



Keep it wild...

COLORADO WILD!

Spring / Summer 2003

A Sordid Legislative Affair
Jeff Berman, Executive Director

On April 28, Congressman Scott McInnis (R-3rd, CO) introduced legislation intended to implement the Bush Administration's "Healthy Forests Initiative." The euphemistically titled Healthy Forests Restoration Act of 2003 is based on the counterfeit contention that conservation groups hold up thinning projects thus bringing more severe forest fires (pg. 1, Spring 2002, and pg. 2, Fall 2002 Newsletters). Instead of focusing limited resources where they can do the most good – near homes and communities – the bill's breadth includes almost every acre of non-wilderness National Forest, BLM, and other public lands.

To supposedly reduce fire risk to homes and watersheds, the bill relies on scaling back environmental analysis, protection, and public participation requirements – safeguards that only partially curtail Forest Service and logging industry indiscretion (see photo). It abolishes requirements for thorough analysis indispensable in identifying sound courses of action for what really amount to experiments designed to minimize "catastrophic" fires away from homes, all the while promoting public lands logging where even the threat of insects or disease (natural occurrences in any forest) exists. Outrageously, even were citizens able to appeal and then sue over ill-conceived projects within the inordinately short time frame allotted under the bill,

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Sustainable Forestry and Restoration Through Small Scale Operations - By Eric Husted, Owner and Operator, Lorax Forest Care

Over the years the system of buying timber from private lands and National Forests, then selling to mills that dictate purchase price, has led to poor forestry and the loss of nearly all old growth pine forest. The economic incentive of this system requires the logger to get in, take the big trees, and get out as



Even though the Winiger Ridge Fuels Reduction Project near Boulder went through the full environmental analysis process (appeal and all), large fire resistant ponderosa pines were logged and violations of the contract appear to have occurred. There is no reason to cut right up to rocks on the top of a small hill, because, well, stone doesn't burn. Several acres not shown behind the camera were cut, and a small aspen stand was also destroyed by logging equipment (aspen serves as a fire break).

quickly as possible. Meanwhile, the heavy equipment, parts, and fuel needed for large timber sales now normally offered by the Forest Service is imported. The capital required leaves the local economy with only a small profit margin for the local dealer. Having lost most of its small operations, the forest products industry in the Intermountain West – now concentrated in a few large timber mills – thus unfortunately prompts ecologically damaging, locally unsustainable forestry practices.

Anytime a community can produce what it previously imported it will better recirculate capital, strengthening the local economy. Small scale operations capable of producing a value added product sold locally accomplish this worthwhile goal. My draft horse logging business for instance presents a sustainable alternative. The hay my horses eat is grown locally. While their harnesses are produced in the Midwest, repairs are done here. Their manure recycles into our gardens. With ¾ of Colorado's building boom fueled by

...See Husted, Page 7

Forest Watch Campaign (FWC)

Working to Halt Logging Operations That Invade Roadless Areas, Sensitive Wildlife Habitat, or Old Growth Forests

Shallow Forest Service "Log It or Lose It" Mentality Mushrooms Statewide

In a knee-jerk must-log-it reaction, the Forest Service this winter proposed to log in practically every burned area from the summer of 2002's extensive forest fires. In March, the Pike San-Isabel National Forest (NF) published an Environmental Assessment (EA) in support of logging on 17,500 acres of the **Hayman Fire** area southwest of Denver. Logging proposed on slopes up to 35% and road construction on slopes up to 50% would likely cause more soil erosion than that already occurring from the fire. Logging equipment is likely to harm emerging regrowth, and expensive, taxpayer funded erosion control work may even have to be repeated on 11,800 acres.

This huge timber sale would yield enough logs to fill trucks from Denver to Pueblo end-to-end, all before the end of 2004! Yet there is no local mill or enough loggers and equipment capable of processing the timber before the wood loses its commercial value. The Forest Service meanwhile lacks sufficient staff to monitor impacts, including water quality

supplying downstream reservoirs, nor resources to mend soil erosion, stream sedimentation, and invasions of noxious weeds. Underscoring the Forest Service's misguided priorities, they even plan to divert money and personnel from thinning projects, such as the Trout-West project (Spring 2002 Newsletter, pg. 2), and other fuels reduction projects which are badly needed around communities.

Meanwhile, the San Juan NF in March published a more comprehensive Environmental Impact Statement (EIS) justifying 4,000 acres of logging on slopes up to 75% at

the site of the **Missionary Ridge** burn northeast of Durango. The proposal would yield 20 MMBF (4,000 logging truck loads, or 34 miles of loaded logging trucks end-to-end). The Forest Service's proposal includes clearcuts of



Aspen is already sprouting in the Missionary Ridge burn that will become beautiful forest in 15 to 20 years. Even though the Forest Service acknowledges that clearcut salvage logging will facilitate access for cattle, elk, and deer that prefer aspen sprouts above all other forage, they ignore this potential of turning logged areas into permanent clearcuts.

clearcuts of over a square mile, as well as logging in an inventoried roadless area, on 479 acres of debris flow hazard areas despite the recommendations of the consultants hired to predict erosion, and on at least 1,221 acres of high erosion hazard areas, thereby ignoring scientific recommendations and Best

"Through the use of methodologically questionable and uncorroborated data, rhetoric, and focusing events, government policy makers framed the debate by shifting the blame for wildfires from previous Forest Service policies and management to environmental organizations, demonized as overzealous obstructionists to common sense wildfire policy."

Show Me the Data: Wildfires, Healthy Forests and Forest Service Administrative Appeals. Dr. Jacqueline Vaughn, Department of Political Science, Northern Arizona University, March 2003.

Management Practices promised to minimize impacts.

Durango, Bayfield and Ignacio all rely on the area for their water supply. Despite consensus among a half dozen scientific studies that show roads are, by orders of magnitude, the major contributor to erosion, sedimentation, and water quality impacts, the EIS ignores the presence, reconstruction, and maintenance of up to 90 miles of roads and 5 miles of "temporary" road construction. While the Forest Service predicts that 40% of the logging units will reduce erosion, the practices have never been demonstrated to be effective, are unnecessary, are based on assumptions erroneously derived from scientific studies, or without basis altogether.

Adding insult to injury, the Forest Service unscrupulously concludes that benefits to the timber industry outweigh impacts to Durango's recreation and tourism based economy. Roads would be closed and camping opportunities eliminated. Hunter numbers – a backbone of the economy in the fall – would be reduced by more than the 50%, yet given the Forest Service's underestimation of impacts and logging trucks needed, all 7,500 hunters expected may be shut out of the area. The Forest Service even suggests that the tourism-based Vallecito Lake area economy – drastically harmed by last summer's fire – may be closed during much of the logging.

Colorado Wild authored a *letter to Regional Forester Rick Cables* in January, and subsequently met with him and his staff, demanding that the proposals:

- avoid logging in any inventoried Roadless Areas and any currently unroaded areas,
- incorporate all recommendations made by researchers,
- acknowledge limited, if not non-existent, justification for salvage logging based on a re-burn hypothesis or limitation of insect infestations,
- incorporate significant control areas to

assess the impacts of salvage logging operations, and

- vastly reduce the scope of proposed logging to that which the current Colorado timber industry can accommodate without any increase in mill and timber transport capacity or personnel.

Yet with these two proposals, the Forest Service insists on ignoring lessons already learned. Research of extensive salvage logging from the 1990s showed significant impacts and resulted in many scientists' recommendations to limit post-fire salvage logging. For instance, the Forest Service intentionally ignored the well known *Beschta Report* (available online at www.coloradowild.org/fwc) – authored by eight scientists specializing in resource impacts from post-fire salvage logging and endorsed by 50 others – even though federal courts have generally required the agency to consider this report. While our efforts put the Forest Service on notice of our intent to challenge the aspects of these proposals that violate scientists' recommendations, the environmental documents subsequently released for public comment demonstrated little result. We accordingly prepared action alerts encouraging concerned citizens to oppose these projects, and filed our own detailed comments as well. Decisions are expected this summer. Should the Forest Service fail to scale back the proposals dramatically, Colorado Wild plans to appeal and if necessary, file lawsuits.

Colorado Wild also filed comments on a smaller postfire logging proposal near Telluride (*Burn Canyon*), but chose not to appeal given extensive consideration of and reasonable adherence to the Beschta Report's recommendations, such as no steep slope logging, lack of water quality concerns, and no new road construction. In an apparent victory meanwhile, the White River NF chose to shelve the 1,035 acre, 2 MMBF *Big Fish postfire logging proposal* around Trappers Lake in northwest Colorado and

"Taxpayers want an explanation. The U.S. Forest Service proposes salvage logging in part of the Hayman burn area, but Uncle Sam will lose money on the deal. Worse, the plan could make the government redo expensive but necessary rehabilitation work it did last fall... The public should holler 'no'."

Denver Post Editorial,
April 6, 2003

Bush Administration Concocts Sneak Attack on Public Lands

Numerous Obscure But Important Rule Changes Proposed

With the nation preoccupied by war in Iraq and the slumping economy, the Bush administration this fall and winter proposed numerous administrative rule changes that govern public participation, environmental analysis, and ecological protection requirements for our national forests. Colorado Wild submitted comments, with many partner groups signing on, and prepared action alerts generating public outrage, over these underhanded proposals. Most propose to allow the Forest Service to “categorically exclude” (CE) proposed projects, or in other words, approve them without any environmental analysis and minimal public participation, unlike the process required with documentation in an environmental assessment (EA) or environmental impact statement (EIS).

The *Planning Regulation Amendment* announced Dec. 6 2002 is the most egregious of these, as it would:

- eliminate the requirement to maintain viable populations of native species,
- deprive citizens of their right to understand and comment knowledgeably on proposed forest management plans and their environmental consequences by Categorically Excluding them (such as the White River NF plan revision that generated 15,000 comment letters – see pg. 6, Spring 2002 and Fall 2002, and pg. 2, Fall 1999, Newsletters),
- replace the existing administrative appeals process with a perfunctory “pre-decisional objection” process,
- circumvent public involvement by allowing the Forest Service to adopt “interim” amendments with little public input or opportunity for administrative appeal,
- make national forests generally available

for commodity development and off-road vehicle use, and remove enforceable standards from forest plans.

A second proposal CW opposes is using categorical exclusions to approve fuels reduction projects intended to implement the *President’s Healthy Forest Initiative*. With this rule change, projects of any size would be allowed regardless of how severe their impacts, while temporary roads, which have much the same impacts as permanent ones, could be constructed. The proposed rule fails to focus on the Community Protection Zone and could be used to approve projects both near and far from communities. While projects approved through this rule would have to be consistent with Forest Plans, the Planning Regulation Amendments noted above would permit four year Forest Plan “interim amendments” without public input. And while this Categorical Exclusion could not be used for projects that affect roadless areas, endangered species habitat, and other “extraordinary circumstances”, another interim directive adopted August 23, 2002 increased the Forest Service’s discretion to use CE’s based on their sole judgment of whether “adverse affects” would occur. The proposal could even apply to salvage logging if the agency speciously cites the theory that salvage logging will prevent the potential for re-burns. This proposed rule is blatantly illegal, and is also unnecessary as the Forest Service can now quickly approve small projects, or even larger ones, if there is a genuine emergency.

A third egregious proposal Colorado Wild opposed this winter is a *CE for “limited timber harvest” logging* of up to 50 acres of live trees, up to 250 acres of dead and/or dying trees, and removal of trees “necessary

For each of the last five years, more private land acreage has burned than public. Yet Congressman McInnis’ legislation implementing the “Healthy Forests Initiative” does nothing to address fire on private lands - where homes actually burn. Colorado Wild supports legislation introduced by Congressmen George Miller (D-CA) and Peter DeFazio (D-OR) that would establish block grants to states and communities for fuels reduction projects. Read it online at www.coloradowild.org.

to control the spread of insects and disease” on up to 250 acres. This rule was proposed in response to a successful legal challenge in Illinois that enjoined the Forest Service from approving similar logging on up to 1 million board feet (MMBF, or about 200 logging trucks full). Rather than justify small timber sales based on timber volume (i.e. MMBF) to ensure they “do not have significant effects on the human environment”, the Forest Service is trying another tactic to get around the court’s ruling – basing the definition of “small” on acreage. Environmentally damaging timber sales that Colorado Wild is today challenging could be approved under these CE’s without any environmental analysis or public participation.

A fourth proposed administrative rule change deals with *appeal regulations*. People or groups that comment on proposed Forest Service projects can now appeal the decision to a higher officer within the agency. The proposed changes would expand the use of emergencies under which projects can be implemented while the appeal is being considered. This proposed rule change violates the Appeals Reform Act, which Congress passed in 1991 to give the public an opportunity to challenge projects.

...Forest Watch

just remove hazard trees instead, while the Rio Grande NF has yet to publish an analysis for the 800 acre *Million Fire logging* proposal near Wolf Creek pass.

Victory over Logging Proposed near Carbondale, But Much More Logging Proposed

Colorado Wild, along with two partner groups, settled its lawsuit over the *Baylor Park Blowdown Project* on the White River NF. The original proposal called for logging of live stands of Englemann spruce to ostensibly reduce their susceptibility to spruce bark beetle. However, these trees were

already overrun by beetles before they could be logged, as Colorado Wild initially predicted. The settlement allows the Forest Service to treat 210 acres of blowdown that might still have breeding beetles in them, the type of treatment we have urged them to do since the blowdown occurred in August, 1999. The settlement is a clear victory protecting old growth Englemann spruce forest.

The same national forest that proposed the Red Creek timber sale (Fall 2002, Spring 2002, and especially Fall 2001, Newsletters) proposed in January to log 1,425 acres of high elevation spruce-fir forest with the *Millswitch timber sale*, encompassing 800 logging truck loads. The proposal included 516 acres of old-growth logging and several miles of new road construction impacting the Continental Divide trail, lynx, and other sensitive species. Colorado Wild filed extensive comments on the proposal, published an action alert, and identified analysis requirements for impacts to lynx with the Center for Native Ecosystems. Since then, the Gunnison NF has proposed yet another spruce-fir and aspen timber sale – *Longdraw* – on 2,068 acres, near the Uncompahgre wilderness southeast of Montrose, the site of possibly the last unsustainable, oversized conifer timber mill in Colorado.

Colorado Wild also led the analysis and filed comments on the *Green Ridge Project* on the Routt NF south of Walden and the *Box Creek Fuel Reduction Project* near Leadville. The former would construct roads and log in an area proposed as wilderness by Rep. Diana DeGette, and cut in two watersheds identified as already producing too much erosion. The need for the latter project is questionable, as the Forest Service has misstated the natural (pre-human settlement) condition of the area. We recommended that any treatment be limited to the southern end of the project area, where some residences abut the national forest and BLM lands.

“A settlement reached earlier this month between the U.S. Forest Service and three environmental groups over a proposed timber cut at Baylor Park will lead the Forest Service to do the right thing by not cutting live trees... It was a thin cover for a huge timber sale posing as a ‘forest health’ treatment... Our hat is off to the environmental groups – the Aspen Wilderness Workshop, Colorado Wild and the Center for Native Ecosystems – for pushing the point.”

Glenwood Post-Independent Editorial, April 16, 2003

Ski Area Citizens' Coalition (SACC)

Working to Halt Environmentally Damaging Ski Area Expansions and Associated Real Estate Development

Victory – Again (and Again) – Over Keystone Ski Area's Jones Gulch Expansion

The SACC report "Industry Trade Group Deception - Myths, Facts and Case Examples", rebutting the misleading and plainly false statements about the Ski Area Environmental Scorecard made by the NSAA is available online at www.coloradowild.org/sacc.

In June 2002, the White River NF requested public input on *Keystone Ski Resort's renewed proposal to expand into Jones Gulch*, this time with the Ski Tip lift, trail, and snowmaking proposal. Having fought for preservation of this critical wildlife corridor from both real estate and ski trail development for four years (pg. 4 Spring 2002, pg. 4 Fall 2001, pg. 3 Spring 1999 Newsletters), Colorado Wild jumped into action, filing a Freedom of Information Act (FOIA) request, publishing an action alert, and authoring two separate scoping letters citing increased landslide risk on steep slopes, ecological impacts to wildlife habitat connectivity statewide, and proposed use of polluted snowmaking water that would contaminate unpolluted drainages. The proposal also

failed to provide any public benefit, as the base of the lift would have terminated on private land where the ski resort seeks to sell more high priced ski-in/ski-out condominiums.

In mid April, Keystone agreed with the Forest Service to back off its most recent proposal. Notably, if the decision had moved forward through the appeals process, a legal case for the ski area expansion component of the White River NF

plan revision – of which our appeal is pending – would have been ripe for legal action. Colorado Wild has filed another FOIA request to determine grounds for Keystone's decision, yet we also hope to work with the resort in the future to provide more permanent protection for the area.

Ski Area Trade Group Goes Out of Bounds

Following the *National Ski Area Association's* (NSAA's) realization that upwards of 50% of resorts graded in the Ski Area Environmental Scorecard are now responding to our Survey, their staff unleashed a harsh rebuke blackballing these resorts. Demonstrating unmistakable anxiety over the Scorecard's affects, NSAA staff continue to make misleading and plainly false statements both publicly and to their member resorts, for instance claiming that "If a ski resort does not respond to the SACC Survey, then that resort will get a failing grade on the Scorecard", that the SACC "regularly alters scores based on arbitrary factors", and many others.

Further demonstrating their concern over our public education efforts, one NSAA staff-person lashed out at a middle school class in March when they asked hard questions about both the NSAA's Environmental Charter – for the most part the green-washing tool of the industry – and the veracity of NSAA claims about the Scorecard. Our upcoming end-of-season letter to each resort will include a rebuttal to the NSAA's claims. We are also planning continued skier outreach efforts in coming years unforeseen by the NSAA in their promises to member resorts that our successful public education efforts and scrutiny of the industry will soon be ineffective.

"Do you think calling the environmental initiative that I spearhead on behalf of the industry 'greenwashing' isn't a personal attack? Give me a break. Presumptions? You paint the 'ski industry' with a broad brush just as I paint 'antis' with a broad brush. All I have to say is the glass is half full. Try that for a new mantra."

Geraldine Link, NSAA Public Policy Director, communicating in a public email forum, January 16, 2003, demonstrating lack of dispassionate assessment of the Ski Area Environmental Scorecard and Colorado Wild's concerns with the ski industry's environmental impacts.

...From the Director

judges would be forced to give deference to all Forest Service claims regardless of their merit.

The most sordid aspect though is the bill sponsors' use of the fear of wildfire as a new means to achieve a long sought end – elimination of environmental safeguards from logging on public lands. They have twisted data, examples, and reports (most notably a Forest Service report that Congressional inquiry uncovered as blatantly dishonest - see pg. 2 sidebar, Fall 2002 Newsletter) to demonize environmental groups in their endeavor to eliminate the tools conservationists have used to save what little undisturbed national forest remains. For these ideologues, the wildfires present an opportunity to baselessly blame conservationists for loss of homes to forest fire and even for the fires themselves.

The Healthy Forests Initiative makes Colorado Wild's work ever more crucial. In April I flew to DC to participate with a nationwide coalition of groups working to counter the scape-goating of environmental groups for forest fires. Unfortunately, all Republican Congressmen in Colorado, including Hefley (5th – Colorado Springs area) and Beauprez (7th – Golden/Thornton/Aurora area), whom we were hoping to steer away from supporting this bill, have thus far bought the bull. Debate now turns to the Senate, where conservationists hope to kill, or at least scale back, this ill-conceived legislation dangerous to both the forests and homes. Colorado Wild is now playing a more prominent role in the national debate, providing on-the-ground examples of fuels reduction abuses and the need for intelligent, careful approaches to protecting homes and returning forests to more natural conditions. With last summer's fires, some politicians here are leading the effort to strip environmental protections from our national forests. Colorado Wild is therefore stepping up as a leader among those fighting to keep reasonable forest safeguards in place, and steer resources where they will do good, not harm.

...Husted

imported lumber, we have enough timber – and work – with small forest restoration and home protection sales to sustainably strengthen our local economy through import substitution. Further, local horse-logged lumber production requires significantly less energy and thus lower costs versus mechanical removal and long-haul trucking – a prerequisite of large timber sales.

We must also consider if faster logging – (i.e. read large timber sales and low lumber prices) really promises a sustainable local economy. For instance, is it better to have 6 people and 4 horses working a section of forest for a year, or 3 people and 2 pieces of heavy machinery for 6 months? One leads to a more intimate knowledge of the forest ecosystem and keeps dollars in the local economy. The other leads to an ever increasing demand for timber that fuels a boom/bust cycle and forces loggers to frequently move their operation in search of fresh ground. Some mechanical operations can damage over 50% of leave trees with aggressive tree removal, yet in six years of horse-logging my operation has damaged less than a dozen trees that required subsequent removal. Forest restoration requires careful selection and removal of trees with a focus on leaving large, healthy, fire resistant trees – operations based on people and animals will inherently impact the forest less and provide more sustainable jobs.

We have very real and very needed opportunities for sustainable livelihood in redeveloping a local, human/horse scaled timber industry. But we need to come together as communities to see where our opportunities for self-reliance and import substitution lie. We need to take advantage of appropriate technologies that increase our efficiency and production without undue ecological damage and high levels of energy consumption. And ultimately, we need to make economic decisions based on a sustainable vision that genuinely factors the long term costs and benefits.

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Colorado Wild works to protect, preserve, and restore the native plants & animals of the Southern Rocky Mountains, focusing its efforts on habitat protection of the forested high country.

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Colorado Wild extends a special thanks to:

Aspen Business Center Foundation

El Pomar Foundation / Bayfield and Bishop Machebeuf Catholic High Schools

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