

Redwood Coast Watersheds Alliance

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January 15, 2001

Mr. Steph Jespersen
Director, Advertising Acceptability – The New York Times
229 West 43 Street
New York, N.Y. 10036

Dear Steph Jespersen and the New York Times:

This letter is in response to the letter to you of November 28, 2000, from Mr. Sandy Dean, Chairman of the Board of the Mendocino Redwood Company (MRC), concerning which you requested our comments.

The Redwood Coast Watersheds Alliance is a California non-profit public benefit corporation consisting of 13 community watershed groups and projects in Mendocino County. RCWA members have been monitoring logging activity in Mendocino County for eleven years, and have prosecuted many public interest lawsuits under the California Environmental Quality Act, in efforts to stop illegal timber harvesting and to improve California Forest Practice Rules.

RCWA and three of its member groups recently won two lawsuits in Mendocino Superior Court that resulted in the court ordering the California Department of Forestry to rescind its approval of four Mendocino Redwood Company (MRC) logging plans, on the grounds that these logging plans failed to contain adequate and legal environmental review of logging impacts. (Mendocino Superior Court case nos. CV 78423 and CV 81923).

RCWA members regularly review Timber Harvest Plans (THPs)—the public documents that actually permit logging—and all public and industry documents that pertain to our watersheds (the area of forest that drains into a particular river or creek). RCWA members also live in Mendocino County and have personal knowledge of the forests that are being logged.

The RCWA and its members are highly qualified to evaluate and to criticize the logging practices of the Mendocino Redwood Company (MRC). Our assertions about this company's logging practices are based on a careful review of the facts, on more than a decade of experience in forestry issues, and on a dispassionate view of the facts as volunteer advocates for the protection of public trust resources.

Our objections to Mendocino Redwood Company (MRC) logging are summarized below. A detailed account of the evidence supporting these objections is contained in the following pages and in the attached Notes.

- **MRC logging is killing and extinguishing endangered species.**

Approximately one hundred fish, wildlife and plant species in these forests have been listed as threatened, endangered or sensitive. The Coho salmon and the Marbled Murrelet are at particular risk of

extinction. MRC is heavily logging areas that contain remnant populations of these species, including 14 logging plans (and counting) in one small creek where Coho numbers have fallen from 10 to zero in the last five years.

MRC is destroying known Spotted Owl habitat in current Albion River logging; it is clearcutting near a rare Marbled Murrelet detection in Greenwood Creek (one of only four such detections in the entire county), and has further proposed clearcutting in a fish habitat restoration project. MRC's destruction of wildlife habitat, in forests that have almost no habitat left, and its use of toxic herbicides, pose profound threats to endangered species.

- **MRC logging plans contain grossly inadequate protections for endangered species.**

MRC logging plans reveal a pattern of inadequate protection, inadequate assessment of risks, failure to conduct surveys, failure to disclose survey data, providing false information, and careless and callous actions toward endangered species. This pattern includes a chronic failure to disclose survey data for Northern Spotted Owls (in defiance of a court ruling), and failure to conduct surveys for endangered fish, for raptors, for plants, and for many other at-risk resources throughout its ownership.

- **MRC logging is fundamentally a clearcutting program.**

Eighty percent of MRC's 200-plus logging plans contain some form of clearcutting. Clearcutting inflicts irreparable damage to the forest environment including impacts from the use of toxic herbicides. MRC's abandonment of the word "clearcut" and adoption of the phrase "alternative prescription" does not change the character of this logging program.

MRC's switch from 100% clearcuts to 90% clearcuts in 1999 was accompanied by a dramatic increase (by 75%) in the area of forest that is being entered and logged. MRC has failed to provide any assessment of the impacts of this increase on forest resources.

- **MRC logging includes practices that are illegal and unethical.**

Two Mendocino Superior Court judges recently ruled against four MRC logging plans for their failure to properly assess logging impacts, including their failure to provide the public with a detailed long term management plan, with Northern Spotted Owl survey data and other information. MRC continues to violate these rulings in *all* of their logging plans.

MRC deliberately avoided public accountability for logging impacts by withdrawing from the public process of forest management review (the "Sustained Yield Plan" process of the CA Forest Practice Rules). MRC continues to poison the environment with toxic herbicides (Garlon, Arsenal) and refuses to provide public notice of toxic use. Toxics pose a serious risk to forest workers, neighbors, hikers, children, pets, livestock, wildlife and fish.

- **The recent Forest Stewardship Council "certification" of MRC logging represents a subversion of the public process provisions of the California Environmental Quality Act.**

MRC abandoned the public process of forest management review (called the Sustained Yield Plan process) in early 2000, and sought private FSC certification—a process that is paid for by the logging company, in which the public has no right to information or no right to participate.

- **In this FSC certification, all reform of MRC’s damaging forest practices is put off into the future for periods ranging from 12 months to 50 years, and beyond.**

The FSC permits MRC to continue clearcutting (for 50 years), using toxic herbicides (indefinitely), logging the last old growth (with token retention), logging without inventory figures to justify its level of cut (40.3 million board feet per year), logging without a publicly reviewed management plan, logging without fish and wildlife surveys, and other damaging and unsustainable practices. The FSC provides only vague promises of reform, in a loose time frame that permits MRC to finish its first five years of logging before any significant reform occurs.

Following is a more detailed account of our objections to MRC logging, including citations from public and industry documents, and additional Notes.

Endangered Species

The situation of endangered species in forest lands that are being logged by the MRC could not be more critical. The Coho salmon, for instance—a once abundant species, now federally listed as threatened with extinction—has disappeared from 90% of the streams in MRC forest lands, according to industry surveys in 1994-96.

In Elk Creek, only ten Coho salmon were found, in 1995. In the year 2000, MRC filed its twelfth logging plan in this creek, which included evidence of a fish survey—no data, no methods—merely a list of species present: the Coho salmon was absent from the list of species found last year. (Timber Harvest Plan (THP) 1-00-363 MEN)

Ten Coho salmon in 1995. Seventeen logging plans later (12 of them belonging to MRC), in the year 2000, *no* Coho salmon. (*See Note 1-a, attached.*)

Continued logging of these forests poses the serious threat that species such as the Coho salmon will permanently disappear from this region. The MRC has failed to adequately assess these impacts, and has continually failed to provide the public with the information necessary for public review of logging impacts, including failing to provide survey data for Northern Spotted Owls and for threatened fish.

Mr. Dean’s assertion that MRC has a “healthy population of spotted owls” might have credibility if MRC included Spotted Owl survey data in its logging plans. It has failed to do so, despite repeated requests by the public, and despite a recent Superior Court ruling against MRC on this very issue (case no. CV 81923). (*Note 2-a.*)

A 1995 study estimated that the Spotted Owl continues to decline at a rate of 6%-8% per year throughout its range. MRC presents no evidence that its forest lands are exempt from this decline. MRC logging plans show a pattern of poor protection for Spotted Owls. In one THP, for instance, MRC would have clearcut a Spotted Owl site if they had not been stopped by a public interest lawsuit (THP 445 MEN, CV

81923). In another, MRC rushed logging crews into the forest in February, in the rain, thus avoiding owl surveys slated to begin March 1 (THP 1-98-350 MEN). Recently in the Albion, the MRC forester opted to log one of the nesting sites being used by a pair of Spotted Owls, leaving the owls with insufficient habitat (THP 1-00-304 MEN), and proposed yet more destruction of owl habitat in nearby THP 1-00-424 MEN. (*Note 2-b*)

All evidence points to a catastrophic decline in biodiversity in these forests. The list of endangered, threatened and sensitive species includes over two dozen birds and animals and over seventy plants. The Steelhead trout was recently added to the list of species that are threatened with extinction. The Marbled Murrelet and the Coho salmon are facing imminent extinction. Meanwhile, MRC is clearcutting near one of only four Marbled Murrelet detection sites in the county (THPs 1-99-339 and 1-00-172 MEN) (*Note 2-c*), and just filed its tenth logging plan in Greenwood Creek—a plan that directly threatens a fish habitat restoration project and proposes clearcutting an extremely steep slope directly above a fish bearing stream. (THP 1-00-357 MEN). (*Note 1-c, 1-d and 1-e.*)

According to wildlife habitat studies by previous owner Louisiana Pacific (L-P), only 3% of these forests still contain the bigger trees needed by wildlife. Our review of industry documents, including MRC Timber Harvest Plans, reveals that MRC is in fact targeting this last 3% of big trees. (*Note 3, and “Little Bull Clearcut,” below*)

MRC’s response to the L-P habitat studies was to attempt to debunk those studies, while failing to provide any new information. We have also found MRC to be guilty of promulgating *disinformation* about endangered species in a number of instances. Most notably, MRC foresters have engaged in a campaign to “prove” that there are no Coho salmon in Greenwood Creek, while *failing to disclose* the company’s own information to the contrary. (THP 1-00-357 MEN and five other plans). (*See Note 1-b*)

We have seen no evidence of “good stewardship” in MRC’s handling of endangered species issues.

Clearcutting

It is typical of MRC to make “feel good” statements about its logging program, that do not bear up under investigation. For instance, MRC would lead the public to believe that it has stopped clearcutting. This is simply not the case. 80% of MRC’s total of over 200 logging plans contain some form of clearcutting, including traditional, 100% clearcuts (in approximately 75 of the plans), “alternative prescription” (a 90% clearcut), “seed tree removal” (a two-stage clearcut), “shelterwood removal” (a 3-stage clearcut), “group selection” (small clearcuts), and so on. (*Note 4.*)

MRC filed 51 logging plans in 1999. Thirty of these plans contained “alternative prescription” (90%) clearcuts. MRC’s logging program is in fact characterized by clearcutting. (*Note 5-a, -b and -c*)

MRC purchased 104 logging plans from Louisiana Pacific in July 1998. MRC immediately began implementing those L-P plans, meanwhile filing numerous new plans, for a total of over 200 logging plans and counting.

In early 1999, MRC foresters stopped using the word “clearcut” and began using the phrase “alternative prescription” in the first pages of their logging plans. The California Forest Practice Rules require that

these 90% clearcuts be accurately described as clearcuts somewhere in the plan. The casual reviewer cannot easily tell that these plans are clearcuts as defined by the Forest Practice Rules.

MRC's switch to 90% clearcuts was accompanied by a whopping 75% increase in the area of forest that is being entered and logged. (*Note 6, and attached THP lists.*) This dramatic increase in logging area permits MRC to maintain expected profits, while creating the illusion of less logging. The net impacts on forest resources will likely be the same or worse. For instance, the increased logging area requires more road construction or more road use—one of logging's most destructive activities. The dirt that enters streams from logging operations is particularly bad for endangered salmon. (*Note 7.*)

MRC offers no information whatsoever—no wildlife studies, no road surveys, no fish surveys, no monitoring data—to evaluate the impacts of this huge increase in logging area. The evidence is that MRC's switch to “alternative prescription” is merely a cosmetic word change.

Winter Operations

Mr. Dean's statement on “winter operations,” in his letter of 11/28/00, typically contains an assertion that the public cannot verify (the amount of cutting MRC has done in the winter period). The fact is that MRC includes “winter operations” in every one of its logging plans. If MRC is sincere about not using “winter ops,” why doesn't MRC *amend* these plans to *exclude* “winter ops”? The public documents, the THPs, all state that “winter ops” are included. If these documents are in error, they should be changed. “Winter ops” increase impacts on endangered fish, due to muddy conditions and the use of muddy roads.

“Little Bull” Clearcut

The photograph in our New York Times ad was of clearcutting plan THP 1-98-047 MEN in the “Little Bull” area of the Albion River. THP 047 is typical of the 104 logging plans that MRC purchased from L-P. These 104 L-P plans constitute half of MRC's logging program. THP 047 was approved in April 1998, when the L-P sale was in escrow. Escrow closed July 1, 1998. The completion report for THP 047 was filed *this year*, on Oct. 12, 2000. L-P owned the plan for only two months (while it was in escrow). MRC has owned the plan for 29 months. (*Note 8.*)

The photograph of the Little Bull clearcut not only reveals visible impacts of MRC logging, it also symbolizes a host of other, unseen impacts and facts about this logging program. For instance, MRC is taking 21.8% of its annual cut out of this same watershed (the Albion River), which comprises only 7% of MRC's ownership. The reason? The Albion contains the highest percentage (15%) of that last 3% of big trees left in this ownership. (*See Note 3.*)

This is called “high grading”—always taking the biggest trees, whether in individual logging plans, or among watersheds in the ownership. The effect is to reduce the forest to a common level of depletion. “High grading” is a major violation of good stewardship, most particularly in forests with such a critical lack of big trees and good wildlife habitat.

Liquidation Logging

In 1973, corporate forest lands in Mendocino (including forests that MRC now owns) contained an average of 60,000 board feet per acre of standing timber, according to California Department of Forestry

(CDF) statistics. Today, they contain 10,000 board feet per acre, at best (MRC's claim). There is really no other name for this but "liquidation logging."

MRC (by its account) is logging over 40 million board feet per year, in forests in which 97% of the average forest stands consist of trees that are only 1 to 21 inch diameter (very small trees). (*See Note 3.*)

It is ironic that former CDF Director Richard Wilson, who presided over the latter part of this steep decline in timber inventory, has now become a promoter of more logging (i.e., his letter of September 15, 2000). In July of this year, speaking of corporate forests in Mendocino, Mr. Wilson stated the following, "The game's over....As far as these large tracts of timber land - from the resources standpoint - the game is finally over." (Ukiah Daily Journal, 7/12/00) (*Note 9.*)

Mr. Wilson, who has sometimes spoken the truth about logging in Mendocino, appears to have succumbed to MRC's P.R. statements about its goals and promises. With species being wiped off the face of the Earth right now, this will not do. We cannot rely on a logging company's smooth talk to protect our forests.

A "Green Label" for Species Extinction

The Redwood Coast Watersheds Alliance has three major objections to the private "green label" that this logging company recently obtained from the Forest Stewardship Council: 1) The FSC certification was based almost entirely on promises of future reform of forest practices that are currently killing and extinguishing endangered species; 2) The FSC endorsed a cut of 40.3 million board feet per year that MRC has failed to justify with reliable timber inventory figures; 3) FSC certification constitutes a privatization of forest management review, and a subversion of the public process provisions of the California Environmental Quality Act.

1) Promises of future reform

The FSC "green label" permits clearcutting, the use of toxic herbicides, logging of old growth, logging without a publicly visible long term forest management plan, logging without inventory figures to justify the level of cut, overlogging in the few areas that still contain good wildlife habitat, and logging without fish and wildlife surveys—all on a wish and a promise that MRC will reform these practices somewhere down the line. (*Note 10.*)

In the case of toxic herbicides, for instance, the logging company was merely asked to "write a statement" of its "commitment" to phase out 60% of its herbicide use over *four years time*, and the other 40% "*over the long run.*" The critically endangered salmon in these forests do not have that kind of time. The herbicide in question, Garlon, is known to be toxic to salmon. Why not stop poisoning the Coho salmon *right now*? (*See Note 10.*)

The FSC gives MRC until the year 2050 (50 years from now) to phase out "even-age forestry" (i.e., clearcutting).

On the protection of old growth, the FSC merely required that MRC produce a written policy. That policy contains a big loophole that permits foresters to cut down old growth trees that they decide are not important to wildlife. It furthermore sets the standard for old growth absurdly high for these overlogged forests. In short, the FSC was satisfied with the illusion of an old growth protection policy. (*Note 11.*)

2) Timber harvest regulation

The regulation of timber harvest—perhaps the most important issue of all—is yet another matter for future reform. MRC does not have inventory figures to justify its current cut of 40.3 million board feet per year, and will not have such figures for 12 months. By the time such figures are available, MRC will have been logging for *three and a half years*.

MRC claims that previous owner L-P was logging 48 million board feet per year, as compared to MRC's 40.3 million board feet. Whether or not this is true (MRC provides no data to support it), MRC has failed to address the *cumulative* impacts of this logging—year after year of more cutting—on top of decades of forest liquidation. At the time of the MRC purchase, a number of forestry experts close to the situation believed that 20 to 30 million board feet per year was the maximum cut that these overlogged forests could sustain.

These forests are severely depleted, and are fast losing essential components of biodiversity. MRC has provided *no* information on the impacts of this level of cut on forest resources such as fish, wildlife and water quality. The FSC “summary” of certification states that MRC expects to adjust harvest levels downward when certain studies are completed. What does this say about current harvest levels? (*Note 12.*)

3) Privatization vs. Public Process

In addition to the lack of substantive and immediate reform of logging practices, this “green label” raises the very serious issue of subversion of the public process of forest management review, as provided for in the California Forest Practice Rules.

In January 2000, MRC abandoned the *public* “Sustained Yield Plan” process of the Forest Practice Rules—long promised to this county, by the state and by industry, as the answer to “liquidation logging.” MRC then obtained a private “green label” in a secret process that is paid for by the logging company, and in which the public has no right to information and no right to participate.

“Sustained Yield Plans” are long term forest management plans that regulate the logging cut over time, and that contain substantial information by which to evaluate impacts of logging on public trust resources—such as wildlife, fish, and water quality—in each watershed area, in a process of public review. MRC's published management documents contain zero information about future logging plans and logging impacts in individual watersheds.

The FSC gives this logging company 2.5 years to write an SYP or a “functional equivalent”—by which time, MRC will have been logging for *five years*. That's a long time to keep the public in the dark about management of forests that are right now losing their endangered species, due to overlogging. The FSC does not even require that this future SYP be part of an official public process. (*Note 13.*)

The public has no rights in the FSC certification process. Consultation with “stakeholders” (mentioned by Mr. Dean) is not a public process. The certification “summary” (issued for public consumption, after certification occurred) even admits that the certifiers preferred public “scoping” (a public relations technique) to public hearings (which they denigrate). The “scopers” were the sole arbiters of who would participate, where and when. (*Note 14.*)

Given the magnitude of public trust resources that are at risk from MRC logging (a fifth of the forest land in Mendocino County), private certification cannot be used as a substitute for public process. This effort to “privatize” the review of forest management violates fundamental tenets of the California Environmental Quality Act. It is insidious and destructive of the rule of law.

The FSC “summary” states that a “vocal minority” believes that MRC logging plans are being illegally approved, but *fails to mention* the recent rulings of two Mendocino Superior Court judges against four MRC logging plans, on fundamental issues of logging plan review. (*Note 15.*) “Vocal minority” is hardly an accurate description of two Superior Court judges. Attitudes such as this indicate a deep prejudice and lack of objectivity in the FSC certification process.

The FSC further states that public criticism of MRC logging is a problem of “socio-political dynamics” (i.e., a public relations problem). (*See Note 15.*) The loss of the Coho salmon and other forest species is not a problem of “socio-political dynamics.” It is an environmental crisis of great magnitude, created by specific actions, such as MRC’s 14 logging plans in Elk Creek, with Coho numbers falling to zero, and its further reduction of Spotted Owl habitat in the Albion River, with so little wildlife habitat left in these forests. The FSC fails to identify this environmental crisis, and fails to address it with strong standards and effective actions.

To sum up, we believe that this FSC “green label” is worthless as a guide to consumers who wish to buy sustainably logged wood.

Conclusion:

The FSC certification “summary” does have one value: it verifies that MRC is clearcutting, using toxic herbicides, logging old growth, logging without inventory figures to justify its level of cut, and logging without a publicly accountable management plan (an SYP).

We hope that this letter and the attached notes will be useful to you in evaluating the MRC logging program and the FSC certification. Please feel free to call me if you have any questions. Meanwhile, we suggest that the New York Times has an obligation to investigate at least the public process issues that we have raised.

Sincerely,

Mary Pjerrou, President
enc. (Notes)

SEE NOTES SECTION BELOW

NOTES

GENERAL REFERENCE DOCUMENTS:

Public Summary of Certification Report: Mendocino Redwood Company, Certification Registration Number: SCS-FM/COC-00026N, Scientific Certification Systems, October 2000. (www.mrc.com) [Referenced below as “SCS’s ‘summary’ of certification,” or as “SCS” with page numbers.]

Smartwood Forest Management Public Summary for: Mendocino Redwood Company, Certificate No. SW-FM/COC-128, November 16, 2000. (www.mrc.com) [Referenced below as “Smartwood Public ‘Summary,’ or as “Smartwood” with page numbers. SCS and Smartwood were joint certifiers under the Forest Stewardship Council (FSC) private wood products certification process.]

Mendocino Redwood Company: Management Plan, Policies and Targets, August 2000. (www.mrc.com) [Referenced below as “MRC Management Plan.”]

Mendocino Redwood Company *Timber Harvest Plans* (THPs) for Elk Creek, Greenwood Creek, the Albion River and other areas. (THPs are the official public documents that actually permit logging—available from the California Department of Forestry. MRC has a total of over 200 logging plans, 104 of them purchased from previous owner Louisiana-Pacific (L-P), the rest filed by MRC. THPs are good for 3 to 5 years. They contain maps of the plan, a description of the logging and logging roads, plan mitigations (for instance, stream zone protections), and they are supposed to contain a truthful and accurate account of the endangered species and other resources that are at risk, an assessment of the risks, and a detailed assessment of impacts from past, current and future logging plans in the area.)

Louisiana-Pacific (L-P) Sustained Yield Plan for Coastal Mendocino (SYP 95-003, March 11, 1997). (A comprehensive long term management plan that contains a detailed description of the resources in each of 28 individual watershed areas, an assessment of the risks to forest resources from logging, timber growth and yield data, numerous maps including a map of projected logging plans for the current period, resource protection plans, and many associated studies, such as fish surveys and a “wildlife habitat relationship” study for each watershed (including current tree size data).)

Fish Distribution for Watersheds In Louisiana-Pacific’s Coastal Mendocino/ Sonoma Management Unit, 1994-96, including (3.7) Greenwood Cr., Elk Cr., & Alder Cr.(WWAA No. 84, 87, & 89). [Referenced as the “L-P 1994-96 fish study,” or the “L-P fish surveys,” below]

Historical and Current Presence/Absence of Coho Salmon (Oncorhynchus kisutch) in the Central California Coast Evolutionarily Significant Unit, April 1999, by Peter B. Adams et al, Administrative Report SC-9902, Southwest Fisheries Science Center, Santa Cruz/Tiburon Lab, National Marine Fisheries Service. [Referenced as the “NMFS/Tiburon Lab report,” below]

Redwood Coast Watersheds Alliance et al vs. California Department of Forestry, Mendocino Superior Court case nos. CV 78423 and CV 81923.

NOTE 1-a. Endangered fish – MRC’s failure to conduct fish surveys; destruction of the Elk Creek Coho Salmon

MRC has generally failed to conduct fish surveys throughout its ownership (or has failed to disclose the results), despite the federal listing of both Coho salmon and Steelhead trout as threatened with extinction, despite evidence of dire distress if not extinctions of Coho, despite repeated requests from the public for current fish survey information, and despite California Forest Practice Rule 898.2(c), which requires adequate information for the review of environmental impacts.

In fish surveys conducted by previous owner Louisiana Pacific (L-P) over a three year period (1994-96), the once abundant Coho salmon was absent in 90% of the streams in this ownership. Follow-up surveys are critically important to Coho salmon protection. MRC has not been forthcoming with any survey data.

The L-P surveys also contained the information that Coho salmon were found in Elk Creek in 1995. The number found was “fewer than ten” (<10). These were the only Coho salmon found in all of Elk Creek (an 18,000 acre watershed) and in the surrounding region (approximately 150 square miles). MRC foresters initially suppressed and denied this extremely important piece of information (in THP 1-97-445 MEN, a lawsuit plan), and have failed to disclose it in several important Elk Creek logging plans, including two recent new logging plans in the lawsuit area (THPs 1-00-363 MEN and THP 1-00-464 MEN).

THP 1-00-363 MEN contained evidence that MRC had conducted a fish survey in Elk Creek in the year 2000 and found *no* Coho salmon. The THP failed to include any data or survey methods. Incredibly, THP 363 *also* failed to include the L-P fish data showing Coho salmon in this creek as recently as 1995. Without this information, a reader of the logging plan would have no way of knowing of this ominous decline in Coho numbers (from ten to zero). The failure to disclose this information is a violation of the Rules (CFPR 898.2(c)) which require logging plans to contain reasonably complete and accurate information.

The Rules also require disapproval of a logging plan by the California Department of Forestry (CDF) if the plan is found to pose jeopardy to an endangered species. Coho numbers of only ten fish, falling to zero fish, is evidence of jeopardy. By suppressing this evidence, MRC maintains the “big lie” of no jeopardy. CDF routinely “rubber stamps” all logging plans, regardless of jeopardy to endangered species. MRC, however, claims to be a “good steward of the land,” and has a Forest Stewardship Council (FSC) “green label.” They should not be bending and breaking the Rules like the rest of the timber industry.

By not providing the year 2000 fish survey data (in THP 363), MRC also prevents a comparison of current Steelhead numbers with the 1994-96 L-P numbers. And by not providing a description of survey methods, MRC prevents an evaluation of the quality of their surveys by the public and by independent fish biologists. Their 13th and 14th logging plans in Elk Creek (recently filed), also fail to include the year 2000 fish survey, and their 14th plan fails to even mention it. These omissions make a farce of the logging plan review process.

MRC seems to be laying the ground work for a future declaration that Elk Creek is a non-Coho creek. Foresters often treat the loss of an endangered species as a *fait accompli*—that is, an excuse for lowering the level of protection (to permit more logging), and as a way to avoid any *future* restrictions. This appears to be exactly what MRC is currently doing in Greenwood Creek, as follows.

NOTE 1-b. Endangered fish – MRC’s disinformation about Coho salmon in Greenwood Creek

MRC’s six most recent Timber Harvest Plans in Greenwood Creek assert that there are no Coho salmon in Greenwood Creek. These THPs cite flimsy “evidence” such as a one day stream survey, 34 years ago, which didn’t record seeing Coho, *while failing to disclose* substantial evidence to the contrary, including unpublished L-P fish data indicating Coho in this creek in 1995 (referenced in the National Marine Fisheries Service (NMFS)/Tiburon Lab report, cited above —ref. #42), and evidence in the company’s own (now defunct) Sustained Yield Plan that is positive for Coho.

Louisiana-Pacific’s Sustained Yield Plan for Coastal Mendocino (SYP 95-003)—an extensive document that L-P published just before selling its lands and operations to MRC—contains detailed information on the natural resources in this 28-watershed ownership, including the following statement about Coho salmon in Greenwood Creek: “Coho salmon are known to reside in the streams of WWAA 84 [Greenwood Creek].... The literature review conducted for the SYP yielded information indicating that Coho populations are present within the Upper and Lower Greenwood Creek planning watersheds.” (WWAA 84-Greenwood Creek, p. 8).

In THP 1-00-172 MEN, one MRC forester not only failed to cite the above statement, he tried to deny that the SYP was referring to Greenwood Creek, and did so *after* the close of public comment (so that the public could not reply). (See Note 1-c below, for more details on MRC’s disinformation campaign regarding the Greenwood Creek Coho.)

NOTE 1-c. Endangered fish – Lack of information in MRC documents

Timber Harvest Plans (THPs) are the official public documents that permit logging. They are supposed to contain accurate and reliable information regarding both the operational aspects of the logging, and the resources that are at risk from logging. MRC’s failure to disclose evidence of Coho salmon decline in Elk Creek, and of Coho salmon presence in Greenwood Creek, and its failure to provide current fish survey information in the Albion River and throughout its ownership are very serious violations of the California Forest Practice Act, the California Environmental Quality Act, and the U.S. Endangered Species Act.

MRC Timber Harvest Plans (THPs) in Greenwood Creek, Elk Creek, the Albion River and other areas reveal a pattern of suppression of information, providing wrong information, and failure to provide adequate information on numerous issues. Their truthfulness regarding risks to forest resources can be gauged by the following: With evidence of ten Coho salmon falling to zero Coho salmon in five years, MRC THPs claim that more logging of Elk Creek will have no cumulative effects.

Sustained Yield Plans (SYPs) are also official documents, which are supposed to contain the company’s detailed, long term operational plan for logging (including, for instance, a map of the current logging plans over a ten year period, and short and long term projected harvests in individual areas), as well as extensive information about the resources that are at risk in each area.

As public documents, THPs and SYPs sometimes contain information that is useful to the public. In any case, the public has a *right* to information in these documents, and can (if it can muster the resources) challenge their accuracy—as opposed to the private Forest Stewardship Council process which permits the logging company to withhold all useful planning information from the public.

MRC withdrew from the public process of long term planning (the Sustained Yield Plan process of the Forest Practice Rules) in January 2000, and is using a loophole rule (called “Option A”) to file individual logging plans (THPs) without a long term planning document. (See Note 9-a.) In a recent public interest lawsuit, in which the judge threw out 3 MRC logging plans, the judge specifically mentioned MRC’s failure to provide a long term plan, needed for proper and legal environmental review of logging impacts. (See Note 1-e.)

THPs and SYPs represent the real world (more or less)—that is, what the logging company is actually doing to these watersheds, short term (THPs) and over the long term (SYP). In the current situation (no SYP), MRC’s 200-plus Timber Harvest Plans (THPs) are the only documents the public has that contain real-world information (numbers that can be added up—amount of acreage in logging plans, number of clearcutting plans, etc.).

The Forest Stewardship Council (FSC) certification “summaries” (by Scientific Certification Systems (SCS) and Smartwood), and the “MRC Management Plan, Policies and Targets, August 2000,” represent what these entities would like the public to believe about this logging program, and are characterized by vague promises and goals, in very loose, long term time frames, with no details about individual logging plans and logging impacts, and no details about how goals will actually be accomplished, or how compliance will be monitored.

Neither the FSC “summaries,” nor the “MRC Management Plan,” mention the 10 Coho (falling to zero Coho) in Elk Creek, the 14 logging plans in Elk Creek, the ten logging plans in Greenwood Creek (with Coho, Marbled Murrelet and a town water supply at risk), or the destruction of Spotted Owl habitat in the Albion River watershed. These are pieces of the puzzle that the public has had to assemble on its own—from individual THPs and from other documents that are not provided, and in some cases are not even referenced, in MRC THPs.

NOTE 1-d. Endangered fish –additional details of MRC’s non-disclosure and disinformation

Elk Creek: The effort to hide the facts about logging impacts on the Elk Creek Coho salmon has been going on for several years. Lawsuit plan THP 1-97-445 MEN—both the L-P version and the MRC version— failed to include the L-P fish study showing the ten Coho salmon in Elk Creek in 1995. The forester in fact initially denied that there were *any* fish in this south fork area of Elk Creek (no fish means they can log more). Local fisherkids went up to this creek with fishing poles and a camera, and proved that assertion false, by finding and documenting numerous Steelhead in the creek that was classified as having no fish. Only later did the public find out that there were extremely endangered Coho in the creek as well.

THP 445 was a plan to log 606 acres, including 418 acres of clearcutting and 7 miles of road construction, directly upstream from the last Coho salmon found in the area. MRC defended this logging plan (THP 445) in court for two years, and finally lost this court battle, on Spotted Owl issues (see Note 2,

below). They have meanwhile filed numerous new logging plans in Elk Creek, oblivious of public concerns about this dying Coho fishery, including their 12th, 13th and 14th logging plans in this creek (THPs 1-00-363, 1-00-464 and 1-00-483 MEN), which all fail to include the L-P fish data.

Of the 17 logging plans that were approved in Elk Creek between 1995 and 2000 (the years during which the Coho declined from ten to zero), twelve of them are current MRC plans (THPs 1-00-363, 1-00-249, 1-00-159, 1-00-027, 1-99-437, 1-99-163, 1-99-161, 1-99-156, 1-99-141, 1-98-019, 1-97-316, 1-97-156, 1-97-020 (MEN)). MRC and others have filed a total of over a thousand acres of logging surrounding these last Coho salmon. The reason for all this logging? As with the Albion River, Elk Creek contains one of the higher percentages (8%) of that last 3% of big trees left in this ownership. (See Note 3)

MRC has suppressed, or failed to disclose, many other important facts about Elk Creek—including the revelation by the L-P surveys that the Coho found in Elk Creek were the only Coho found in the entire region, evidence of a Coho salmon extinction in upper Elk Creek between 1979 and 1995, an historical account of the great abundance of Coho in Elk Creek in the 1920s-1930s (a heartbreaker), evidence of the presence of extremely endangered Point Arena Mountain Beaver (in the SYP), and evidence of a Northern Spotted Owl site in one of the clearcutting units of THP 445.

Greenwood Creek: MRC's campaign against the Coho salmon in Greenwood Creek is an even sharper example of plain dishonesty. MRC has filed ten new logging plans in Greenwood Creek since it took ownership. In the last six—THPs 1-00-357, 1-00-312, 1-00-228, 1-00-172, 1-99-451 and 1-99-339—MRC foresters have conducted a campaign to “prove” that there are no Coho in Greenwood Creek, citing evidence such as a one day stream survey, 34 years ago, in which the surveyor didn't happen to see Coho salmon (in stream conditions that the surveyor described as “too muddy...to see many fish”). While citing flimsy evidence such as this, these foresters have at the same time failed to disclose the company's own unpublished fish survey data that showed Coho salmon in this creek in 1995 (the NMFS/Tiburon Lab report), as well as suppressing other positive indications of Coho, including the SYP statement that Coho are present.

Our organization, RCWA, recently discovered the reference to the unpublished L-P fish data (“ref. #42”) in the NMFS/Tiburon Lab report cited above. In one of their latest plans (THP 1-00-228), MRC is now additionally asserting that there *may never have been* Coho in Greenwood Creek, while continuing to suppress their own unpublished fish data to the contrary, as well as ignoring information that we have brought to their attention, including a local historical book describing the Coho salmon as “ganging up” in the Greenwood Creek estuary (to swim upstream) in the 1920-1930's (“The Town with Two Names,” by Walter Matson, 1980).

This campaign against the Coho in Greenwood Creek is an egregious violation of the Forest Practice Rules (898.2(c) and (d)), not to mention “good stewardship.” What is the point of such a dishonest campaign to downgrade a creek except to cover up impacts on the Coho salmon, so that more logging can occur? Greenwood Creek is one of 14—out of 28—MRC watersheds that contain a substantial percentage of that last 3% of big trees in the ownership. (Greenwood Creek has 5%. See Note 3.)

(Note: Of the six THPs cited above, THP 451 merely stated that “Coho salmon are not known to be present in Greenwood Creek,” while the others attempted to “prove” it with an elaborate parade of highly selective “evidence.”)

MRC recently proposed a logging plan in Greenwood Creek (its 10th) that directly threatens a fish habitat restoration project, without mentioning the restoration project or assessing potential impacts to the project and to the fishery. (THP 1-00-357 MEN.) The THP proposes *altering* the bridge that a watershed group installed to help the fish—widening the bridge, or adding a second bridge—to haul heavy logging equipment over the creek and up a fragile, crumbling, old road system, to clearcut 77 acres of what the plan describes as mostly (70%) tanoak, on near vertical slopes directly above Greenwood Creek (a fish bearing stream).

MRC claims to be contributing to restoration work. In this case, they are casually risking the destruction of a three year restoration project, with not one word of disclosure in the THP.

Albion River and elsewhere: We know of at least two places where MRC has conducted fish surveys—Elk Creek and the Albion River. MRC has failed to disclose Albion River fish survey data, despite repeated requests from the Albion River Watershed Protection Association. The Albion River contains what may be the last genetic strain of wild Coho salmon (non-hatchery Coho) in coastal watersheds. MRC has been hammering the Albion, more than any other area, due to the presence of those few last big trees in the ownership (15%). (See Note 3) MRC has utterly failed to provide adequate information and assessment regarding impacts of this intense logging program on the important Albion River Coho fishery. MRC’s treatment of the Northern Spotted Owl in the Albion is also particularly outrageous. (See Note 2.) By not providing fish survey data—and numerous other items of information, such as Spotted Owl surveys—MRC avoids public accountability for the impacts of its logging program.

NOTE 1-e. Endangered fish. Background and MRC responsibility

MRC received fair warning about imminent extinctions of Coho salmon in early 1999. Fish biologist Dr. Edmund Smith wrote them, on January 21, 1999, that, “the salmonid populations [in MRC watersheds] are not only stressed but may be driven to levels from which they cannot return.”

Dr. Smith was commenting on SYP 95-003 (which now belonged to MRC and was still under review at CDF). MRC ignored this warning, never replied to Dr. Smith, and, one year later, abandoned the public SYP process.

It is through the SYP process that the public got hold of the L-P 1994-96 Fish Distribution surveys. These surveys were supposed to be “attached” to SYP 95-003—a fact that came to light as a result of the public interest lawsuit on THP 445 in Elk Creek. RCWA submitted a Public Information Act request to CDF for the full survey data, but CDF could not find the fish surveys anywhere in their offices. L-P was clearly trying to suppress this information.

MRC (which in the meantime bought out L-P) finally produced the L-P fish surveys, six months later (under threat of a Public Information Act lawsuit). Before releasing them to the public, however, MRC inserted an unsigned frontispiece, under the title page of the L-P survey report, attempting to debunk the surveys and downplay their importance as a gauge of fishery health. They stated that the L-P surveys were focused on distribution, rather than population, and therefore could not be used to determine the status of the Coho salmon. Dr. Smith was replying to these assertions. His point was that, though the L-P fish surveys were limited and flawed, they certainly *do* indicate a fisheries crisis of grave proportions.

Even more important, MRC has failed to produce any fish survey data of its own. Another MRC document (the MRC version of THP 445) further stated that “more focused population surveys are *required* to determine the status of the Coho.” [emphasis added]. MRC has failed to produce any fish surveys (let alone “more focused” surveys). By their own account, they are logging *without knowing* the status of the Coho salmon.

Though L-P and MRC had different methods of mishandling information—the one attempting outright suppression; the other having the more subtle approach of releasing the L-P data, debunking the data, failing to produce their own data and then exiting the public review process—the effect was the same: the public’s legitimate interest in the health and survival of the Coho fishery was thwarted in both cases.

Coho salmon and Steelhead trout are born in local creeks and rivers, migrate out to the Pacific Ocean where they remain for several years, and return to spawn in their native streams. They require clear, cold water, and deep pools to propagate. Logging and logging road construction sends tons of mud into the streams, and raise water temperature by removing streamside vegetation. MRC has dramatically increased forest entry levels, has failed to follow National Marine Fisheries Service guidelines for Coho protection, continues to log in upslope feeder streams (which send sediment and warmer water downstream), and continues to overlog, using highly risky logging methods such as 90-100% clearcuts, often on extremely steep, unstable slopes.

MRC, with its tremendous public relations resources, has set a very low standard for Coho salmon protection, on behalf of all of industry. Indeed, MRC has done nothing more than Louisiana Pacific was doing in its final two years of operation (refraining from logging within the standard stream protection zones of Class I (fish) and Class II (aquatic life) streams, and employing better, upslope road construction). These are merely *industry’s* response to the fisheries crisis. They have no foundation in independent biological science, and they do not meet NMFS guidelines.

Though MRC’s practices do indeed “exceed” the CA Forest Practice Rules, this is a bogus claim to “good stewardship,” given the state of the Coho salmon on MRC lands (almost extinct). Further, the CA Forest Practice Rules have been thoroughly criticized by the National Marine Fisheries Service, by other agencies, by government scientists such as Dr. Leslie Reid, by independent scientists, by environmental groups, by the courts, and even by legislators, as being inadequate for the protection of Coho salmon. They are hardly a standard by which to judge good forest practices.

MRC relies on the standard timber industry defense, blaming changes in ocean currents, dams, over-fishing, vineyards, grazing and other development activities—anything but logging—for the decline of the Coho salmon. This line of defense contradicts virtually the entire government and scientific community that logging is one of the chief causes of Coho decline, and that muddy streams and high stream temperatures are lethal to Coho salmon and prevent propagation. In addition, Coho are extremely sensitive to toxic herbicides such as Garlon, which MRC uses on a large scale to kill native tanoak and brush.

In Elk Creek, there are no dams, and no other significant activity (vineyards, cattle grazing, people). Logging is the only activity. MRC owns 14,000 acres of this 18,000 acre watershed. The presumption must be (and, to any reasonable person or scientist, *is*) that additional heavy logging of this creek is

seriously impacting the Coho salmon and other resources, and is likely responsible for driving the Coho salmon to extinction.

To deny logging impacts, and to fail to address this crisis with intense surveys, monitoring and mitigation measures, is the height of irresponsibility. We are seeing a species vanish from our midst, never to return—and MRC isn't even doing fish surveys (or is suppressing the data)!

In Mendocino Superior Court case no. 78423 (RCWA et al vs. CDF), a case that originally involved four MRC logging plans (Elk Creek plan THP 1-97-445 later became a separate lawsuit), the court ruled that MRC's review of logging impacts was fundamentally illegal, failed to assess the incremental impacts of each logging plan in a larger picture of multiple logging plan submissions, failed to provide a long term management plan (necessary to the assessment of incremental impacts), failed to properly assess alternatives, and failed to provide the public with numerous review documents. (The plans that were ruled illegal in this lawsuit were THP 1-97-352 MEN, in Greenwood Creek, and amendments to THPs 1-89-100 and 1-89-145 MEN, Albion River.)

MRC has filed over a hundred logging plans since this lawsuit was initiated, all of which violate these rulings—as well as violating the Elk Creek ruling on Spotted Owl issues.

NOTE 2-a. MRC's failure to disclose Northern Spotted Owl surveys

Mendocino Superior Court case no. CV 81923: Redwood Coast Watersheds Alliance et al vs. the California Department of Forestry (CDF). This was the second lawsuit on THP 1-97-445 in Elk Creek. The main issue on which we won this lawsuit was MRC's failure to provide the public with Spotted Owl survey data, after the public had discovered the problem in the original surveys (the "missing" Spotted Owl site) by reviewing information in an adjacent, non-MRC logging plan. MRC would have clearcut this Spotted Owl site, if it had not been stopped by the lawsuit. MRC has continued failing to disclose Spotted Owl data in all Elk Creek plans and in all plans throughout its ownership—a blatant violation of the California Environmental Quality Act.

NOTE 2-b. MRC's failure to protect the Spotted Owl in THPs 1-00-304, 1-00-424 and 1-98-350 MEN

MRC's treatment of the Spotted Owl pair in THP 1-00-304 MEN, in the Albion River, is typical of what is going on here. The owl pair was found to be using several sites. The forester decided to cut down one of these sites. Wild birds cannot be consigned to one site for nesting and roosting. They need choices and variety. Spotted Owls lose many of their young (up to 90%) to predators, for instance, and need to choose nesting sites very carefully. (One of their chief predators is the bigger Horned Owl, which prospers in clearcut areas.)

To cut down one of the few remaining owl nesting sites is callous and greedy. It may be barely within the letter of the law, but it is hardly good stewardship. Actions such as this—severely limiting the Spotted Owl's choices—are the kind of actions that add up to species extinction.

The group that discovered this reduction of owl habitat had to obtain the owl data in a special request to the U.S. Fish and Wildlife Service. MRC does not provide owl data in their logging plans—a plain violation of law (as the judge in CV 81923 ruled).

In MRC's latest Albion logging plan (THP 1-00-424 MEN)—a plan that is nearby to THP 304, and that involves the same pair of Spotted Owls—MRC failed to mention the scattered old growth in the plan, failed to mention the presence of large-diameter Bishop pine (rare wildlife habitat), and furthermore intended to log without meeting the habitat retention standard for Spotted Owls. (MRC letter to the U.S. Fish and Wildlife Service, 11/15/00: "Please note that the post harvest NSO habitat retention threshold for NSO MD 064 will not be met at the 1.3 mile radius.")

MD 064 is a pair of Spotted Owls that the Albion River Watershed Protection Association has been trying to save from logging since L-P days. ARWPA is still fighting to save these owls—as MRC continues to reduce their habitat.

In THP 1-98-350 MEN, in the Kaisen Gulch area of the Albion River, MRC logged a steep slope that contained a slide into the Albion River (potential for further destabilization of the slope, and more mud in the river), and did so with unseemly haste—rushing two crews of fallers into the area to log the plan the moment it was approved, in the middle of winter during two weeks of rain. The month was February. Spotted Owl surveys were slated to begin March 1. Local observers found and photographed a previously unreported Spotted Owl in the vicinity of the plan. The logging proceeded over the weekend, which prevented the Albion River Watershed Protection Association from obtaining a Temporary Restraining Order from the court. Tree sitters later tried to protect the area for several months. The moment there was a lapse in the tree sit, MRC rushed in and finished the job.

The FSC certification "summaries" had nothing whatever to say about these illegal and nearly illegal actions, except to remark that a "vocal minority" claims that MRC logging plans violate rules and laws (SCS, p. 20, Smartwood, p. 23). The FSC does not mention the court rulings against MRC, and apparently did no investigation of these difficult-to-research issues—the real, gritty work that watershed members do all the time (tracking down owl survey data, figuring out obscure maps). The FSC makes a lame statement on p. 29 of the SCS certification "summary" that MRC should strive to make its THPs more "transparent"—an absurdity, in view of MRC's failure to disclose Spotted Owl and fish survey data in over 100 logging plans.

NOTE 2-c. Failure to protect Marbled Murrelet; THPs 1-99-339, 1-00-172 MEN

MRC has suppressed the detection of extremely rare Marbled Murrelets, and the presence of rare Murrelet habitat, in its logging plans in Greenwood Creek. Mamu detections occurred in 1995 and 1999, though no nest site has been found. MRC has failed to mention, or has attempted to debunk, these detections—which represent one of only four Marbled Murrelet detection sites in the whole of Mendocino County.

Rather than taking the attitude of good stewards—that Marbled Murrelet are looking for a place to nest in Greenwood Creek, and may be using the creek—MRC foresters have done just the opposite. They ignore the detections and deny that there are birds or habitat. Local people went to extraordinary lengths to document the Marbled Murrelet habitat in THP 339 (after the forester denied its presence); only then did MRC agree to retain some (but not all) of these extremely rare old growth trees.

MRC is currently clearcutting near this area of Mamu detections (the above THPs). The disturbance and loss of habitat may well drive the Mamu away for good. MRC is also overlogging this small

watershed (ten logging plans, and counting) for the very reason that it contains some of the last big trees (a relatively high 5%).

(Note: In THP 339, the MRC forester committed another transgression against public process, by alleging, *after* the close of public comment, that the streams that the SYP said contained Coho were not Greenwood Creek (when they plainly were—see quote in Note 1-b, para. 2). The forester’s information was not only wrong—by making this allegation after close of public comment, he prevented the public from correcting the error.)

NOTE 2-d. Failure to protect other species

In addition to failing to provide surveys for the Spotted Owl and endangered fish, MRC has failed to provide surveys for raptors and for plants. The CA Dept. of Fish and Game recently non-concurred on several MRC logging plans for their failure to provide these surveys, which were designated as required information by CDF Director Andrea Tuttle in mid-1999. (Non-concurrence means they disagreed with CDF’s approval of the plans.) MRC has consistently failed to provide raptor and plant surveys in all of its logging plans.

The CDFG later backed off on demanding protocol surveys for raptors and plants. The public has a very hard time getting its agencies to comply with rules and laws in timber harvest plan review, due to political directives from the Governor that are pro-timber and pro-development. Last year, CalPEERs issued a strong report on political interference by the Governor with CDFG biologists in logging plan review. MRC, as a “green label” company, should be leading the industry in compliance with bottom-line principles of good stewardship, such as species surveys. Instead, they continue to ignore court rulings and public requests regarding information, and argue with agency requests, providing minimal information. (MRC has been logging now for 2 1/2 years—with over 200 logging plans—without providing this and many other items of essential information.)

NOTE 3. Decline of the Spotted Owl; MRC’s failure to conduct wildlife habitat studies

Spotted Owl study showing 6%-8% decline: Bart, Jonathan. 1995. “Evaluation of population trend estimates Calculated Using Capture-Recapture and population projection methods.” *Ecological Applications*, 5(3), 1995, pp. 662-671.

See attached Wildlife Habitat Relationship data, compiled by RCWA for all watersheds in the MRC ownership, from the “Sustained Yield Plan” (SYP 95-003) that MRC purchased from L-P. The totals show that only 3% of the average forest stands in the MRC ownership were in trees of 24 inch diameter or greater, as of 1996-97, and 97% were in trees of only 1 to 21 inch diameter (with the bulk of that in 11 to 16 inch diameter). By comparison, a coast redwood is capable of growing to 20 *feet* in diameter (300 feet tall, and 2,000 years of age). In short, these forests are more than depleted—they are devastated.

The Spotted Owl and the Marbled Murrelet need the bigger trees for nesting and rearing habitat. The Coho salmon and Steelhead trout need big trees to shade the streams.

MRC’s response to these statistics, after we compiled them into readable form (for tree size information), was to try to debunk its predecessor’s (L-P’s) study. Our expert, wildlife biologist Dr. Allen

Cooperrider, answered the debunking, and MRC has never replied to him—and has furthermore failed to provide any *new* wildlife habitat relationship data.

MRC's failure to reply to Dr. Cooperrider—like their failure to reply to Dr. Smith—was followed by MRC's exit from the public process of forest management review (the SYP process).

Tree diameter is one of the critical components of wildlife habitat. (Endangered birds need tall trees with thick limbs for nesting and roosting.) Here is an example of the paucity of vital planning information in FSC and MRC documents. FSC/Smartwood, p. 3, states that “MRC estimates that their inventory includes 9,000,000 conifer trees with diameters of 10 inches or larger.” (Also stated in the “MRC Management Plan, p. 4.) This is utterly useless information, as to wildlife habitat. What is needed is data on the range of trees *above* 10 inches diameter. (10 inch diameter is very small for a redwood forest conifer.) The L-P study properly provided the range of tree sizes up to the biggest sizes (32 inch diameter and above). The FSC permits MRC to continue with its 200+ logging plans despite lack of inventory data that is meaningful for wildlife, and that is vital for assessing the cumulative impact of the number and type of trees that MRC is cutting down.

MRC has failed to provide habitat mapping for Marbled Murrelets and other species, despite repeated requests from the public. They have also failed to disclose Mamu habitat, the presence of old growth trees, and other vital environmental review information, in many THPs.

NOTE 4. Clearcutting – characteristic of MRC logging

See attached THP tables, MRC logging plans 1998, 1999, 2000. The legend at the bottom decodes the various “silviculture” methods listed with the plans (f.i., cc = clearcutting, str = seed tree removal, etc.). These statistics were taken from CDF public notices of THP filings and from THPs. All of MRC's “ap-cc's” (“alternative prescription” clearcuts) in 1999 have been verified as actual clearcuts (of approximately 90% of the forest). (Note: “Alternative prescription” is a generic term that doesn't fit standard rules definitions. Foresters are required to disclose the standard cut that their “ap” most closely resembles. Most MRC “ap” cuts are clearcuts. In 1999, all of them were.)

These THP tables reveal that MRC is using various forms of clearcutting in 80% of its logging plans. The Rules require that MRC “alternative prescription” cuts be accurately described as clearcuts somewhere in the logging plan. MRC logging plans do not provide this information upfront, in the opening pages. They bury it back in pages 30 to 50. They further confuse the public by their use of the term “variable retention” to describe a 90% clearcut (which purports to retain about 10% of the forest).

The FSC “summary” asserts that MRC “is implementing a policy of moving to” somewhat lighter cuts, specifically clearcuts that average 80% removal of the forest. (SCS, p. 4) Besides questions about the meaning of this SCS language (what is meant by “implementing a policy of moving to”?), these are *still* clearcuts. Although scraggly patches of vegetation will remain, the bulk of the forest is removed. “Seed Tree” cuts, “Shelterwood” cuts, etc., are cuts that remove all merchantable timber in several stages. The general term for this logging program is “even-age” forestry.

NOTE 5-a. “Even-age” forestry (i.e., clearcutting)

Even-age” forestry consists of various forms of clearcutting. MRC’s logging program is characterized by “even-age” cuts (see THP lists, attached). “Even-age” forestry creates a forest of small, young, same-age trees that cannot support wildlife and fish (a tree farm). “Uneven-age” forestry creates a variety of tree sizes and ages and other generally better wildlife habitat characteristics (though neither of these kinds of forestry will create an old growth forest).

MRC claims to be “in transition” to “uneven-age” forestry—a “transition” that will not be completed for 50 years! (FSC/Smartwood, p. 5.) The question is: If “uneven-age” forestry is better for the forest, why not do it *now*? Why this very long term “transition”? MRC acts as if its logging plans are written in stone. It could amend them all, right now, to “uneven-age” forestry? Why don’t they?

The standard answer is that MRC is clearcutting tanoak in order to restore the land to conifer production (redwood and Douglas fir). (Tanoak is a native species that now dominates many redwood areas, due to *previous* clearcutting!). However, even the FSC “summaries” acknowledge that MRC is *also* clearcutting redwoods and Douglas firs in their clearcutting plans. (Smartwood, p. 22)

If conifers (redwoods and Doug fir) are in scarce supply (and big conifers extremely scarce), what is the biological justification for cutting *any* of them down? (The reason, of course, is financial—it has nothing to do with forest ecology.)

NOTE 5-b. A “green label” for clearcutting redwoods

The FSC permits MRC to continue clearcutting (i.e., even-age forestry) with an end date of 50 years from now—at Smartwood p. 5.

Smartwood, p. 5, states that MRC “anticipates utilizing” 55% uneven-age and 45% even-age forestry over the next five years, and they “anticipate a shift” to approximately 95% uneven-age forestry by 2050. This typically slippery language of the FSC “summaries” (what is meant by “anticipates utilizing”?) leaves the public without any firm information about what MRC will actually be doing in the next five years, or the next fifty years. A “transition” away from clearcutting that takes 50 years is meaningless to the endangered species and other forest resources that are being damaged or lost right now.

This so-called tanoak removal program is deceptive, self-defeating, and extremely damaging for several reasons: 1) MRC clearcutting plans generally contain a large component of conifers that are *also* being clearcut; 2) Clearcutting is responsible for the current dominance of tanoak—to continue clearcutting, with all the collateral damage that it inflicts, makes no sense; 3) As a native tree that grows fast to heal clearcut areas, the tanoak is very valuable to wildlife, fish and other resources; and 4) Clearcutting of tanoaks is generally followed by the application to toxic herbicides, which pose a danger to all life.

Open any MRC “ap” or other clearcutting plan, and you will find that the forest stand that is going to be clearcut is composed of hardwood (tanoaks and others) *and* conifers (redwood and Doug fir), often with a large component of conifers (up to 60%). Though the Smartwood “summary” of certification

states that the certification team questioned the clearcutting of conifers in tanoak areas (Smartwood, p. 22), there is no evidence anywhere in the SCS or Smartwood “summaries” that this criticism was effective, or that this FSC “green label” required the amendment of any of MRC’s 200+ logging plans.

MRC has numerous plans for clearcutting tanoak that include the clearcutting of conifers. The FSC “summaries” fail to address this issue in the real world of actual logging plans, and are frequently guilty of making statements that merely sound good—and that have no impact on the *current* logging program.

Further, this issue illustrates the serious public process deficiency in private FSC certification. If this 50 year time frame for eliminating clearcutting had been put before the public in an open and proper public process, there would have been serious and widespread opposition to it (as there was when L-P proposed ten years of 30% clearcutting in their Greenwood Creek SYP). This 50 year time frame for continued clearcutting is presented as a *fait accompli* in the FSC “summary.” There is nothing the public can do about this time frame, since there is no public SYP. (MRC’s individual logging plans generally fail to disclose the logging methods and other information about future logging plans.)

NOTE 5-c. MRC’s assault on the native tanoak tree

Much of this forest land is now dominated by the native tanoak tree which grows up quickly in areas that have been previously clearcut. Tanoaks help to stabilize clearcut slopes, and provide wildlife habitat, moisture, shade for streams, and shade for young conifers (whose natural habitat is a deep dark redwood forest surrounded by giant trees). In natural forest succession, the conifers will eventually overtop the tanoaks and the conifer forest will restore itself without these assaultive and damaging practices (clearcutting followed by the use of toxic herbicides). Indeed, the assaultive practices are inflicting so much additional damage that the forest may not recover at all—and may permanently become a “tree farm” (a plantation with no biodiversity, where trees are grown for inferior quality lumber and for pulp), or worse (vineyards, subdivisions).

In Mendocino, we are already seeing damaged, overlogged forest lands converted to vineyards, because their short term financial value as forests is gone. (Coastal Forest Lands on the south coast is the most notable example—CFL has proposed a conversion of 10,000 acres of redwood forest land into vineyards.)

In counties south of Mendocino (including adjacent Sonoma County), tanoaks have been hit with an alarming new disease, called “sudden oak death,” caused by a fungus that has apparently mutated from another tree species. (MRC owns 15,000 acres of forest in adjacent Sonoma County, along with about 220,000 acres in Mendocino.) Sonoma County is an area that has already seen major conversion to vineyards and subdivisions. (Vineyards also frequently use herbicides.) “Sudden oak death” is causing great concern in forestry and scientific circles. Is this a time to be clearcutting and poisoning tanoaks in Mendocino?

[See Supplemental Notes March 2002, below. More on “sudden oak death” disease, which is now known to be present in Mendocino County, and has been found on redwood sprouts.]

NOTE 6. MRC's dramatic increase in logging area

Here are the statistics: Louisiana Pacific total logging plan acreage 1997: 4,031 acres. L-P/ MRC combined (about equally) 1998: 4,161 acres. MRC alone 1999: 7,334 acres! MRC alone 2000 (as of September – keeping pace with 1999): 6,505 acres. In 1999, MRC thereby instituted a 75% increase (over L-P levels) in the area of forest that is being entered and logged. (See attached THP tables.)

[See Supplemental Notes March 2002, below. In 2001, MRC increased the area that is being entered and logged by 150% over L-P levels in 1997!]

MRC claims to be logging less than L-P. This seems unlikely, given the figures above showing L-P's logging acreage in 1997 as 4,031 acres, and MRC in 1999 with well over 7,000 acres of (*additional*) logging plans filed. MRC figures are unverifiable, whereas the THP figures above, showing a 75% increase in logging area by MRC, are from official public documents.

The FSC certification “summaries” state that L-P was logging 48 million board feet per year (as opposed to MRC's 40.3 million board feet) but they give only a vague time frame for L-P logging. (SCS, p. 3, gives no time-frame; Smartwood, p. 7, says 1994-97). These statements are difficult to verify. Nobody disagrees that L-P liquidated these forests. The question is: Can they take an *additional* 7,000+ acres of logging per year (or removal of 40.3 million board feet of timber) without permanent loss of endangered species and other serious damage to forest health and productivity? Most indicators say “no.” MRC provides no information to help with an assessment. (Nor does the FSC.)

“Sustainability” involves many different components of forest ecology, not just the amount of timber that is being produced by the trees vs. the amount being removed by logging. On the issue of the Coho salmon alone, for instance, MRC is not logging sustainably. There is strong evidence of continued Coho decline associated with heavy MRC logging.

MRC claims to be logging at 2 percent of inventory (POI) or less. The one and only piece of useful information that MRC provides (in its “Management Plan,” p. 13) is the POI figures for 1999. (But they don't provide the most important piece of information—*future* logging plans and POI's per watershed.) These 1999 figures show MRC logging at 2.6 POI in the Albion River and 2.9 POI in the Noyo River—well above 2%. (The average for the ownership is said to be 1.7 POI.) The reason for their overcutting the Albion is obvious—its 15% of big trees (as revealed in the L-P study). There is no evidence for a high percent of big trees in the Noyo, but MRC may have concentrated logging in the Noyo in 1999 due to the imminence of a court-ordered water quality study in the Noyo (to get the logging done before any further regulation occurs).

The Albion 1999 POI may be even higher—MRC includes a thousand acres in the Albion “inventory block” that is not in the Albion watershed. Another anomaly—we cannot determine the 1999 POI for high-percentage big tree areas such as Greenwood and Elk Creeks, because MRC groups all the south coast creeks together in one “inventory block.” The evidence from actual THPs is that MRC is seriously overlogging Greenwood Creek and Elk Creek.

Forest economist Hans Burkhardt currently recommends either zero cut or 1 POI for these damaged forest lands. His 2 POI recommendation, ten years ago for L-P, was hedged round with area controls,

to prevent overlogging of particular areas, and was appropriate to conditions *then*, not now (after ten more years of logging). There is no evidence that MRC has instituted area controls (quite the opposite).

1 POI works out at about 20 million board feet per year (half of MRC's current annual cut). Smartwood's forester Steven Smith and CDF's Richard Wilson have both mentioned 20 to 30 million bf/yr as sustainable for these forests, at various times in private conversations.

The FSC certification "summaries" promise that MRC will assess cumulative effects some day. Here is how FSC/Smartwood puts it: "Under this condition [4.4] MRC *is to address* the positive and negative impacts and cumulative effects of [various logging activities]," and, "MRC *began to implement* this condition, through *expansion of their landscape planning process*." (FSC/Smartwood, p. 20) [emphasis added]

MRC has done nothing to address cumulative effects—as evidenced in their actual, real-time Timber Harvest Plans. MRC logging plans paint a rosy picture of how clearcutting is going to improve the forest and how this additional (10th, 12th, upteenth) logging plan will have "no" cumulative impacts on any resource (an obvious, blatant and chronic lie that is found in logging plans).

NOTE 7. The impacts of logging roads; "winter operations" in every MRC logging plan

Logging roads are like long skinny clearcuts. They are extremely messy (and muddy in the winter), often fail, and produce tons of sediment (mud) in the streams from road failures and surface runoff. Road impacts on endangered fish have been catastrophic. Every major river in the MRC ownership has been listed by the EPA and CA Water Quality as sediment-impaired (too much mud).

MRC provides no road survey information in its logging plans (or anywhere else). It talks about some surveys it is doing, or going to do—we never get any results.

Mr. Dean claims that MRC has "reduced" winter logging, but he provides no comparison ("reduced" as compared to what?) He says that in 1999-2000, MRC "harvested just 3% of its annual harvest" in the winter period. How does this compare to 1998, to previous L-P levels, and to future plans—and how can the public verify the answers? What were the impacts of that 3%? *Where* was it? What is MRC's *plan* for winter ops?

The fact remains that all MRC logging plans include winter operations. These are the documents—the THPs—that provide the official public record of logging operations.. If MRC has truly reduced winter operations, why isn't this reflected in the operational documents that control logging? The public would be foolish to rely on a logging company's word regarding operations in over 220,000 acres of forest. That's *why* we have the Forest Practice Act, with its disclosure requirements. Mr. Dean gives us one unsupported assertion—but fails to explain what the reason is for all those winter operations plans. We can only presume that the public documents are telling us the truth (more or less) about MRC's operational activities and intentions. *Why* does MRC have "winter ops" in every logging plan?

We know of one violation that resulted in CDF fining MRC for inappropriate and illegal road use in muddy conditions (causing a foot of mud slush to accumulate on the road surface) in Daugherty Creek.

This violation was caught due to public activism. How many other such conditions are occurring out of the public eye?

We have seen numerous instances of road problems in MRC logging plans, including road building in extremely steep and unstable areas (such as THPs 1-99-188, 1-00-228 and 1-00-357 in Greenwood Creek), unnecessary and duplicative roads, road erosion, road failures, and road “mistakes.”

In a recent logging plan in Alder Creek, for instance, the MRC timber operator cut 2,000 feet of road in the wrong place; MRC then sought to amend the “mistaken” road into the plan with no environmental review and no inspection. (THP 1-00-127 am. #4.)

In THP 1-00-363 MEN, in Elk Creek, where the Coho salmon are at particular risk, MRC is currently constructing 7,000 feet of unnecessary road, and also cable yarding corridors (long skinny clearcuts down the sides of steep ridges). They are constructing this second road next to the existing road, with the excuse of getting a few hundred feet closer to the trees (to log them).

THP 1-00-357 MEN, in Greenwood Creek, involves potential damage to a fish habitat restoration project, use of an extremely fragile old road system that already has pieces of it crumbling into the creek, and road construction on top of a ridge with near vertical slopes.

One of the roads for THP 1-00-228 MEN collapsed into Greenwood Creek, sending tons of sediment into the creek, just downstream of the fish habitat restoration project, which was correcting another situation—a chronically failing culvert—that had been sending tons of sediment into the creek. All in all, MRC logging is likely neutralizing the benefits of the restoration project.

The pattern of road construction in steep and unstable areas, using old roads that are adjacent to water-courses (more impact on the fish), and continuing road erosion problems, is repeated throughout the MRC ownership—in the Albion, the Navarro River, Big River, and numerous smaller streams. The employment of better road-building techniques (the Hagans and Weaver methods) simply cannot mitigate the total impact of all of this road construction and road use. The results are evident to local residents who see the disgraceful mud plumes out in the ocean after every winter rain—and are further evident in the listing of every major river in the MRC ownership as sediment-impaired.

Greenwood Creek supplies water to the town of Elk. The local water board has repeatedly asked MRC to employ water quality standards and monitoring. MRC has ignored this repeated request. The mud factor in Greenwood Creek (called turbidity) reaches 500 ntu (national turbidity units) during rainstorms, compared to the standard set by the CA Dept. of Health Services for drinking water, of 0.5 ntu. The town has to pay all the cost of cleaning up the water.

Even worse: the local water district turbidity data for Greenwood Creek indicates the muddy conditions that the Coho salmon and Steelhead endure each winter during their spawning season. The fish have no way to mitigate the impacts.

NOTE 8. MRC’s 104 Louisiana-Pacific logging plans (half of their logging program).

See attached CDF document by which 104 logging plans were transferred from L-P to MRC on July 7, 1998 (THP 047 “Little Bull” among them). Attached also, the THP 047 completion report filed Oct.

12, 2000. Mr. Dean states that the area was logged “in 1997 and 1998.” The plan was approved in mid-April 1998 and cannot have been logged before that time (except illegally).

About half of MRC’s logging program are plans they purchased from L-P (which are good for 3 to 5 years). MRC has filed an additional 100-plus logging plans (and is still filing plans at a furious pace). (See 1997-98 vs. 1999-00 THP lists.) We have seen no significant difference between these two sets of plans (other than MRC’s use of 90% clearcuts, and their 75% increase in logging area, as discussed above). On virtually every issue—from lack of protection of endangered species to operational items such as stream protections—we might as well be dealing with L-P.

NOTE 9-a. Richard Wilson, and the Sustained Yield Plan process that MRC abandoned

Former CDF Director Richard Wilson’s comments in defense of Fisher logging (in his letter of 9/15/00) need to be seen in historical perspective—and in light of his agency’s chronic failure to protect forest resources and to insure “sustainable” logging.

We’ve heard the timber industry line, “we’re in this for the long term,” time and again, as Mendocino forest lands have repeatedly changed hands, with each corporation further reducing timber inventory and “passing the buck” backwards, to previous owners, as to impacts to endangered species: Georgia-Pacific (now in the process of *closing* its Fort Bragg mill for good), Masonite, Timber Realization, Louisiana-Pacific and others—and now Hawthorne Timber (a South African investment) and the Fishers (a Gap clothing store investment). The public has a right to be cynical about this latest claim of “sustainability”—as the Coho salmon and other species vanish from our midst, and the last of the merchantable timber is hauled down the road.

In the early 1990s, in response to a lawsuit by the RCWA—and other pressures including Mendocino County’s request for special logging rules—the CA Board of Forestry was forced to pass “sustained yield” rules (which it had never done before, in the 20 years of the Forest Practice Act) to insure the long term sustainable use of California’s forests.

The Board and industry promised that the large corporate timber owners in Mendocino would have “Sustained Yield Plans” by the late 1990s. SYPs are comprehensive forest management documents that regulate the logging over time, and provide for the protection of public trust resources (fish, wildlife, water quality) in each watershed, in a process of public review .

In fall 1997, L-P announced that it was selling out of the redwood business. A few weeks later, L-P at long last submitted its SYP for a public hearing. Though the document was rich in revealing information, the fact that L-P was selling out of the business turned the review process into a farce. L-P’s SYP was never approved. (MRC then entirely abandoned this public process in early 2000.)

Former CDF Director Richard Wilson presided over this farce, as it played itself out in the late 1990s. It is more than ironic that he is now making promises, on behalf of the Fishers, that *they* will log sustainably. At the time that L-P sold out, Wilson uttered his famous quote, “It’s sad, but it really should be no huge surprise. Everybody knew they [L-P] were cutting themselves out of business.” — Santa Rosa Press Democrat, 10/28/97

Mr. Wilson's complaint (letter, 9/15/00) that this quote was "unauthorized" is rather odd, since the quote appeared in at least two newspapers (also the Mendocino Beacon). As for it being "taken out of context," he doesn't explain what he means. The context was self-evident (the L-P sellout) and the quote speaks for itself.

Mr. Dean terms our use of Mr. Wilson's published quotes a "deception." The only evidence he provides is this letter of Mr. Wilson of 9/15/00, after the ads appeared. This letter does not change what Mr. Wilson previously stated in public about the condition of L-P forests and about MRC logging. His statement about MRC logging was prefaced by an "if." Here is Mr. Wilson's full quote: "Louisiana-Pacific was on a rampage here for 20 years, cutting everything in sight. But the Fishers are responsible people. They'll have a tremendous resource, *if* they're patient enough to wait." (quote of Richard Wilson, Wall Street Journal, 2/23/00) [emphasis added]

That public statement raises a serious question about the Fishers' "patience," to which our ad was, in part, a response. We don't see any evidence of patience in the Fishers' 200-plus logging plans.

All in all, what Mr. Wilson is *now* saying about MRC (in his 9/15/00 letter) is merely a re-statement of what MRC has said about itself—that they're here for "the long term," that they've published a "management plan," that they are FSC "certified." The letter provides no evidence that MRC is logging sustainably. Indeed, the FSC certification—to which Mr. Wilson refers—contains considerable evidence that they are not (f.i., the FSC "summary" reveals that MRC does not have reliable inventory figures, that logging levels may have to be reduced, pending certain studies, and that MRC has no Sustained Yield Plan, etc.)

The cutting "rampage" by L-P—that Mr. Wilson mentions—left the forest lands that the Fishers bought "cut out of business," logged out, severely depleted.

Nevertheless, the Fishers took right up where L-P left off, with L-P's 104 remaining logging plans, and filing numerous new plans, amidst a flurry of public relations the likes of which Mendocino County had never seen—five full page ads in local newspapers, spokesman Sandy Dean on the radio, and taking people on site visits. MRC said they wanted to be good stewards of the land.

Members of our organization met with Sandy Dean in May 1998, during escrow. He told us at that time that MRC's goal was to log 40 million board feet per year. We told him that this was unsustainable. We met with him again, and with John Fisher, for four hours in September 1998, to plead for these overcut forests and their endangered species—to no avail. MRC proceeded with their 40 million board feet per year cut (obviously a financial bottom line).

About a year later, MRC officially abandoned the public "Sustained Yield Plan" process, and began filing plans under a loophole rule provided by the Board of Forestry (called "Option A"), which does not require an SYP.

"Option A's" furthermore (as interpreted by CDF) do not even require public notice. MRC literally sneaked its "Option A" through the public review process, by attaching the "Option A" to an obscure Timber Harvest Plan (THP 1-99-505 MEN, in the Rockport area—far from any organized watershed groups). The public notice for THP 505 contains not one word about the "Option A" that is attached to

it. This is the document that Mr. Dean is referring to, in item 2 of his letter. He states that MRC has received approval from the State of California “for a 100 year management plan that shows standing inventory of trees on MRC’s property will double between [the years] 2050 and 2060.”

MRC’s “Option A” doesn’t even come close to being an SYP. It (and MRC’s unofficial “Management Plan”) are devoid of watershed planning information. The “Option A” merely states (and attempts to justify) the company’s financial goal of logging 40.3 million board feet per year.

The FSC certification “summary” promises that MRC *will produce* inventory figures to justify its level of cut within the *next* 12 months. If MRC doesn’t have the inventory figures to justify its current logging, how can we have confidence in its projections for 50 to 60 years from now? (The chart for conifer growth, on p. 13 of the “Option A,” shows inventory going up and up over the decades—at a 45 degree angle up the chart—while logging increases to 100 million board feet per year. This chart strains credulity—to say the least.)

Concurrent with MRC’s abandonment of the public SYP process, MRC sought and obtained a private “green label” from the FSC, a process that excludes the public (except for the public relations gambit of public “scoping”). The FSC then published its “public summaries” of certification, after certification had already occurred. These “summaries” are *also* devoid of useful planning information (future logging plans, fish surveys, Spotted Owl surveys, etc.), and contain promises of future reform, giving MRC 3 to 5 years of logging prior to any meaningful changes (and, in the case of clearcutting, 50 years to phase it out). Financial bottom line intact (40.3 million board feet per year), the FSC “green label” provides MRC with P.R. cover to finish this logging program before any significant reform kicks in.

Former CDF Wilson refers to another MRC document (in paragraph 2 of his letter), as if this document were somehow proof that MRC is logging sustainably and is here for the long term. (“MRC...has made public a long term management plan that reflects its management vision of restoring the redwood forests.”) What he *doesn’t* say is that that is *all* that it does—it reflects a “vision,” nothing more.

This document (MRC’s “Management Plan, Goals and Targets, August 2000”) is an unofficial document (not an SYP), and is not a “plan” at all. There is zero information in this so-called management “plan” about what MRC is actually going to do to our watersheds, logging plan by logging plan, next year (or in subsequent years), nor any information on the state of the resources in our watersheds. It is utterly useless as a planning document. Like the FSC “summary” of certification, it is full of vague, overall goals and slippery policies, with any meaningful reform put off into the future.

It is very clear that continued logging of these forests, at MRC levels, and with essentially L-P methods, could not have survived the public SYP process, and that, to get a trouble-free CDF approval of this logging program would require sneaking it through CDF’s “review” in a very abbreviated document (the “Option A”) without public notice or hearings. These are the fraudulent, loophole-ridden “sustained yield” rules that Mr. Wilson left behind as his legacy. With the MRC “certification,” the FSC has given an implied endorsement to this subversion of the law and of the public will.

NOTE 9-b. Mr. Wilson's standard industry line on the "threats" to the environment of not logging

Two of the threats that Richard Wilson holds out—should the Fishers stop logging—are already occurring: “fragmentation” and “excessive road building.” MRC is destroying any remaining wildlife habitat by fragmenting the canopy with various kinds of clearcuts, targeting areas of big trees. (A good example, among many, is THP 1-00-353 MEN, a 547 acre “seed tree removal” plan in Big River, in which the few remaining big trees (the “seed trees”) are now being removed, after the initial “seed tree” cut by L-P, which took most of the big trees.)

As for road building, MRC provides no cumulative statistics for the many miles of road that it is constructing to access timber, and has provided no road erosion survey information (both essential to the assessment of logging impacts). However, we have noted what appears to be excessive road construction in MRC logging plans, which the plans attempt to justify by purporting to solve some environmental or access problem. The result is often a new road system added to existing impacts of the old road system.

We have seen examples of unnecessary and duplicative roads (an entirely new road paralleling the old road, as in THP 1-00-363 MEN), “mistaken” roads (thousands of feet of “unplanned” road, as in THP 1-00-127 am. #4), and “superhighway” logging roads that exceed the needs of timber removal (THP 1-99-315 Ackerman Creek, west of Ukiah). With so much road construction going on, can “lot splits” be far behind (with the Fishers turning from timber to more lucrative real estate pursuits)?

We have often heard these kinds of threats from the timber industry—that any curtailment of logging, no matter how damaging the logging may be, will lead to development of forest lands. We heard it from L-P. Now we hear it from Mr. Wilson on behalf of the Fishers. In Mendocino County, we are already seeing large-scale conversion of overcut forests to vineyards (with the CFL proposal and many smaller conversions). When all the short term money value has been taken from the forest—as is happening here—development occurs anyway, despite the consequence to public trust resources.

Mr. Wilson's letter states that the purpose of MRC's “long term transition” to “uneven-age” management is to “bring back those lands to a sustainable yield” (Wilson, paragraph 3). How did they get so far away from “sustainable yield” in the first place? And could there be another motive for the “long term” time-frame of this “transition” (50 years)?

NOTE 10. MRC's use of toxic herbicides.

SCS, p. 29, Condition 2000.12 (B5): the FSC on its condition that MRC “write a statement” of its “commitment” to reduce its use of chemical herbicides, etc. According to this condition, MRC has four years to phase out 60% of its toxic herbicide use, and has an unspecified long term period (“over the long run”) to phase out the remaining 40%. In other words, MRC can continue to use a significant amount of toxic herbicides indefinitely.

According to toxics expert Dr. Marc Lappe of CETOS (Center for Ethics and Toxics), “Garlon has dramatic and disturbing sub-acute toxicity for threatened and endangered salmonid species, specifically a low-level toxicity (down to 30 ppb) on swimming ability of juvenile coho salmon.” Barron, M.G. et al, “The Pharmacokinetics and metabolism of triclopyr Ester in Coho Salmon,” Aquatic Toxicology, 1990, Vol. 16, pp. 19-31.

MRC is also using Arsenal, a highly concentrated toxic that persists in the environment for three months (according to its label)—currently being used by MRC in the Comptche area. The result will be 130 acres of standing dead trees—a senseless and unnecessary (and ugly) assault on the environment, and also a potential fire hazard. The tanoak they are trying to remove will die back in natural succession—after performing their natural function of healing clearcut areas—and the more financially valuable redwood and Douglas fir will overtop the tanoak, in time—if MRC wasn't so bent on quickly squeezing every last dime out of the forest.

Garlon has been insufficiently tested for health risks to human beings (according to Mendocino County health officer Dr. Marvin Trotter). Forest workers, neighbors, children, hikers, fish, wildlife, pets, and livestock are all at risk from substances such as Garlon and Arsenal. MRC has refused to provide public notice for the location and schedule of toxic applications in the forest. (They will only notify adjacent landowners whose properties are within 300 feet of the herbicide application—an entirely insufficient noticing policy.)

The Forest Practice Rules (as interpreted by CDF) permit THPs to say nothing about herbicide use (an obvious cumulative impact). MRC, however, claims that its practices “exceed” the requirements of the Rules. Why doesn't MRC “exceed the Rules” as to disclosure of the use of toxics? MRC is selling its wood to customers as a “green label” product (it is already so stamped at Home Depot in San Francisco). Its failure to even notify the public about toxic applications is a measure of the reliability of this “green label.”

Louisiana Pacific applied Garlon to tanoak trees in Willow Creek, in connection with THP 1-95-259 SON in Sonoma County—a logging plan that was among those sold to MRC. The Garlon destroyed a known Spotted Owl activity center, displacing a pair of owls. MRC (which finished the logging), is applying Garlon and Arsenal with no assessment of potential cumulative effects, and no information given in the THP. (Note: Spotted Owls use both tanoaks and conifers for roosting and nesting.)

There is simply no excuse for poisoning the environment with these toxic chemicals. Why does the FSC permit this? The answer is strictly financial. Clearcutting followed by the use of toxic herbicides is the only way to force these extremely damaged forest lands to produce more wood in the short term. The inferior wood that is produced under these conditions—cheap, pulpy, disease-prone redwood, which builders call “yellow redwood” (a far cry from the beautiful, fine-grained redwood of old)—reflects the severe damage that has been done to the watersheds where the trees are grown.

It is difficult to understand how a “green label” could be placed on such a logging program. This logging program is not just unsustainable—it is a slow-moving disaster that is killing off endangered species, muddying and poisoning our rivers, damaging soils and may ultimately lead to desertification (loss of so much topsoil, moisture and biodiversity that the forest cannot recover). The FSC Guidelines specifically forbid conversion of natural forests to plantations (tree farms), but that appears to be what is occurring here.

“Sustainability” raises the question of sustaining *what*? Sustaining a tree farm where Coho salmon, Marbled Murrelet and other species will never be seen again? Sustaining a “mix” of sizes where the range runs from only 1 to 21 inch diameter trees, with a few token big trees? That's what MRC's logging program seems to be aimed at—looking at what MRC is actually doing, all P.R. statements

aside—and it is both unlawful in many respects, and extremely poor stewardship. As for economics, timber jobs will soon evaporate like salmon fishing jobs.

NOTE 11. MRC’s logging of old growth.

The FSC permits the logging of old growth at SCS p. 24 (“residual” old growth—those few scattered big trees that are almost the only old growth left in these forests).

For the loophole in MRC’s “old growth protection policy,” see SCS, p. 22, and MRC’s “Management Plan, Goals and Targets August 2000,” p. 27. The loophole permits foresters to cut down old growth trees that they determine are not important to wildlife. These are forests in which there is almost no old growth left. Every old growth tree, and, indeed, every big tree, is vital to wildlife.

In addition to the big loophole in its “old growth policy,” MRC sets the standard for old growth absurdly high for these overcut forests—200 years of age *and* 48+ inches diameter, *and* containing a list of old growth “characteristics”—in forests in which it is hard to locate a tree of 24 inch diameter or greater. It is utterly irresponsible of the FSC to “certify” the logging of any old growth tree in these forests.

The FSC “summary” states that MRC’s old growth policy “stands well above comparable policies of other industrial landowners in the county.” This is not saying much—since there is only one other major corporate landowner (Georgia Pacific/Hawthorne Timber), which *also* has almost no old growth left. It’s kind of like comparing Iran and Iraq. Which one has the best human rights policies?

Another non sequitur: Richard Wilson states (in his letter) that the FSC certification “is the toughest independent third party standard for forestry management that exists.” It is in fact the *only* third party process that exists—the only other similar process is clearly a timber industry front. The FSC’s own claim to “independence” has been compromised by successful timber industry lobbying to keep FSC’s standards weak and vague (half of FSC’s members represent timber interests). This is *why* the FSC permits clearcutting, toxic herbicide use and logging of old growth.

MRC continues to log rare and endangered old growth, and is engaged in wholesale destruction of its larger second growth trees (perhaps even more important as the last pockets of good habitat for desperate endangered wildlife).

NOTE 12. Supporting data for harvest levels in to be provided by MRC in 12 months, SCS, p. 25.

NOTE 13. Privatization of forest management review

The certification “summaries” ignore the fact that MRC deliberately abandoned the public SYP process, and at SCS, p. 26., give MRC 2.5 years to produce an SYP or a “functional equivalent” (whatever that means). MRC had only to amend the proposed cut in L-P’s filed but unapproved SYP (95-003), and continue with the process of public review, rather than abandon the process. The SYP apparently contained too much “hot” and public information about the condition of these forests. MRC instead published “Management Plan, Policies and Targets August 2000,” an unofficial document which is devoid of useful watershed planning information (as are the FSC certification “summaries”). SCS further states that MRC has not yet committed to creating an SYP.

Mr. Dean (letter, 11/28/00) seems to deliberately misconstrue our criticism of the L-P SYP. We certainly did not intend for MRC to abandon the public SYP process in favor of a private process in which the public has no right to information or participation.

Smartwood, p.4, alleges that L-P “expected” to have its SYP approved—in order to imply that MRC has “reduced” logging levels by one third compared to L-P’s proposed 63.5 million board feet per year in the SYP. This is a highly speculative and political statement. It appears to *us* that L-P may have been planning the SYP all along as a sales document, and in fact did *not* expect it to be approved. In any case, CDF did *not* approve it. It is therefore misleading to mention this level of cut as a comparison. The most important issue here is that MRC *does not have an SYP*—a publicly reviewed management plan for these watersheds—and that the FSC is permitting this situation to continue for 2.5 more years (total of 5 years of logging), while calling this a “green label” operation. And even this loose, long term, future “condition” is cloudy on public process.

NOTE 14. “Scoping” vs. public process.

SCS, p. 12 (on “scoping”). This section of the certification “summary” is especially galling. Here—after the fact—the FSC lays out its schedule, its timelines, its meetings, etc.—information that was not available to the public while it was being “scoped.” RCWA indeed participated in this “scoping.” Since MRC was already engaged in subverting the process of public review, like the rest of Big Timber (by using various loopholes in the Rules to continue logging without a public SYP), we felt that we had no choice but to advocate for the forest in whatever forum was available, even one in which we had no rights whatsoever.

We did not expect much from the FSC. We already knew that FSC standards were very low. We did hope that the FSC would require *something* by way of immediate reform of damaging practices such as clearcutting, logging the last old growth and toxic herbicide use. We were appalled to find out just how lax the FSC is, to the point that its “green label” is quite meaningless.

The FSC doesn’t even suggest a slowdown of logging until the timber inventory figures are complete and can justify the level of cut. They require no amendment of MRC’s current logging plans. Every reform is put off, to a period beyond completion of MRC’s stockpile of 200+ plans, and in some cases way beyond that (the end of clearcutting/50 years).

Redwood Coast Watersheds Alliance members participated in this “scoping” under protest, and requested in writing that our participation *not* be used in any public statements promoting a “green label” for this logging program. Our request was ignored in the FSC’s “summary” of certification, as it has been by Mr. Dean, who (in his letter) uses our willingness to talk to the FSC as a means of legitimizing this travesty.

The FSC “summary” repeatedly uses its “consultation” with environmental “stakeholders” (SCS, p. 12-13) as a means of legitimacy, without mentioning our objections to being so used.

The “summary” further states (SCS, p. 5-6): Local environmental activists have “transferred” our “enmity” toward (previous corporate logger) L-P onto MRC, and that this is “to some extent intensified amongst the most vocal critics.” This sociological and psychological bunk is offered in lieu of

rigorous analysis of this forestry program, rigorous standards and rigorous requirements for certification.

The “summary” concludes: “An overriding challenge facing MRC management personnel is to reverse or at least ameliorate the intensity of this negative socio-political dynamic.” (SCS, p. 6.)

No mention of the 10 Coho salmon in Elk Creek going down to zero. No mention of MRC logging in the Albion in February in the rain, to avoid doing Spotted Owl surveys. No mention of the fundamental illegality of the MRC logging program, as revealed in the RCWA lawsuits. No mention that people have a legitimate concern about their drinking water being fouled by logging operations. No mention of Garlon and Arsenal poisoning kids’ swimming holes. The only thing of concern is to “ameliorate” the “negative socio-political dynamic.” This is highly sophisticated and insidious public relations.

The crisis of overlogging in our forests, and the difficult public policy questions that arise from it, are thus brushed aside as a public relations problem, while all action to address this environmental crisis is put off until MRC’s current stockpile of logging plans is complete.

We also asked the FSC to disclose the cost of certification, and to also disclose Fisher contributions to the Natural Resources Defense Council that may have gone to the FSC, or may have been used by the NRDC in its pivotal role as one of the chief promoters of FSC certification. (Robert Fisher, one of the logging investors, sits on the NRDC Board.) The “summary” of certification does not mention that this issue was raised, and does not answer the question.

NOTE 15: “Vocal minority,” Smartwood, p. 23, SCS, p. 20. See Notes 1-d and 2-a regarding the RCWA vs. CDF lawsuit rulings on MRC logging plans.

Mary Pjerrou
on behalf of the Redwood Coast Watersheds Alliance
January 15, 2000

Attached: 1) L-P to MRC transfer document (4 pg.); 2) MRC completion notice for THP 047 (2pg.); 3) MRC Logging Plans 1998, 1999, 2000 (6 pg.); 4) L-P tree size statistics (2 pg.).

SUPPLEMENTAL NOTES, MARCH 2002:

MRC’s huge increase in logging in 2001; its continuing disregard for endangered species

In 2001, MRC increased the area that is being entered and logged by *150%* over L-P levels in 1997—a total of over 10,000 acres of new logging—yet another huge and dramatic increase in logging area. (In year 2000, it was about 7,000 acres of new logging.) MRC now has almost 300 logging plans overall—and has still failed to disclose its long term watershed plans and cumulative impacts assessment (as required by the court in the GWA-RCWA lawsuit). MRC now has 35 logging plans in Greenwood and Elk Creeks alone, where there is evidence that the once-abundant coho salmon went from “present” to “absent” between 1995 and 2000. MRC also continues its failure to disclose Northern Spotted Owl surveys and other vital cumulative impacts information.

Greenwood Watershed Association forced to sue MRC again

At the end of 2001, CDF re-approved the Greenwood Creek clearcut, THP 1-00-228 MEN (formerly THP 1-97-352), which was the subject of the judge's ruling that MRC must disclose its long term watershed plan and cumulative impacts. (MRC has made no such disclosure.) CDF also re-approved the restoration project clearcut in Greenwood Creek, THP 1-01-254 MEN (formerly THP 1-00-357). The Greenwood Watershed Association has filed suit on these two logging plans, as well as on a third MRC plan, THP 1-01-241 MEN, a logging area that contains 25 existing slides and is directly adjacent to Greenwood Creek. The GWA will be asking the court to enforce its ruling on a long term watershed plan and cumulative impacts assessment.

MRC/Fisher old growth logging - the famous redwood stump

In February 2002, forest activists from the "Save the Redwoods-Boycott the Gap" campaign drove a 5 1/2 foot wide old growth redwood stump--logged by MRC--all across the nation to New York City, for a logging protest at the 5th Avenue Gap, and the World Economic Forum march to the Waldorf-Astoria. This old growth redwood stump is a charismatic object. People like to touch it and dance and sing around it. Even the New York police were moved to see this artifact of the legendary redwoods on a city street. The redwood stump garnered huge publicity on the east coast--photos in The Philadelphia Inquirer, the New York Daily News, the Washington Post, and on the AP and Reuters wire services, as well as hundreds of interviews of the forest activists on TV, radio and in other print media--all across the nation.

Forest activists in Mendocino had begged MRC not to log this tree, because it obviously was a wildlife tree. They logged it anyway--then left it to rot when they found it was too knobby and twisted for lumber. This old growth redwood says it all. It was one of the last of its kind on the Mendocino coast.

"Sudden Oak Death" disease in the redwood forest

In late 2001, the devastating new tree disease, called "sudden oak death," was discovered by scientists on redwood sprouts. Redwoods are famous for their resistance to disease. Tanoak (whose bark was used in the past for tanning hides) was also known to be resistant in the past. "Sudden oak death" disease has been wiping out oak stands throughout northern California. The presence of this deadly disease in the redwood forest could result in massive loss of vegetation, and, indeed, in loss of the forest itself. Scientists suspect that the disease attacks trees whose immune systems have been damaged by poor soil nutrients and other impacts. Clearly, the repeated abuses of corporate logging—clearcutting and excessive road-building (which cause soil nutrient loss—the mud in our rivers), toxic herbicide use, and other such practices are adding up to a sick and dying forest. Fisher logging operations are spreading this disease throughout the forest—on boots, wheels, trucks, logging equipment and logs. Their dramatic increases in the area that is being entered and logged have not been assessed for "sudden oak death" disease or any other impact. •••

Mary Pjerrou
Elk, California
March 31, 2001