

Forest watchers

Over the past five years, new conservation watchdogs have been challenging and slowing what they call over-logging in Wisconsin's national forests. And they've been winning in court

An environmental law group is now doing in Wisconsin what has been going on for decades in the West: making legal challenges that have slowed down and reduced logging on national forest lands. Helping out are scientists who say their input was being ignored until the first few court actions got the attention of the U.S. Forest Service.

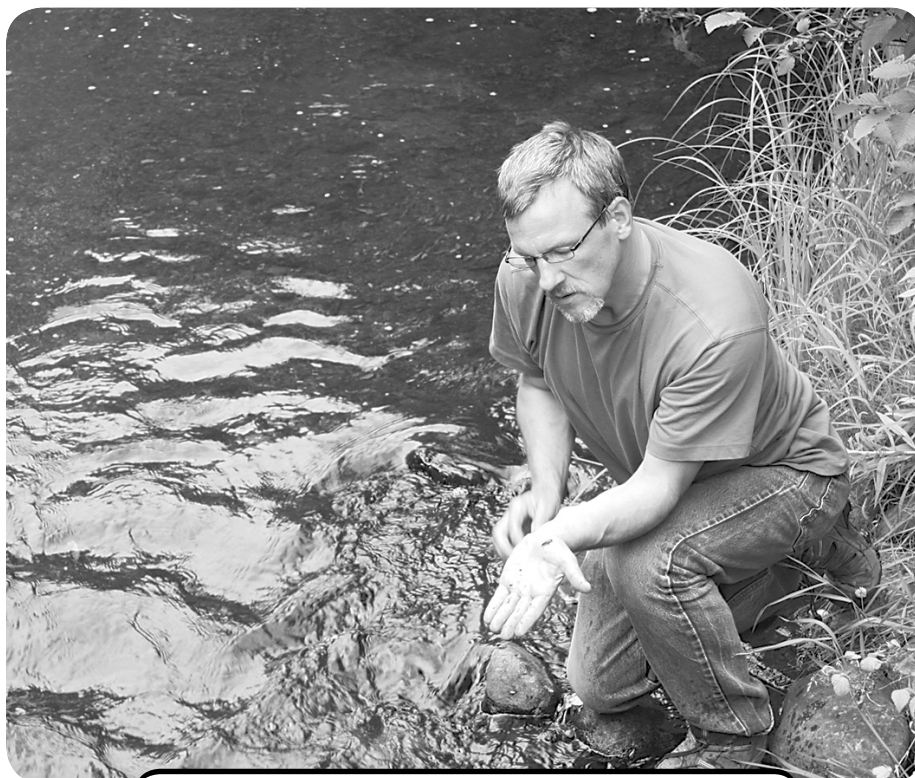
One of those science types is Dave Zaber, a Monona-based resource ecologist and former director of science at the national group Defenders of Wildlife in Washington, D.C. He's ready to share his disappointment with the way society in general and the federal Forest Service in particular makes natural resource management decisions.

It doesn't take much to set him off. Walking along a gravel road in the Chequamegon-Nicolet National Forest east of Eagle River, he rags about the non-native species of weeds that, one after the other, he plucks out disdainfully beside the road, muttering, "Exotic, exotic, exotic." Zaber is unhappy that the forest soil near the road is altered when crews spread miles of gravel. He's a big fan of the endangered pine marten, for example, and wants more yellow birch left to provide cavities for that secretive, cat-sized mammalian predator to find shelter and raise its young. The forest areas Zaber is most worried about are the only places in Wisconsin where pine marten have survived naturally (as opposed to those that have not been introduced by wildlife managers).

He's the kind of guy who will wade into a stream to illustrate how silt from the roadside is harming the insect population. Zaber wants bridges and roads designed so runoff doesn't go directly into trout streams, and he describes the white-tail deer as "the deadliest mammal in Wisconsin." Certain logging practices, notable clear-cutting, create ecosystems where deer thrive, and this burgeoning population in turn decimates the seedlings of other, highly desirable forest flora.

For years, Zaber railed against clear-cutting and other Forest Service practices, but the timber sales he wanted reduced or done differently went through as proposed. He was having little impact. Then, several years ago, he met Howard Learner, an environmental law attorney who was part of a group starting the Environmental Law and Policy Center.

The ELPC now has six offices around the Midwest and became Zaber's ally. Together, the ELPC and Zaber's organization, the Habitat Education Center, are going to



Dave Zaber, explaining how careless forest use can degrade soil and streams, many of which are spawning grounds for valued fish.

court when necessary to make themselves players in the U.S. timber sale process. They have won changes in several timber cuts and have one timber sale first proposed in 2003 still tied up in court.

Learner says the Forest Service must, by law, listen to public comments like those Zaber was submitting, but only by going to court have they gotten the agency's attention. "We've found that if we get them by the short hair, their hearts and minds will follow," is how Learner explains the new influence. The paraphrased quote is from environmental activist Edward Abbey, author of the 1975 book *The Monkey Wrench Gang*.

Together, the Environmental Law Policy and Policy Center and Zaber's Habitat Education Center are challenging some Chequamegon-Nicolet timber sales in court, because past logging has happened "too much, too often, and in too many wrong places." Out West, environmentalists doing the same thing have been accused of trying to make the national forests into parks where trees are not cut.

But Learner and Zaber would claim they're just pushing things back into balance. The Sierra Club, for example, says Wisconsin's Chequamegon-Nicolet forests are the most heavily logged in the country.

National forests, sometimes referred to as America's woodlot, must by their own charters be managed for multiple uses. The interpretation puts the Forest Service in the

hot seat, often caught between the outdoor enthusiasts/environmental contingent and timber interests screaming for building supplies. Then there's the ATV lobby and, opposite them, the friends of roadless areas. In the words of former U.S. Forest Service chief Mike Dombeck, now in Stevens Point, "Everybody likes trees. Some like them vertical and some like them horizontal."

The stakes are high when it comes to delaying or blocking large timber sales, says Tom Lovlein, the forester for Marathon County. Pulpwood prices are at record highs, partly because of tight supplies. If more pulpwood isn't put on the market, Lovlein says paper mills will have a tougher time surviving.

But Learner says ELPC is filing serious, reasonable comments that are hard to dismiss — and which have won in court. He realizes that if a 10,000-acre sale is proposed and he argues that only 1,500 acres should be approved, he won't get far. He and Zaber agree that timber sales should continue, but responsibly: rules should be followed; the soil should not be disturbed adjacent to streams; and each proposed sale should be weighed not only on its own terms, but in how it relates with other sales on contiguous properties and the possibly unintended consequences.

Learner says their scrutiny of timber sale proposals has made the Forest Service

improve its game. In the past, forest service staff would routinely make scientific claims without citing research to show where the claim had been proven. ELPC cites research in its documents and has forced the Forest Service to do the same. "This is not a couple of kids who graduated with a B.S. in stream entomology," Learner says.

What are some of the issues? Learner's group says too many trees are being cut in the Chequamegon-Nicolet National Forest and the forest itself is endangered. The ELPC figures that if the rate of logging over the past years continues, every loggable acre of the forest would be cut within 45 years. From 1992-2004, the Forest Service contracted for timber an average of 16,640 acres a year. That's nearly 750,000 acres over 45 years. (The "every loggable acre" is mostly to put things into perspective. In reality, some acres get logged two or more times over the course of four decades, Zaber says.) Plus, rare habitats are being lost. Learner's winning that argument. The courts in 2005 agreed that the Forest Service violated the law in not fully and fairly considering the cumulative impacts of logging when it approved more than 22,000 acres of timber sales in 2003.

Then there are specifics. Zaber says there is too much of the prolific aspen softwood and, to him, it's borderline craziness to let timber companies cut openings in existing stands of aspen to encourage another young growth. He says the Northwoods historically had about 10% aspen and it is now 70% in some areas. White pine historically made up 15% of the forest and now it's a mere one-tenth of 1%. He's not calling for an absolute return to the forest makeup of old, but a little more balance would be nice.

During a flight in a small plane over a patchwork of forest plots in Vilas County, he derides row-planted stands of pine as "about as diverse as a cornfield" and compares clear-cuts to "erecting a candy store for deer."

Clear-cuts are controversial. Some believe they're an efficient way to get the most pulpwood or saw logs off an acre of land. Aspen typically sprout quickly and the area greens up enough in a few years to prevent it from being an eyesore. Zaber, however, calls them "a mechanical hemorrhage of biomass." He points out that what was forest floor is in full sun after a cut, making the area inhospitable to amphibians that had lived there in cooler, damper areas of shade.

Yes, Zaber and the ELPC are keeping score.

Of 15 proposed timber sales in Wisconsin since 2003, ELPC let two go through without challenge or comment. In three cases they reached settlements: a 12,925-acre proposed sale was reduced by 2,200 acres; a 8,743-acre sale was reduced by 2,000 acres; and a 5,960-acre sale was reduced by 1,500 acres. The status on the rest of the cases ranges from being in the early comment periods to waiting for a judge to evaluate an environmental impact statement the Forest Service was forced to revise.

So the Forest Service must hate these guys, right? If they do, they're not saying so. Jeanne Higgins supervises the entire 1.5-million-acre Chequamegon-Nicolet National Forest from an office in Park Falls. Her only wish is that the ELPC would get involved earlier.

Her agency acknowledges that the group has an interest in proposed timber sales, so it has been invited to field-trip-type visits to the property where a sale is planned. They don't show up, she says, but are pretty consistent in challenging whatever plan the Forest Service announces. "To date, they have not joined us for those discussions. Other members of the public have."

Her theory would play out like this: If a group is walking a property with a trout stream and somebody says, "You're going to stay 300 yards from the river bank, aren't you?" the person writing the plan might be more inclined to use that number. Without the suggestion, the distance might be 150 yards, which might set off ELPC's alarms and lead to court action.

Higgins says the invitations have gone out to those who have shown interest in past timber sale proposals, but ELPC seems to her to prefer to wait until they have something to shoot at. Zaber and Learner say otherwise, that they want their concerns heard before that point. And it seems some of their beefs do boil down to a "she said, he said" kind of disagreements.

For example, the ELPC claims the Forest Service was behind in timber sale acreage several years ago and rammed through sales on 200,000 acres without proper review. Higgins responds that nothing like that has happened in her years at the agency.

Zaber says concerned Forest Service staff members occasionally contact him. Some inside the agency disagree with the way things are going. "They beg us to sue."

Of course not everyone agrees

management has been that bad. James Kerkman, the civilian forester who makes recommendations for the 60,000-acre Fort McCoy in Monroe County, says the Forest Service gets more criticism than the agency deserves. When the agency first got the national forest properties across the country, much of it was cut over and played out. Now that forests have returned and wildlife is doing reasonably well, "It's a huge success story." People are coming along who don't want it touched, he says. "A lot of the animals are there because of proper management."



Patchwork ecosystem A fly-over of the Chequamegon Forest in the Eagle River area shows the extensive mishmash of forest types that occurs after timber harvests. Though it's the natural result of clear-cut logging, too much of this is bad news for the ecology, according to the Environmental Law and Policy Center.

The state chair for the Society of American Foresters says he'll give the Forest Service "a strong B" grade for its efforts.

One person who sees both sides is Mike Dombeck. Now a UW System fellow and professor of global conservation, Dombeck retired in 2001 (when George W. Bush became president) from four years as chief of the entire Forest Service. Before taking that Washington, D.C., post, he oversaw the federal Bureau of Land Management.

"None of this is new," he says. "The tension between the various interests has been around as long as the country has. What people have to remember is that in a democracy, people have a right to question government decisions. Any time we've tried to limit citizen input, we've run into a brick wall." He likes the Will Rogers saying, "Democracy is the worst form of government, except for all the rest."

Dombeck says the Forest Service catches flak from both sides of the harvest/let it grow question. And budget decisions in

Washington can have an effect in the field. The ELPC probably has a point, he says, when Learner and Zaber charge that staff reductions have left the Forest Service with fewer employees to conduct the studies integral to each sale proposal. Staff shortages affect all the agency's decisions, he says. "This is coming at a time when the Bush administration has cut the operating budget by 35%, and 40% of the entire budget goes to fighting fires, mostly in the West."

Higgins says there is a lot for the Forest Service to do. Of the 1.5 million acres, half is actively managed to produce forest products. Of those 750,000 acres, the agency's overall plan is to "treat" 28,000 acres a year. In some cases, the treatment is planting, in others, cutting. On average in recent years, managers have only managed to treat 16,500 acres, so they are falling behind.

Another way to measure timber sales is in board feet, a piece of wood a foot square and an inch thick. National forests in Wis-

Another forest concern

An issue across the state, says Marathon County's forester Tom Lovlein, is the expected future demand for "woody biomass" — the leftovers after loggers essentially remove every tree off a parcel of land. So far, it hasn't paid for loggers to harvest trees or branches smaller than 4 inches in diameter.

That's about to change, Lovlein says. Logging companies or perhaps specialty cleanup outfits are likely to find a market for the remnants either as fuel to burn or for extracting the cellulose, which could be converted into ethanol (studies are underway on this process).

The sale of woody biomass could bring in more revenue for the county, but there's a concern about logging the trees, then removing the leftovers which would otherwise provide groundcover against erosion. And what will happen when all that organic material is mechanically removed rather than left to decompose and enrich the soil?

Interest in woody biomass is being driven in part by Gov. Jim Doyle's goal for the state to be using 20% fewer fossil fuels by the year 2020. Woody biomass could become an alternative energy source. The new demand could become the equivalent of 1 million cords of wood a year, Lovlein says. "The concern is, there aren't another 1 million cords out there."

consin have the capacity to yield 70 million to 85 million board feet per year, Higgins says. The ELPC's legal actions have slowed six projects and 160 million board feet of lumber is figuratively waiting for a legal decision. At about 20,000 board feet per home, that's enough wood to build 8,000 homes.

The counties in which the national forest parcels are located are hurt, too, with delayed sales, she says. The home county gets 25% of the sale proceeds. At an average per-acre price of \$470, that would be nearly \$120 per acre going into county coffers. (Timber sales in Marathon County in the last fiscal year averaged \$636 per acre.)

A way should be sought, Dombeck says, to involve ELPC early in the process. "I've been in hundreds of natural resources debates of all kinds and congressional lawsuits and hearings and if you can get the parties involved out in the field ... most of the issues can be resolved... I sort of believe everybody wants to do the right thing." CP

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