

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. (19 pages/Notes)