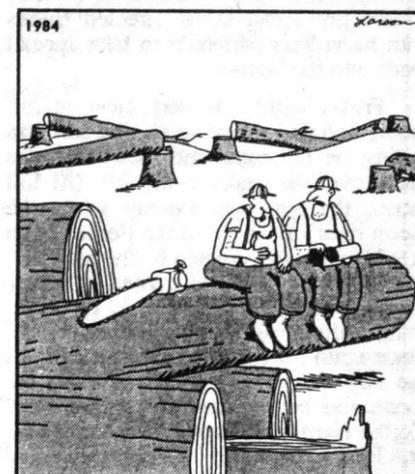
As you can see, Ms. Hill, we would very much like you to recognize the inflicted local plight and see to it that L-P is really going to change: maximizing

short-term profit is detrimental to any forest's survival and finally to human survival as well. Amassing great wealth in a crumbling world is of no value, an insight Harry Merlo may never come to, but I hope L-P will recognize now. The attached analysis of L-P's recently introduced sustained yield plan for the next 120 years, shows clearly that L-P continues a policy that will result in further resource depletion and forest productivity decline and thus increased future local impoverishment and resource destruction. I estimate that L-P, if it is allowed to go ahead with further inventory liquidation, will derive at least another 150 million dollars of revenue at the expense of an even bleaker future for the local community. Please let us together prevent this from happening. The solution is expressed very well in my article "The Economic Aspects of Ecoforestry" planned to be published in the International Journal of Ecoforestry (copy attached) and or the denied rules requested by Mendocino County's Board of Supervisors.

I want to close this letter by inviting you to a visit of our County where a group of knowledgeable people can demonstrate to you the urgent need for change as well as the positive effects the suggested solutions will have for all of us, especially L-P. We must abandon our preoccupation with maximization of

short-term profit and replace it with the maximization of long-term revenue flow if we want our system of capitalism to survive. I hope you agree and will respond to our needs by helping to shape a new L-P that will be an asset to all: stockholders that are not exposed to losses of half of their resources, as well as local communities that deserve perpetual protection of the public trust values of their natural resources.

Sincerely,
Hans J. Burkhardt, Ph. D.



"You know what I'm sayin'? Me, for example. I couldn't work in some stuffy little office. ... The outdoors just calls to me."

Environmental Estrogens

Exotic Chemicals On The Loose

by Allen Cooperrider

Some days truth seems stranger than fiction. Imagine a science fiction novel in which humans turn loose chemicals into the environment which alter human fertility, change sexual behavior, and generally disrupt the lives and health of humans and wildlife. Imagine too that this society, faced with increasing evidence of such insidious effects, chooses to ignore the problem. Yet after attending a conference on Environmental Estrogens in Santa Rosa this year, that appears to be exactly what our society is doing.

The conference was sponsored by the Russian River Watershed Protection Committee and featured six of the world's experts on the subject of estrogenic chemicals. Estrogenic chemicals or environmental estrogens have been implicated as one of the most serious threats to the health of the Russian River, so the subject was of immediate interest to most in attendance. As an inveterate meeting-goer it was a pleasure to go to such a well organized and executed meeting that brought together in a productive setting articulate, knowledgeable speakers with thoughtful, concerned citizens. The organizers of this conference deserve commendation for their efforts. Yet, the quality of the meeting was in stark contrast to the dismal message it conveyed.

What then are "environmental estrogens?" Basically, they are synthetic chemicals that imitate the role of natural hormones in humans or other animals. Hormones are chemical regulators that are produced naturally by organs of the body such as the thyroid and adrenal glands, ovaries and testes. Plants also produce hormones that regulate growth and reproduction although they are not produced in glands. Plant and animal hormones regulate a wide variety of functions such as growth, immune response, sexual development, and reproductive cycles. (The so-called female hormone, estrogen, is found in both males and fe-

males, albeit in differing quantities—and is essential to both sexes.) Hormonal imbalances in humans can result in stunted growth, abnormal sexual development, infertility, impaired immune responses, and many other effects. Other animal species respond the same way.

Over 40 manufactured chemicals in widespread use have been identified as having hormonal or estrogenic effects as shown in the table below. Many but not all of these are pesticides or herbicides; they also include some chemicals that are now labeled as "inert ingredients".

The fact that many pesticides have estrogenic effects is not coincidental. The lethal effect of many pesticides is obtained by disrupting the target organism's growth hormones. Many herbicides, for example, cause plants to try to grow too fast, resulting in tissue and root death. Furthermore, the hormones of various plant and animal species are chemically quite similar. The result is that estrogenic chemicals designed to kill certain plant species may have sublethal effects on non-target species. These effects can become even more widespread and less predictable as the original chemicals are altered with heat and other chemicals as can occur, for example, in sewage systems.

Dr. Theo Colborn led off the conference with an overview of the subject. She has been called the Rachel Carson of the 90s because of her efforts to document and publicize the effects of manufactured chemicals or "xenobiotics". She pointed out that society has blindly accepted three major assumptions regarding manufactured chemicals, as follows:

1. The assumption that low level exposure to xenobiotics is safe;
2. The assumption that traditional methods of screening xenobiotics to determine safety is effective; and
3. The assumption that healthy looking humans (or wildlife species) are in fact healthy and reproductively viable.

In her opinion, none of these as-

sumptions are true.

The problem she noted is that effects of environmental estrogens are not classified as classical diseases. Instead of causing death or disease such chemicals may have more subtle effects on sex determination or sexual development. They may also affect a variety of chemical transmitters in the body—including not just hormones but also growth factors and neurotransmitters. For example, xenobiotics may disrupt the immune system, leaving the animal or human susceptible to infections. When doctors or biologists later discover and diagnose the disease, they may be unaware of the ultimate cause.

To compound the problem, the manufacture and use of chemicals is increasing every year. For every person in the US 1,600 pounds of synthetic chemicals are manufactured each year. There are now 68,000 different chemicals used in the U.S. and 1,500 new ones are put on the market each year. Of these, about 15 are thoroughly tested each year. In Mendocino County 1,700,000 pounds of agricultural chemicals, or approximately 200 pounds per person, are used each year. This figure does not include household and industrial chemicals which add to the total usage in the county.

When one considers these figures together with the inadequacy of our screening procedures, the picture becomes most frightening. And the conference was filled with horror stories. Having worked for years as a wildlife biologist, one of the most intriguing presentations was by Dr. Louis Gillette who has been studying alligators in Florida's Lake Apopka. The area was a former Superfund site that had been contaminated in 1980 with the chemical dicofol. The lake also contained a mix of agricultural chemicals from farm runoff. The alligator population there crashed by 90% from 1980 to 1987—a highly unnatural population decline for a relatively long-lived species like the alligator. Dr. Gillette discovered that alligator eggs were often not hatching or barely hatching, that teenage males had abnormally small penises, and that the level of the male hormone testosterone in alligators was far below normal. As a result the alligator population was not reproducing in spite of the fact that individual alligators looked healthy. Throughout the day, similar studies on both humans and wildlife were reported, including both field and laboratory investigations.

The evidence of the demonstrated

and potential effects of these xenobiotics are too numerous to cite or document here, and like many environmental issues, the data are never as good or complete as we would like. Scientific studies take time and are expensive. To understand the effects of environmental estrogens on humans and wildlife, scientists must put pieces of the puzzle together slowly and deliberately. By contrast, the manufacture and dissemination of new chemicals is moving along at a rapid and accelerating pace. Consider, for example, that the vast majority of the xenobiotics now in use have been developed and manufactured in the last 50 years.

The bottom line is that manufacture of chemicals is far outpacing our ability to ensure that they are safe. And this is putting all of us—humans as well as wildlife—at great risk. Dr. Marion Moses from the Pesticide Education Center in San Francisco wrapped up the conference by discussing scientific evidence of the link between pesticides and human health. Her presentation included descriptions of several studies linking pesticides and breast cancer, the incidence of which has increased by over 50% in the last 50 years.

Those who have attempted to trivialize environmental issues often attempt to characterize them as "people versus wildlife" or "wildlife versus human welfare (i.e. jobs)". The enduring issue of pesticides and environmental estrogens is one in which threats to humans and wildlife are clearly parallel. As Dr. Colborn has noted—"People love to think that we're different from other animals. But at the cellular level, we are fundamentally the same." By taking care of environmental exposure to such chemicals we protect both human and wildlife/ecosystem health. Unfortunately, we appear to be doing neither.

Allen Cooperrider is a conservation biologist who lives and works in Mendocino County. For further information on the conference or on the subject you can contact him at (707) 468-4059. For further reading, he recommends the publication *Fertility on the Brink: Legacy of the Chemical Age*. The book can be borrowed from the MEC or can be purchased for \$15 from the National Wildlife Federation. A copy of the book can be ordered by calling 1-800-432-6564 or by writing: National Wildlife Federation, 1400 16th Street, NW, Washington, DC 20036.

Chemicals With Widespread Distribution in the Environment Reported to Have Reproductive and Endocrine-Disrupting Effects.

Herbicides	Fungicides	Insecticides	Nematocides	Industrial Chemicals
2,4-D	Benomyl	β-HCH	Adicarb	Cadmium
2,4,5-T	HCB	Carbaryl	DBCP	Dioxin (2,3,7,8-TCDD)
Alachlor	Mancozeb	Chlordane		Lead
Amitrole	Maneb	Dicofol		Mercury
Atrazine	Metiram-complex	Dieldrin		PBBs
Metribuzin	Tributyltin	DDT and metabolites		PCBs
Nitrofen	Vinclozolin	Endosulfan		Pentachloro phenol
Trifluralin	Zineb	Heptachlor & H-epoxide		Penta- to nonylphenols
	Ziram	Lindane		Phthalates
		Malathion		Polycarbonates
		Methomyl		Styrenes
		Methoxychlor		
		Mirex		
		Oxychlordane		
		Parathion		
		Synthetic pyrethroids		
		Taxaphene		
		Transnonachlor		

Source: Colborn, T., F.S. vom Saal, and A.M. Soto. 1993. Developmental effects of endocrine-disrupting chemicals in wildlife and humans. *Environmental Health Perspectives* 101: 378-384.



Just Published!

Researching Corporations: A Guide to Organizations

The Environmental Research Foundation has recently published *Researching Corporations: A Guide to Organizations*, by Maria B. Pellerano and Hannah Gillelan. This guide highlights the work of more than 45 individual organizations, many of which have vast files on specific corporations, or whole industries; others have the ability to help you find the information you are seeking.

For more than 100 years, corporations have enjoyed unconstrained growth. We now face the reality that they have invaded nearly every aspect of our lives. We find them polluting our

public air, soil and water with permitted emissions. We find them in our schools, providing television and textbooks to our children. They dominate our media — books, magazines, newspapers, television, radio. They provide mountains of cash to fix our elections. They enjoy all of this with almost no restraint or liability.

Getting information and understanding the problem is the first step in making change. Working together we can take back American from the corporations.

To order a copy, please send a check or money order for \$10.00 to: Environmental Research Foundation, P.O. Box 5036, Annapolis, MD 21403-7036.

Coho Salmon Listing

by David Drell

(The following is a letter to the National Marine Fisheries Service concerning listing of the Coho Salmon under the Endangered Species Act. These comments were submitted on behalf of the Willits and Mendocino Environmental Centers.)

Dear Sirs,

These comments are in response to the proposed listing as "threatened" of 3 contiguous ESUs of Coho Salmon ranging from Oregon through Central California.

I have prepared these comments on behalf of the Willits and Mendocino Environmental Centers, both of which are non-profit corporations dedicated to the protection of the natural environment in Mendocino County and Northern California. Each of our organizations has members who value and enjoy the existence of Coho Salmon as a fellow creature on this planet.

As noted in your Federal Register notice of July 25, 1995, the California Department of Fish and Game has concluded that Coho Salmon in California had declined 94% since 1940 with 70% of that decline since the 1960's. Other estimates put the Coho population in California at 5,000, a decline to less than 1% of its former population size. Coho Salmon populations of many streams are already extinct.

Therefore, it would not be accurate to list the Coho as "threatened." Coho are "endangered" right now, and should be given that listing. Because of its complex life history and short (3 year) life span, this remnant population could approach zero at any time.

Potential List of Refuge Reserves

The following watersheds still have supported Coho in recent times but all populations are "endangered" by destructive short-sighted land use practices:

1. Marin County Streams - Lagunitas Creek contains Coho but requires replenishment of gravels at the base of upstream dams to allow continued reproductive success. Salmon Creek, which drains into Bolinas Lagoon has tremendous grazing-caused degradation.

2. Russian River Streams - Willow Creek is endangered by logging, sediment, high temperatures and destruction of riparian canopy. Mayacama Creek is in trouble from agricultural diversions. Scott and Wadell Creeks have a few Coho.

3. Mendocino Coastal Streams - The Garcia has potential for recovery of its Coho population. The South Fork Garcia was severely damaged by L.P.'s poor logging.

The Navarro River is in terrible shape with Coho at or virtually extinct due to logging. Flynn Creek might have some Coho, and the North Fork of Indian Creek has cold water and needs protection. The North Fork Navarro could still have Coho along with the headwaters of Rancheria Creek, though lower Rancheria and Anderson Valley Creek have lethal temperatures in the summer.

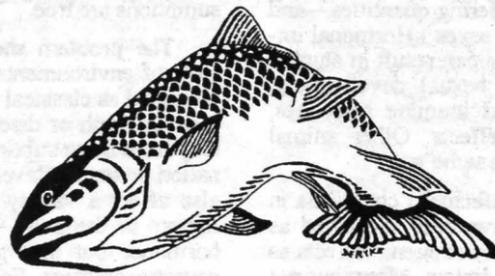
Big Salmon Creek has a remnant population. Though it has some large woody debris in the creek to help maintain the habitat, it has been degraded by logging, road problems and destruction of riparian zones. It may contain the most southern extent of the Tailed Frog.

The Noyo and the Albion have been destroyed by logging, fine sediment, loss of riparian cover, warm water and coarse bedloads.

Caspar Creek has been damaged by logging, as has the North Fork of Big River, but still contains remnant populations.

Ten Mile River may have a few Coho in the vicinity of Rainbow Creek but has been devastated by logging.

The Mattole has a struggling population which is trying to recover from past and ongoing road/logging-caused degradation. The upper Mattole and Bear Creek might still support Coho but are in



trouble because of logging. Mill Creek is a good candidate to support a population of Coho.

4. The Eel River has been hammered by logging, grazing and road problems but the upper South Fork Eel, including Hollow Tree, Redwood and Elder Creeks probably has remnant Coho. The Lower South Fork including Sproul Creek has been destroyed by logging. The Lower Eel and the Van Duzen has been given the same treatment. Yaeger Creek, which contains Coho, is threatened by logging of the Headwaters Forest.

Outlet Creek on the Mainstream Eel may have lost its Coho due to flow diversions by Willits, wetlands disturbances, sediment and street runoff, poor grazing and agricultural activities and sewage dumping by Willits. Ten Mile Creek through Laytonville might still have a few Coho.

5. Humboldt and Del Norte Streams - Mill Creek, a tributary of the Smith, is partly in state park but is damaged by logging. Prairie Creek, a tributary of Redwood Creek is in a state park but has been damaged by the 101 bypass. Little River south of Trinidad has been 80% logged in the last decade and is at risk. Elk River, Freshwater River and Salmon Creek, which empty into Humboldt Bay, are also in trouble due to logging and could be further damaged by logging in Headwaters Forest.

In the face of this accelerating process of extinction, your suggestion that "the Natural Communities Conservation Planning process envisioned by the Resources Agency is the best approach for developing and implementing a successful conservation and recovery strategy for Coho salmon in California," is irresponsible and misinformed. The Resources Agency is the agency least likely to have any impact on the ongoing extinction of Coho.

It is well known that the Forest Practices Act, administered by the Resources Agency and designed to protect fisheries, including Coho, has been routinely violated by the Resources Agency, and its Department of Forestry, over the more than two decades of that law's existence. The Board of Forestry, Water Quality Boards and the Department of Fish and Game have resisted (in the case of the Dept. of Fish and Game, been ineffective) any changes which are needed to protect the Coho and all species of salmon from extinction in any area subjected to logging and roadbuilding.

The Wilson administration personally intervened to derail a legal effort by Mendocino County to control the present epidemic of extinction logging in that county. It is this state-sanctioned liquidation of conifers and now the hardwoods, with no real protection of fishery or wildlife habitat that is mainly to blame for the approaching extinction of Coho, with Chinook not far behind.

This unenforced regulatory - defacto voluntary - approach has already been tried with tragic results. Given the Resources Agency's well-known hostility to any meaningful restrictions on land use activities, which are at the heart of Coho's approaching extinction, the National Marine Fishery Service cannot rely on the Resources Agency and its smoke and mirrors NCCP process.

The NMFS must design its own recovery plan based on good information, both scientific and site-specific, and in consultation with those organizations whose interests, unlike those of the Resources Agency, include actually wanting to reverse the present trend toward total extinction for Coho.

It is clear that for a credible recovery plan to succeed the State of California and local government will need to be educated and required to change existing legislation and the rules and practices of a variety of boards and regulatory agencies in ways which give priority to the needs of Coho salmon.

A bare-bones recovery plan needs to include the following elements in order to give Coho salmon a chance for survival:

1. The strategy developed by the Federal government for protection of fisheries in connection with protection of old-growth forests and the northern Spotted Owl is a good model for the NMFS to follow. Refugia reserves need to be set up which will include every stream and watershed known to contain Coho or likely to support Coho in the near future. Those watersheds need to be managed according to the standards and guidelines for Tier I watersheds in the President's Forest Plan. These refuges or reserves need to be storm-proofed with roads put to bed, undersized culverts removed and otherwise protected from sediment pulses which could damage spawning habitat. Roads need to be out-sloped and scrupulously maintained to minimize impact of sediment to streams. Logging should not occur in reserves.

2. Riparian zones need to be restored in the reserves as well as in any stream thought to have contained Coho at some time in the past. These Riparian Reserves, which are in addition to the Refugia or total watershed reserves, should extend two site potential tree heights (maybe more depending on the stream) on each side of the stream. This would amount to 600 feet on each side in the Redwood biome and 400-500 in areas with mixed conifers and hardwoods. Logging should not be allowed in these riparian reserves. Restoration of hardwoods, conifers and other plants in these riparian reserves is critical to ensuring viable stream temperatures.

3. Large woody debris needs to be placed back in streams as well as recruited from the riparian reserves. Large wood chunks are needed to provide fish habitat, to sort and trap gravel and to create scour pools.

However, watershed stability needs to be addressed via logging regulations so that efforts to restore large woody debris are not cancelled by erosion and unnatural flows which blow logs in creeks out of the system.

4. End new water diversions from streams known to be used by Coho or Chinook salmon until Coho populations begin to recover. Establish mandated in-stream flows in these streams which are needed to benefit fish and then divide any excess among the existing diverters of water.

The efficiency in the use of diverted water needs to be improved with the use of drip irrigation and the replacement of ditches with pipes. Groundwater extraction can impact stream flows and needs to be equitably controlled.

5. The EPA should re-assign responsibility for enforcing the non-point source statutes of the Clean Water Act from the Dept. of Forestry and the Water Resources Control Board to the Dept. of Fish and Game. EPA needs to insist that functional best management practices be certified and periodically updated so as to provide stream conditions which are healthy for fish.

6. There must be a tangible mechanism for accountability so that recovery or continued habitat loss can be detected

and dealt with accordingly.

There needs to be a system of broad-based groups set up including government and local community groups who will work together to ensure compliance with the recovery plan. All information needs to be available so that the public can monitor progress toward recovery. This should include on both public and private land.

7. There needs to be a mechanism set up to monitor the factors known to be limiting for Coho salmon survival. These factors will include but not be limited to sediment, temperature, bed composition, dissolved oxygen and fish surveys including downstream migrant trapping, adult counts and carcass counts. The monitoring can be accomplished by well-trained volunteers in cooperation with agency biologists. Longitudinal and cross-sectional profiles of streams also need to be tracked for evidence of recovery or further degradation. Water temperature needs to be monitored using Hobo temp-type monitors. Riparian canopies need to be measured and progress needs to be made toward returning riparian zones to conditions that can be identified from historical records made prior to disturbances due to logging, grazing and roadbuilding.

There needs to be a complete road inventory including the condition and potential for failures of each road segment. Funding to repair such problems would be based on a priority rating based on such an inventory. Problems on private lands will be funded by the landowner.

Diversions and flows need to be monitored since flows relate to temperature - i.e., less flow = higher temperature = dead fish. Ground water needs to be measured to prevent ground water extractions from damaging instream flows.

8. Require counties to pass road and homesite grading ordinances to protect habitat for salmon. Encourage, via a sediment tax - the repair of erosion-causing roads and driveways.

9. End commercial gravel extraction from streams known to have been used by Coho, Chinook or Steelhead.

10. Organize workshops for landowners to promote and demonstrate grazing, logging and development practices that avoid impacts on fish and wildlife.

11. Initiate legislation to set aside funds for use by Caltrans and counties to correct fish passage problems created by state and county roads.

12. Develop a flow recommendation for the Potter Valley Diversion that optimizes conditions for salmon and steelhead in the Eel River.

13. Initiate legislation that grants tax or other incentives for private landowners interested in improving habitat for Coho and other native fish species.

14. The ocean fishery and the stream fishery should be closed to taking any wild fish until the recovery of the wild population is well under way.

15. Hatcheries have the potential to create more problems than they solve. By collecting a selected number of fish for propagation, you can cause inbreeding leading to an increased incidence of diseases, low fertility and fecundity.

If captive breeding to protect gene resources seems absolutely necessary, the program must have adequate funds to achieve complete control over brood stock management to prevent inbreeding and to ensure the strictest possible hygiene in the facility to make sure the fish are healthy when they are released.

When considering transplanting fish into watersheds where Coho are now thought to be extinct, care needs to be taken that small remnant populations are not still persisting. Detailed and complete surveys need to be completed before undertaking such transplantation.

Finally, the bulk of the recovery plan must concentrate on allowing recovery of the ocean and instream habitat. Dumping hatchery fish in the streams does not equal recovery, but could speed up extinction.

Upper Eel Coalition

by Roger Dixon

I am writing on behalf of the Upper Eel Coalition. We are a newly forming organization of groups who have historically been active in upper Eel River issues. We are bringing together various commercial and sport fishing groups, environmental groups, local property owners, recreationists, and the Round Valley Indian Tribes. Our primary interest is the restoration of the upper Eel ecosystem and the impacts of the Potter Valley Project (PVP) in particular.

I would like to try to correct some faulty assumptions about the impacts of the PVP. For the last year we have often heard that many interested parties are "dependent" upon the continued diversion of Eel River water at its present rate. We have heard that many people "need" this water; that they would suffer great hardship without it. We are left with the impression that the water supply in the Eel-Russian River system is barely adequate to meet present "needs." This has created an atmosphere of anxiety and a fear of water shortages. It has led many people to seek ways to maintain the status quo, and a few to seek ways to divert even more Eel River water. Those who believe their water supply is threatened quickly seek to defend it. They do not attempt to understand the complete hydrology of the Eel-Russian River system. They do not seek alternative ways to manage the present system. They lose sight of the forest while concentrating on their tree. As a result, we have blurred the definitions of important terms like "need", "want", "dependent", "useful", "beneficial" and "profitable".

I propose a different set of assumptions.

1. The most important is that there is an abundance of water in the Russian River system. This was demonstrated rather dramatically last winter, when, during the floods on the lower Russian, Lake Sonoma came within a few days of spilling and adding to the damage. This was partly due to the fact that Lake Sonoma had only been drawn down to about the 80% level in the fall of 1994. And 1994 had been another drought year. Another demonstration of this abundance is the fact that in an average year Lake Mendocino receives about 250,000 ac-ft and it can only store 86,000 ac-ft. There is no water shortage in the Russian River system. There is a shortage of creative thinking about how to manage the abundant water that we do have.

2. Secondly, with the exception of Potter Valley, no one is genuinely dependent on the continuation of the Eel River diversion. Potter Valley can make a very strong argument that they have no viable alternatives to the diversion and that they would suffer greatly without it. Those below Lake Mendocino have a much weaker argument because that lake receives an average of 110,000 ac-ft every year without any water from the diversion. Those with access to the water in Lake Sonoma would be hard pressed to show any dependence on Eel River water.

I would like to close by saying that the debates of the last year have not been a total wasteland of creative thinking. One idea that has been circulating recently shows great promise. I refer to the re-evaluation of the minimum flow requirements in both the Russian and the Eel. It has been proposed that the flows in the Russian could be lowered and the flows in the Eel could be raised, by an equal amount, to more closely resemble the wild flows in each. This would benefit the general health of both rivers. There would be no net effect on any consumptive users. The only significant negative impact would be to PG&E's hydroelectric balance sheet. I would like to encourage independent analysis of this complex system to try to come up with creative ideas that we can use to help us come to some agreement on the future of the PVP.

There has been much written about the recent controversy on the Eel River; some of it accurate and informative, and some not. Some writers are most interested in presenting information so as to justify an agenda. For example, PVP makes

money by spinning its hydroelectric turbines. The more Eel River water it diverts through its powerhouse, the more money it makes. Therefore, every statement PG&E makes about flows in the Eel and the Russian is intended to convince the reader that PG&E should be allowed to divert a maximum amount of Eel River water. By the same token, some businesses in Sonoma County benefit by using water from the Eel diversion. As long as the Russian River is artificially swelled by Eel River water in the summer, they make money.

The Basics

Skip this part if you already know about acre-feet, cfs, Mg/d, etc.

The most common units of measure when talking about rivers and water systems are the acre-foot (ac-ft) and Cubic Feet Per Second (cfs). You would use acre-feet to describe how much water is in a reservoir or how much water you diverted in a year. An acre-foot is the volume of water it takes to flood one acre of land one foot deep. It is equal to 43,000 cubic feet (cf) or 322,500 gallons. A Cubic Foot Per Second is how we measure how much water is flowing past a given point on a river, stream, or canal. It just so happens that a flow of one cfs for one day equals about two ac-ft (actually 1 cfs/day = 1.983 ac-ft). This makes calculations relatively simple.

Municipal water systems often measure their water in gallons rather than cubic feet. They use the unit "Million gallons" rather than "acre-foot" and "Million gallons per day" (Mg/d) rather than "Cubic Feet Per Second". This can confuse things, so just remember that one gallon = .13 cf and 1,000,000 gal = 3 ac-ft.

The System

The PVP is made up of three main components. The first, starting from the headwaters, is Scott Dam which creates Lake Pillsbury. The lake receives about 400,000 ac-ft of run off every year. Scott Dam can store about 60,000 ac-ft. Around April 1st of every year, PG&E is permitted to raise its "Flood Gates". These gates, in effect, raise the level of the lake by ten feet which amounts to an additional 20,000 ac-ft and brings the total possible storage in Lake Pillsbury to about 80,000 ac-ft. (I'll discuss these gates in more detail later.) Therefore, the great majority of water entering the lake every year spills out. Scott Dam has no fish ladder and thus is an absolute barrier to salmon and steelhead, thereby eliminating about one hundred miles of habitat. This problem has never been addressed. Water is released from the lake through what is called the "needle valve", which can release a maximum of about 350 cfs. The needle valve taps the reservoir near its bottom and ejects it in a plume to help oxygenate the water. When the lake is full, water can also be released by partially opening the flood gates.

The next component downstream is Capehorn Dam which creates VanArsdale Reservoir. It is not really a reservoir anymore because it is nearly full of silt and gravel. It only functions as a check dam to maintain the needed elevation so that the "diversion" can operate. In the summer, PG&E places "flash boards" on top of Capehorn Dam to raise the level four feet. This allows the reservoir to act as a buffer to changes in flows. There is a fish ladder on Capehorn Dam that works under some conditions but not others. This ladder allows most salmon and steelhead to access the habitat between the two dams.

The last component is the diversion. This is the tunnel that carries water from VanArsdale Reservoir through the mountain and delivers it to PG&E's powerplant in Potter Valley. The tunnel has a maximum capacity of about 350 cfs and a head (drop in elevation) of about 400 feet. It diverts, on average, about 160,000 ac-ft of Eel River water into the Russian River system every year. The now famous fish screen is intended to prevent any more little fish from being killed in this tunnel or the powerplant. Once the Eel River water leaves the pow-



er plant, at the "tailrace," it is legally abandoned. Neither PG&E nor anyone else has any consumptive rights to Eel River water.

Now the situation gets a little more complicated. Even though the PVP ends at the tailrace, many people downstream use the diverted Eel River water. So we must understand also the operation of the Russian River Basic Project (RRBP). The RRBP has two main components: Coyote Dam/Lake Mendocino and Warm Springs Dam/Lake Sonoma. Of the 160,000 ac-ft diverted from the Eel, 20,000 ac-ft gets used by Potter Valley and the remainder, 140,000 ac-ft, enters Lake Mendocino. In addition, the natural watershed above Lake Mendocino contributes about 110,000 ac-ft every year. So the total amount entering Lake Mendocino averages about 250,000 ac-ft per year. (Actually it is a little more because some of Potter Valley's 20,000 ac-ft runs off and also ends up in Lake Mendocino. This level of detail will be ignored for now.)

Lake Mendocino can only store about 88,000 ac-ft, which means that almost every year much of the water entering Lake Mendocino spills out during the winter high flows. Lake Sonoma gets its supply from its own watershed only and receives about 156,000 ac-ft each year; it can store about 245,000 ac-ft. Lake Sonoma only spills during wet winters like 1994-95.

Reservoir Management

All of the above discussions ignore the flood control aspects of the reservoirs which have another set of numbers entirely. It is also important to remember that during certain times of the year all the reservoirs are controlled by the Army Corps of Engineers who decides how much water to store or release. The rest of the year management reverts back to the owners; for Lake Pillsbury—PG&E, for Lakes Mendocino and Sonoma—the Sonoma County Water Agency (SCWA).

Within the guidelines of its Federal Energy Regulatory Commission (FERC) license, PG&E manages Lake Pillsbury to maximize hydroelectric generation. For example, in the fall PG&E accelerates the drawdown rate to make room for the coming winter rains; this is called the fall "power run". Likewise, in the spring PG&E raises the "flood gates", as soon as it is allowed, to capture as much runoff as it can in case there is no more rain.

SCWA management of their two lakes is bound, not by a FERC license, but rather by the guidelines of State Water Resources Control Board Decision-1610 (D-1610). This decision was adopted in 1986 and establishes certain minimum flow requirements in the Russian River at various points from Lake Mendocino to Jenner. How these minimums are achieved (which lake is drawn down) is partially at the discretion of the SCWA. In the section of the Russian below Dry Creek, either lake could supply the minimum flows and all consumptive requirements. While not yet getting into the details of how the water is being used, it is interesting to note how the two lakes are managed relative to each other. In general, the SCWA maximizes the use of the water in Lake Mendocino while minimizing the draw on Lake Sonoma. This has the effect of maintaining a relatively stable pool in Lake Sonoma while Lake Mendocino fluctuates considerably.

In general, Lake Sonoma fluctuates from 100% to about 80% while Lake Mendocino goes from 100% to about 50% or less. For example, as recently as 10-6-95, Lake Sonoma held 218,159 ac-ft or 89.1% of its capacity while Lake Mendocino held 52,921 ac-ft or 60.5%. Also on this date, 222 cfs was being withdrawn from Lake Mendocino while only 92 cfs was released from Lake Sonoma. This disparity was even greater in the fall of 1994.

The management of the two lakes is also subject to a verbal agreement between Sonoma County and Mendocino County. During the planning phase of the Lake Sonoma project the two counties agreed that once Lake Sonoma came on line and its water became available to Sonoma County, the water in Lake Mendocino would be available for use in Mendocino County. This agreement has not yet been honored.

Water Use

Many statements have been made by interested parties who claim to be "dependent" on the continued diversion of Eel River water. They claim that they will suffer without it and that there are no alternative sources of water. Here we will take a close look at this "dependence".

Potter Valley uses about 20,000 ac-ft of Eel River water every year. They have a shallow fractured aquifer that will not hold water during dry spells, so pumping from wells is not practical. They have no good sites for reservoirs, so they can't store winter runoff. Very few people, if anyone, would argue with Potter Valley's claim to be genuinely dependent on diversions of Eel River water. Fortunately for them, they were the only group of water users prudent enough to sign a contract which obligates PG&E to deliver the water.

The next group of water users are the agricultural and municipal users in Mendocino County. They use water either directly from the lake or they pump from the river below it. Basically, this is everyone on the Russian River except Potter Valley. A recent survey by the Mendocino County Water Agency showed that they use about 13,000 ac-ft. A report by Gary Akerstrum, Engineer for the Russian River Flood Control and Water Conservation Improvement District (District) showed they use 17,000 ac-ft. A report by Tom Johnson, attorney for the District, indicated they used about 23,000 ac-ft. Since these three estimates don't agree, we will compromise and say that 17,000 ac-ft is all the water that is needed from Lake Mendocino. Since we have seen that the lake gets 110,000 ac-ft from its own watershed, it is clear that there is more than enough water within the county, without the diversion, to meet all the county's needs. For now we will not try to answer the question "Does Mendocino County have rights to the water within its borders?" That is a very complicated issue. Suffice for now to say that Mendocino's rights to Russian River water are in many cases superior to Sonoma's rights. Another complication is that not all the water in Lake Mendocino can be used for people. A large chunk is used to maintain minimum flows in the Russian below Coyote Dam. In a normal water-year about 200-300 cfs is continuously released into the Russian; 150 cfs

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WEC Warns of County "Water War"

by Ellen Drell

The Willits Environmental Center (WEC) has warned the Mendocino County Board of Supervisors that the "Draft Joint Powers Agreement for the Formulation and Implementation of the Mendocino County Inland Water and Power Commission," if implemented in its present form, would set the stage for a "civil war" over water in the County. WEC Board member Ellen Drell pointed that out in an October 23 letter to the Board, as follows:

"Dear Board Members:

"We commend the Board for its efforts to take control of the Potter Valley Project, which Project has and will continue to have a significant effect on the environment and consequently the residents of Mendocino county.

However, we believe that the proposed make-up of this Commission and the limitations of its purposes as described in this Draft will unnecessarily divide the County into two camps: water users "downstream" of the Potter Valley diversion, and those interested in the

health of the Eel River downstream of Cape Horn Dam. By creating a Board that will represent only those consumptive users in the Russian river watershed of the County, and a Board whose purpose is most importantly to retain historic levels of Eel River diversions (Section 6.02(A)(2)), this plan fails to recognize the impact of the Potter Valley Project on the Eel River, fails to recognize the equally important benefits of a healthy Eel River fishery, and fails to recognize the deep and fervent commitment among County residents to restore a healthy fishery to the Eel River. This plan sets the stage for a "civil war" over water. Instead of fearing a water grab by Sonoma County, we are now faced with the fear of a water grab by our own County.

The Department of Fish and Game is about to put out a recovery plan for the Eel River which is likely to include recommendations for flows from the Potter Valley Project that will optimize conditions for salmon and steelhead in the Eel River. This will probably require flexibility in quantity and timing of flows from the diversion into the Eel River. It would

seem that any water regulating commission must incorporate into its purposes the re-establishment and maintenance of a healthy Eel River fishery, be committed to working toward that end with the Department of Fish and Game and the public, and have represented on its Board entities and interests who will speak not just for the consumptive users of the water but also for the fishery and for the preservation of the attributes which distinguish the Eel River from 100 feet below Cape Horn Dam to its mouth as a State and Federal Wild and Scenic River, a designation that is a considerable asset to Mendocino County.

Therefore we make the following recommended changes to Draft #4: 1) Article III - Purpose, Section 3.01., Purpose, shall be amended to read under 2) "to lobby for Eel River diversions into the Russian River watershed at levels consistent with restoring and maintaining a healthy native salmon and steelhead fishery downstream of the diversion." An additional purpose 2a) shall be added to read "to work with the Department of Fish and Game and any other appropriate

agency, and with members of the public to re-establish flows into the Eel River below Cape Horn Dam consistent with historic seasonal flows advantageous to the re-establishment and maintenance of a healthy salmon and steelhead fishery in the Eel River. This wording shall likewise be inserted into Article VI - Powers, Section 6.01(A)(2), and into Section 6.02(A) Delegated Powers, #2).

2) We recommend that the make-up of the Commission Board either be the Board of Supervisors in its entirety, or made up of the following representatives: two members of the Board of Supervisors, one whose District includes the Eel River downstream of Cape Horn Dam, the other whose District includes portions of the Russian River watershed; a representative of the Potter Valley Irrigation District; a representative of the Round Valley Tribes; and one member from the environmental community.

Sincerely,

Ellen Drell, Board Member
Willits Environmental Center

Mendocino County Agency Requests Huge Water Grab From Wild and Scenic Eel River

by David Drell,

Willits Environmental Center

On Sept. 27, at a secretly called meeting of an obscure entity of Mendocino County government, the Mendocino Council of Governments unanimously approved and sent on to Sacramento a request to divert 100,000 acre-feet/yr. from the Eel River, a State and Federal Wild and Scenic River, put the water in a 6 ft. diameter pipe and pump the water throughout Mendocino County, and on to Sonoma and Marin Counties.

The Eel River is one of only five rivers in California where the water in the river is reserved to protect the free-flowing natural character of the river.

This project was hatched in a couple of secret meetings of public officials and water agencies, then brought before the Mendocino County Board of Supervisors on September 26 where it failed to receive approval on a 2-2 vote.

However, the conspirators in this scheme had provided themselves with a back-up agency to request this water grab. By posting a small notice in the sprawling Ukiah City Hall, the Mendocino Council of Governments, an agency set up to disperse transportation funds for public transportation and roads, was able to hold a special meeting on Sept. 27 and unanimously approved and sent to the State the largest proposed theft of

water from a wild and scenic river since 1972 when the Eel, Klamath, Trinity, Smith and American were protected under the California Wild and Scenic River Act.

Federal protection was added in 1980, along with voter approval of a state-wide initiative protecting the natural, free-flowing character of these five rivers.

I am shocked and sickened by this unseemly stampede of public officials to loot the Eel. This proposed theft of water from the Eel comes at a time when the Salmon and Steelhead in the Eel are approaching extinction due to low water flows, logging, road building, overfishing and overgrazing. Meanwhile Mendocino County is failing to be a player in the already existing Potter Valley diversion from the Eel which will soon be for sale by PG & E.

The Willits Environmental Center and a host of other organizations both local, state and national will do what it takes to protect the natural values of the Eel or any other Wild and Scenic river from this type of mindless, growth-inducing water grab. The Friends of the River has already agreed to join us and I expect the list of organizations lining up to protect the Eel to be long and distinguished.



Upper Eel Coalition continued from page 15

of this is to maintain minimum flows as required by Decision-1610. This can add up to as much as 80,000 ac-ft. Once thought to benefit the fishery, these unnaturally high flows are now recognized as a detriment because they provide excellent habitat for predator fish like Bass and P. Grandis (commonly called Squawfish). In the event of the loss of Eel River water this minimum of 150 cfs would automatically be reduced, via the D-1610 guideline, to 25 cfs or the equivalent of 14,000 ac-ft annually. This is a savings of 66,000 ac-ft. It is easy to see that Mendocino County, viewed unilaterally, has no need whatsoever for Eel River water. It only looks like they need it because of Sonoma County's involvement in this complicated water sharing arrangement.

The last group of water users are those in Sonoma County and Marin County who use the Russian River (which is partly Eel water) for agriculture, domestic use, and recreation. The amount of consumption in Sonoma County is difficult to quantify. It is further complicated by the fact that a large fraction of the water in Lake Mendocino is not consumed, but is used to maintain minimum flows which primarily benefits the recreation industry.

Johnson's report claims Sonoma

County uses about 50,000 ac-ft while Akerstrum says they use about 80,000 ac-ft. In any event it is a lot more than is used in Mendocino County and more than can be supplied by the Lake Mendocino watershed alone. It appears that Sonoma County needs the continuation of the Eel River diversion and that their claim of dependence is genuine. And it would be true, were it not for the supply available in Lake Sonoma. In 1990 an analysis was prepared, in part, to determine the impacts on Sonoma County if the Eel Diversion were lost. The conclusion then was that the impacts would be minimal, "It is the scenario which would be the easiest to rectify", because of the automatic lowering of minimum flows in the Russian mentioned above. Another analysis was prepared in September, 1994 to look at alternatives for Sonoma County if the Potter Valley Project were abandoned by PG&E. One of the options discussed was to run a pipe from Warm Springs Dam north to the county line to supply Sonoma County users with Sonoma County water in lieu of Eel River and/or Mendocino County water. While this option would cost about \$40 million, in the long run it is cheaper than the subsidy plan that was discussed between Sonoma County and PG&E. Subsidizing PG&E for \$2+ million/year for the next

27 years (the remaining years of PG&E's license) would equal \$54+ million. This option of piping Lake Sonoma water would also insulate Sonoma County from any risks associated with the future of PVP. It is interesting to note that both of these analyses were prepared for Sonoma County by Robert Beach, then head of the Sonoma County Water Agency.

Summary

This discussion is, of course, very superficial. The Eel-Russian system is complex and dynamic. One doesn't just drain a reservoir dry and then fill it up again; it is not that simple. Water is constantly entering and leaving the system at many different rates. It would be negligent to base specific recommendations for change on this level of analysis. It is also negligent, or worse, to recommend changes based on faulty or biased analysis. The Potter Valley Project in its present state has significant impacts on both the Eel and the Russian Rivers. The Project is now about to be subsidized, sold, or abandoned. Any of these changes will subsequently alter the impacts on both rivers. Now is the time for a careful analysis of how we manage this system before we make any changes. We should not be jumping to conclusions or rushing to judgments. Maintaining the status quo

is just as much a rush to judgment as abandoning the PVP would be.

We are fortunate that the Eel-Russian system is not in the dire straits as other rivers like the Navarro and the Napa. Those rivers have barely the supply, if that, to meet present demands. I hope this discussion makes clear that the Eel-Russian system has an abundance of available flows and storage capacity. There is more than enough water in the system to meet all genuine needs. But there will never be enough water for those who would exploit these rivers for profit.

P.S. The "flood gates" on top of Scott Dam is a misnomer. They don't do anything to control or lessen the risk of flood damage. In nineteen years out of twenty, Lake Pillsbury has an uncontrolled spill and the gates do nothing to stop it. In fact, when there is the danger of spilling over the top of the gates, PG&E must open them so they are not damaged by being overtopped. On the other hand, if Lake Pillsbury were full and the dam collapsed, there would be a catastrophic flood with much loss of property in the area just below VanArsdale.

Succinctly Put

Initiative: California Recycling, Reuse and Litter Cleanup Act

To Expand The Bottle Bill To Cover All Beverage Containers Except Milk Containers by Californians Against Waste

As you know, our Bottle Bill currently covers only carbonated beverage containers, specifically beer and soft drinks. Our current program has been wildly successful with 80% of redeemable containers being recycled, and it's an important tool to help our communities achieve their AB 939 waste reduction goals. Unfortunately, only about 25% of glass and plastic containers not in the program are currently being recycled. We can, and need, to do much better than that.

Over the years since the Bottle Bill was enacted, Californians Against Waste, the Planning and Conservation League, many other environmental groups, local governments and recyclers have attempted to expand the program through the legislative process. Due to heavy opposition from glass and plastic manufacturers and the large wineries, our legislative efforts have been unsuccessful. That's why we need an initiative!

The good news is that the public is solidly behind expanding the program. A recent poll commissioned by CAW and others showed that 86% of the Public supports including other beverage containers in the program. This initiative can win!

What would the initiative mean? One benefit of this expansion will be to increase incentives to recycle, which will help deter efforts to roll back AB 939 goals. Additionally, the initiative will reduce the cost of curbside programs and money from unredeemed containers will be used to assist in clean-up of illegal dumps and other litter reduction and beautification projects.

Perhaps most importantly, this initiative is likely to be the only pro-environmental initiative on the November, 1996 ballot. With the new anti-environmental majorities in Congress and the Legislature, business groups are wasting no time drafting legislation to repeal many of the environmental programs the public takes for granted. This initiative can help send a message that the public is still very much pro-environment and that legislators move forward with their negative agenda at their own peril.

We are very close to decision time. Within a week, it is our intention to file the initiative with the Attorney General's Office. We plan to begin collecting signatures by December. We have commitments for significant campaign funding from many elements of the state's diverse recycling community including curbside providers, convenience zone and old-line recyclers.

Thanks for your interest in continuing to promote the use of recycled materials. With what we see coming from Sacramento and Washington, this initiative can, in our opinion, give the environmentally concerned people of our state a much needed win.

Middle East Citizen Diplomacy Project

by Susan Van Dongen

The Earthstewards Network is inviting international participation in two upcoming citizen delegations, scheduled for November, 1995 and April, 1996. These projects will include:

- Environmental service in a West Bank village. Live and work with host families planting trees in areas threatened with confiscation;

- Investigate the effects of Oslo and the obstacles to peace through meetings with the Palestinian Authority, activists, prisoners and opposition members. Visit the autonomous areas;

- Meet with Israelis working for peace and justice.

Founded in 1980, Earthstewards Network has pioneered citizen diplomacy efforts worldwide. These trips are Earthstewards 9th and 10th citizen delegations to the Middle East.

For a project description and application, please write or call:

Earthstewards Network
Middle East Citizen Diplomacy
P.O. Box 10697
Bainbridge Island, Washington 98110
Phone: (206) 842-7986 Fax: (206) 842-8918
E-mail: earthsteward@igc.apc.org

Note: Susan Van Dongen of Willits went on a global citizen/factfinding trip to the Occupied Territories, Jordan and Israel in May, 1991 and again in June, 1993 with her son, Niels Kirk. That trip included service in the university town of Bir Zeit and the agricultural village of Bourin. Susan says, "The environmental service project mentioned is in the village of Bourin, replacing orchards uprooted by settlers from an adjacent hill. You will fall in love with this wonderful village of 400 and with the Mideast and gain a real understand-

ing of the "peace" negotiated and the threat posed for the Palestinian people and their in-

Campaigns to Get Big Money Out of Politics Launched by CALPIRG and Common Cause

by Anne Newport

CALPIRG and Common Cause are collecting signatures for their initiatives to go on the 1996 ballot. CALPIRG expects to form over 200 citizen committees for spreading the word about the campaign, seeking endorsements, gathering signatures, writing letters-to-the-editor, and raising funds for a successful grassroots campaign. Common Cause will be doing much the same. Their initiatives are both aimed to reduce the power of special interests (i.e., big corporations) to control the outcome of elections by pouring in enormous amounts of money on favored candidates. The CALPIRG initiative also wants to eliminate the huge war chests which can be held over from one election to another or tapped into by other candidates. Theirs is the stronger proposal with more sweeping reforms toward the process by which money is gathered. They also propose limits on the ability of lobbyists to press for legislation favoring special interests. Further, CALPIRG's initiative will end the practice of legislators becoming lobbyists as soon as they are out of public office.

While the initiative proposed by Common Cause is milder in tone, both are good initiatives to address reform of the most gross abuses of the electoral process. Currently, many voters feel powerless to elect people who will respond to their needs and many have stopped voting. Those who do vote are dismayed at the ease with which large corporations seem able to buy the kind of legislation they want. A brief consideration of the current attempts to water down or eliminate laws protecting endangered species, or protecting us from polluted water, air, or foods should be enough to convince anyone that some kind of reform is urgently needed if the individual voter is to have a choice in whom they elect to public office. Furthermore, there is hope that officials will remain responsible to their actual constituency after election if finance reform is enacted.

So it seems to be a good idea to support both initiatives with at least your signature, and if you can commit to more; join, or form one of those local committees to spread the word, gather signatures, and write to those editors. Dust off your clip-boards, polish up your walking shoes—they each need over 700,000 signatures.

There Is Something We Can Do When Our Roads and Water Sources Are Damaged Subsequent to Logging

by Diane Paget

This spring we sued our "up road" neighbor in Small Claims Court for damage done to the road during the rainy season that we believed was caused by his logging operation the summer before and won. It is a small victory, but we believe it can be built upon to force more careful logging in the future. If enough of us sue and win, the logging community will have to start being more careful.

The road into our place should have never been built where it is; too close to an intermittent stream drainage, and it suffers greatly in wet winters. An open meadow that borders the road was used as a loading deck. Logs skidded across it and slash plies were built on it during the early summer logging. This meadow slopes gently toward the road. Previously, it had been ditched so that water drained away from the road and into the creek. During the 1994 logging, one of those ditches was blocked with slash and another was by-passed by a skid trail that diverted water away from the ditch and on to the road. The changes were subtle and neither we nor the loggers noticed them at the time.

When it started to rain in January, the road turned into a quagmire as water flowed not just on to it, but under it and came up in the road as springs. In order to keep the road open we had to dig the mud out and replace it with rock, which we hauled in our pick-up from a nearby quarry. By the time it had dried out enough in February to bring in a back hoe and ditch between the meadow and the road, we had spent over forty hours (much of it in the afternoon after work and in the rain) just keeping the road minimally passable.

When I wrote to the property owner in January about it, he replied that the rain was an act of God and he couldn't be held responsible. He later wrote the Road Association accusing us of causing environmental damage by ditching between the road and the meadow. He didn't know that the water running in that ditch was never silty because he rarely visits his property here. He had earlier refused to pay the Association's commercial fee for use of the road to haul logs because "logging trucks compact the road and are good for it" (he did eventually pay when he

realized that the Association was going to take him to Small Claims Court).

We kept a record of all the work we did, when we did it and took pictures of the damage, of the changes in the ditching and of what we did. We then wrote him a letter asking him to pay us for the labor, the tractor work and for a dump truck load of rock that we had delivered when the nearby quarry ran short. The letter also said that if we were not paid within three weeks we would be taking him to Small Claims Court.

I found the Small Claims Court (Anderson Valley Muni Court, which has now been closed by some extremely underhanded maneuvering, but that is another story) to be very user friendly. The clerk gave me some simple handouts explaining how the Court worked, the 800 number of the Small Claims legal advisor for Mendocino County, and some papers to fill out. When we went to Court we brought copies of all our correspondence with the owner, our record of the work we had done, the photos and a map we drew showing what had happened. The Judge gave both sides ample time to tell their stories and to respond to what the other side had said. He then said he wanted some time to study the materials we had given him and that he would issue a judgment later. A month later we received the Notice of Entry of Judgment, which awarded us \$899, which covered our Court costs and most of what we had asked for (we were given \$8 an hour, rather than the \$10 we asked, for the labor). And within a week we had received a check from the owner. He could have appealed to the Superior Court and didn't.

It was very satisfying both to be paid for all that work we did digging in the mud on rainy afternoons, and to find that the Court agreed that the impact on your neighbor of what you do on your private property does matter.

Environmental Study Group

by Doug Strong

I believe it was Voltaire who declared that patriotism was the last refuge of scoundrels. If that is the case, it's comforting to know that a locale has been identified for folks held in even greater disrepute than those advocating formation of a study group concerned with the environment.

Another study! Who needs it! Studies are causes of inertia and excuses for inaction. The environment is the object of thousands of concurrent studies conducted in every college and university in the land. Enough!

Our response, steeped in equanimity and reason, is there are many local environmental issues that warrant public attention and scrutiny and precious few individuals that can afford the time and energy to explore them. We feel it to be an appropriate and useful function of the MEC to bring these issues to focus by the assembly and analysis of available data.

The study group we wish to form will proceed generally along the following lines, subject to modification by the group:

1. Identify major environmental issues or concerns in Mendocino County that require attention and review.
2. Select a topic for study; develop a study protocol. Outline a means of identifying the information required, sources of data and the form in which it will be presented.
3. Consult with appropriate resource persons and acquire pertinent documents or literature bearing on the issue in question.
4. Write and publish the findings.

If, in the course of our review, we find a particular topic would more appropriately be addressed by another entity (e.g., County Planning Commission) we, of course, will make a recommendation to that effect.

A sense of caution will characterize the work of the study group. We will only tackle those projects or issues that we can reasonably accommodate within a year's duration...and without involving a profusion of meetings and voluminous records. We plan to meet as a group no more than quarterly although informal get-togethers may be conducted from time to time. Whenever possible we will rely on the assistance and support of resource persons in the community who are knowledgeable of the environmental issues under study.

Conformity is not a required outcome. Attaining consensus among environmentalists on any issue is always a risky proposition. Each person who chooses to participate is welcome to dissent from the findings of the majority.

What credentials are required? None. We are not scientists or specialists; only public-spirited, pleasure-seeking co-conspirators, who love nature and are motivated by more than a moderate dose of bleeding-heart liberalism!

If you are interested in participating in the Environmental Study Group, or have topics to propose for consideration please contact Jean Harmon, Gary or Betty Ball, or myself, through the MEC, 468-1660. We will keep readers apprised of our activities and meeting schedule through the newsletter.



Mountain Lion Hunting Ballot Measure

by California Wildlife Protection Coalition

On October 12 Governor Wilson signed SB 28, a bill that will repeal the ban on trophy hunting of mountain lions, which was enacted by California voters in 1990 through Proposition 117, a citizen's initiative. SB 28 was put on the ballot with the active support of the National Rifle Association, the Gun Owners of California and trophy hunting groups, particularly the Safari Club. This measure, if passed by the voters, will pave the way for the reintroduction of mountain lion trophy hunting in California.

The measure attempts to hide trophy hunting behind a self-serving, disingenuous concern about public safety. The Department of Fish and Game already has the ability to protect the public from any mountain lion that is a threat. Proposition 117 incorporated the Fish and Game Commission's regulations for the management of mountain lions that threaten livestock, domestic animals and other property. Furthermore, Proposition 117 makes it clear that any mountain lion that is "perceived" to be a threat to public safety may be killed.

To prepare for the March 26, 1996 election, the broad coalition that gathered over 700,000 signatures and passed Prop. 117 will be re-energized to protect the public's decision to ban trophy hunting of mountain lions. A broad range of individuals and organizations have formed the California Wildlife Protection Coalition in order to defeat the reintroduction of mountain lion trophy hunting.

When the truth is known about SB 28, the Coalition believes the voters will defeat this measure in March. Clearly, this is a move by trophy hunters and houndsmen to abuse California's wildlife. Relentlessly chasing mountain lions with a pack of hounds and, then, shooting them from the branch of a tree at point blank range is not "management". It's a "sport" as primitive as bull fighting and cock-fighting, both of which are illegal in California. Furthermore, this bill will spend \$12 million to create management zones for hunting mountain lions. Within these zones lions can be killed for simply eating their food - deer.

The Department of Fish and Game already has the authority today to protect people from mountain lions. SB 28 is unnecessary, special interest legislation. The voters should reject it.

Please call the Coalition's campaign office if you have any questions about mountain lions and this issue, or would like to work on the campaign. The number is (916)442-2853.

Concern for public safety would be better served by funding an education and public safety campaign. Signs should be erected in state parks, warning of mountain lions and outlining safety tips. Brochures could be printed for hikers and others who use the parks. A few public service announcements in the media could warn of the dangers, and give the rules, which are simple: Don't hike alone, don't hike between dusk and dawn when mountain lions are active. Keep children close to you in mountain lion country. If you spot a mountain lion, don't run from it. Shout, make noise and try to appear larger.

The hunting lobby fails to mention that attacks on humans are increasing elsewhere in the West, including those states that allow trophy hunting. The two recent deaths of humans by cougars gave hunters wanting to bag the predators an opening. Most experts agree the reason for attacks is more human activity in the cougar's environment. There are only between 5,000 to 6,000 cats left; they are virtually extinct in the eastern two-thirds of the nation. Attacks are rare; every year about 200 Americans are killed in encounters with animals. Mountain lions rank 16th on the list, well behind deer.



Janice Clark, courtesy of PAWS

Report From Headwaters continued from page 5

that Earth First! and CD have finally been embraced by the rest of the movement.

Personally, I feel that all nonviolent approaches to environmental activism are not only legitimate, but essential. We need strident voices telling it like it is, and people doing street theater and civil disobedience, just as we need attorneys writing briefs and people in suits lobbying elected representatives. We are at a critical hour in the history of this planet, and we need each other, and many more

to join with us, working together for the present and the future.

There are many kinds of work that need doing. If you are new to the environmental movement, writing letters and making phone calls are easy ways to start. The MEC has resource materials to help get a grounding in forest and other issues, and *The Mendocino Country Environmentalist* always has in-depth articles. (The September 20 issue is devoted to Headwaters).

Donating money is also easy. I find it convenient to equate money with time, converting my hourly wage to hours of work. Thus, donating ten times ones wage is equivalent to doing ten hours of environmental work. There is a core (too small) of dedicated people working more than full time for practically no money, and the rest of us can help with our checkbooks. Particularly relevant to the Headwaters campaign are the MEC, 106 W. Standley St., Ukiah CA 95482; EPIC, P.O. Box 397, Garberville CA 95542,

and Earth First!, c/o the MEC. I'd also suggest subscribing to *The Mendocino Country Environmentalist*, P.O. Box A, Ukiah CA 95482.

Finally, all of us need to think about the particular approaches to environmental change that feel right for us, and join like-minded groups. Then we need to think about work that needs doing on a regular basis, and take on specific tasks that we enjoy and are good at. Together we can make a real difference!

Debt-for-Nature Swap Could Save Ancient Redwoods

by Kathy Bailey, State Forestry Chair, Sierra Club California

In a breakthrough boost to the decade-long effort to save the world's largest unprotected virgin coast redwood forest, the Federal Deposit Insurance Corporation (FDIC) has filed suit against corporate raider Charles Hurwitz to recover \$250 million of the \$1.6 billion loss American taxpayers suffered when Hurwitz-controlled United Savings Association of Texas (USAT) collapsed in the 5th largest S&L failure in the nation's history.

What does an S&L failure in the heart of Texas have to do with Headwaters Forest, located a few miles east of Eureka, California? Headwaters, which includes a 3000 acre virgin grove along with smaller virgin groves and old residual timber, is owned by the Pacific Lumber Company, which is wholly owned by the Hurwitz-controlled Maxxam Corporation. For the last four years voices as diverse as Earth First! and Congressman Frank Riggs (R., Ca.), along with the Sierra Club, have been calling for a Debt-for-Nature swap. We want the government to trade Headwaters Forest for some of the money owed from the S&L disaster.

According to the FDIC suit, filed August 2 in U.S. District Court in Houston: "In 1984, Hurwitz began to engage in substantial reciprocal business arrangements with Drexel Burnham Lambert, Inc. Drexel assisted Hurwitz's takeover activities and USAT invested heavily in Drexel-underwritten junk bonds...Drexel, in turn, provided substantial financing for Hurwitz takeover activities." Hurwitz took over Pacific Lumber in 1986 and proceeded to more than double the cut of virgin redwoods to pay off the junk bond debt.

Additionally, the FDIC suit alleges: "By keeping USAT open and free from regulatory intervention, Hurwitz was able to continue these reciprocal business arrangements with Drexel...To forestall regulatory intervention, Hurwitz and his colleagues covered up the true state of the Association by a pattern of deceptive financial reporting and balance sheet manipulation." In spite of this cover-up, regulators eventually moved in and declared USAT insolvent.

One of Hurwitz' most visible assets is Headwaters Forest. Besides its value as a pristine forest, Headwaters contains known nesting areas for the marbled murrelet, a robin-sized sea bird listed as "threatened" by the U.S. Fish and Wildlife Service. The recently released *Draft Recovery Plan* describes Headwaters as "essential nesting habitat" for the marbled murrelet. "This area has known nest sites and is situated in a key area close to the coast with no Federal lands in the im-

mediate area that are able to provide similar recovery contributions." (pp. 79-80).

Now that the FDIC has moved against Hurwitz, activists are mounting a nationwide campaign to convince regulators to trade the forest for the debt. Letters are needed asking members of Congress to write the FDIC in support of the Debt-for-Nature solution.

Although protection seems more likely because of the FDIC suit and because another regulatory agency, the Office of Thrift Supervision, is also examining possible additional claims against Hurwitz or Maxxam, the company wants to log. They had announced plans to go into Headwaters at the end of this year's marbled murrelet nesting season on September 15, under a state salvage exemption. Their plan to use helicopters to remove as much as half of the downed timber in the forest would likely cause tremendous disruption to the habitat, the murrelets and their existing and potential nest sites. It would also be the first time the largest grove had ever been entered for logging. [A September 15 Federal Court injunction against the salvage logging exemption has held off logging in the main Headwaters grove, but logging is going on under approved Timber Harvest Plans in nearby groves and adjoining second-growth stands - ed.]

Because a bill protecting Headwaters was passed last year by the House of Representatives before getting lost on the Senate side during the last minute frenzy, most Congress members have some familiarity with Headwaters. If enough people convince their Senators and Representatives to contact the FDIC now, an innovative preservation strategy can become reality. A Debt-for-Nature swap seems to offer the public its best opportunity to recover a significant portion of the tremendous losses suffered in the USAT failure while saving Headwaters Forest.

What You Can Do

Write your Senators and Representatives. They should write to the FDIC asking them to explore exchanging Headwaters Forest for the money owed by Charles Hurwitz for the failure of the United Savings Association of Texas. They should also send a copy of their letter to Secretary of the Interior Bruce Babbitt.

Sample letters are available both for members of Congress and activists. A beautiful, professionally produced 13-minute video about Headwaters, narrated by baseball great Joe Morgan, is available for lobbying and education. Contact your Chapter Conservation Chair or Kathy Bailey, California State Forestry Chair, 707-895-3716, daytime, or e-mail.



Gate blockade to defend northern border of Headwaters grove.

Photo by Annie Esposito

What You Can Do

Write, phone or fax:

President Clinton, The White House, Washington, DC 20500. Fax 202-456-2883, voicemail comment line 202-456-1111, e-mail President@whitehouse.

Al Gore, 202-456-6231, fax 202-456-7044.

Katie McGinty, White House Staff to Council on Environmental Quality, phone: 202-456-6224. Ask for a moratorium on logging in the areas proposed for designation as critical habitat in the Fish and Wildlife Services recovery plan for the marbled murrelet. Ask for a Debt for Nature swap which trades the debt Maxxam owes to taxpayers for the Headwaters Forest Complex.

Senator Barbara Boxer, 202-224-3553, 415-403-0100, fax 202-224-0026.

Senator Diane Feinstein, 202-224-3841, 415-536-6866, fax 202-228-3954

Ask that they direct the Office of Thrift Supervision to file suit against Maxxam for the \$1.6 billion debt to the taxpayers, and acquire the entire Headwaters Forest Complex by a Debt for Nature swap.

Governor Wilson, State Capitol, Sacramento, CA 95814, or voicemail comment line 916-658-2793/fax 916-445-4633. Andy McLeod (aide to Gov. Wilson) 916-653-5656. Ask for a moratorium on salvage logging exempt from public review. Ask for a moratorium on helicopter logging in critical habitat of the marbled murrelet. Ask for immediate negotiations to acquire Headwaters Forest.

US Fish and Wildlife Service, 2800 Cottage Way, E-192, Sacramento, CA 95825. Phil Detrich, Sacramento Representative for USFWS 916-979-2710. Ask that all areas exhibiting marbled murrelet presence be designated critical habitat, and that where areas exhibiting presence are in close proximity, that inclusive areas be designated as critical habitat. Ask that buffers around designated habitat be managed to provide for recovery of the marbled murrelet. Ask F&W to comply with its Section 7 duty to insure no adverse modification of critical habitat until the Secretary of the Interior completes the designation of critical habitat.

Scott Pearson, Enforcement 916-979-2987, fax 916-979-2723. Ask that the U. S. Fish and Wildlife Service take immediate action to prevent take of marbled murrelets and insure no adverse modification of habitat occurs. (No helicopter logging!)

Ronald Schmitt, National Marine Fisheries Service, 1335 East-West Hwy., Silver Springs, Md. 20910, 310-413-0900. Ask that they put a stop work order against Pacific Lumber in or near Headwaters until a HCP habitat conservation plan for the marbled murrelet is complete to prevent take of endangered owls, murrelets and salmon.

Red Emerson, CEO of Sierra Pacific Industries (Eel River Timber Co.) 916-378-8104, fax 378-8109 or 707-442-1303. fax 442-4954. Ask him to stop the logging on THP 096 and negotiate for public acquisition of his lands adjacent to Headwaters Forest.

California Dept. of Forestry, 1416 9th St., Sacramento, CA 95814, 916-653-4995, fax 653-8957. Ask for a moratorium on logging and exemption logging in ancient forests. Ask for timber harvest rules which provide for complete recovery of marbled murrelets and salmon across the historic range of these species.

Bruce Babbitt, Department of the Interior, 1849 C St. NW, Washington, D.C. 20240; comment line - 202-208-7351, 202-208-6416. 202-208-6843. Ask that he direct the Department of the Interior to begin acquisition of the Headwaters Forest. Ask the Dept. to ensure full recovery of the marbled murrelet and coho salmon.

FDIC, Ricki Tigert-Helper, 550 17th St. NW, Washington, D.C. 20429, 202-887-3675. Ask for a Debt for Nature swap to acquire all of the Headwaters Forest Complex.



On Climbing

by Al Whitney

(Ed Note: Al Whitney, one of the MEC's staunchest supporters, has been an active Sierra Club member for almost 60 years. It was some of Al's early high country experiences in the Sierras that made him the committed environmental activist he is still today, at the age of 80+. In this article, Al shares with us some of the inspiration those outings provide.)

Because I have been a member of the Sierra Club since 1936 and have attended many of the Sierra Club's Wilderness Trips

along the John Muir Trail over the years, I have been requested by Gary and Betty Ball to express my feelings about the High Sierra experiences. My enjoyment of the mountains reaches its climax with the higher altitudes and when I have made my way to the highest passes and peaks.

However, when I come back home, how can I convince a non-mountain climber that they should enjoy climbing? The Sierra Club Manual states: "No climber has yet been able to make his reasons quite clear in all of the hundreds of thousands of pages of mountaineering literature."

THE MEC IS ALIVE AND WELL IN CYBERSPACE

http://www.pacific.net/~dglaser/ENVIR/*envir.html

by Dale Glaser

You can hardly pick up a paper these days without reading about the Internet and the World Wide Web (WWW). The ability to access information in a colorful, interactive, and user-friendly fashion using the WWW has caused a major explosion of interest and use of the Internet. With the WWW, you navigate through information and around the world simply by clicking on text and pictures. As well as viewing what others have provided, it is possible to create one's own WWW site and offer it to the world. I have done that for the MEC.

About six months ago I began a WWW site called the **Mendocino County Ecology Web**, whose purpose is to provide environmental information about the people and issues in our county as well as be a launch point to environmental and peace & justice information, people and groups around the country and the world.

If you visit the site you will be able to find contact information for many of the environmental groups in the county, as well as read articles from previous MEC newsletters, and explore an extensive listing of environmental groups and information that I

continually add to. I currently have a special area that tries to stay updated on the Headwaters issue.

I think of the Ecology Web as a template for what is possible, and as a structure that can be built on in the future. I slowly update and add to it, but I need help with the information. At the moment there are county groups for which there is no contact information available. I would also like to have groups provide background information and share their experiences.

I think of the Ecology Web as an extremely interesting and useful tool for creating an archive of environmental information about Mendocino county for ourselves and others to make use of.

The URL (address) of the Mendocino County Ecology Web is printed above and must be typed exactly as presented.

To get connected to the Internet with your computer, call Pacific Internet at 468-1005. Cost is \$25/month (\$5/month for students and seniors).



Ward Valley and Yucca Mountain

ternoon through evening and could be picked up in Needles. A rep from Radio Free Berkeley was on the scene but I never found out where the signal was coming from, although I did pick it up clearly on my radio.

Information, strategizing, and heart sharing all helped give us a sense of community and commitment. The food was good and people worked together pretty well. There were about 150 people on Thursday, and the organizers expected 1000 by the weekend. This interesting mix of humanity all appeared committed to action to save OUR MOTHER.

Thursday afternoon, we went to the Colorado River for a swim. Corbin warned us that the water was "bad". My friends who had been there the previous day said the spot was beautiful. My first physical impression was that the river smelled. I jumped in to chill out and found the water to be clear and cool but couldn't see any life in it the 11 minutes I was swimming and observing.

Much work to be done, brothers and sisters - postcards to the president and our representatives. Calls to Senator Feinstein and Governor Wilson. Direct action people have set up a vigil at the site and are committed to fighting the bulldozers, if need be.

I had to leave Ward Valley Friday morning so I missed most of the fun. Clan Dyken played Friday and Saturday nights. There was a Mojave day parade in Needles on Saturday which we participated in with banners and floats. Also on Friday, a 46 mile spirit run from a sacred site to Ward Valley was held by natives and non-native men and women from the camp - everyone involved was jazzed. It's a heck of a reason to get together,

but so be it. PEACE.

How You Can Help

by the Ward Valley Coalition

This is the most critical point in the struggle to save Ward Valley from a radioactive waste dump. Plans are to bury dangerous, long-lived radioactive waste from nuclear power reactors in shallow, unlined trenches above an aquifer, just 18 miles from the Colorado River, in the midst of critical habitat for the threatened desert tortoise and in an area considered sacred homeland by Native American tribes. The dump threatens our precious water supply!

Nuclear industry allies in Congress have attached a stealth amendment to the Budget Reconciliation Bill which would force California to host a national radioactive waste dump. The legislation attempts to exempt the dump from all environmental laws and prevent the public from challenging the maneuver in the courts. Members of Congress are attempting to sidestep the law to accommodate the nuclear power industry, allowing nuclear utilities to transfer liability for radioactive wastes from reactor sites to the California taxpayer. Clean up costs are estimated to be over \$500 million.

A stand-alone bill, HR 2334, has been introduced by Representative Brian Bilbray (R-San Diego) to do the same dirty work. We must stop both attempts to push the dump forward.

We must act now! Our grassroots coalition must generate an unprecedented outpouring of resistance to this impending catastrophe. We are appealing to everyone who cares about our precious natural and cultural resources to

So I told Gary and Betty, "How can I do the impossible?" Gary and Betty shrugged their shoulders and said, "give it a try." So here goes.

One of many of my role models in the Sierra Club was William Colby. He was elected to the Sierra Club Board of Directors for forty-nine years. He was Secretary of the Sierra Club Board of Directors for forty-four years. He was Chairman of the Outings Committee, and founder and leader of the annual wilderness outing called the "High Trip" for thirty-six years.

The regular participants of the "High Trip" sometime between the year 1901, the year of the first "High Trip" and the year 1915, wrote the words of the official "Sierra Club Hikers Song" and I would like to repeat these words.

"While the sun's behind the mountains and the frost is in the air,

We're up and off and hiking on our way;

We Don't know where we're going and we don't supremely care.

But we'll be there when the evening ends the day.

Up the rocky slopes we clamber and then down the other side.

Through forests and across the roaring streams.

Through the land of bright enchantment where the vision opens wide

And we find the large horizon of our dreams.

Refrain:

Up in the mountains, free as air,

High, High, High!

Finding new life and ideal there,

High, High, High!

We're Sierra Club Hikers out for the fun

Of hiking from dawn to the set of sun,

With a song in our hearts when the day is done

High, High, High!

Whether over flowered meadow or across the upland snow,

Beside the stream or on the rocky height

Our hearts are full of happiness which ever way we go

And our days are sunny treasures of delight.

Unafraid on snowy mountain tops with eager gaze we stand;

Our souls reach out to scale the vaulted skies:

As God gave us aspirations, so He gave this mountain land,

With His lofty peaks which challenge us to rise."

Our founder of the Sierra Club, John Muir, said, "Go into the mountain, it gives you good tidings.

To the outsider after reading the words of the Hiking Song, one might conclude that this particular group is a group of people getting together for the purpose of hiking only; far from it.

The group would have layover days at each camp before moving to the next camp, and in the meantime some would be mountaineer meadows, camp loafers, fishermen, photographers, botanists, geologists, artists, rock climbers, etc., etc., and the most illustrious of the group would be all or almost all of the above. In the evenings after dinner there would be great camp programs and song fests where everyone participated in song and everyone knew the words of the songs. Our leaders impressed on us that we did not have to be nightingales to make a joyful noise.

The more fortunate participants stayed a month on the trip and the less fortunate were on the trip for two weeks.

When Aileen and I have returned from our Sierra Club outings in the past, we read the newspapers at home. We find we have not missed out very much on matters of importance, generally. With our fast pace of living today, it is well to slow down occasionally and assess what happiness we can achieve if we seek it.



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take the time to contact each and every elected official on this Alert.

Send personal letters, phone calls, email and faxes to key legislators.

Contact President Clinton, tell him to veto the Budget bill if it contains a Ward Valley rider and to veto HR 2334, another bill that would force the dump on California:

President Bill Clinton

The White House

Washington, DC 20500

Telephone: 202-456-1414

Email: president@whitehouse.gov

Contact Senator Dianne Feinstein, tell her that she must protect California's precious water resources, that Ward Valley is adjacent to the Mojave National Preserve and that she should stand firm with Senator Boxer to oppose the dump:

Senator Dianne Feinstein

United States Senate

Washington, DC 20510

Telephone: 202-224-3841

Fax: 202-228-3954

Email: senator@feinstein.gov

Contact your Congressional Representative, tell him/her to remove the Ward Valley rider from the Budget bill, oppose HR 2334 and vote against any attempts to legislate without due process:

(Your Congressional Rep.)

U.S. House of Representatives

Washington, DC 20515

Telephone: 202-224-3121

Contact Congressman Jerry Lewis who represents the Ward Valley area in San Bernardino County (40th Congressional District). It is important that Republicans join the opposition to the dump legislation:

Representative Jerry Lewis

2312 Rayburn House Office Bldg.

Washington, DC 20515

Telephone: 202-225-5861

Telephone: 909-862-6030

Contact Senators John McCain and Jon Kyl of Arizona. Tell them that radioactive contamination of the Colorado River would adversely affect Arizona businesses and that Native American tribes in their state adamantly oppose the dump:

Senator John McCain

United States Senate

Washington, DC 20510

Telephone: 202-224-2235

Fax: 202-228-2862

Email: senator@mccain.senate.gov

Senator Jon Kyl

United States Senate

Washington, DC 20510

Telephone: 202-224-4521

Email: info@kyl.senate.gov

Please contact each and every legislator on this list today! Negotiations between the White House and Congress on the Budget Bill are happening right now. Call 415-868-2146 or 619-326-6267 for more information. Thank You!

This MEC's For You

by Dale Glaser

We are bombarded with information. There is too much of it now and it isn't going to get any better. So what do we do when we want to be involved and informed but it is all too easy to go into information overload?

The only solution I have come up with is to be damn selective, and pick your information resources well. And learn where to go to access the information or people you need when you need answers or starting points for information

or involvement.

Lo and behold, the MEC has been, and is, one of the best environmental information/people resources in our county. For more than eight years, the community has been able to depend on the MEC for the what/where/when/why/who of local environmental issues. That's the good news.

The "bad" news is that a lot of folks in the community take the MEC for granted. It's there, it's doing great work. Yep, the MEC will always be

there...Opps, not necessarily true. The MEC is a grassroots organization dependent solely on membership and donations for its continued existence. Sometimes we just get by financially from month to month.

Here's one possible reason. It's because the front line groups like Earth First! that get all the publicity (and deserve it) also get a lot of the donations, and then the "meat and potatoes" behind-the-scenes not-so-glitzy groups like the MEC don't. We need the MEC. The MEC is an indispensable support net-

work on issues, the place to phone for information, the place to hold meetings, to send mailings, pick up a flyer, get a question answered, do research for a school paper, etc. doesn't always grab our immediate attention or our donations.

Folks, we need your continued financial support.

Please join if you are not a member, or make donations on a regular basis. Help keep this wonderful and necessary organization going and growing!

Dumpster Logging

by Linda Perkins & Naomi Wagner

You thought you knew how badly depleted our industrial timberlands are in Mendocino County? So did I - until I discovered the latest wrinkle in forestry, as practiced by Louisiana Pacific (LP) on their forests around here. LP is hauling the dregs of their holdings - our resources - out of the woods in dumpsters. It's true.

Hang in here for a little explanation and we'll get to those dumpsters.

LP is doing this dumpster logging under what are called "exemption" plans. This is one of those sanitation-salvage deals whereby a timber company removes "dead, dying and diseased" trees, up to 10% of the standing volume of the area. By the rules, they're allowed to do these exemptions with no notice to the public and no pre-inspection by the agencies. And, as CDF (California Department of Forestry) people have privately admitted to me, no active or post-harvest inspections either, because of a lack of staff to do them.

These plans are considered by CDF to cause no significant adverse effects to the environment and therefore the usual CEQA (California Environmental Quality Act) regulations - public notice and public comment, environmental impact reports and monitoring - don't apply. Since they're exempt from CEQA rules, they're called exemption plans.

The impetus for filing one of these plans is usually because of "wind throw", trees that have blown down in the previous winter's storms. Trees that are on the edge of clear cuts or in stands that have had too many trees removed are no longer "windfirm". They blow over in greater numbers.

Thus I call these plans (rather than exemptions) bonus plans. Do bad forestry today, then go out tomorrow and pick up your 10% bonus.

For your further information: so far this year Louisiana Pacific has filed exemptions on about 22,000 acres of their land in Mendocino County. In 1993, because of the big blow in February of that year, it was about 66,000 acres for LP in Mendo.

But not only are the companies, under these exemptions, taking trees that have blown down, they're also taking trees that have been down for a hundred years, big old growth redwood that was left from turn-of-the-century logging. If it can be picked up and loaded on a truck, it's taken.

And now back to the dumpsters and LP's unique spin on the system: what's too small to load on a logging truck is put into dumpsters. (Like the big ones we put our recyclables into at transfer stations.) These are hauled to LP's chipping mill in Calpella (pulp and chip prices are high) or to a tiny mill at Big Lagoon where short lengths of old growth redwood are made into furniture and banister pieces.

Bill Windes, LP spokesperson, proudly defends this practice as being thrifty, as not allowing any of the resource to be wasted. What once was burned or simply left in the woods is now being utilized. Of course, only short-term-profit-corporate-think could (and would) defend such a practice.

Mother Nature, not having had the time to wait around a few hundred million years for LP to appear on the scene, long since figured out a system to utilize the "waste". And fortunately for us she didn't think of oriented strand board.

She knew that this dead-down-dying component is one of the most critical to wildlife, to soils, to water purity and to the health of the forest itself. Everything from fungi and plants to insects, amphibians, reptiles, birds and mammals (even fish, when the trees fall into streams) either eat it, grow from it, forage in it, nest in it, or seek refuge in it, maintaining the unimaginably complex diversity (health) of the forest, until finally the "waste" has been turned back into soil itself from which grow new trees.

But what is most devastating about LP's practice is that this material will never be replaced because we no longer have trees of an age and size that can supply it. Nor will we. The stated policy of timber companies is to tree farm, to establish monocultures of conifers, to cut in 20-year cycles for fiber, to vacuum up the ground itself. The oldest tree that LP can possibly imagine is 60 years old.

That's their idea of a late seral age redwood. And this size/age redwood simply doesn't fall over or become a snag or develop cavities or in any other way provide the structural characteristics for wildlife that old trees do.

The final pauperization of the forest is underway. Where once a single tree filled more than a logging truck, where once time and muscle and savvy and courage were needed to wrestle a giant to the ground, we now - with no care or ceremony - pick up bits and pieces scraped from the remains of the woods and toss them into dumpsters.

P.S. - The latest word is that after LP hauled this "downed wood" to Calpella, they found that they couldn't use most of it - too rotten - but they haven't stopped, they're just being more selective. Another one of LP's failed experiments using Mendo County forests as their guinea pig.

Chip and Strip

However, the major item that's feeding LP's chip mill is not downed wood but hardwoods, tanoak mostly. Because timber companies, not just LP, have overcut their conifers, hardwoods have come in to replace them, particularly on the hotter, drier, south-facing slopes. This is a natural successional step, an attempt by the land to heal itself and to give way eventually to conifers once again. And, since the larger, older conifers are now gone from our forests, the older oaks are serving some of the needs for wildlife habitat once supplied by those conifers. Not to mention erosion control, slope stability, soil amendment, etc.

But LP claims since 16% of their forests are now in hardwoods - a figure that most people would claim is 30% to 40% and higher - that this has created for them a "hardwood problem". Their solution is to clearcut - what else? - the hardwoods and replant to conifers - all, young, all evenly spaced, neat and tidy, and then to Garlon any hardwood that dares to resprout. Tree farming. Monoculture.

One of the most egregious examples has been the approximately 4000 acres of timber harvest plans that LP has filed near Covelo recently - the black oak plans, I call them, because that's what's there and that's what LP is proposing to cut. What's been surprising about these plans is that CDF and Fish and Game have found some sort of bottom line and told LP they can't cut any hardwoods on these plans. It so happens that these areas are considered to be critical wintering deer ranges. The deer are dependent on the cover for protection from the weather and the acorns for winter food.

Wow! CDF and DFG on our side - the ecosystem side - for a change. We'll see. These plans are still moving through the review process and the agencies may wilt under the heat of LP's intransigence. We'll keep you posted.

So who's doing what about it? Earth First! We'll let Naomi tell you about some direct action later in this article.

Forest Products Commission (a taxpayer-funded state commission). According to a recent letter to the editor, they think it's great that this material, necessary for maintaining forest health, is no longer being "wasted" on the forest, but is being used instead to satisfy human greed.

CDF, Fish and Game, Water Quality: CDF claimed not to know that "dumpster logging" was even happening. If they did, they were keeping it a secret. When environmentalists brought it to their attention and they could no longer avoid the issue, they went and checked and - well, no policy has been adopted but there does seem to have been some embarrassment all round. Fish and Game only cares about downed wood if it's in the streams affecting the fish, so most of the removal is a ho hum to them. CDF and DFG, as noted above, are making some noises about hardwoods. Water Quality hasn't a clue that downed wood serves to purify water and to control erosion, or that hardwoods have any connection to erosion control and water purity, so they haven't even discovered the issue yet - except, like Fish and Game, if the wood is in a stream and therefore in their "jurisdiction". But then, none of the agencies, none of them, knows what "cumulative impacts" means.



Naomi Wagner and Dave Fisher during a lockdown at L-P's Calpella mill.

Photo by Evan Johnson

Watershed groups: one group, by getting all the neighbors and the rasty, lawsuit-prone environmentalists to comment on a LP plan, got a lot of the tanoaks removed from the plan and all of the other hardwoods (madrone, true oaks, pepperwoods, maples, etc.) saved. Another group, using similar tactics, got an LP tanoak plan reduced to 2/3 of its original acreage and got their streams protected to boot. Holding actions, THP by THP.

Mendocino County Forest Council: after being brought to the alert by a select group of citizens, they agreed to craft a resolution expressing their concern about the fate of the hardwoods in Mendo County. Bold it may not be, but it is something.

Board of Forestry: nothing.

A Bit of A Story

Once there was a California Red-Backed Vole that was dependent on a truffle for its food and on a downed log to provide shelter. Once there was a truffle that was dependent on a downed log to grow on and on a vole to spread its spores so that it could reproduce. Once there was a carpenter ant who was dependent on a downed log to tunnel into for its home. Once there was a salamander who was dependent on a carpenter ant to create a tunnel that it could call home. Once there was a pileated woodpecker that was dependent on a carpenter ant for food and on a standing dead tree for its home. Once there was an owl that used for its home the cavity the pileated woodpecker created in the dead tree. Once there was a tree that was dependent on all of these - and many others - to turn wood back into soil to grow from and to intertwine with its roots to help supply its food.

Once it all worked together. Maybe we can, too? To help keep it that way.

So who's doing what about it?

The Community

Well, Louisiana Pacific's dumpster logging was first noticed, as far as I know, when LP moved some dumpsters onto their Albion holdings. They weren't welcome - so I hear - and were hastened on their way by having their pins pulled, thus dumping loads which had to be reloaded. Others were apparently decorated with appropriate expressions of the community's sentiments. A CDF official, who saw one, said it looked like "graffiti from the city." An apt expression. On LP's denuded lands with dumpsters sitting about, the dumpster decorator(s) may have thought they were in a city.

Earth First!

Hi. My name is Naomi Wagner and I'd like to tell you about the anti-chip action at L-P's Calpella mill. Back in July, truck loads of scraggly tan oak, some with limbs still dangling, branches waving pitifully, and redwood "logs" too tiny for 2x4s, were entering L-P's Calpella chip mill at the rate of one every fifteen minutes, along with dumpsters full of or-

ganic debris from landings and past logging operations - chunks of redwood old-growth, hunks of fir and other left-over "byproducts" L-P was at it again (did they ever stop?), depriving the soil of nutrients, the wildlife of habitat and the humans of sustainable livelihoods. This kind of forest abuse had been outlawed by EDF's Restoration Code, under a policy known as "feed the forest first!"

Ecotopia EF!ers gathered to address the problem. Not only was the forest being abused "as usual", but all to make a substandard, toxic product like L-P's notoriously fungi-infested and lawsuit-ridden OSB, in a manufacturing process that fouls the air and water of an entire valley and drives nearby neighbors up the wall with its round-the-clock industrial noise.

One traditional EF! response to such flagrant flouting of Ecotopian principles (not to mention U.S. laws or the Native American practices which preceded them) is the lockdown, a direct action at the point of production lasting at least long enough to state clearly: "L-P, NO YOU CAN'T" in a way that can't be ignored.

"OK," I volunteered, "I'll get arrested." After all, a lot of that biomass came from my home watershed. "Great," said my group. "We'll do the rest." So on August 14th, about 50 folks showed up in Calpella to support Dave Fisher and me, as we attached ourselves to the front bumper of a "schwag wagon" full of tan oak, delaying its entry through the gate of the mill, while others hung a big banner with the word "shame" across the load. The people held up signs and sang songs, and passed a hat to collect money to compensate the truck driver for lost wages that morning.

Finally, the sheriffs arrived to cut our cables with their huge and handy bolt cutters and haul Dave and me away to jail, clearing the way for another day of uninhibited forest destruction, environmental pollution and community impoverishment.

By now (November) L-P has received a zoning permit to continue chipping operations at its temporary site on Low Gap Road and a land use permit to convert its Calpella property from agricultural to industrial use for an OSB plant. A trial date of Dec. 6th is set for Dave and me on charges of trespassing and resisting an officer.

The Agencies: CDF, Fish and Game, Water Quality

To their shame, the agencies either didn't know it was happening or else didn't care. When informed, the response from CDF was simply a stare. Fish and Game said they didn't have the personnel to deal with it and to go see CDF. Water Quality disclaimed jurisdiction.