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Folder Title:
Forest Conference-Record of Decisions (RoDs) Press

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United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Date: June 30, 1994

To: Forest Service Employees

When I became Chief, I said we would obey the law and tell the truth.

Recently, the Association of Forest Service Employees for Environmental Ethics alledged that I "shredded potentially damaging official documents" in the production of the Forest Service Management Assessment Team's (FEMAT) report to the President as part of the follow-up to the President's Forest Conference. That is absolutely ridiculous.

I want to make sure that you all understand the truth:

- * In order for the Court and the Plaintiffs to fully understand the process we used in preparation of the FEMAT Report, I voluntarily filed the attached Declaration with the Western District Court in Seattle Washington.
- * There was nothing irregular about the process we used. We wanted the public to have every chance to comment on the FEMAT Report and not incomplete information.
- * We did not want information that was essentially brainstorming and rough notes to be misinterpreted as the final recommendations of the FEMAT Team. We wanted all members of the public to have access to the same information.
- * Because of the intense level of interest in the FEMAT process, we did not want information to be taken out of context in anyway that would frighten or harm communities in this region -- especially if it never came to pass.
- * The Administrative Record for the FEMAT Report can stand on its own. Since last September, 26 boxes have been available to the public to review in the Bureau of Land Management's Portland, Oregon office. These boxes contain ALL of the material which was utilized to develop the Report including differing points of view, PEER Review Reports and all the background data utilized by the Team.

I have attached the Court Declaration that was filed with the Western District Court. Please review it and see for yourself what was filed. If you have any questions contact me personally.

Jack Ward Thomas
Chief

U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT AND NATURAL RESOURCES DIVISION
GENERAL LITIGATION SECTION
601 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

FAX NUMBER (202) 272-6815, 5775
CONFIRMATION NUMBER (202) 272-8056

MEMORANDUM

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Jean Williams

DATE: June 29, 1994

NUMBER OF PAGES TO BE TRANSMITTED (including cover) 5

FROM: Lisa Holden, paralegal (202) 272-8051

MESSAGE: Attached is an article entitled "Forest Plan Documents destroyed" and a press release put forth by the Association of Forest Service Employees for Environmental Ethics.

TO KUM
+
Berlowe
VPM
FILE ROD PPH's

The Register-Guard

Eugene, Oregon, Wednesday, June 29, 1994

Forest plan documents destroyed

■ Logging: The Forest Service chief is accused of sanitizing the record.

documents destroyed

■ Logging: The Forest Service chief is accused of sanitizing the record.

By LANCE ROBERTSON
The Register-Guard

Forest Service Chief Jack Ward Thomas ordered the shredding of internal documents produced by scientists crafting President Clinton's Northwest forest plan, according to federal court records.

The destroyed documents apparently included internal correspondence, such as computer-generated electronic mail or messages,



Jack Ward Thomas
Says he ordered shredding

and draft reports, such as early scientific assessments or opinions of whether the amount of logging in the proposed Clinton plan would harm fish and wildlife.

The leader of a Eugene-based group of Forest Service employees called Thomas' orders last year to shred the records a "serious breach of ethics" and called for a congressional investigation.

"He (Thomas) has sanitized the administrative record, making sure that no embarrassing or dissenting opinions see the light of day," said Andy Stahl, director of the Association of Forest Service Employees for Environmental Ethics. "If chief Thomas' behavior violated the law, punishment is in order."

The document-destruction order apparently occurred before Thomas became chief of the Forest Service last December.

It remains unknown whether the shredding could jeopardize Clinton's new forest-management plan, which is the subject of at least a half-dozen lawsuits filed by environmentalists and the timber industry.

It also is unclear exactly what documents were shredded, whether they were important or if they were

potentially damaging to the government's chances of winning

DOCUMENTS

Continued from Page One

ning another lawsuit. Earlier this year, Clinton unveiled a final plan that slashes historic logging levels by 80 percent in the federal forests of Western Oregon, Washington and California.

No one at Forest Service headquarters in Washington, D.C., including Thomas, or at the U.S. Office of Forestry and Economic Assistance in Portland, could be reached for comment Tuesday evening. The Register-Guard obtained the court records from Stahl's group after the federal offices had closed for the day.

The document shredding was revealed by Thomas himself in a three-page affidavit filed in a Seattle federal court where most of the lawsuits are being consolidated.

According to the affidavit, Thomas said he instructed scientists to keep only "formal correspondence," reports from outside contractors, raw data, final species viability assessments and peer reviews of draft segments of the final Clinton plan.

But he said other "discarded documents" not of that nature were shredded because of fears that the information would leak out as the team worked in the U.S. Bancorp tower in Portland.

Early disclosure of the information

could "negatively affect communities" or create "the opportunity for unfair economic advantage or manipulation of affected markets if the information were obtained by only one or a few individuals," the affidavit said.

Thomas did not become chief of the Forest Service until December, more than six months after a scientific team began working on a plan for managing the Northwest's federal forests. Clinton named Thomas, formerly the Forest Service's senior wildlife biologist living in La Grange, to head the multi-agency effort following the president's April 1993 forest summit in Portland.

Stahl, however, accused Thomas of trying to hide any embarrassing or potentially damaging information from environmentalists seeking to overturn the Clinton plan in U.S. District Court in Seattle.

There now is no way to judge from the official administrative record how much dissent team members expressed, or whether some scientists offered information showing the Clinton plan didn't put enough forests off limits to logging.

"What he's (Thomas) done is cooked the administrative record to make sure it is a sparkling-clean record," Stahl said. "That's totally im-

USA—FOREST SERVICE

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6/27/94

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Stationed at

Forest Office:

proper, especially for an administration that's under court order to produce a scientifically credible plan."

U.S. District Judge William Dwyer has scheduled a September hearing on the lawsuits challenging the Clinton forest plan. He twice has rejected previous government efforts, saying they didn't protect enough forests, fish and wildlife.

Stahl said it is important to have a record showing the "free flow of ideas."

Environmentalists have used such internal documents in the past to convince Dwyer the government wasn't doing enough to protect the threatened northern spotted owl or other wildlife.

The timber industry also won a federal lawsuit in Washington, D.C., on grounds the Clinton administration violated public records and open meetings laws.

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AFSEEE

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Association of Forest Service Employees for Environmental Ethics

For further information

Andy Stahl (503) 484-2692

Bob Schaeffer (617) 489-0461

For immediate release, Wednesday, June 29, 1994

JACK WARD THOMAS ADMITS SHREDDING GOVERNMENT DOCUMENTS USED TO COMPILE NORTHWEST SPOTTED OWL PLAN; AFSEEE CALLS FOR CONGRESSIONAL, JUDICIAL INVESTIGATIONS

An affidavit obtained by the Association of Forest Service Employees for Environmental Ethics (AFSEEE) reveals that Forest Service Chief Jack Ward Thomas supervised the shredding of potentially damaging official documents produced by President Clinton's spotted owl planning group, the "Forest Ecosystem Management Assessment Team" (FEMAT). Thomas directed FEMAT immediately prior to assuming his current position.

In sworn testimony submitted on June 20 in a law suit challenging the Clinton Administration's controversial northwest forest plan, Thomas admitted that he had documents destroyed due to fears of "premature disclosure of FEMAT-related information." Among the concerns cited by Thomas in his affidavit was "negatively affecting communities if the information were perceived as adverse to their economic or other interests." The destroyed documents included draft reports, internal memoranda and similar materials.

"Thomas' shredding of documents prepared in the course of complying with a federal court injunction is a serious breach of ethics," said AFSEEE Executive Director Andy Stahl. "He has sanitized the administrative record, making sure that no embarrassing or dissenting opinions see the light of day. FEMAT was created to write the Northwest forest plan in response to a federal court order."

... R O F E

AFSEEE

503-484-2692

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EUGENE, OREGON 97440



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AFSEEE

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JACK WARD THOMAS DESTROYED OWL DOCUMENTS2...2...2

One month after the FEMAT team disbanded, the U.S. Department of Justice, anxious about pending litigation, instructed FEMAT participants to "preserve all materials in their possession that are germane to their work with FEMAT and that they forward those materials to a central location." However, according to Stahl, "By that time the damage had been done."

In the last round of litigation over the spotted owl, an internal memorandum written by a Forest Service wildlife biologist undermined the government's position by pointing out scientific flaws in the plan to protect the northern spotted owl. As a result, a federal judge blocked timber sales. The Forest Service had tried to keep plaintiffs from obtaining that memo, but the judge ordered its release.

Based on the affidavit, AFSEEE is calling on members of Congress and the Judiciary to investigate Jack Ward Thomas' actions. "Strict ethical standards must come from the very top of the agency," Stahl concluded. "If Chief Thomas' behavior violated the law, punishment is in order."

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copies of Jack Ward Thomas' affidavit are available on request

— U R G E N T —

WS-5533

TO: Jim Lyons, Jack Ward Thomas, Will Stelle, Ellen Athas, Mark Gaede, Jim Pipkin, Mike Dombeck, Tom Amontree, Jim Sanders

FROM: Lauri Hennessey, Office of Forestry and Economic Development

CC: Tom Tuchmann, Lisa Freedman, John Lowe, Ron Stewart, Elaine Zielinski, Roy Montgomery

Attached is an article from today's (Wednesday, June 29th) Eugene Register Guard about documents from the EIS process for the Forest Plan that were destroyed.

The press is calling the Forest Service out here, as well as our office, for a response to this claim from the Association of Forest Service Employees for Environmental Ethics.

I would suggest we say the following:

"There was nothing irregular about this process. We wanted the public to have every chance to comment on the Forest Plan when it was actually in draft form.

We didn't want information that was essentially brainstorming and rough notes to be misinterpreted as something that it wasn't. We wanted all members of the public -- not just special interest groups -- to have the same chance to comment on this important Plan.

We didn't want this information to be taken out of context in a way that would frighten or harm communities in this region -- especially if it never to come to pass."

Also, we have 26 boxes of information on this process, all of which has been open for public review for the last year. And finally, we need to remind people that we initiated this attempt to describe what our process was. This is anything but some attempt to quietly 'sanitize' the record."

This issue is so important -- and Jack Ward Thomas's credibility so valuable -- that we should consider doing a press release or something proactive, other than just reacting to press inquiries.

Please contact me or Lisa Freedman with any advice on how to proceed. We recommend quick action on this.

DD
PWS

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AFSEE

PAGE 00

The Register-Guard

Eugene, Oregon, Wednesday, June 29, 1994

Forest plan documents destroyed

■ Logging: The Forest Service chief is accused of sanitizing the record.

By LANCE ROBERTSON
The Register-Guard

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The destroyed documents apparently included internal correspondence, such as computer-generated electronic mail or messages, and draft reports, such as early scientific assessments or opinions of whether the amount of logging in the proposed Clinton plan would harm fish and wildlife.



Jack Ward Thomas
Says he ordered shredding

The leader of a Eugene-based group of Forest Service employees called Thomas' orders last year to shred the records a "serious breach of ethics" and called for a congressional investigation.

"He (Thomas) has sanitized the administrative record, making sure that no embarrassing or embarrassing opinions are the light of day," said Andy Stahl, director of the Association of Forest Service Employees for Environmental Ethics. "If chief Thomas' behavior violates the law, punishment is in order."

The document destruction order apparently occurred before Thomas became chief of the Forest Service last December.

It remains unclear whether the shredding could jeopardize Clinton's new forest management plan, which is the subject of a July 8 hearing in the House by environmentalists and the timber industry.

It also is unclear exactly what documents were shredded, whether they were important or if they were potentially damaging to the government's chances of winning the lawsuit.

Turn to DOCUMENTS, Page 4A.

DOCUMENTS

Continued from Page One

ing another lawsuit. Earlier this year, Clinton nominated a final plan that slashes historic logging levels by 40 percent in the federal forests of western Oregon, Washington and California.

No one at Forest Service headquarters in Washington, D.C., including Thomas, or at the U.S. Office of Forestry and Economic Assistance in Portland, could be reached for comment Tuesday evening. The Register-Guard obtained the court records from Stahl's group after the federal offices had closed for the day.

The document shredding was revealed by Thomas himself in a three-page affidavit filed in a Seattle federal court where most of the lawsuits are being consolidated.

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Stahl, however, accused Thomas of trying to hide any embarrassing or potentially damaging information from environmentalists seeking to overturn the Clinton plan in U.S. District Court in Seattle.

There now is no way to judge from the official administrative record how much dissent team members expressed, or whether some scientists offered information showing the Clinton plan didn't put enough forests off limits to logging.

"What he's (Thomas) done is cooked the administrative record to make sure it is a sparkling clean record," Stahl said. "That's what im-

proper, especially for an administrator. That's what a manager is supposed to do: a scientifically credible plan."

U.S. District Judge William Dryer has scheduled a September hearing on the lawsuit challenging the Clinton forest plan. He twice has rejected previous government efforts, saying they didn't present enough forests, fish and wildlife.

Stahl said it is important to have a record showing the "free flow of information."

Environmentalists have used such internal documents in the past to convince Dryer the government wasn't doing enough to protect the threatened northern spotted owl or other wildlife.

The timber industry also was a foe of the Clinton plan in Washington, D.C., as the president's administration violated public records and open meeting laws.

SETTING IT STRAIGHT

New sources or readers who detect errors in The Register-Guard are encouraged to call 685-1234 and ask for the publisher.

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AFSEEE

PAGE 02

Association of Forest Service Employees for Environmental Ethics

for further information
Andy Stahl (503) 484-2692
Bob Schaeffer (617) 489-0461

for immediate release, Wednesday, June 29, 1994
**JACK WARD THOMAS ADMITS SHREDDING GOVERNMENT DOCUMENTS
USED TO COMPILE NORTHWEST SPOTTED OWL PLAN;
AFSEEE CALLS FOR CONGRESSIONAL, JUDICIAL INVESTIGATIONS**

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In sworn testimony submitted on June 20 in a law suit challenging the Clinton Administration's controversial northwest forest plan, Thomas admitted that he had documents destroyed due to fears of "premature disclosure of FEMAT-related information." Among the concerns cited by Thomas in his affidavit was "negatively affecting communities if the information were perceived as adverse to their economic or other interests." The destroyed documents included draft reports, internal memoranda and similar materials.

"Thomas' shredding of documents prepared in the course of complying with a federal court injunction is a serious breach of ethics," said AFSEEE Executive Director Andy Stahl. "He has sanitized the administrative record, making sure that no embarrassing or dissenting opinions see the light of day. FEMAT was created to write the Northwest forest plan in response to a federal court order."

... more

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AFSEEE

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JACK WARD THOMAS DESTROYED OWL DOCUMENTS2...2...2

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In the last round of litigation over the spotted owl, an internal memorandum written by a Forest Service wildlife biologist undermined the government's position by pointing out scientific flaws in the plan to protect the northern spotted owl. As a result, a federal judge blocked timber sales. The Forest Service had tried to keep plaintiffs from obtaining that memo, but the judge ordered its release.

Based on the affidavit, AFSEEE is calling on members of Congress and the Judiciary to investigate Jack Ward Thomas' actions. "Strict ethical standards must come from the very top of the agency," Stahl concluded. "If Chief Thomas' behavior violated the law, punishment is in order."

- - 3 0 - -

copies of Jack Ward Thomas' affidavit are available on request

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AFSEEE

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COPY

THE HONORABLE WILLIAM L. DWYER

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE AUDUBON SOCIETY, et al.,

Plaintiffs,

v.

JAMES LYONS, in his official
capacity as Assistant Secretary of
Agriculture, and UNITED STATES
FOREST SERVICE, an agency of the
United States,

Defendants,

and

WASHINGTON CONTRACT LOGGERS
ASSOCIATION, et al.,

Defendant-Intervenor.

Civ. No. 92-479WD

SAVE THE WEST,

Plaintiff,

v.

JAMES LYONS, et al.,

Defendants.

Civ. No. C94-758WD

NATIVE FOREST COUNCIL,

Plaintiff,

v.

BRUCE BABBITT, et al.,

Defendants.

Civ. No. C94-803WD

DECLARATION OF JACK WARD THOMAS - 1

United States Department of Justice
Environmental & Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
Telephone: (202) 272-4054

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PAGE 05

06-28-94 09:29AM

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P003/005

THE SIERRA CLUB

Plaintiff,

v.

MICHAEL ESPY, et al.,

Defendants.

Civ. No. C94-820WD

DECLARATION OF
JACK WARD THOMAS

1. My name is Jack Ward Thomas. Presently, I am Chief of the Forest Service, United States Department of Agriculture. Prior to becoming Forest Service Chief, I served as the Chief Research Wildlife Biologist for the Forest Service's Pacific Northwest Research Station in LaGrande, Oregon. During the spring and early summer of 1993, I served as leader of the Forest Ecosystem Management Assessment Team ("FEMAT"), which was created by the Forest Conference Executive Committee shortly after the Forest Conference in Portland, Oregon, in April 1993. FEMAT's mission was to conduct a biological, social, and economic assessment of alternative management scenarios for federal old-growth forests within the range of the northern spotted owl. FEMAT fulfilled this mission through preparation of a report ("FEMAT Report"), which sets forth 10 management alternatives and provides an in-depth assessment of each one.

2. As Team Leader, I organized and oversaw the preparation of the FEMAT Report and provided direction to those involved in the process concerning FEMAT's operation. Such direction addressed, among other things, document retention. Specifically, the documents I instructed team members to retain included the following: formal correspondence, documents the

DECLARATION OF JACK WARD THOMAS - 2

United States Department of Justice
Environmental & Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20544-0663
Telephone: (202) 377-6706

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1 team contracted to have prepared, documents containing raw data
2 gathered or generated as part of the FEMAT process, final team
3 assessments (e.g., of species viability), and peer reviews on
4 draft segments of the FEMAT Report. In addition, Administrative
5 Assistant Nancy DeLong was responsible for keeping purchase
6 orders and any other documents reflecting disbursement of monies
7 associated with FEMAT.

8 3. There was concern, however, that documents
9 generated during the FEMAT process that were not necessary to
10 retain, and thus, which participants might properly discard in
11 managing their paper flow, would be disclosed prior to completion
12 of the process. This concern stemmed from the harm that could
13 have resulted from premature disclosure of FEMAT-related
14 information. Such potential harm included negatively affecting
15 communities if the information were perceived as adverse to their
16 economic or other interests, and creating the opportunity for
17 unfair economic advantage or manipulation of affected markets if
18 the information were obtained by only one or a few individuals.
19 FEMAT therefore arranged to have all of its discarded materials
20 shredded before sending them off for recycling to ensure that
21 they would not be prematurely disclosed. That information might
22 have been disclosed through discovery and review of FEMAT's
23 discarded materials was seen as a real possibility because of the
24 intense level of interest in the FEMAT process, the considerable
25 lengths to which the media and affected interests were going to
26 obtain information during the process, and the fact that the team

DECLARATION OF JACK MARD THOMAS - 3

United States Department of Justice
Environmental & Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
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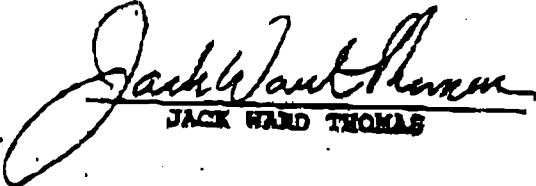
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1 was working in a large, privately owned office building with many
2 non-federal tenants.

3 4. The FEMAT disbanded once it completed its final
4 report in early July 1993. As a result, there was little or no
5 time prior to disbandment to gather the documents team members
6 had been asked to retain. I therefore made arrangements to have
7 such documents compiled by the interagency group that had been
8 formed to prepare the Supplemental Environmental Impact Statement
9 on Management of Habitat for Late-Successional and Old-Growth
10 Related Species within the Range of the Northern Spotted Owl
11 ("SEIS team"). For a complete description of the steps taken to
12 compile FEMAT documents, see the attached Declaration of SEIS
13 team leader Robert T. Jacobs in Northwest Forest Resource Council
14 v. LADY, No. 93-1621-TRJ.

15 I declare under penalty of perjury that the foregoing
16 is true and correct.

17
18 DATED this 20th day of June 1994.

19
20
21 
22 JACK WARD THOMAS
23
24
25
26

DECLARATION OF JACK WARD THOMAS - 4

10114 995.101
WAL: MUnited States Department of Justice
Environmental & Natural Resources Division
Civil Liberties Section
P.O. Box 611
Washington, D.C. 20530-0611
Telephone: (202) 275-2851

*DD
PMS*

May 19, 1994

To: Will Stelle, Tom Tuchmann, Kevin Sweeney, Tom Amontree, Jim Sanders

From: Lauri Hennessey

RE: ATTACHED FINAL PRESS RELEASE

Okay, guys, please take one more look at the following press release, talking points for us, talking points for the field, and questions and answers for the field. Notice the Prez is no longer in the press release -- I added Tuchmann to the end (so they have a local quote). Please get back to me Friday morning if you have concerns on any of this? If not, I will put this on Office of Forestry and Economic Development stationery and have the talking points and questions and answers out to the Forest Service and BLM offices immediately following word from Dwyer (and after I paraphrase him at a couple of spots in the press release and talking points). I will also get all of this to you guys immediately after it's done Friday and I am sending it out.

You may notice that the tone has shifted a little and become a little less "victorious" and more quietly grateful that we are moving forward.... my humble routine!

One last point -- Will and I spoke today and both think it is appropriate to get a little tough if asked about the bombardment of lawsuits in the last two weeks -- no commenting on the substance and merits of the lawsuits, but we can comment on the strategy of dogpiling lawsuits at the last minute. Talk to Will with questions (or give me a call).

Thanks!!

For Immediate Release May 20, 1994
 Contact: Kevin Sweeney/Interior
 (202) 208-6416
 Tom Amontree/Agriculture
 (202) 720-4623
 Local Contact:
 Lauri Hennessey: (503) 326-6251

**FEDERAL JUDGE ANNOUNCES END TO FOREST SERVICE
 INJUNCTION BLOCKING NORTHWEST AND CALIFORNIA TIMBER SALES**

President Clinton's Forest Plan moves forward

Seattle -- Federal District Court Judge William Dwyer has announced he will dissolve the injunction that was issued more than three years ago, enjoining timber sales on Forest Service lands in the Northwest and Northern California.

Interior Secretary Bruce Babbitt hailed the decision. "This is only the beginning," he said. "In fact, in the last two weeks, we've heard from a multitude of special interest groups that they are challenging this new Plan -- though that doesn't surprise us. But we still believe the best thing for this region is to move forward -- it's not more court cases, litigation, and delay," he said.

Agriculture Secretary Mike Espy echoed that goal. "Judge Dwyer's order lifting the injunction on the Pacific Northwest and Northern California timber sale program is good news for the region. It allows us to realize a primary objective addressed by President

Clinton at the Forest Conference, that these disputes should be resolved by sitting down at a table together, rather than taking it to the courtroom," he said.

"People in the Northwest and Northern California have lived this impasse for so long, it's almost impossible to remember a time when there was anything else," said Tom Tuchmann, Director of the U.S. Office of Forestry and Economic Development, the office responsible for coordinating the implementation of the Forest Plan in the Northwest. "What the Judge's ruling means is that we have shown it can be done -- we can break the gridlock and begin moving forward with protecting the environment and providing stable timber supply," he said.

Judge Dwyer said this ruling is not an opinion on the merits of the Plan. That opinion would come after challenges made to the Record of Decision are heard -- the deadline for those challenges is next week. In his ruling, the Judge said (fill in details on Dwyer ruling in regard to the timeline, and when challenges will be heard)

ADMINISTRATION

TALKING POINTS ON DWYER ANNOUNCEMENT ON INJUNCTION

MAY 20, 1994

1. Federal District Court Judge William Dwyer announced this afternoon he will lift an injunction that has locked up forest management on Forest Service lands in the Northwest and Northern California.
2. What the Judge's ruling means is that the President's Forest Plan can move one step forward towards implementation. The Plan may be implemented 30 days after the final Record of Decision was completed, which would mean May 20th for the beginning of the Plan.
3. The Plan is the result of more than a year of work, including public comment and hearings, and hundreds of scientists' involvement.
4. This ruling does not mean the Judge finds the new Forest Plan to be a perfect Plan -- in fact, this ruling is not about the new Forest Plan's legality at all.
5. We are not surprised some special interest groups challenged us two days ago -- they have promised it from the beginning. We are, of course, disappointed.
6. They have been saying that they are not seeking an injunction, but at the same time they are asking us to go back to the drawing board with the plan -- the effect is the same -- more gridlock.
7. They obviously are not interested in the same thing we are -- putting people back to work. The way to do that is to move ahead with a plan and get timber sales going again. It's not to go back to court.
8. Still, we are moving forward. We will put it work as quickly and efficiently as we can.
9. Time will tell whether the challenges are found to be valid or not. We have done everything we can to meet both procedural and substantive standards of the nation's environmental laws and how they have been interpreted by the courts. We believe we have put forth a good faith effort that can provide relief from this gridlock.
10. In terms of Judge Jackson's review of the Federal Advisory Committee Act, and although the Judge has found a violation, he has not enjoined use of the Forest Ecosystem Management Assessment Team (FEMAT) report. We do take the court's ruling very seriously, and we are taking steps to ensure compliance with FACA in this Plan. The ruling doesn't affect the injunction being dissolved, and it doesn't affect moving forward with timber -- which we will do right away.

FIELD

TALKING POINTS ON DWYER ANNOUNCEMENT ON INJUNCTION

1. Federal District Court Judge William Dwyer announced this afternoon he will lift an injunction that has locked up forest management on Forest Service lands in the Northwest and Northern California.
2. What the Judge's ruling means is that the President's Forest Plan can move one step forward towards implementation. The Plan may be implemented 30 days after the final Record of Decision was completed, which would mean May 20th for the beginning of the Plan.
3. The Plan is the result of more than a year of work, including public comment and hearings, and hundreds of scientists' involvement.
4. Time will tell whether the challenges are found to be valid or not. We have done everything we can to meet both procedural and substantive standards of the nation's environmental laws and how they have been interpreted by the courts. We believe we have put forth a good faith effort that can provide relief from this gridlock.
5. In terms of Judge Jackson's review of the Federal Advisory Committee Act, and although the Judge has found a violation, he has not enjoined use of the Forest Ecosystem Management Assessment Team (FEMAT) report. We do take the court's ruling very seriously, and we are taking steps to ensure compliance with FACA in this Plan
6. The ruling doesn't affect the injunction being dissolved, and it doesn't affect moving forward with timber -- which we will do right away.
7. And let's not forget -- this isn't just about timber. It's about watershed restoration. It's about new forestry. It's about partnerships with local communities. This Plan is about a whole new way of using ecosystem management in managing our forests -- which has never been done before. That is an achievement to be proud of.

FIELD

QUESTIONS AND ANSWERS ON INJUNCTION

MAY 20, 1994

Note: The press release and talking points are phrased as if the injunction is dissolved on Friday. If it is not dissolved, we will not have a press release or talking points, but we would provide questions and answers for the field. I have included them at the end of this.

What happened today?

Federal District Court Judge William Dwyer announced this afternoon he will lift an injunction that has locked up forest management on Forest Service lands in the Northwest and Northern California since 1992. That injunction came on the heels of another one, which had been created in 1991 -- leaving forest management locked up in the region since 1991.

When does this mean we can get going with timber in the field?

What the Judge's ruling means is that the President's Forest Plan can move one step forward towards implementation. The Plan may be implemented 30 days after the final Record of Decision was completed, which would mean May 20th for the beginning of the Plan.

Does this mean Judge Dwyer has approved of the new Plan?

This ruling does not mean the Judge finds the new Forest Plan to be a perfect Plan -- in fact, this ruling is not about the new Forest Plan's legality at all. This ruling simply means that the federal agencies put together a plan that considered the effect of logging on species; that was what was necessary to lift the injunction that has blocked up timber sales in this region. We will put the Plan to work as quickly and efficiently as we can.

Hasn't the new Plan already been challenged?

Time will tell whether the challenges are found to be valid or not. We have done everything we can to meet both procedural and substantive standards layed out by the nation's environmental laws and how they have been interpreted by the courts. We believe we have put forth a good faith effort that can provide relief from this long debate.

What about charges the new Plan is illegal because it violated open meetings requirements?

In terms of Judge Jackson's review of the Federal Advisory Committee Act, and although the Judge has found a violation, he has not enjoined use of the Forest Ecosystem Management Assessment Team (FEMAT) report. We do take the court's ruling very seriously, and we are taking steps to ensure compliance with FACA in this Plan. The ruling doesn't affect the injunction being dissolved, and it doesn't affect moving forward with timber -- which we will do right away.

How much timber can we get out right away now that we can move forward?

Obviously, it's not as much as we could have done if we didn't have some of the delays in getting this injunction lifted. But now that it is lifted, we are going to make it a top priority to get the

timber sale program up and running right away. It won't happen overnight. We had a pipeline of timber built up, and the last three years of gridlock have left the pipeline pretty much dry. (Each Forest or District can estimate what they could do in the coming few months, or not, but there is no regional estimate.)

INCLUDE FINAL O AND A ON TIMELINE IN NEXT FEW MONTHS AFTER DWYER TELLS US

IN CASE THE INJUNCTION IS NOT LIFTED:

Where do you go from here?

Of course we are extremely disappointed the Judge did not dissolve the injunction, but we believe there is still hope that we can move forward. (Paraphrase any guidance from Judge on why he didn't lift the injunction, what we need to change, what challenges need to be heard, etc. The important point is that we are moving forward. (WHAT OTHER QUESTIONS DO WE NEED IN CASE THIS HAPPENS?)

Weyerhaeuser denies its stand splits the industry ^{7/25/94}

By Bill Virgin
P.J. Reporter

Weyerhaeuser Co. said yesterday its endorsement of the Clinton administration's plan to restore federal timber harvests doesn't mean it's splitting from the rest of the industry's strategy of challenging the plan in court or in Congress.

An official of the association that says the plan won't deliver enough timber to Pacific Northwest mills said he too doesn't see a split.

But while the American Forest & Paper Association and other major timberholding companies say Option 9 won't work, a Weyerhaeuser representative said yesterday the company still backs the plan as "a starting point" to make more logs available to Pacific Northwest mills.

The administration has submitted its plan to U.S. District Judge William Dwyer and is seeking the removal of Dwyer's injunction on most federal forest timber sales.

After Weyerhaeuser President Jack Creighton told reporters at Thursday's annual shareholders meeting the company endorses the Option 9 plan, representatives of small mills, which don't hold their own tracts of timber like Weyerhaeuser, accused the forest products giant of selling out.

It wouldn't be the first split within the industry on policy issues. Small mills have criti-

cized Weyerhaeuser and other log exporters for shipping wood overseas that could be used to supply domestic mills.

An executive at Boise Cascade Corp., a large forest products company with its own timberlands, said at a Seattle investment conference earlier this year it doesn't think exporting American raw logs is a good idea.

But Mark Rey, vice president of the American Forest & Paper Association, which has endorsed challenging Option 9, said Weyerhaeuser is "part of the group and (has) participated in our discussions. What they have told me they meant to say is they would like to see at least the volume (of federal timber) that was promised under Option 9."

The association contends Option 9 won't deliver either the 2 million board feet of wood a year the administration discussed at the 1993 regional timber summit, or the 1.1 billion board feet the plan now proposes. The industry has already challenged the legal validity of the Clinton plan, and says Congress should be asked to step in and dictate a solution, preferably with more timber.

"Everyone is in accord that we won't see the objectives of Option 9 met and it's time to move on," Rey said.

But Weyerhaeuser stopped short of endorsing the association's push to dump Option 9

and go to Congress. "We see Option 9 as a starting point to make more timber available," said spokesman Mike Walters. "Let's see how the situation develops. If the administration thinks a congressional approach is the right one, we would support that."

Weyerhaeuser isn't a significant buyer of federal timber in the Pacific Northwest, although its paper operations are affected by the availability and price of residual chips, the leftover wood from lumber operations that do use logs from federal forests.

Other major companies in the Pacific Northwest with significant timber holdings of their own say they're not fans of Option 9.

"One can say getting one stick of wood is better than getting nothing," said Jess Drake, vice president and general manager of Simpson Timber Co. in Shelton. "At some point the industry has to decide whether to endorse something so small. If we fundamentally don't believe it's a prudent choice," the industry ought to oppose the plan.

"We endorse Option 9 only from the standpoint it's time to get going," added Rick Holley, president of Plum Creek Timber Co. in Seattle. "We don't think Option 9 provides enough timber. The science is such, (the harvest) probably should be higher."

Weyerhaeuser chief backs president's forest plan

TACOMA, Wash. (AP) — Weyerhaeuser Co., one of the nation's largest timber companies, has come out in favor of President Clinton's Northwest forest-management plan.

Jack Creighton, Weyerhaeuser's chief executive officer, said after the company's annual meeting Thursday, "I'd rather see the president's plan implemented. We support Option 9 and whatever means it takes to achieve it."

Option 9 is the Clinton administration's plan to prevent future overcutting and protect

forests of Washington, Oregon and Northern California.

The plan, submitted last week to a federal judge in Seattle for approval, would reduce annual timber harvests to about one-fourth the average of the 1980s.

Many timber-industry officials have said that level is too low. They are deciding whether to challenge the plan in court.

Environmentalists say the plan doesn't go far enough to protect what's left of the region's ancient forests. They

point,

Creighton said Weyerhaeuser supports the Clinton plan as a way to resume federal timber flows, save some forest jobs and help timber communities.

Weyerhaeuser purchases some federal timber in Oregon and buys wood chips and mills that saw federal timber. The chips are used to make pulp in company mills, Creighton said.

The company isn't dependent on federal timber harvests, but is considered a highly influen-

OPTIONAL FORM 98 (7-90)

FAX TRANSMITTAL

of pages 1

From: Jan Luchman
To: Katie McGinty
Fax: 503-324-6254
Fax: 503-456-2710
Date: 4/22/94
Time: 15:21
Fax Agency: NEN 754C-01-317-7388
5038-101
GENERAL SERVICES ADMINISTRATION

DD
DD 143

4/22/94

Will

THE PRESIDENT HAS SEEN

4.26.94

THE WHITE HOUSE

WASHINGTON

94 APR 25 P3:24

MEMORANDUM TO THE PRESIDENT

FR: Katie McGinty
RE: Response to the Forest Plan
DATE: 22 April 1994

Handwritten signature/initials

The initial response to your final Forest Plan has been encouraging. The two main papers in the region have written favorably, as did the Washington Post.

Several other developments deserve mention. Judge Dwyer has noted his intention to lift the injunction on May 13th unless one of the parties persuades him to the contrary, and in a conference with the Judge Wednesday none stated their intention of opposing our request that he do so. The Department of Justice stated that this is a very encouraging sign indeed.

In another major development, Weyerhaeuser today publicly endorsed the plan, which is a very strong signal that at least some components of the industry recognize the value in ending the confusion that has tied up the region for years.

Attached are the relevant clippings.

Thanks Will

Washington Post 4/20/94

The Clinton Timber Plan

THE REAGAN and Bush administrations' approach to the Northwest timbering problem was to refuse to enforce the law. No matter that in other contexts these were ardent law-and-order advocates. To comply with the endangered species and other federal environmental statutes, the timber harvest in the Northwest's remaining mostly federal old-growth forests would have had to be reduced, and neither administration was willing to do it. The failure to carry out the law was kicked to the courts, where a federal judge responded by enjoining any timbering on the relevant lands until either the law was changed or a plan to conform to it was presented.

The Clinton administration has now constructively done what neither of its predecessors would and submitted such a plan. It's a good proposal. It appears to be scientifically based and well within the envelope of the law. By cutting the harvest sharply, the administration says it would likely save the threatened species—most famously, the northern spotted owl—and the forest ecosystem of whose health the species are the emblem.

Certain environmentalists—not all—are nonetheless opposed, or so they say. Their goals are more protection and less timbering. They may yet be able to influence the proposal around the margins. If they go beyond that to block it, we think they will do their own good cause a disservice. The environmental groups like to speak of

sustainable development and, in the case of timbering, sustainable yield. They should think in similar terms with regard to the remedies they seek. This is about as good a plan as either the law requires or they are likely to get from any administration. If they manage to kill it, they risk doing what the industry wants and sending the issue back to Congress for resolution. That way lies a likely weakening of the very laws the environmentalists want to uphold.

The industry should also lay off, though of course it won't. Timbering jobs were already in decline in the Northwest for any number of reasons—not least the overcutting of the forests and decline of the resource itself. The region already needed to quicken the diversification of its economy; the administration proposes to provide some extra funds to help the process along.

There's a lot of talk these days that the administration has lost its cutting edge on environmental issues, if ever it had one. But the Clinton people have set out to solve with intelligent compromises any number of major environmental problems. Their proposals range from a more protective regimen with regard to federal grazing lands to a wiser allocation of California water and a plan to begin the restoration of the Florida Everglades. The timber proposal is another. Like too many of the rest, it needs to be saved from its nominal friends.

EDITORIALS

Clinton's plan: looking for a bit more timber

EVEN before it hit the judge's desk, Clinton's revised Northwest forest plan was under attack by both extremes. In the political wilderness of forests and trees, that may be a sign the administration is on the right path.

Sen. Slade Gorton grumbles that Clinton is abandoning Northwest timber communities by cutting off logging in much of the region. Self-styled environmental groups sound a shrill alarm that Clinton has "yielded to corporate money and special-interest politics."

Count on federal Judge William Dwyer to ignore both extremes as he examines the plan. His test is simple: Does the plan satisfy federal laws?

The Clinton challenge has been to meet those stiff requirements without closing down the forests altogether. Last-minute revisions suggest the administration is still trying to strike that precarious balance.

This administration did not create the dilemma. The crisis in Northwest forests emerged from decades of massive overcutting — logging that

conformed to a theory of so-called sustained yield that is now thoroughly discredited by foresters, biologists and the federal courts.

Beginning in the Bush administration, Oregon biologist Jack Ward Thomas led the team that laid out a range of options for a new and necessarily experimental timber strategy. Now, as Clinton's Forest Service chief, he's responsible for making it work.

Option 9, Clinton's choice, was tough medicine, projecting harvests at barely 20 percent of the levels of the 1980s. More recently, Thomas told Congress the actual harvests would be even smaller, a blow both to timber country economics and to the administration's credibility.

The revised plan proposes to allow sales of timber in selected forests even before undergoing lengthy watershed analysis. That kind of compromise may alarm some environmental groups, but it makes sense. Thomas says the Forest Service needs to begin experimenting with new forestry, trying untested alternatives to the vast clear-cuts that helped turn Northwesterners against the timber industry.

The revisions demonstrate the administration's willingness to keep looking for a pragmatic middle ground between environmental purity and economic disaster. Such compromises may not satisfy the combatants, but they are in keeping with broad public impulses that drive the politics of Northwest forests.

Hopefully, that plan will also meet the rigorous legal test Judge Dwyer will now apply to it.

Seattle, WA
(King Co.)
Seattle Times/
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FRIDAY, APRIL 15, 1994

A responsible forest plan

It can be adjusted later, but it needs implementing now

The Clinton administration's Northwest forest plan that was filed Thursday with a federal judge is a responsible response to injunctions and the paralyzing controversy over management of the federal forests of Western Oregon and Washington and Northern California.

An interesting question remains: Could different scientists have found a management approach equally capable of maintaining natural processes — protecting the northern spotted owl and other old-growth species — while allowing a greater timber harvest? That's one for Congress and scientists to pursue.

The Northwest's pressing need now is for judges to let this plan be implemented, for the legal underbrush to be cleared away and the process of preparing timber sales according to the dictates of this plan to get underway.

Oddly, that's not the goal of the timber industry. Its key players want to undermine this plan, much as some environmental groups do.

The industry hopes that if the gridlock continues and no federal timber gets to market, Congress will intervene with a law more favorable to the industry. That's a nice strategy for lawyers and may be a risk worth taking from the boardroom profit-loss standpoint. But it's hard on communities and workers who stand to gain something — even if not as much as they'd like — from getting timber sales moving along.

A litigate-and-delay strategy also plays into the hands of the more extreme environmentalists happy to see

gridlock — and the resulting falloff of logging — continue to the point that the public and communities accept the lack of timber sales as the norm rather than the exception.

Obviously, however, real stability in federal forest management requires congressional action. Not to override environmental laws or exempt timber sales from legal challenges, but to clarify the rules for timber sales and other forest-management actions. Congress should incorporate the administration's valid objective of ecosystem management — recognizing that forests are a complex, interrelated collection of organisms, each serving a function.

But Congress has been free to act and steadfastly failed to do so. There's no assurance that a consensus can be found in that divided body, even with presidential pressure.

Meanwhile, what's left as the alternative to more years of gridlock is the Clinton plan, a notable attempt at a scientifically credible forest-management strategy. It provides less of a timber harvest than the industry would like and more than many environmentalists are comfortable with. It also provides for other forest jobs and assistance to communities and people hurt by the decline in the federal timber harvest.

This plan's provisions can be adjusted later, either by the administration or Congress in light of experience and additional scientific input. But it's needed now and deserves a chance to work.

PM-WA--Weyerhaeuser-Forests,390<

Weyerhaeuser Chief Says Company Backs Clinton Plan<
With PM-Northwest Forests,<

TACOMA, Wash. (AP) Weyerhaeuser Co., one of the nation's largest timber companies, has come out in favor of President Clinton's Northwest forest-management plan.

Jack Creighton, Weyerhaeuser's chief executive officer, said after the company's annual meeting Thursday, "I'd rather see the president's plan implemented. We support Option 9 and whatever means it takes to achieve it."

Option 9 is the Clinton administration's plan to prevent future overcutting and protect endangered wildlife in national forests of Washington, Oregon and Northern California.

The plan, submitted last week to a federal judge in Seattle for approval, would reduce annual timber harvests to about one-fourth the average of the 1980s.

Many timber-industry officials have said that level is too low. They are deciding whether to challenge the plan in court.

Environmentalists say the plan doesn't go far enough to protect what's left of the region's ancient forests. They have said they expect to challenge the plan at some point.

Creighton said Weyerhaeuser supports the Clinton plan as a way to resume federal timber flows, save some forest jobs and help timber communities.

Weyerhaeuser purchases some federal timber in Oregon and buys wood chips and mills that saw federal timber. The chips are used to make pulp in company mills, Creighton said.

The company isn't dependent on federal timber harvests, but is considered a highly influential industry player in the forest debate.

An injunction issued by U.S. District Judge William Dwyer in mid-1991 has halted logging across millions of acres of federal forests in the Northwest.

A representative of smaller forest businesses accused Weyerhaeuser of jumping ship for backing the Clinton plan.

"You're kidding. They said that publicly?" said Gus Kuehne, vice president of the Western Forest Industries Association, a group of small mill owners and lumber companies that once depended on federal timber.

"They want to free up private lands from restrictions and give away federal lands. They're selling us out. They're trying

to gain brownie points with the administration," he said.

A director of the Washington Environmental Council said Weyerhaeuser's stance is fairly good news.

"They're breaking the industry line. That's a surprise. The industry has hung together and opposed it up to now," Melanie Rowland said.

ATTN: PETER HAMM

National Park Service
Pacific Northwest Regional Office
909 First Avenue
Seattle, WA. 98104-1060

FAX (206) 220-4160

FAX Transmittal

To: Will Stelle

Fax # (202) 456-2710

Telephone #

From: National Park Service, Pacific Northwest Region

Subject: Clips on Forest Plan

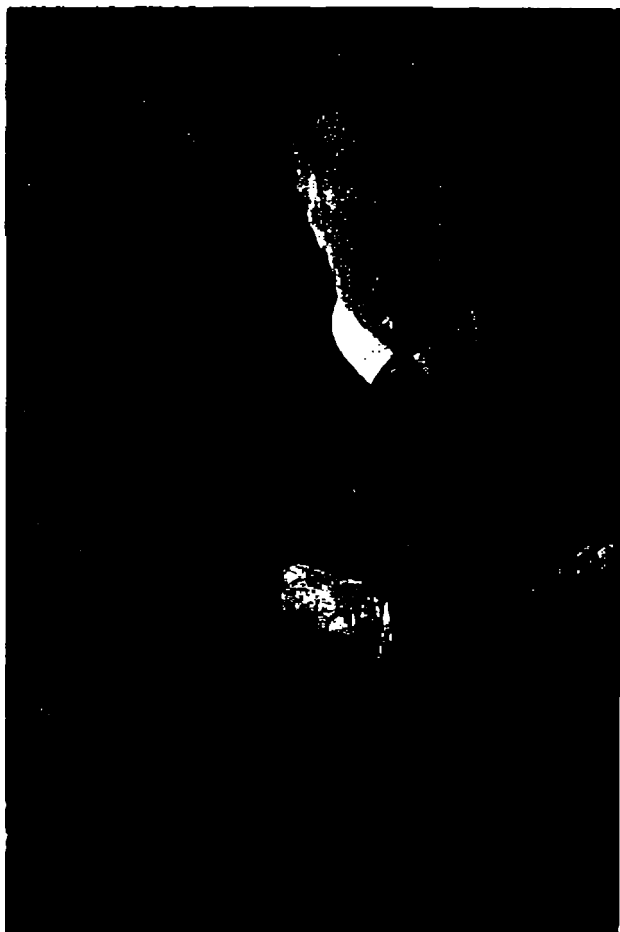
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Total Pages including Cover Sheet: 6

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For further information call:
(PNR 131 rev. 4/28/93)



TOM MREEK/SEATTLE TIMES

Inside:

Former Democratic Rep. Les AuCoin warns that the president's forest plan could lose him votes in 1996. B 1

William Dwyer has become the most visible U.S. district judge in the Northwest.

From trees to term limits, Dwyer having major impact

BY ERIC PRYNE

Seattle Times staff reporter

"This is a job where you can really make a difference, if you do it right," William Dwyer told a reporter the day before he became a U.S. district judge for Western Washington in 1987.

Not everyone agrees he has done it right. But in nearly 6½ years on the federal bench, Dwyer definitely has made a difference.

Perhaps the most tangible evidence is in the Northwest's national forests. Hundreds of thousands of acres of old trees still stand, years after their scheduled dates with the chainsaw, because of Dwyer.

The judge barred most new timber sales in 1991, declaring the U.S. Forest Service hadn't complied with

environmental laws requiring protection of the spotted owl and other wildlife. Those rulings touched off what some have labeled a struggle for the region's soul, a struggle that returns to Dwyer's courtroom Thursday.

That's when the Clinton administration is scheduled to submit its long-awaited Northwest forest plan for the judge's scrutiny.

The spotted-owl cases have propelled Dwyer to the sort of prominence few judges enjoy — or suffer. Like Earl Warren and George Boldt, the mere mention of his name can touch off strong emotions.

Oregon environmental activist Tim Hermach likens Dwyer to St.

PLEASE SEE *Dwyer* ON A 16

Like him or not, Dwyer has made his mark as a judge

per
FINISHED FROM PAGE 1

die of Asahi, known for his
for nature. Bill Fickell of
Washi Contract Loggers
cination has labeled the judge "a
cravationist zealot on a mission to
timber harvesting in the
forest."

he isn't the only arena in
Dwyer has made a difference.
k of his rulings:

King County has a new, more
trial government. Dwyer helped
the reshuffle in 1990, when he
the unmaking of the old Metro
and unconstitutional.

Convicted mass murderer
in Fai "Willie" Mak no longer
ten on Death Row. Dwyer set
death sentence in 1991.
ing Mak's lawyers hadn't repre-
sented him adequately.

There's no limit on how long
of Congress from Washing-
can serve in the nation's capital.
per on this year struck down
of the state's voter-ap-
red term-limits law.

Such high-profile cases have
labeled Dwyer by far the most visible
trial judge in the Northwest. And
have needed a long-held ses-
on some conservatives
he is a liberal activist, best on
haping the world in his image.

"There is no more raw power in
States of America than
it can be exercised by a federal
trial judge," says former
trial general Ken Eiken-
berry, who now heads the state
publican Party.

"Judge Dwyer comes out of an
era that follows the liberal
agenda. ... For people from that
environment, there's no question

their reading of the law will be
influenced by their social agenda."

The L word has tailed the judge
throughout his career, which includ-
ed 30 years as one of Seattle's
premier trial attorneys.

Dwyer, who declined to be inter-
viewed for this article, took on the
John Birch wing of the GOP in a
celebrated libel case on behalf of a
Democratic legislator in the early
1960s. He successfully defended a
local Black Panther leader charged
with grand larceny.

Lost first leadership bid

His first bid for a leadership post
in the Seattle-King County Bar As-
sociation was rebuffed in 1973. Too
liberal, critics said.

But Dwyer can't be pigeonholed
that easily. He also represented for-
mer Nixon White House aide and
Watergate figure Egil "Bud" Krogh
in winning re-admission to the state
bar.

And he owes his seat on the
federal bench to two Republicans and
longtime friends: Sen. Slade Gorton
and former Sen. Dan Evans.

Considering Dwyer's perfor-
mance as a judge, says Eikenberry, "I
wouldn't be surprised if Slade felt he
had made a mistake."

Not so, says Gorton. "Bill has
been a person I've admired through-
out my career, a generous and
thoughtful man," the senator says.
"That doesn't mean I agree with all
his decisions."

Evans, too, has no regrets. "Too
many people on the outside just look
at the politics. They don't think often
enough that a good judge has to put
personal feelings aside, look only at
the law."

That's just what Dwyer has done,
Evans says. "Intellectually, he is

*"There is no more raw power in the United States of America
than what can be exercised by a federal district-court judge."*

Ken Eikenberry

Former Washington state attorney general

right in the top mark of all the judges
I've known."

The spotted owl, term limits,
Willie Mak, Metro — all came to
Dwyer by luck of the draw. Cases are
assigned to judges randomly.

But long before he donned a black
robe, Dwyer was no stranger to the
spotlight. He has lived much of his
life in its glow. Even the story of his
nomination to the federal bench — a
formality for most judges — reads
like the Perils of Pauline.

Dwyer, 65, is a Northwest origi-
nal, born in Olympia to a family of
modest circumstances, educated at
Seattle's old Queen Anne High
School and the University of Wash-
ington. He's a man of many interests,
friends say: Shakespeare, the out-
doors.

He once played the role of the
judge in the courtroom drama "In-
herit the Wind," and once was part-
ner with Seattle Times columnist
Emmett Watson in a Pike Place
Market oyster bar.

Had role in baseball's return

Perhaps Dwyer's most celebrated
victory as an attorney was on behalf
of the state, King County and Seattle
in a lawsuit that charged the Ameri-
can League with breach of contract
for moving the old Seattle Pilots
baseball team to Milwaukee.

A 1976 settlement brought the
Mariners to town the following year.
"Bill Dwyer did a job of absolute

genius," said Gorton, then attorney
general.

Dwyer represented King County
in a highly publicized lawsuit against
the original builder of the Kingdome
that brought \$12 million into the
county's coffers. In the early 1980s,
he represented opponents of the joint
operating agreement between The
Seattle Times and Post-Intelligencer,
delaying, but not preventing, the
arrangement.

Such cases brought Dwyer plenty
of attention. "But I like to think the
spotlight goes to competent law-
yers," says Stuart Oles, a veteran
Seattle attorney and sometimes
Dwyer courtroom adversary. "I don't
think he's any kind of self-promoter.
Bill was a very capable, aggressive
attorney, and when that's the case,
people seek you out."

When Gorton and Evans an-
nounced Dwyer as their choice for a
vacant federal judgeship in 1986, the
city's legal establishment cheered.
"If federal judges were chosen in our
area by polling the lawyers, he would
be virtually a unanimous choice,"
said William Gates Sr., a former state
bar association president.

But conservatives grumbled that
nominating Dwyer, a Democrat,
would be a slap in the face to those
who had worked so hard to elect
Ronald Reagan. The Reagan Justice
Department shared those senti-
ments, refusing for months to send
Dwyer's name to the Senate for

confirmation.

Dwyer's prospects for the bench
seemed bleak until Gorton executed
one of the most talked-about horse-
trades in Washington political histo-
ry. He agreed to cast the swing vote
to confirm an ultra-conservative Rea-
gan nominee for a Midwest judgeship
— if the president would nominate
Dwyer.

The swap backfired on Gorton
politically, playing a part in his defeat
by Democrat Brock Adams that fall.

Reagan renominated Dwyer in
1987 only after Evans threatened to
block confirmation of all administra-
tion judicial nominees in the West.
Then anti-pornography activists
nearly derailed the nomination.

Dwyer, acting as a special city
attorney, had advised the Seattle
Library Board in 1985 that a contro-
versial sex-education book didn't
meet the legal definition of pornogra-
phy. Sen. Strom Thurmond, R-S.C.,
said he needed proof Dwyer was "not
inclined to pornography."

The Senate finally confirmed him
after more hardball politicking by
Evans and Adams. Just weeks after
becoming a judge, Dwyer presided
over the trial of Stella Michel, ulti-
mately convicted of killing two peo-
ple by lacing headache tablets with

cyanide.

On the bench, the 1988 Almanac
of the Federal Judiciary reports,
"Dwyer received stellar reviews
from lawyers who have appeared
before him." He wins high marks for
smarts, courtesy and fairness.

That opinion isn't unanimous.
One criminal defense attorney, who
insisted on anonymity, says Dwyer
seems to favor the government. "He
affords the prosecution an enormous
amount of latitude," the lawyer says.
"He may be liberal about trees and
owls, but not about defendants'
rights."

But Dwyer also has been a vocal
critic of mandatory minimum sen-
tences, arguing they sometimes are
counterproductive.

That earns him praise from J.
Miller, the public defender who re-
presented Michel.

Jim Ellis, another veteran Seattle
lawyer and father of Metro — the
government Dwyer helped bail —
holds no ill will toward the judge.

"He is more than anything else a
believer that the law is there to serve
people," Ellis says. "I don't believe
he stretches the law, but he's not
afraid to jump into anything."

"He's a personable person,
he's also a guy with guts."

SUNDAY, APRIL 17, 1994

Clinton's plan: looking for a bit more timber

EVEN before it hit the judge's desk, Clinton's revised Northwest forest plan was under attack by both extremes. In the political wilderness of forests and trees, that may be a sign the administration is on the right path.

Sen. Slade Gorton grumbles that Clinton is abandoning Northwest timber communities by cutting off logging in much of the region. Self-styled environmental groups sound a shrill alarm that Clinton has "yielded to corporate money and special-interest politics."

Count on federal Judge William Dwyer to ignore both extremes as he examines the plan. His test is simple: Does the plan satisfy federal laws?

The Clinton challenge has been to meet those stiff requirements without closing down the forests altogether. Last-minute revisions suggest the administration is still trying to strike that precarious balance.

This administration did not create the dilemma. The crisis in Northwest forests emerged from decades of massive overcutting — logging that

The revisions demonstrate the administration's willingness to keep looking for a pragmatic middle ground between environmental purity and economic disaster.

conformed to a theory of so-called sustained yield that is now thoroughly discredited by foresters, biologists and the federal courts.

Beginning in the Bush administration, Oregon biologist Jack Ward Thomas led the team that laid out a range of options for a new and necessarily experimental timber strategy. Now, as Clinton's Forest Service chief, he's responsible for making it work.

Option 9, Clinton's choice, was tough medicine, projecting harvests at barely 20 percent of the levels of the 1980s. More recently, Thomas told Congress the actual harvests would be even smaller, a blow both to timber country economics and to the administration's credibility.

The revised plan proposes to allow sales of timber in selected forests even before undergoing lengthy watershed analysis. That kind of compromise may alarm some environmental groups, but it makes sense. Thomas says the Forest Service needs to begin experimenting with new forestry, trying untested alternatives to the vast clear-cuts that helped turn Northwesterners against the timber industry.

The revisions demonstrate the administration's willingness to keep looking for a pragmatic middle ground between environmental purity and economic disaster. Such compromises may not satisfy the combatants, but they are in keeping with broad public impulses that drive the politics of Northwest forests.

Hopefully, that plan will also meet the rigorous legal test Judge Dwyer will now apply to it.

BY ERIC PRYNE
Seattle Times staff reporter

Now that the Clinton administration has finished its long-awaited Northwest forest plan, the next move is up to environmental groups.

They aren't of one mind.

Some say they will go to court to block the plan from taking effect next month. Others, while equally critical of the plan, haven't decided.

They say the benefits of continued litigation must be weighed against the possibility of a political backlash.

"The main concern people have is the specter of Congress jumping in and leaving us worse off than we are now," said Mike Anderson of the Wilderness Society. "But if we let it ride, we would have to accept a plan a lot of us are not happy with."

Administration officials yesterday signed off on the plan, a year in the making, and submitted it to U.S.

District Judge William Dwyer in Seattle. It draws a new map for 17 million acres of federal forest in Western Washington, Western Oregon and Northern California.

About 70 percent of the remaining unprotected older forest would be included in reserves. Logging would drop to less than one-quarter the level of the 1980s.

Environmentalists say that's still too much. Timber interests say it's too little.

The plan is the product of lawsuits filed by environmentalists long before Clinton took office. Dwyer ruled three years ago that the Bush administration had willfully violated environmental laws, and he blocked most new timber sales until the government adopted a new plan that meets legal standards for wildlife protection.

When it submitted its plan yesterday, the Clinton administration asked Dwyer to lift his ban. The judge has scheduled a conference Wednesday to sort out just what happens next.

Timber interests already have announced they will file lawsuits to

PLEASE SEE **Timber** ON B 2

Timber

CONTINUED FROM B 1

overturn the Clinton plan and force the administration to start over.

But they also have said they won't move to block the plan from taking effect while their cases wind their way through the court system. Such a move, if successful, would leave mills with even less federal timber in the short run than the Clinton plan would provide.

- That leaves the environmentalists.
- Most praise the Clinton plan as a big improvement.

"It's closer to legal than anything the Bush administration did," said Andy Kerr, of the Oregon Natural Resources Council, one of 12 organizations that filed the lawsuit that prompted Dwyer's ban.

But it still falls short of what the law requires, environmentalists add. "It's like first-bell," said Jim Phaul of the National Audubon Society, another plaintiff group. "You don't get points for getting inside the 5- or 10-yard line."

Kerr said the Oregon Natural Resources Council would sue to block the plan. Other groups involved in the existing suit said they won't join.

"If they see and succeed in extending the logging ban, they said, it might provoke Congress to override the courts, perhaps ordering logging levels far above what the Clinton plan proposes.

"We have a tough decision to make," said Darlene Madenwald, president of the Washington Environmental Council, another plaintiff group.

• Rather than challenging the entire plan, said Anderson of the Wilderness Society, some environmentalists have talked of moving to block individual timber sales considered objectionable.

But Kerr said the threat of a congressional override is overblown.

"It's a risk, but we think it's a manageable risk," he said. "Congress is very happy this issue is on the doorstep of the administration and the courts, and not on theirs. . . ."

"Environmentalists should always be concerned about a political backlash. But the (Oregon Natural Resources Council) is more concerned about nature's backlash."

Kerr acknowledged, however, that any challenge to the Clinton plan isn't a sure winner. "It's going to be a lot harder decision for Judge Dwyer this time," he said.

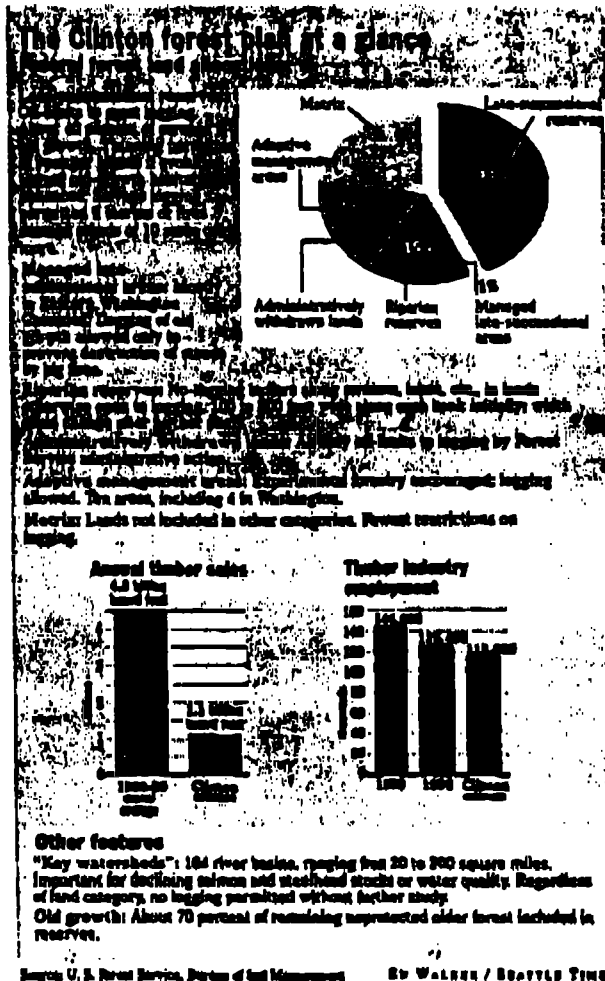
The Native Forest Council, a small environmental group based in Eugene, Ore., that is not part of the present lawsuit, also has said it would challenge the Clinton plan. Its executive director, Tim Hermach, has been highly critical of most of the mainstream groups, saying they are too willing to compromise.

(One legal issue that's likely to surface soon is jurisdiction. Timber-industry lawyer Mark Rutzick said earlier this week that his clients planned to file their lawsuits in federal court in Washington, D.C., which he called "a more favorable forum" for the industry view.

A D.C. judge, Thomas Penfield Jackson, agreed with industry last month that the Clinton plan had been prepared in violation of an open-meetings law. He wouldn't block the administration from adopting the plan but said he might consider a new challenge once the plan was signed.

In court papers filed this week, the administration said all challenges should be consolidated in Dwyer's court and asked the Seattle judge to help make that happen.

A court official said if questions of jurisdiction arise and cannot be resolved by the judges involved, they can be referred to a judicial panel on multidistrict litigation for a decision.



Colville Tribes OK settlement over Grand Coulee Dam losses

ASSOCIATED PRESS

NESPELEM, Okanogan County — Members of the Colville Confederated Tribes voted 2,191 to 154 yesterday to approve a multimillion-dollar settlement with the federal government over use of tribal lands lost to Grand Coulee Dam.

The Colvilles will receive a lump-sum payment of \$53 million and annual payments of at least \$15.25 million beginning in 1996.

The votes came at a general tribal-membership meeting.

"This was an issue that really captured the heart of the tribal membership," Chairman Eddie Palman-teer said in a written statement.

"Tribal members came from literally all over the country to vote on this important issue."

The Colville confederation has 7,700 enrolled members from 13 Central Washington tribes and bands.

The settlement acknowledges the tribes are owed a portion of revenues from the Grand Coulee hydroelectric project on the Columbia River. The dam flooded traditional villages and wiped out tribal salmon fisheries after its completion in the early 1940s.

If members are to receive an equal share of the settlement, it would mean about \$6,800 for each person immediately and at least \$1,965 a year. The yearly payments would be tied to the price and production of electricity and the consumer price index.

"No amount of money can truly compensate the tribes and its members, especially our elders, for the way of life that Grand Coulee Dam took away, and to that extent the settlement is inadequate," Palman-teer said.

"But because the settlement is structured to provide continuing

benefits for our children, the settlement is one that we had to take."

In 1992, the Bonneville Power Administration estimated Grand Coulee Dam produced \$412 million worth of electricity. Water pumped from Lake Roosevelt, the dam's reservoir, feeds the 500,000-acre Columbia Basin irrigation project, but none goes to tribal reservation lands.

Construction of the dam, which began in the 1930s, flooded thousands of acres of tribal land and destroyed 1,400 miles of salmon spawning tributaries.

The dam was built without fish ladders.

The tribes were paid \$60,000 for the land, but leaders claimed they should be compensated for electrical power created from their riverbed. The government had contended it needed the Columbia riverbed for navigation and thus did not have to compensate the tribes.

Logging plan faces tough industry crowd in Northwest

Clinton presidency could be next on endangered list, says ex-lawmaker

BY ERIC PRYNE
Seattle Times staff reporter

STEVENSON, Skamania County — President Clinton's proposed Northwest forest plan could cost him Washington and Oregon in the 1996 presidential election, a former Democratic congressman says.

Les AuCoin, who served as a member of the House of Representatives from Oregon, yesterday told the annual meeting of the Northwest Forestry Association, an industry group, that the Clinton plan's proposed reduction in logging on federal forests could hurt the president in rural parts of the Northwest whose support he will need in two years.

"I don't believe his advisers have been serving him well," said AuCoin, who now lobbies for the timber industry. "Some in the administration worship at an altar of environmental theology they put higher than the interests of the president himself."

Clinton carried both Washington and Oregon in 1992, the same year AuCoin lost a close Senate race after 18 years in the House.

Some Clinton aides, AuCoin said, seem to subscribe to the theory of a "New West" in which a presidential candidate can win Western electoral votes by appealing only to urban and suburban voters. That's unrealistic, he said.

Clinton's final forest plan is to be delivered Thursday to U.S. District Judge William Dwyer, who barred most new timber sales in Western Washington, Western Oregon and Northern California three years ago.

The latest version would place 70 percent of the remaining, unprotected older federal forest in reserves. Logging on affected national forests would drop to 1.1 billion board feet a year, less than one-quarter the level of the 1980s.

'Some in the administration worship at an altar of environmental theology they put higher than the interests of the president himself.'

OREGON'S LES AU COIN
Ex-congressman

Administration officials say it will take until 1997 to get even that

much timber flowing from the woods.

Congress must be persuaded to legislate higher harvests this year, AuCoin told an audience dotted with representatives of such industry heavyweights as Weyerhaeuser, Boise Cascade and ITT-Rayonier.

Mike Draper, a Northwest labor leader who represents thousands of loggers and mill workers, called for 2.4 billion board feet over the next two years.

But Sen. Slade Gorton, R-Wash., and Rep. Peter DeFazio, D-Ore., who also spoke at yesterday's gathering, said it's highly unlikely Congress will act this year unless Clinton requests it — an option the administration so far has rejected.

"Congress is pretty good at not doing anything," DeFazio said, "particularly if it only affects a small region of the country."

DeFazio renewed his call for restrictions on log exports to get more timber to Northwest mills.

Tom Tuchmann, point man for the administration on Northwest forest issues, said Clinton opted for an administrative solution because Congress has been unable to resolve the problem. "Congress represents its constituency very well," he said, "and the people of this region continue to be divided."

But Gorton said he's optimistic this year's elections will produce a Congress more sympathetic to the timber industry's interests. "You are beginning to win the battle of public opinion," he told the industry crowd.

In addition to its plan for federal forests, the Clinton administration is considering a rule that would lift most restrictions designed to protect threatened northern spotted owls on most private timberlands in Washington.

But Gerry Jackson, deputy regional director of the U.S. Fish and Wildlife Service, said that proposed rule won't be published until mid- to late summer. Once the Clinton plan is adopted, he said, scientists will be in a better position to determine what level of protection is required on other lands to help get the owl off the endangered species list.

The bird is found mostly in older forests.

A draft proposal unveiled in December would continue to impose so-called "owl circles," protecting up to 10,000 acres around each nest, in areas deemed vital to the species' future.

Jackson said the administration is considering exempting small landowners from those requirements, and providing other owners with more flexibility in designing protection programs.

THE WHITE HOUSE
WASHINGTON

MEMORANDUM TO THE PRESIDENT

FR: Katie McGinty
RE: Response to the Forest Plan
DATE: 22 April 1994

The initial response to your final Forest Plan has been encouraging. The two main papers in the region have written favorably, as did the Washington Post.

Several other developments deserve mention. Judge Dwyer has noted his intention to lift the injunction on May 13th unless one of the parties persuades him to the contrary, and in a conference with the Judge Wednesday none stated their intention of opposing our request that he do so. The Department of Justice stated that this is a very encouraging sign indeed.

In another major development, Weyerhaeuser today publicly endorsed the plan, which is a very strong signal that at least some components of the industry recognize the value in ending the confusion that has tied up the region for years.

Attached are the relevant clippings.

PM-WA--Weyerhaeuser-Forests,390<

Weyerhaeuser Chief Says Company Backs Clinton Plan<
With PM-Northwest Forests,<

TACOMA, Wash. (AP) Weyerhaeuser Co., one of the nation's largest timber companies, has come out in favor of President Clinton's Northwest forest-management plan.

Jack Creighton, Weyerhaeuser's chief executive officer, said after the company's annual meeting Thursday, "I'd rather see the president's plan implemented. We support Option 9 and whatever means it takes to achieve it."

Option 9 is the Clinton administration's plan to prevent future overcutting and protect endangered wildlife in national forests of Washington, Oregon and Northern California.

The plan, submitted last week to a federal judge in Seattle for approval, would reduce annual timber harvests to about one-fourth the average of the 1980s.

Many timber-industry officials have said that level is too low. They are deciding whether to challenge the plan in court.

Environmentalists say the plan doesn't go far enough to protect what's left of the region's ancient forests. They have said they expect to challenge the plan at some point.

Creighton said Weyerhaeuser supports the Clinton plan as a way to resume federal timber flows, save some forest jobs and help timber communities.

Weyerhaeuser purchases some federal timber in Oregon and buys wood chips and mills that saw federal timber. The chips are used to make pulp in company mills, Creighton said.

The company isn't dependent on federal timber harvests, but is considered a highly influential industry player in the forest debate.

An injunction issued by U.S. District Judge William Dwyer in mid-1991 has halted logging across millions of acres of federal forests in the Northwest.

A representative of smaller forest businesses accused Weyerhaeuser of jumping ship for backing the Clinton plan.

"You're kidding. They said that publicly?" said Gus Kuehne, vice president of the Western Forest Industries Association, a group of small mill owners and lumber companies that once depended on federal timber.

"They want to free up private lands from restrictions and give away federal lands. They're selling us out. They're trying

to gain brownie points with the administration," he said.

A director of the Washington Environmental Council said Weyerhaeuser's stance is fairly good news.

"They're breaking the industry line. That's a surprise. The industry has hung together and opposed it up to now," Melanie Rowland said.

ATTN: PETER HAMM

862-798
18

THE WHITE HOUSE
WASHINGTON



MEMORANDUM TO: Janice Enright
FR: Will Stelle *W&S*
Associate Director for Natural Resources
Office on Environmental Policy
RE: The Forest Plan
DATE: 15 April 1994

Anne Cahill asked me to jot down a couple of observations relating to the politics of the forest plan regionally. She has the memorandum to POTUS dated April 7th from Katie McGinty, so my comments here will supplement what is in that memo. Attached are also press clips we've received.

1. People are sick of this issue and want it over with. Ending it by getting the court to lift the injunctions is our major objective, and will be regarded as an important victory regionally regardless of the size of the timber yields or what the individual constituencies say over the short term. If the injunctions are lifted, the primary message will be that the Administration ended the timber wars. It will be an overall plus. I am told that we are running about 60% approval in Washington state -- in part because we are regarded as caring, problem solving and hard working on three issues: forestry; Boeing and expanding trade and the importance of the Pacific rim.
2. Western Washington and the greater Portland area will support the forest effort because they are the urban suburban environmental vote.
3. Rural eastern Washington doesn't care that much because the affected owl forests are on the west side, but will not support it because the region is far more conservative.
4. Southwest Oregon strongly opposes it because the area is hardest hit, and eastern Oregon won't support it either.
5. The industry opposes the plan. The large industrial timberland owners don't like the plan but are finding that their long term corporate interest may lie in making peace with predictability -- rather than continue the war and the chaos. They are therefore not pulling out the stops to block us.
6. The smaller industry sector that depend on timber from public lands are strongly opposed to the plan.
7. Labor is also opposed to it strongly.
8. Some enviros like it and some don't and will challenge it as not enough.

cc K. McGINTY

The Oregonian

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FRIDAY, APRIL 15, 1994

A responsible forest plan

It can be adjusted later, but it needs implementing now

The Clinton administration's Northwest forest plan that was filed Thursday with a federal judge is a responsible response to injunctions and the paralyzing controversy over management of the federal forests of Western Oregon and Washington and Northern California.

An interesting question remains: Could different scientists have found a management approach equally capable of maintaining natural processes — protecting the northern spotted owl and other old-growth species — while allowing a greater timber harvest? That's one for Congress and scientists to pursue.

The Northwest's pressing need now is for judges to let this plan be implemented, for the legal underbrush to be cleared away and the process of preparing timber sales according to the dictates of this plan to get underway.

Oddly, that's not the goal of the timber industry. Its key players want to undermine this plan, much as some environmental groups do.

The industry hopes that if the gridlock continues and no federal timber gets to market, Congress will intervene with a law more favorable to the industry. That's a nice strategy for lawyers and may be a risk worth taking from the boardroom profit-loss standpoint. But it's hard on communities and workers who stand to gain something — even if not as much as they'd like — from getting timber sales moving along.

A litigate-and-delay strategy also plays into the hands of the more extreme environmentalists happy to see

gridlock — and the resulting falloff of logging — continue to the point that the public and communities accept the lack of timber sales as the norm rather than the exception.

Obviously, however, real stability in federal forest management requires congressional action. Not to override environmental laws or exempt timber sales from legal challenges, but to clarify the rules for timber sales and other forest-management actions. Congress should incorporate the administration's valid objective of ecosystem management — recognizing that forests are a complex, interrelated collection of organisms, each serving a function.

But Congress has been free to act and steadfastly failed to do so. There's no assurance that a consensus can be found in that divided body, even with presidential pressure.

Meanwhile, what's left as the alternative to more years of gridlock is the Clinton plan, a notable attempt at a scientifically credible forest-management strategy. It provides less of a timber harvest than the industry would like and more than many environmentalists are comfortable with. It also provides for other forest jobs and assistance to communities and people hurt by the decline in the federal timber harvest.

This plan's provisions can be adjusted later, either by the administration or Congress in light of experience and additional scientific input. But it's needed now and deserves a chance to work.

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EDITORIALS

Clinton's plan: looking for a bit more timber

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This administration did not create the dilemma. The crisis in Northwest forests emerged from decades of massive overcutting — logging that

conformed to a theory of so-called sustained yield that is now thoroughly discredited by foresters, biologists and the federal courts.

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GENERAL SERVICES ADMINISTRATION

SOUTH KING COUNTY EDITION LOCAL NEWS

THE SEATTLE TIMES SECTION B THURSDAY, APRIL 14, 1994

Forest plan heads for center stage

◆ *AFTER NINE MONTHS of fine-tuning, the Clinton administration's Northwest forest plan is finished. But is it legal? Environmentalists and timber interests both say no.*

BY ERIC PRYNE
Seattle Times staff reporter

After nine months of playing off-Broadway, President Clinton's Northwest forest plan finally hits the big time today.

It makes its debut in the only theater that matters: the courtroom.

The administration is submitting its long-awaited final plan — which differs little from the most recent draft — to U.S. District Judge William Dwyer.

It also is asking him to lift a sweeping injunction that for nearly three years has blocked almost all new timber sales on 17 million acres of federal forest in Western Washington, Western Oregon and Northern California.

"It doesn't get any better than this," said Assistant Agriculture Secretary Jim Lyons.

"We've done what the court asked for, and then some. . . .

"I don't think any administration could come up with a more comprehensive plan. It meets our statutory obligations, and it provides some semblance of balance."

The proposal's broad outlines have been public knowledge since last July and have been roundly criticized by both timber interests, who say the plan would allow too little logging, and environmentalists, who say it would allow too much.

But Dwyer is the only critic whose opinion matters. He ruled in 1991 that the government was deliberately violating laws requiring protection of the northern spotted owl and other wildlife and shut down most logging, pending adoption of a new management plan.

Challenges to the Clinton proposal are expected from both environmentalists and the timber industry.

Lyons said new provisions in the final plan include a break for the ski industry and procedural changes aimed at moving more timber to mills over the next few years while the plan is put into effect. Those changes are likely to anger environ-

mentalists.

The plan's central elements, however, remain largely unchanged from a version released in late February.

About 70 percent of the remaining unprotected older federal forest would be included in reserves. Timber sales would drop to 1.1 billion board feet annually, just one-quarter the level of the 1980s but significantly more than has been allowed under Dwyer's injunction.

Administration officials said last month, however, that it would take until 1997 to reach that level. Timber sales can take years to prepare, and, after years of uncertainty, few are in the pipeline.

In addition, harvest couldn't occur on much of the land that remained open to logging under the Clinton plan until studies or plans were completed. Several changes in the final plan aim to compress or simplify those studies and possibly make more timber available, Lyons said.

The changes "will provide us with the ability to have a (timber) sale program while we go through the transition," he said. He would not estimate how much more logging might occur.

PLEASE SEE *Timber* ON B 2

Clinton's plan for for forests heads for center stage

Timber

CONTINUED FROM B 1

Perhaps the most important change would affect "key watersheds," 164 river basins important for salmon, steelhead or water quality. Under the draft Clinton plan, logging couldn't take place inside them unless a comprehensive, basinwide "watershed analysis" was completed.

That requirement wouldn't be applied to timber sales through 1996, Lyons said. Under the final plan, a sale could proceed after a less detailed study of its impact that focused mostly on fish and water.

Bonnie Phillips-Howard of the Western Ancient Forest Campaign called the switch a betrayal.

"What they're saying is, 'We're going to practice ecosystem management someday.' That, to me, is very distressing," she said. "For the little bit of gain they get, they're going to lose a helluva lot of credibility. It shows they're still timber-driven."

The Clinton plan also would impose no-logging buffers, ranging in width from 100 to 300 feet initially, along each side of all streams. Some ski areas, which lease all or part of their land from the U.S. Forest Service, had expressed concern about the buffers' impact on their operations and expansion plans.

The final plan would grandfather in existing ski development, Lyons said, and allow new development inside the stream-side buffers on land for which a ski area already holds a permit from the Forest Service.

That may benefit Crystal Mountain's expansion plans.

Sen. Patty Murray, D-Wash., said the Clinton plan offers the best hope for ending the Northwest's long-running war in the woods.

"My sincere hope is that everyone will give this a chance to work," she said. "This has been in gridlock too long."

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Seattle Times

Timber plan sparks new row over forests

By Rob Taylor
P-I Reporter

The Clinton administration, filing its Northwest forest plan yesterday, asked a federal court to dissolve its 3-year-old ban on logging old-growth forests.

As expected, the plan met criticism from environmental and timber industry groups, but was praised by federal officials and some politicians as the best chance to restore the region to environmental health

and economic stability.

No legal challenges to the plan were filed yesterday. Several groups involved in the case said decisions on a legal response were weeks away. Even a group of timber interests whose lawyer had pledged to sue said it had not decided whether to challenge the plan.

In a Seattle news conference, Assistant Secretary of Agriculture Jim Lyons told reporters yesterday that the plan is "scientifically sound, legally sufficient and bal-

anced." He said it was time to "get forest management out of the courts and into the forests where it belongs."

The Northwest Forestry Association called the plan illegal and fatally flawed. The American Forest and Paper Association called for Congress to step in. The Sierra Club and Audubon Society said the plan gives inadequate protection to ancient forests.

See **LOGGING**, Page B2

Logging: Environmental groups want impact studies

From Page B1

Some environmental groups objected to a late adjustment that would allow timber sales during the next two or three years in relatively pristine areas without analyzing the impact of logging and road-building on the watershed.

Some questioned its decision to allow some timber sales in the next four years without local surveys of lower forms of life such as slugs and lichens.

The changes appeared aimed at

boosting the scant amount of timber that the administration can sell in the short term. Officials estimate they will need three years to get sales up to 1.1 billion board feet, which they project as the long-term probable sale quantity.

That rate is about 25 percent of timber sales of the 1980s. The plan leaves only about 5.5 million acres open to general timber harvesting out of the Northwest's roughly 24 million acres of federal land.

In its request to lift the logging

injunction, the government said a decision could be made as early as May 8. But environmental and timber industry groups are likely to seek more time.

Officials also attempted to head off an expected bid to strike down the plan on grounds that it failed to comply with federal public participation requirements. Officials said that President Clinton's Forest Conference and the public notice and comments on the plan have complied with the spirit, if not the letter of the law.

National Report

The New York Times

A8 2

FRIDAY, APRIL 15, 1994

U.S. Moves on Two Fronts To Reshape Logging Rules

Actions on Owl Area and an Alaska Forest

By JOHN H. CUSHMAN Jr.

Special to The New York Times

SEATTLE, April 14 — The Clinton Administration moved on two fronts today to reshape the way the Government manages logging in the nation's remaining ancient forests.

In Seattle, the Administration asked a Federal judge to restore some logging in the old forests of the Pacific Northwest, where for five years the courts have all but eliminated logging on public land to protect the northern spotted owl.

And the United States Forest Service canceled a 50-year contract with the Alaska Pulp Corporation that has allowed it to cut timber in the Tongass National Forest in southeastern Alaska, a program that environmentalists have assailed for years.

Although environmental groups and the timber industry — for conflicting reasons — today criticized the plan to protect the spotted owl and other species in Washington, Oregon and California, the decision on the Alaskan forest was clearly welcomed by environmentalists.

Alaska Pulp is one of two companies with special contracts to cut trees in the Tongass, one of the last remaining stretches of temperate rain forest in the world. The contract that was canceled, one of the biggest in the nation involving publicly owned forests, would have allowed the company to cut another two billion board feet of timber by the year 2011.

The Forest Service had warned the company that the contract might be terminated after Alaska Pulp shut a mill in Sitka last year, laying off 400 people. The long-term contract was intended to provide mill jobs in Alaska.

Balance Cited in Owl Plan

Defending the spotted owl plan, Administration officials said that neither industrial nor environmental critics of its plan could offer a better way to save the threatened owl and preserve a forest that offers habitat for a multitude of species while also nurturing the region's economy.

Environmentalists said the plan was intended to appease the timber industry, the industry said it was illegal and unbalanced, and the Administration admitted that even if the plan survived legal challenges, it would take at least three years to put fully into effect.

"We are at the stage now of beginning to put the cars of the train back on the track," said George Frampton, the Assistant Secretary of Interior, using the train-wreck metaphor that officials in the Clinton Administration have applied to the dispute over logging in the Northwest.

"This train was going 95 miles an hour when it went off the track, and it is not going to be going 95 miles an hour by November," Mr. Frampton said.

pg 272
Cushman

Despite the forest plan's uncertain fate, its presentation to Judge William Dwyer of the United States District Court in Seattle today marks a climax in one of the most hotly disputed environmental issues ever to face any region of the country. Judge Dwyer is the judge who has issued the most comprehensive order against logging in old forests, and the Government's plan was devised to meet the criteria he has set.

Trying Out a New Science

Going far beyond the spotted owl's fate, the forest plan offers a panoramic vision of environmental management across a landscape of millions of acres and hundreds of species. It is the most ambitious example to date of the fledgling science of ecosystem management that the Administration is trying to make its environmental trademark.

Under the Administration plan, every sale of plots to trees to the logging industry must be analyzed to make sure that it does not violate the new land management practices spelled out in the voluminous legal papers. And some forestry practices that are envisioned, like analyzing the effects of logging on rivers and streams, have not yet been fully developed. Nor have all the hundreds of species that live in the logging areas been studied enough to know how they would be affected.

In an effort to insure that some timber from the restricted areas begins making its way back onto the market, the Administration plans to adopt the restrictive new scientific criteria only gradually over the next few years.

In a speech on Tuesday before a regional forest industry group in Stevenson, Wash., Jim Lyons, the Assistant Secretary of Agriculture in charge of the national forests, said the Administration would "move as quickly and aggressively as we can to get timber back into the pipeline."

Ever since the court orders restricting logging, mills in the Northwest have been closing, and the layoffs of thousands of workers have made the issue a political tinderbox.

Today, Mr. Lyons said the plan should double this year's timber harvest on the affected lands, and double it again the following year. But the amount being harvested this year, 160 million board feet, does not satisfy the industry.

Lawyers for the timber industry have said they would challenge the plan in Federal court in Washington, where Judge Thomas Penfield Jackson has already ruled that the process of drafting the plan technically violated Federal laws on administrative procedures. The industry's strategy is to create conflicting court decisions that would encourage Congress to write a law allowing a greater amount of timber to be harvested.

STATEMENT OF SEN. PATTY MURRAY
CLINTON FOREST PLAN
APRIL 14, 1994

Mr. President, I would like to address my colleagues for a few minutes about an old subject that is about to undergo a new beginning. I am referring to the forest management crisis in the Pacific Northwest. Many of you have been hearing about this issue for a long time. Some of you are probably tired of hearing about it. You are all quite aware that it has defied resolution over the past five years.

Today could be the end of the conflict. I make that statement with very cautious optimism. This is the day the Clinton Administration forest plan for the spotted owl forests of the Pacific Northwest goes to court for final judicial review.

It's been a long process. Since the President convened his forest conference in Portland, Oregon one year ago, the plan has been through every conceivable legal, regulatory, and bureaucratic twist and turn. Let me give you a sampling:

- * Upon completion of the forest conference, the President created the Forest Ecosystem Management Assessment Team, charged with creating options for ecologically sound land management, based on the highest legal integrity, and capable of providing a long term, sustainable timber supply for businesses and communities.

- * At the same time, he set up a task force to work with us in Congress to create the Northwest Economic Adjustment Initiative, a five-year, \$1.3 billion economic development and diversification plan.

- * July 2, 1993, President Clinton announced the completion of FEMAT's work, and the selection of "option 9" as the preferred alternative.

- * Option Nine was subjected to an environmental impact statement that included a three-month public comment period that generated over 100,000 public comments.

- * Then came five months of agency review. On February 23 of this year, a final EIS was published. This was followed by an additional 30-day comment period.

- * During this time, a multi-disciplinary EIS Team coordinated review in Portland. Within the team there were no

less than 17 task forces established to work with state and local officials, tribes, and stake holder groups of every kind.

* The Office of Forestry and Economic Development was established to coordinate agencies, oversee implementation of the economic strategy, and give the White House a strong presence in the region.

* Most of these actions were carried out pursuant to court order. Two extensions were requested and granted. Today, the Record of Decision embodying the plan has been completed for federal court to review.

It has taken a little over a year, untold thousands of documents, innumerable meetings, heated discussions, and lot of Roloids. But that is a small amount of work to repair a problem that has festered nearly a decade. I believe all of us in the Northwest owe a debt of gratitude to the administration for investing an extraordinary amount of time and energy in resolving what is essentially a thorny regional conflict.

We need to see the Clinton forest plan for what it represents: the best attempt yet to balance competing needs and make the law work. It is an honest effort to bring forest management out of the courts, and put it back into the hands of the Forest Service, the Bureau of Land Management, and the Fish & Wildlife Service.

I have said it before and I will say again: it is my strong feeling that this plan is not perfect; I am particularly concerned about its short-term economic implications. There are people on all sides who take issue with this plan. But I want to remind my colleagues, and the citizens of the Pacific Northwest, how little progress was made on this issue before the President began working on this issue last Spring.

Parties are lining up on all sides and preparing their lawsuits. Some lawsuits have already been filed. But I would caution everyone against hasty action.

Let me be very clear about this: Our region suffered because of legal and political gridlock. A return to conflict will not heal our wounds. Given the extraordinary effort dedicated to this plan, I hope everyone involved will give it a chance to work.

If there are environmentalists out there, or workers, or forest products companies, I urge you to find solutions through the implementation phase. The plan is a fluid document. It is subject to the National Forest Management Act, the National Environmental Policy Act, and everything these two important laws represent. You all have recourse to seek assistance in the forest planning process, if you only give the agencies a chance to put it in place.

Equally important now is the need for the federal agencies to work together to implement this plan. In the past, we saw agencies at odds with one another, working actively to disrupt each other. The Pacific Northwest cannot tolerate such behavior in the future. I am impressed by what I've heard from the agencies to date, but the proof will be in seeing results.

Mr. President, the road ahead is rough. But we have a plan--if all goes well--that will afford the agencies an opportunity to restore public confidence; that will ensure the responsible stewardship of our resources; that will bring some certainty to businesses and communities; that will give a solid sense that there is a bright future for Northwest culture.

Beyond this plan we will have to address the 4-D Rule under the Endangered Species Act. This rule is critically important to private land owners in my state--large and small. This rule has been held in abeyance, awaiting approval of the federal forest plan. Frankly, a flexible 4-D Rule is contingent on finishing a management plan for the federal forests. Once that's done, I am committed to working out a 4-D rule as well.

Let's give Option Nine a chance to work. As I said before, we have a tremendous opportunity to make this a new beginning for an old issue that has divided my region--and this nation--for too long. Thank you Mr. President; I yield the floor.

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SEN PATTY MURRAY --- DC PRESS OFFICE

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Clinton forest plan goes to judge today

* Environmentalists, timber groups plan on legal challenges

By Rob Taylor
P-I Reporter

A-1

Resolving arcane questions about slugs and pristine watersheds, the Clinton administration yesterday began to unveil its final Northwest forest plan, even while interest groups prepared to attack it.

The administration is to submit its plan to a federal judge here today. It culminates five years of struggle, study and planning triggered by a series of court-ordered federal logging bans.

Already, environmental and timber groups and antagonists in the timber wars are attacking the plan and preparing to challenge it in court.

Timber interests call it a total failure. Many in the timber industry hope to extend the legal gridlock so Congress will intervene and boost timber sales.

Some environmental groups are pressing to extend their legal

■ **Whitewater:** Clinton defends handling of situation. Page A3

■ **Reform:** Forest Service seeks advice, gets it. Page A7

campaign against timber sales. The Wilderness Society calls the president's plan deeply flawed.

Sen. Patty Murray, D-Wash., urged people to ignore such protests. After a briefing on the plan, she gave it her endorsement.

"We finally have a chance to put something on the table and move forward, and I hope that everyone will give it a chance to work," she said last night.

Meanwhile, the administration moved to consolidate challenges to the plan here before U.S. District Judge William Dwyer and asked him to expedite them.

In part, the move appeared aimed at avoiding U.S. District Judge Thomas Penfield Jackson in Washington, D.C. Jackson has ruled that the administration violated procedural rules in developing the plan. Timber industry lawyers say they will ask Jackson to invalidate the Clinton plan.

See OWLS, Page A9

1 of 2

Owls: 'There's certainly some risk involved,' researcher says

From Page 1

A-9

The cross fire disturbs Eric Forsman, whose northern spotted owl research helped create that feathered poster child of the old-growth forest movement.

"I'm not feeling comfortable with what both sides are doing," Forsman said this week.

"There's certainly some risk involved," the biologist said from his Corvallis, Ore., U.S. Forest Service lab. "But in my opinion, Option Nine (the Clinton plan) is a pretty good plan for owls."

In fact, the plan goes far beyond owls. It is an unprecedented experiment in landscape planning for hundreds of species.

The plan will change little from earlier drafts, according to congressional sources who were briefed on it yesterday. The last published version would put about 7.4 million acres of Pacific Northwest federal lands into old-growth forest reserves where most logging would be prohibited. Another 2.6 million acres would be preserved in streamside buffers, at least temporarily.

It is expected to reopen logging on about 5.5 million acres, but the administration says it will take three years to get timber sales up to its long-term target of 1.1 billion board feet per year, about 25 percent of historic levels.

Sources said the administration also plans to announce today that it will not set aside land to protect such nonvertebrate animals and plants as slugs and lichens, unless they are listed as threatened or endangered. Moves to prevent declines of higher animals will continue even if they don't risk extinction. In another move to clarify ambiguity, the administration plans to allow some harvests in pristine key watersheds before they are fully analyzed.

Federal officials say the plan could become a prototype for land managers across the nation. Already its approach is being imitated by pending studies in eastern Oregon, Washington and Idaho and the Sierra Nevada and Rocky Mountains. Its leading architect, biologist Jack Ward Thomas, has become chief of the Forest Service.

The administration has staked much on the plan, which it has promoted as a way to end the forest gridlock.

No one can predict how it will be greeted by its key recipient, Dwyer. In an informal poll this week, several scientists and tim-

waterways.

Timber industry leaders complain they have been betrayed. New sales in 1993 from spotted-owl forests were virtually zero, and 1994 doesn't look much better, said John Hampton, chairman of the Northwest Forest Resource Council. The administration says it will sell only about 20 percent of the 2 billion board feet of logs that it promised for this year when it unveiled its plan in July.

"Without timber supply, there is no job supply," said Mike Draper, executive secretary of the Western Council of Industrial Workers, who represents millworkers. He says the plan will cost 60,000 to 80,000 jobs, about half of them in the timber industry. The administration puts job loss slightly lower.

The industry has promoted a group of scientists who differ with the authors of Clinton's plan and say their views were excluded.

The plan is "an abuse of science," said Robert Lee, a professor of forest sociology in the University of Washington's College of Forest Resources.

Many of these scientists argue that some timber cutting is needed to restore habitat and preserve forests. Chadwick Oliver, a UW silviculture professor, says the plan is based on a misconception that old-growth forests can be preserved in a steady state. He predicts big fires.

From environmentalists come protests that the administration would keep cutting old growth and punching roads into roadless areas, which they say already are too fragmented. They complain that the estimated odds of long-term survival for many animals — 65 percent for salmon runs — aren't high enough for many fish and wildlife species.

As it has evolved, the Clinton plan has partially satisfied many of those objections.

Meeting industry concerns, officials allowed some thinning of younger forests in the plan's old-growth reserves, especially in drier areas most vulnerable to wildfire. They set up adaptive management areas that offer added flexibility to try new logging techniques.

To blunt environmental attacks, the administration broadened some streamside buffers, partly for salmon, and added rules to protect rare but little-noticed species from bats to snails to lichens.

Critical details remain vague or in doubt. Renewed debates

from New Republic magazine that said that as more owls have been found, the need to protect the owl has faded.

New Republic writer Gregg Easterbrook, echoing generally optimistic industry estimates, said about 10,000 of the owls may exist, and possibly more if they are lumped together with the California spotted owl.

Federal owl researchers dismissed Easterbrook's blast. "An abundance of misinformation, mistaken assumptions and misguided logic," Forest Service scientist Joe Zisa said.

The key point, they said, is that owls and their habitat appear to be suffering accelerating declines. Far from being excluded, government biologists said, industry scientists refused to allow their owl survival data to be included in the latest spotted-owl trend analysis.

Still, the Clinton plan is likely to be judged on broader grounds. It rests not just on the biology of the owl, nor the threatened marbled murrelet, nor the coho salmon that are expected to be listed this summer as threatened or endangered, said Jim Lyons, assistant secretary of agriculture.

"The real issue is maintaining productivity of the entire old-growth ecosystem and the resources associated with it," he said.

2082

been, several scientists and timber executives predicted that Dwyer will approve the plan and relax his 3-year-old logging ban.

In his forest summit in Portland a year ago, Clinton pledged to produce a "scientifically sound, ecologically credible and legally responsible" plan. He also called for establishing a predictable and sustainable level of timber sales while protecting the long-term health of forests, wildlife and

have broken out over the original justification for the plan, protecting the northern spotted owl.

Nineteen prominent educators and researchers, noting a new finding that spotted owls are declining at an accelerating rate, said the plan may not preserve the owl. They called for extended protections.

Some industry executives, meanwhile, circulated an article

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E X E C U T I V E O F F I C E O F T H E P R E S I D E

15-Apr-1994 02:27pm

TO: Jessamyn Sarmiento
TO: Joshua Silverman
TO: Brian J. Johnson

FROM: Jennifer M. Giuriceo
 Office of Communications

SUBJECT: Stories on the Admin. Forest Policy

BC Clinton-Difficuly,500

Officials: Finding Legal Forest Plan Was Harder Than They
Thought

With Clinton-Forests

sspal-oiac

By SCOTT SONNER= Associated Press Writer=

WASHINGTON (AP) The Clinton administration didn't
fully understand what it was getting itself into when it
made the Northwest forest crisis an early priority,
pledging to save jobs and trees, too, officials
acknowledged Thursday.

"It was more complicated than we thought going in and
tougher to do than we thought going in," William Stelle,
associate director of the White House Office on
Environmental Policy, said in an interview.

It was not clear until preparations for the plan were
under way how low the logging levels would have to fall to
meet all U.S. environmental laws, said Assistant Interior
Secretary George Frampton Jr., former head of The
Wilderness Society.

"It meets every environmental law that can be applied.
We now know how hard it is to do that. It is much more
difficult than we thought," Frampton said.

"These are the gateways you have to walk through to
get any harvests. We have walked through the gateways and
it is a very big house. It's been a hell of a lot more
complicated than people thought a year ago," he said.

Frampton said it would be difficult to come up with any
other plan that would provide as much timber and still
comply with the laws.

"Not only is this the best thing for the forests of
the Northwest, it is the only thing that will produce
timber harvests over the long term and protect the
forests," Frampton said.

"To those who wish higher levels of timber harvests,
without a scientifically based and legally defensible
plan, we don't have any harvests," he said.

``If this is put into effect in good faith, a half a century from now you will still have a real sustained timber program on these forests. Nothing has been done over the past 50 years that would have allowed for that in the future,'' he said.

Forest Service Chief Jack Ward Thomas said the lower logging levels were precipitated by new research and data as well as the public's evolving view of forest values.

``I'd say the rules changed in the early 1980s and 1990s. ... I don't find villains. I don't find plots,'' he said of past practices.

``I find we changed our minds about what we wanted to produce from those forests. We ran afoul of the Endangered Species Act and we began to change those values. It's a change in circumstances.''

Thomas said the harvest reductions wouldn't have been so dramatic if the government have faced the reality of

overcutting a decade ago.

``If we looked back on it and saw a lesson to be learned, it would be that when you face tough issues, don't dawdle. Don't allow your options to be eroded," he said.

``If we'd addressed this issue 12 years ago, I think the situation would be a lot less painful in terms of economic and social impacts."''

Forest Plan Touted as Last Chance for Sustainable Harvest

By TIM KCLASS= Associated Press Writer=

SEATTLE (AP) President Clinton's Pacific Northwest forest plan is a national model for ecosystem management and opponents have yet to offer a suitable alternative, top administration officials say.

``We are radically changing how we are going to manage the forests of the Pacific Northwest," said James Lyons, an assistant agriculture secretary with jurisdiction over the U.S. Forest Service.

``We're going to fight for this plan. We think it's the best that government and science can do," Lyons said Thursday.

``The plan is scientifically credible and it is legally sufficient and it is probably the only way we are going to be able to move forward to end the gridlock in the forests of the Pacific Northwest," said assistant interior secretary George Frampton Jr., former president of The Wilderness Society.

Lyons and Frampton said the plan would assure:

A steady supply of timber, although at levels far lower than in the boom years of the 1980s, from federal lands in Washington, Oregon and northern California.

A measure of economic stability.

Protection for the rare, threatened and endangered species that depend on old-growth timber.

Greater recreational opportunities as the forests are restored to health.

President Clinton issued a statement hailing the plan, which was filed with U.S. District Judge William Dwyer late Thursday in Seattle.

``We are taking the single most important step toward once again having a steady flow of timber to Pacific Northwest mills ... sustainable management of our nation's precious natural resources," Clinton said.

Logging has been banned in Northwest forests with the threatened northern spotted owl since May 1991 when Dwyer ruled the Bush administration was deliberately violating U.S. environmental laws protecting fish and wildlife.

The Bush administration failed in repeated attempts to

craft a plan that was legally acceptable to Dwyer. The judge gave the Clinton administration until Thursday to come up with a new plan.

The plan drew cautious praise from Sen. Patty Murray, D-Wash., harsh criticism from Sen. Slade Gorton, R-Wash., and a ringing endorsement from Sen. Patrick Leahy, D-Vt., chairman of the Senate Agriculture Committee.

"The forest plan marks one of the first times that federal agencies have gone beyond a few species to target ecosystem health as a long-term goal," Leahy said.

Murray called it "the best attempt yet" and said it should be given a chance to work. Gorton said it would leave "timber families and communities with virtually no reliable timber harvest over the next decade."

The proposal, accompanied by a request that Dwyer lift his 3-year-old injunction against logging on millions of acres where spotted owls live, would protect three-fourths of the region's old-growth forest.

By 1997, timber sales would rise from 160,000 board feet this year to an annual harvest of 1.1 billion board feet, the maximum level the president's scientists believe is legally possible in the long run.

Cutting in the 1980s sometimes approached 4 billion board feet a year.

A board foot is one foot square by one inch thick. It takes about 10,000 board feet of lumber to build a typical single-family home.

Tommy Thompson, president of the National Association of Home Builders, and other industry and union leaders said they would fight in court and in Congress for higher harvest levels.

Leaders of the Sierra Club and Audubon Society said logging should be more limited and log exports from private lands should be banned to keep sawmills in business.

The plan may mean "just a slower death" for old-growth forest stands, said Bill Arthur, Sierra Club regional director in Seattle.

"Do they want to continue the gridlock and the uncertainty and the suffering out there?" Lyons said. "The real question is what alternative is there."

Preparation for timber sales under the plan could start within 30 days, and bidding could begin within six months, Lyons said.

He said he hoped about 320,000 board feet could be offered next year and twice as much in 1995-96, after which the sustainable level would be reached.

The plan offers the hope of rehabilitating federal forest lands in 25 years or more, which in turn "will expand the recreation base of the region three or four times," Frampton said.

The plan takes effect May 14, but Frampton said it could be a few more weeks before Dwyer's injunction is lifted if the judge allows extra time for opponents to

file briefs explaining their objections.

He and Lyons said the government hopes to consolidate any challenges into one case before Dwyer.

Last month U.S. District Judge Thomas Penfield Jackson ruled in Washington, D.C., that the plan was developed in violation of open meetings laws.

Jackson refused a timber industry move to block the plan but said he might consider a new challenge once the document was formally adopted, the step the government took Thursday.

Farming Today= By United Press International= -15==
Final U.S. timber plan filed=

The Clinton administration Thursday has filed its final revision of a plan for logging in the U.S. Northwest. The government yesterday (Thursday) asked a federal judge in Seattle to lift an injunction banning logging on 17 million acres of national forest land in Northern California, Oregon and Washington.

Environmental groups and timber industry representatives called the plan inadequate.

The president said the plan will restore forests and provide sustainable management for forests. "It is environmentally credible and backed by the best available science," President Clinton said in a prepared statement. "It meets the high standards required by the federal court and expected by the American people."

Challenges to the plan are expected. About 70 percent of remaining unprotected old growth would be placed in reserve under the plan, and timber sales would drop to about one quarter of 1980s levels, but much more than under the current injunction.

The forest management plan culminates a year-long process that stemmed from the Pacific Northwest Forest Conference last year.

Administration files final timber plan

SEATTLE, April 14 (UPI) The Clinton administration filed Thursday its final revision of a plan for logging in the Northwest, asking a federal judge in Seattle to lift an injunction banning logging on 17 million acres of national forest land in Northern California, Oregon and Washington.

Environmental groups and timber industry representatives have called the plan inadequate.

The president said the plan will restore forests and provide sustainable management for forests.

"It is environmentally credible and backed by the best available science," President Clinton said in a prepared

statement. "It meets the high standards required by the federal court and expected by the American people."

Details of the plan have been public for months and challenges to it are expected. About 70 percent of remaining unprotected old growth would be placed in reserve under the plan, and timber sales would drop to about one quarter of 1980s levels, but much more than under the current injunction.

The forest management plan culminates a year-long process that stemmed from the Pacific Northwest Forest Conference last year.

"This plan is a realistic compromise, both protecting jobs in the region and addressing the environmental concerns of the area," said Agriculture Secretary Mike Espy. "The plan outlines a strategy for preserving our natural resources, while recognizing the role timber plays in the Northwest economy."

The plan was filed with U.S. District Court Judge William Dwyer, the same judge who ordered the logging ban, largely to protect the northern spotted owl.

Dwyer has set a hearing date next Wednesday to hear if the parties to the dispute can agree on a plan for implementing the injunction. Dwyer is not under a deadline to issue a ruling, according to his staff, and is not likely to deal with the injunction in less than four weeks.

But such agreement is not likely. Attorneys for the timber industry have vowed to instigate court challenges to the plan.

"The long trail of broken promises from the Clinton administration to forest products workers grows even longer," said Michael Draper of the Western Council of Industrial Workers.

"The administration continues to abandon forest products workers, our families and our communities by failing to produce a forest plan for the region that will provide a reasonable amount of timber for milling," Draper said.

The Seirra Club was equally unimpressed.

"While the plan is a significant improvement from the grim days of the Reagan and Bush administrations, it will not accomplish the level of protection critical to save the last 10 percent of the ancient forests," said Bruce Hamilton, Sierra Club's Conservation Director.

More Lawsuits to Come, Timber Industry Wants Congress to Intervene

By JEFF BARNARD= Associated Press Writer=

GRANTS PASS, Ore. (AP) The battles over Northwest forests don't end with the filing of President Clinton's plan for lifting the federal court injunction against logging in habitat of the northern spotted owl.

More lawsuits over the legality of the plan known as "Option 9" are assured, and support is building for restrictions on log exports to make up for cutbacks in timber harvest on national forests.

The Native Forest Council, a small environmental group in Eugene, has promised to file a lawsuit to stop Option 9, claiming that any logging on national forests is too much because only 5 percent of the ancient forest remains.

"We want a legal and scientific plan that acknowledges the current tragic state of public forests, watersheds," said Tim Hermach, director of the council.

The mainstream environmental groups that joined in the lawsuit that stopped logging in owl habitat three years ago haven't said yet whether they will sue over Option 9, but they are clearly unhappy with it.

"Clinton caved in to the industry's cries for more logs from the public's last ancient forests and ignored the fact that this same industry is shipping 1.8 billion board feet of raw logs overseas every year for record profits," said Jim Pissot, head of the National Audubon Society's office in Olympia, Wash.

One source in the environmental movement said the mainstream organizations are moving away from the idea of compromise and will eventually decide to file a lawsuit of their own.

"The plan doesn't cut it ecologically and it doesn't cut it legally," said the source, who spoke on the condition of anonymity.

Though officially undecided over a lawsuit, the timber industry has indicated it is unlikely to sue over Option 9. However, it holds an ace in the hole with a federal court ruling that the forest plan was built without full participation of the public.

"One thing we will not do is to seek to stop implementation of Option 9," said Ralph Saperstein, vice president of the Northwest Forestry Association. "We want it to proceed with its meager timber sale volume while we have a court determine that the basis of Option 9 is legally flawed."

Environmentalists have long held that the best way to make up for the cuts in logging on national forests is to stop the export of logs cut on private lands by companies such as Weyerhaeuser.

Officially, the timber industry still opposes any limits on log exports from private lands.

But Andy Kerr, conservation director of the Oregon

Natural Resources Council, predicted that timber interests that rely on logs cut on federal lands will soon drop their opposition.

"Looking forward, I consider the industry conspiracy of silence on log exports will be ending soon," Kerr said.

Rep. Peter DeFazio, D-Ore., agreed.

"There is a growing schism in the industry," he said.

DeFazio has called on Clinton to impose administrative limits on private log exports, but the White House hasn't been willing to do that. The next move is to try to amend the Export Administration Act when it comes up for renewal.

DeFazio said he would offer amendments declaring that there is a timber shortage in the Northwest and the secretary of commerce should restrict exports.

"I have labor support. I'm working on support from a number of larger firms in the industry," DeFazio said.

"I expect there would be strong environmental support. That sounds like a pretty good coalition."

With recession in Japan, demand for export logs at premium prices has dropped, allowing some Oregon mills to stay in business by buying timber cut in Washington that would otherwise be shipped overseas, DeFazio said.

"Even if they (the timber industry) don't want to restrict exports to get an immediate supply of timber to their mills, they're going to have to do it politically if they want any other legislation on timber issues," DeFazio said. "One of the greatest weaknesses of their argument is why do they need more timber when they are exporting logs."

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Clinton Administration Pushes Pacific Northwest Forest Plan

By TIM KLASS= Associated Press Writer=

SEATTLE (AP) A forest plan attacked by both timber and environmental groups may be the last chance for a sustainable harvest in national forests of the Pacific Northwest, top Clinton administration officials said Thursday.

"Do they want to continue the gridlock and the uncertainty and the suffering out there?" said James Lyons, an assistant agriculture secretary with jurisdiction over the U.S. Forest Service. "The real question is, what alternative is there?"

Lyons and Assistant Interior Secretary George Frampton Jr., former president of The Wilderness Society, touted the plan as a national model for ecosystem management that would assure:

A steady supply of timber, although at levels far

lower than in the boom years of the 1980s, from federal lands in Washington, Oregon and northern California.

A measure of economic stability.

Protection for the rare, threatened and endangered species that depend on old-growth timber.

Greater recreational opportunities as the forests are restored to health.

"We are radically changing how we are going to manage the forests of the Pacific Northwest," Lyons said.

In Washington, D.C., President Clinton issued a statement hailing the plan filed with U.S. District Judge William Dwyer here late Thursday.

"We are taking the single most important step toward once again having a steady flow of timber to Pacific Northwest mills ... sustainable management of our nation's precious natural resources," Clinton said.

The plan drew cautious praise from Sen. Patty Murray, D-Wash., harsh criticism from Sen. Slade Gorton, R-Wash., and a ringing endorsement from Sen. Patrick Leahy, D-Vt., chairman of the Senate Agriculture Committee.

"The forest plan marks one of the first times that federal agencies have gone beyond a few species to target ecosystem health as a long-term goal," Leahy said.

Murray called it "the best attempt yet" and said it should be given a chance to work.

Gorton, however, said it would leave "timber families and communities with virtually no reliable timber harvest over the next decade."

The proposal, accompanied by a request that Dwyer lift his 3-year injunction against logging on millions of acres where threatened northern spotted owls live, would protect three-fourths of the region's old-growth forest.

By 1997, timber sales would rise from this year's 160,000 board feet to an annual harvest of 1.1 billion board feet, the maximum level Clinton administration scientists believe is legally possible in the long run.

Cutting in the 1980s sometimes approached 4 billion board feet a year, a rate Lyons said could have doomed the old-growth forest ecosystem.

A board foot is one foot square by one inch thick. It takes about 10,000 board feet of lumber to build a typical single-family home.

Tommy Thompson, president of the National Association of Home Builders, and other industry and union leaders said they would fight in court and in Congress for higher harvest levels.

Environmentalists said they would demand tighter restrictions.

"Nothing is going to change," Thompson said. "Even without court challenges, any new timber sales have to clear an impossible tangle of watershed assessments and conflicting forest laws."

Leaders of the Sierra Club and Audubon Society said logging should be more limited and log exports from

private lands should be banned to keep sawmills in business.

The plan may mean ``just a slower death'' for old-growth forest stands, said Bill Arthur, Sierra Club regional director in Seattle.

The administration is ``going to fight for this plan. We think it's the best that government and science can do,'' Lyons said.

``The plan is scientifically credible and it is legally sufficient and it is probably the only way we are going to be able to move forward to end the gridlock in the forests of the Pacific Northwest,'' Frampton said.

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The plan offers the hope of rehabilitating federal forest lands in 25 years or more, which in turn ``will expand the recreation base of the region three or four times,'' Frampton said.

Two late changes in the plan emerged as key potential sticking points.

One eases requirements for scientific assessments that must be done before trees are cut in key watersheds. Frampton said more detailed requirements would be imposed in a about 2&1/2 years following completion of pilot studies.

The other postpones the deadlines for surveys of 76 lesser known species of plants and animals to determine whether any are threatened or endangered.

Those changes were necessary to avoid a near-total ban on logging in key watersheds for three years and to speed up the pace of cutting to meet the sustainable harvest level, Frampton said.

The plan is scheduled to take effect on May 14, but Frampton said it could be several more weeks before Dwyer's injunction is lifted if the judge allows extra time for opponents to file briefs explaining their objections.

He and Lyons said the government hopes to consolidate any challenges into one case before Dwyer.

Last month U.S. District Judge Thomas Penfield Jackson ruled in Washington, D.C., that the plan was developed in violation of open meetings laws.

Jackson refused a timber industry move to block the plan but said he might consider a new challenge once the document was formally adopted, the step the government took Thursday.

bc-forestplan

ADMINISTRATION ESTIMATES 29,000
IN LOST JOBS UNDER TIMBER PLAN

By PAMELA BROGAN=

Gannett News Service=

WASHINGTON President Clinton's plan for logging in the Pacific Northwest areas that are home to the threatened northern spotted owl will result in 29,000 lost jobs, the administration said Thursday.

According to the final plan submitted to U.S. District Judge William Dwyer in Seattle, Oregon would lose 16,700 jobs, Washington 9,500 jobs and California 2,800 jobs compared to the number they had in 1990, when the northern spotted owl was listed by the government as endangered.

Yet, the White House has no plans to increase the \$1.2 billion in community assistance grants it has already announced to retrain workers.

"We're not changing any assistance other than the \$1.2 billion community assistance package" said Will Stelle, assistant director of the White House Office of Environmental Policy.

Rep. Peter DeFazio, D-Ore., said the administration's aid package was inadequate to make good on Clinton's promise that no jobs would be lost under the plan.

"I'm going to keep beating on the administration to give us more money, DeFazio said. "I think they're heading for big trouble here from a political standpoint if they don't."

But Sen. Bob Packwood, R-Ore., said he doubted that the Northwest would ever get the full \$1.2 billion.

"We've been conned," he said. "We'll only see a piddly amount of that money, especially with this budget crunch."

Sen. Patty Murray, D-Wash., said she was cautiously optimistic about the plan.

"It is my strong feeling that this plan is not perfect," said Murray. "I am particularly concerned about its short-term economic implications."

The reaction of Rep. Al Swift, D-Wash., was mixed.

"If you look at it from the perspective of the hey-day of the timber industry, it's very bad news," Swift said. "But if you look at since there's been a total shut-down, it's not that bad. As far as Congress' involvement, there's no guarantee that we'll do anything that industry would like better."

"But there's no question that there needs to be more money to help our workers. We have three senators on the Appropriations Committee to help with that."

Those senators are: Mark Hatfield, R-Ore., the ranking minority member; Slade Gorton, R-Wash., and Murray.

Rep. Jolene Unsoeld, D-Wash., said the plan was the only viable alternative to end the gridlock. "It's bitter medicine for those who have lost their jobs, but I don't know of another alternative," she said..

As expected, the administration asked the judge today to lift the injunction and pave the way for federal timber sales that could begin as early as August, said Jack Ward Thomas, Chief of the U.S. Forest Service.

Unless the judge decides to lift the injunction immediately, it will take about 30 days for the Forest Service to begin implementing the plan to give time to those who want to challenge it in court.

"We expect litigation," said Stelle. "We're ready for it."

Since 1991, Dwyer has banned most timber sales in Washington, Oregon and northern California to ensure the protection of threatened species. The Bush administration failed in its attempts to submit a forest plan acceptable to Dwyer. The judge gave the Clinton administration until Thursday to devise a plan.

Timber industry leaders said that they have not decided whether to challenge the plan. But both industry and union leaders said it does not provide enough logging to support timber-dependent communities.

"This is a slap in the face to timber workers," said Michael Draper, executive secretary of the Western Council of Industrial Workers.

Added the American Forest & Paper Association:

"Today's announcement of a new forest plan and environmental impact statement provides no surprises and no timber," said Mark Rey, the group's vice president.

Stelle said the plan is similar to the so-called "Option 9" plan that would reduce federal logging in the Northwest to 1.1 billion board feet annually over 10 years as compared to 1980's levels of 4 billion to 5 billion feet annually.

The Forest Service's Thomas said that in 1995 federal logging in the Northwest would average 250 billion-400 billion board feet, jumping to 850 billion board feet when the plan is "fully operational."

Under the plan, the northern spotted owl, endangered salmon species and the threatened marbled murrelet would be protected on 15.5 million acres of land in Oregon, western Washington and northern California. In addition, the species are already protected on another 7.3 million acres of land in the region reserved by Congress.

Of the total 15.5 million acres, the administration plan would set-aside:

7.4 million acres in Late Successional Reserves, old growth forests that represents 30 percent of the federal land within the range of the spotted owl.

1.5 million acres in 10 Adaptive Management Areas, 6 percent of the federal land where the northern spotted owl lives, would be used to design and test new ecological management plans. Timber harvests will be allowed on this land.

1.5 million acres in recreational and back country land not in timber harvest zones.

2.6 million acres in Riparian Reserves, or 11 percent of the federal land where the northern spotted owl lives, that border streams and valleys where logging would be restricted. And,

4 million acres in a Matrix outside of the designated reserves where there would be logging if environmental rules were followed.

BC-USA-TIMBER 1STLD

ADMINISTRATION TO ASK TIMBER INJUNCTION BE LIFTED
(EDS: Updates with?Clinton?statement, paras 3-4)

By Martin Wolk

SEATTLE, April 14 (Reuter) - The Clinton administration Thursday filed a plan to protect the old-growth habitat of the northern spotted owl and asked a judge to lift a ban that has halted federal timber sales in the Pacific Northwest.

"The plan outlines a strategy for preserving our natural resources, while recognizing the role timber plays in the Northwest economy," Agriculture Secretary Mike Espy said in a joint statement issued by the Agriculture and Interior departments.

In Washington, President Clinton said the decision marked the beginning of a new era for the Pacific Northwest and "offers a hopeful break from the past."

"We are taking the single most important step toward once again having a steady flow of timber to Pacific Northwest mills," he said. "At the same time, the plan provides for sustainable management of our nation's precious natural resources."

The plan was criticised by timber industry officials and environmental groups.

Administration officials said that in addition to the long-awaited final forest plan, they had filed a motion asking U.S. District Judge William Dwyer in Seattle to lift his May 1991 order banning sales of federal timber in the Northwest.

Sales of timber on federal land in Washington, Oregon and northern California have been virtually halted since the order, issued in connection with a 1989 lawsuit filed by the National Audubon Society and other environmental groups.

The final decision coupled with the Environmental Impact Statement fulfill an order set by Dwyer before the injunction could be lifted.

"We have met the legal requirements and now hope to move the management of federal forests out of the courtrooms and back into the hands of resource managers,"

Interior Secretary Bruce Babbitt said in the release.

"This action helps us avoid future injunctions over the same issue in the very same region," he said.

An Audubon Society official said the plan failed to protect Northwest forests and fisheries sufficiently.

"We applaud President Clinton's efforts," said society Vice President Brock Evans in a statement.

"However, we are disappointed by his failure to fully protect the country's last remaining ancient forest, salmon and other old growth dependent species," he said.

James Geisinger, president of the Northwest Forestry Association, called the plan "fatally flawed."

"This final proposal is not the balanced solution the president promised," he said.

REUTER

bc-home-builders-forests

TO NATIONAL, BUSINESS AND ENVIRONMENTAL EDITORS:

STATEMENT OF TOMMY THOMPSON, PRESIDENT, NATIONAL ASSOCIATION OF HOME BUILDERS, IN REACTION TO RELEASE OF CLINTON ADMINISTRATION'S

FINAL FOREST PLAN

WASHINGTON, April 14 /PRNewswire/ -- The following is the statement of Tommy Thompson, president of the National Association of Home Builders, in reaction to the release of the Clinton administration's final forest plan:

"Unfortunately, it's clear before the ink is even dry on the plan, that nothing is going to change. That means no timber will be released from region six, the lumber market will continue to be unsteady and lumber prices will continue to fluctuate, driving up new home prices.

"Environmental groups have already said they will challenge the plan. Even without court challenges, any new timber sales have to clear an impossible tangle of watershed assessments and conflicting forest laws. It is clear that Congress should intervene with sufficiency language to end the seemingly endless gridlock associated with this forest plan."

-0- 4/14/94

/CONTACT: Cynthia Adcock of the National Association of Home Builders, 202-822-0450/ CO: National Association of Home Builders ST: District of Columbia IN: PAP ENV SU: EXE KD-DT -- DC045 -- 1897 04-14-94 16:40 EDT

Oregonian, Portland, Oregon

4/20/94

Pg 1 of 2

Ecosystem management crucial to NW forest plan

But such a strategy is difficult to formulate and implement

By JAMES PIPKIN

The Clinton administration last Thursday announced its decision on how it will manage more than 24 million acres of federal forest lands in the Pacific Northwest and Northern California.

The decision is based on the objectives articulated by President Clinton at the conclusion of the Forest Conference a year ago in Portland. Those objectives include both complying with the environmental laws and maximizing the economic and social benefits (such as timber production) to the region.

The decision seeks to do that. It adopts a strategy that will produce the highest sustainable levels of timber in the years ahead while still complying with the requirements of the law. The proactive approach is intended to protect the health of the forest ecosystem and thereby reduce the need for future actions to protect species that become endangered — actions that could have an even greater adverse impact on the economic and social needs of the region.

Although I strongly support the plan, it is not my purpose here to defend it but rather to describe an almost ignored aspect of the administration's decision — the fact that it represents the federal government's first broadly based application of an "ecosystem management" approach.

Previous litigation over the Northwest forest has focused on the health of the northern spotted owl, a threatened species under the Endangered Species Act. Under an ecosystem approach, the primary focus is not on an individual species such as the owl, but on the habitat for all species.

Both biological processes and populations of plants and animal are taken into account, as is the prevention of degradation of land and water. The emphasis is on maintenance of biodiversity and the sustainability of ecological processes.

James Pipkin is counselor to the secretary of the Interior. He was the Interior Department liaison with the scientific team that developed the alternative forest plans and chaired the interagency task force that reported on how the plan should be implemented. He also serves on an interagency working group, chaired by the White House Office on Environmental Policy, that is considering how ecosystem management can be applied more broadly to federal decision-making.

Ecosystem management, properly conceived, is not oblivious to people. It recognizes that humans are inhabitants of an ecosystem and sometimes economically dependent on it. It also recognizes that if ecosystem-management policies are to succeed (that is, be supported by the voters), a balance must be achieved between human development and the biological ideal.

In the case of the Northwest forest plan, the initial ecosystem-management analysis was done by an interagency team of scientists that developed an array of alternatives to present to the decision-makers. The team developed an integrated plan for all federal lands in the area, not just the lands administered by one agency. Instead of limiting its attention to the spotted owl, the team focused on the habitat for *all* species and specifically considered more than a thousand species or groups of species.

It also assessed the maintenance of a connected old-growth forest ecosystem. That term refers not just to the ancient trees, but to the entire community of plants and animals associated with them and to the underlying ecological process.

The diversity of life depends on the existence of a healthy system of old-growth forest, and consequently the team's alternatives were analyzed with that objective in mind.

In these and other respects, the scientific team's alternatives broke new ground and constituted the first step of a true ecosystem-management approach.

However, our experience in developing the forest plan has taught us that ecosystem management will be both difficult to formulate and extremely difficult to carry out. The difficulties include the amount of information that is required, the need to provide flexibility when new information comes along and the fact that federal planners cannot ensure the continued existence of species (such as salmon) whose range is not confined to federal lands.

Other difficulties relate to the problems of coordination among government agencies. Eight different federal agencies have significant responsibilities in connection with the management of the federal lands in the Pacific Northwest. Each agency operates under different statutes and has different statutory mandates and authority.

In addition, federal managers must coordinate with state agencies, American Indian tribes and often counties, community leaders and other private landowners. Each of them will have different interests and goals than the federal managers.

Ecosystem management will not be cheap — in terms of money, time or patience. The increased informational needs and the increased coordination requirements are expensive. In the long run, savings should be possible.

*Oregonian, Portland, Oregon**4/20/94
Pg 2 of 2*

in the sense of avoiding litigation, eliminating duplication of effort by multiple agencies and preventing "train wrecks" that result from lack of foresight and coordinated planning. In the short term, the economic cost is likely to go up.

The difficulties are formidable. The fainthearted might say, "Why bother?" However, the issue regarding ecosystem management is whether we should take a long-term or a short-term view in making management decisions with respect to the public lands.

Ecosystem management represents the long-term approach. It focuses on the sustainability of the natural resources and on uses consistent with that objective. It protects species and, from the standpoint of humans, keeps the options open. It provides opportunities to improve our knowledge of natural populations and processes, and to use our resources for multiple purposes.

Ecosystem management is not applicable to every situation, but where it fits, the potential gains far outweigh the cost and the difficulty of achievement.

One significant gain is the flip side of the greatest diffi-

culty. Successful implementation of ecosystem management will occur only at the local level. Federal and state agencies, communities, tribes and private landowners must be encouraged to come together and voluntarily develop a plan for applying the broad-based strategy to the specific resources of the area. The potential to make people in the community feel enfranchised and part of the process is a huge step forward; it might even begin to soften the average American's cynicism about government.

Ecosystem management can also be viewed as a moral issue. Man has power to change the natural landscape that no other species has ever possessed. For hundreds of years we have treated our natural resource as though they were inexhaustible. The United States continues to use far more resources per capita than any other nation. Successful ecosystem management would show the rest of the world — and ourselves — that we can use our resources in a sustainable way and that we can exist without destroying the species whose fate is dependent on our stewardship.

OREGONIAN 4/13/94

Industry looks to end-run forest plan

■ The Northwest Forest Resource Council wants Congress to decide the matter after the forest proposal is unveiled Thursday

By PETER SLEETH
of The Oregonian staff

STEVENSON, Wash. — The timber industry intends to leave the Clinton administration's forest plan alone when it debuts in federal court Thursday, opting instead to try to force Congress to override it.

By not seeking an injunction to stop the forest plan, the industry hopes to get timber as fast as possible into Northwest sawmills under the plan, while gaining time to do an end run

around it.

That means the long-awaited plan to free up federal timber faces one less immediate hurdle but faces long-term confrontation.

Although the timber industry — led by the Northwest Forest Resource Council — won't seek an injunction, it does plan to go to court. It intends to file two lawsuits in Washington, D.C., in hope of eventually forcing lawmakers to become involved and increase timber harvests beyond what the Clinton plan calls for, a spokesman said Tuesday.

"I don't believe there are any legal acts that exist that can get logs moving to your mills,"

Please turn to
FOREST, Page A11

■ **WHO:** The Northwest Forest Resource Council, an umbrella organization that includes nearly every major forest products trade group in the Northwest

■ **WHY:** The Clinton administration's plan to open up logging in Northwest forests will be submitted to a federal judge in Seattle on Thursday.

■ **WHAT:** The council does not plan to ask the judge to stop the plan. Instead, once the plan is accepted, the council will file suits against the U.S. Forest Service and Bureau of Land Management claiming that implementing the plan is illegal. That allows the plan to go into effect and send some timber to Northwest mills. Meanwhile, the council hopes to force Congress to get involved and increase harvests.

Forest: Environmental groups want injunction

■ Continued from Page One
Mark Rutnick, lead attorney for the Northwest Forest Resource Council, told industry leaders attending their annual conference. "What we can do is get Congress moving to enact strategies that will get logs moving to your mills."

That strategy promises more conflict over logging in federal forests on the eve of the only plan that would free up logging after three years of a court injunction.

Meanwhile, environmental groups are expected to seek a new injunction to again stop the forest plan soon after it is filed.

The administration's plan is scheduled to be presented to U.S. District Judge William Dwyer in Seattle on Thursday. The idea behind the forest plan is to resume selling timber on a limited scale in Pacific Northwest forests.

Logging has been banned across federal forests that have endangered northern spotted owls in Oregon, Washington and Northern California since Dwyer ruled in 1991 that government timber harvests were violating environmental laws.

The Clinton administration has proposed slashing logging levels in the region to 1.1 billion board feet — about one-fourth the annual average of the 1980s — in order to lift Dwyer's logging injunction.

The Clinton administration would like to avoid congressional involvement. Clinton has said he wants a solution within existing laws.

Jim Lyons, assistant secretary of agriculture, said he was not surprised by the timber industry's

within the Department of Agriculture.

"It's ironic the forest industry has spent decades trying to avoid micro management and now they want to throw it to Congress," Lyons said.

Lyons and Rutnick spoke at the closing day of the two-day conference of the Northwest Forestry Association on Tuesday.

The industry lawsuits would be filed against the U.S. Forest Service and Bureau of Land Management, alleging they are acting illegally in implementing Clinton's plans.

Once the plan is found illegal, said Rutnick, "It would not surprise me to see the agencies throw up their hands and say we can't do it."

That, he said, might push the matter into Congress.

The industry hopes Congress will increase the timber cut far beyond the 1.1 billion board feet named in Clinton's plan under what is known as "Option Nine." At the peak of the timber harvest in the 1980s, timber was cut in the same forests at the rate of more than 8 billion board feet per year.

A board foot is one-inch thick by one-foot square. It takes about 16,000 board feet to build a 2,000-square-foot frame house.

"Once Option Nine is filed, it leads us back to Judge Jackson's court," Rutnick said.

Judge Thomas Penfield Jackson, of the U.S. District Court for the District of Columbia, ruled in March that the Clinton administration violated open meetings law in preparing its Northwest forest plan, but he declined to rule that the plan itself

OPTIONAL FORM 95 (7-90)

FAX TRANSMITTAL

of pages 1

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GENERAL SERVICES ADMINISTRATION
NSN 7540-01-317-7368 5295-101

E X E C U T I V E O F F I C E O F T H E P R E S I D E

15-Apr-1994 02:27pm

TO: Jessamyn Sarmiento
TO: Joshua Silverman
TO: Brian J. Johnson

FROM: Jennifer M. Giuriceo
 Office of Communications

SUBJECT: Stories on the Admin. Forest Policy

BC Clinton-Difficuly,500
Officials: Finding Legal Forest Plan Was Harder Than They
Thought

With Clinton-Forests

sspal-oia

By SCOTT SONNER= Associated Press Writer=

WASHINGTON (AP) The Clinton administration didn't fully understand what it was getting itself into when it made the Northwest forest crisis an early priority, pledging to save jobs and trees, too, officials acknowledged Thursday.

"It was more complicated than we thought going in and tougher to do than we thought going in," William Stelle, associate director of the White House Office on Environmental Policy, said in an interview.

It was not clear until preparations for the plan were under way how low the logging levels would have to fall to meet all U.S. environmental laws, said Assistant Interior Secretary George Frampton Jr., former head of The Wilderness Society.

"It meets every environmental law that can be applied. We now know how hard it is to do that. It is much more difficult than we thought," Frampton said.

"These are the gateways you have to walk through to get any harvests. We have walked through the gateways and it is a very big house. It's been a hell of a lot more complicated than people thought a year ago," he said.

Frampton said it would be difficult to come up with any other plan that would provide as much timber and still comply with the laws.

"Not only is this the best thing for the forests of the Northwest, it is the only thing that will produce timber harvests over the long term and protect the forests," Frampton said.

"To those who wish higher levels of timber harvests, without a scientifically based and legally defensible plan, we don't have any harvests," he said.

"If this is put into effect in good faith, a half a century from now you will still have a real sustained timber program on these forests. Nothing has been done over the past 50 years that would have allowed for that in the future," he said.

Forest Service Chief Jack Ward Thomas said the lower logging levels were precipitated by new research and data as well as the public's evolving view of forest values.

"I'd say the rules changed in the early 1980s and 1990s. ... I don't find villains. I don't find plots," he said of past practices.

"I find we changed our minds about what we wanted to produce from those forests. We ran afoul of the Endangered Species Act and we began to change those values. It's a change in circumstances."

Thomas said the harvest reductions wouldn't have been so dramatic if the government have faced the reality of

overcutting a decade ago.

``If we looked back on it and saw a lesson to be learned, it would be that when you face tough issues, don't dawdle. Don't allow your options to be eroded,'' he said.

``If we'd addressed this issue 12 years ago, I think the situation would be a lot less painful in terms of economic and social impacts.''

Forest Plan Touted as Last Chance for Sustainable Harvest

By TIM KLAS= Associated Press Writer=

SEATTLE (AP) President Clinton's Pacific Northwest forest plan is a national model for ecosystem management and opponents have yet to offer a suitable alternative, top administration officials say.

``We are radically changing how we are going to manage the forests of the Pacific Northwest,'' said James Lyons, an assistant agriculture secretary with jurisdiction over the U.S. Forest Service.

``We're going to fight for this plan. We think it's the best that government and science can do,'' Lyons said Thursday.

``The plan is scientifically credible and it is legally sufficient and it is probably the only way we are going to be able to move forward to end the gridlock in the forests of the Pacific Northwest,'' said assistant interior secretary George Frampton Jr., former president of The Wilderness Society.

Lyons and Frampton said the plan would assure:

A steady supply of timber, although at levels far lower than in the boom years of the 1980s, from federal lands in Washington, Oregon and northern California.

A measure of economic stability.

Protection for the rare, threatened and endangered species that depend on old-growth timber.

Greater recreational opportunities as the forests are restored to health.

President Clinton issued a statement hailing the plan, which was filed with U.S. District Judge William Dwyer late Thursday in Seattle.

``We are taking the single most important step toward once again having a steady flow of timber to Pacific Northwest mills ... sustainable management of our nation's precious natural resources,'' Clinton said.

Logging has been banned in Northwest forests with the threatened northern spotted owl since May 1991 when Dwyer ruled the Bush administration was deliberately violating U.S. environmental laws protecting fish and wildlife.

The Bush administration failed in repeated attempts to

craft a plan that was legally acceptable to Dwyer. The judge gave the Clinton administration until Thursday to come up with a new plan.

The plan drew cautious praise from Sen. Patty Murray, D-Wash., harsh criticism from Sen. Slade Gorton, R-Wash., and a ringing endorsement from Sen. Patrick Leahy, D-Vt., chairman of the Senate Agriculture Committee.

"The forest plan marks one of the first times that federal agencies have gone beyond a few species to target ecosystem health as a long-term goal," Leahy said.

Murray called it "the best attempt yet" and said it should be given a chance to work. Gorton said it would leave "timber families and communities with virtually no reliable timber harvest over the next decade."

The proposal, accompanied by a request that Dwyer lift his 3-year-old injunction against logging on millions of acres where spotted owls live, would protect three-fourths of the region's old-growth forest.

By 1997, timber sales would rise from 160,000 board feet this year to an annual harvest of 1.1 billion board feet, the maximum level the president's scientists believe is legally possible in the long run.

Cutting in the 1980s sometimes approached 4 billion board feet a year.

A board foot is one foot square by one inch thick. It takes about 10,000 board feet of lumber to build a typical single-family home.

Tommy Thompson, president of the National Association of Home Builders, and other industry and union leaders said they would fight in court and in Congress for higher harvest levels.

Leaders of the Sierra Club and Audubon Society said logging should be more limited and log exports from private lands should be banned to keep sawmills in business.

The plan may mean "just a slower death" for old-growth forest stands, said Bill Arthur, Sierra Club regional director in Seattle.

"Do they want to continue the gridlock and the uncertainty and the suffering out there?" Lyons said.

"The real question is what alternative is there."

Preparation for timber sales under the plan could start within 30 days, and bidding could begin within six months, Lyons said.

He said he hoped about 320,000 board feet could be offered next year and twice as much in 1995-96, after which the sustainable level would be reached.

The plan offers the hope of rehabilitating federal forest lands in 25 years or more, which in turn "will expand the recreation base of the region three or four times," Frampton said.

The plan takes effect May 14, but Frampton said it could be a few more weeks before Dwyer's injunction is lifted if the judge allows extra time for opponents to

file briefs explaining their objections.

He and Lyons said the government hopes to consolidate any challenges into one case before Dwyer.

Last month U.S. District Judge Thomas Penfield Jackson ruled in Washington, D.C., that the plan was developed in violation of open meetings laws.

Jackson refused a timber industry move to block the plan but said he might consider a new challenge once the document was formally adopted, the step the government took Thursday.

Farming Today= By United Press International= -15==

Final U.S. timber plan filed=

The Clinton administration Thursday has filed its final revision of a plan for logging in the U.S. Northwest. The government yesterday (Thursday) asked a federal judge in Seattle to lift an injunction banning logging on 17 million acres of national forest land in Northern California, Oregon and Washington.

Environmental groups and timber industry representatives called the plan inadequate.

The president said the plan will restore forests and provide sustainable management for forests. "It is environmentally credible and backed by the best available science," President Clinton said in a prepared statement. "It meets the high standards required by the federal court and expected by the American people."

Challenges to the plan are expected. About 70 percent of remaining unprotected old growth would be placed in reserve under the plan, and timber sales would drop to about one quarter of 1980s levels, but much more than under the current injunction.

The forest management plan culminates a year-long process that stemmed from the Pacific Northwest Forest Conference last year.

Administration files final timber plan

SEATTLE, April 14 (UPI) The Clinton administration filed Thursday its final revision of a plan for logging in the Northwest, asking a federal judge in Seattle to lift an injunction banning logging on 17 million acres of national forest land in Northern California, Oregon and Washington.

Environmental groups and timber industry representatives have called the plan inadequate.

The president said the plan will restore forests and provide sustainable management for forests.

"It is environmentally credible and backed by the best available science," President Clinton said in a prepared

statement. ``It meets the high standards required by the federal court and expected by the American people.''

Details of the plan have been public for months and challenges to it are expected. About 70 percent of remaining unprotected old growth would be placed in reserve under the plan, and timber sales would drop to about one quarter of 1980s levels, but much more than under the current injunction.

The forest management plan culminates a year-long process that stemmed from the Pacific Northwest Forest Conference last year.

``This plan is a realistic compromise, both protecting jobs in the region and addressing the environmental concerns of the area,''' said Agriculture Secretary Mike Espy. ``The plan outlines a strategy for preserving our natural resources, while recognizing the role timber plays in the Northwest economy.''

The plan was filed with U.S. District Court Judge William Dwyer, the same judge who ordered the logging ban, largely to protect the northern spotted owl.

Dwyer has set a hearing date next Wednesday to hear if the parties to the dispute can agree on a plan for implementing the injunction. Dwyer is not under a deadline to issue a ruling, according to his staff, and is not likely to deal with the injunction in less than four weeks.

But such agreement is not likely. Attorneys for the timber industry have vowed to institute court challenges to the plan.

``The long trail of broken promises from the Clinton administration to forest products workers grows even longer,''' said Michael Draper of the Western Council of Industrial Workers.

``The administration continues to abandon forest products workers, our families and our communities by failing to produce a forest plan for the region that will provide a reasonable amount of timber for milling,''' Draper said.

The Seirra Club was equally unimpressed.

``While the plan is a significant improvement from the grim days of the Reagan and Bush administrations, it will not accomplish the level of protection critical to save the last 10 percent of the ancient forests,''' said Bruce Hamilton, Sierra Club's Conservation Director.

More Lawsuits to Come, Timber Industry Wants Congress to Intervene

By JEFF BARNARD= Associated Press Writer=

GRANTS PASS, Ore. (AP) The battles over Northwest forests don't end with the filing of President Clinton's plan for lifting the federal court injunction against logging in habitat of the northern spotted owl.

More lawsuits over the legality of the plan known as ``Option 9'' are assured, and support is building for restrictions on log exports to make up for cutbacks in timber harvest on national forests.

The Native Forest Council, a small environmental group in Eugene, has promised to file a lawsuit to stop Option 9, claiming that any logging on national forests is too much because only 5 percent of the ancient forest remains.

``We want a legal and scientific plan that acknowledges the current tragic state of public forests, watersheds,'' said Tim Hermach, director of the council.

The mainstream environmental groups that joined in the lawsuit that stopped logging in owl habitat three years ago haven't said yet whether they will sue over Option 9, but they are clearly unhappy with it.

``Clinton caved in to the industry's cries for more logs from the public's last ancient forests and ignored the fact that this same industry is shipping 1.8 billion board feet of raw logs overseas every year for record profits,'' said Jim Pissot, head of the National Audubon Society's office in Olympia, Wash.

One source in the environmental movement said the mainstream organizations are moving away from the idea of compromise and will eventually decide to file a lawsuit of their own.

``The plan doesn't cut it ecologically and it doesn't cut it legally,'' said the source, who spoke on the condition of anonymity.

Though officially undecided over a lawsuit, the timber industry has indicated it is unlikely to sue over Option 9. However, it holds an ace in the hole with a federal court ruling that the forest plan was built without full participation of the public.

``One thing we will not do is to seek to stop implementation of Option 9,'' said Ralph Saperstein, vice president of the Northwest Forestry Association. ``We want it to proceed with its meager timber sale volume while we have a court determine that the basis of Option 9 is legally flawed.''

Environmentalists have long held that the best way to make up for the cuts in logging on national forests is to stop the export of logs cut on private lands by companies such as Weyerhaeuser.

Officially, the timber industry still opposes any limits on log exports from private lands.

But Andy Kerr, conservation director of the Oregon

Natural Resources Council, predicted that timber interests that rely on logs cut on federal lands will soon drop their opposition.

``Looking forward, I consider the industry conspiracy of silence on log exports will be ending soon,'' Kerr said.

Rep. Peter DeFazio, D-Ore., agreed.

``There is a growing schism in the industry,'' he said.

DeFazio has called on Clinton to impose administrative limits on private log exports, but the White House hasn't been willing to do that. The next move is to try to amend the Export Administration Act when it comes up for renewal.

DeFazio said he would offer amendments declaring that there is a timber shortage in the Northwest and the secretary of commerce should restrict exports.

``I have labor support. I'm working on support from a number of larger firms in the industry,'' DeFazio said.

``I expect there would be strong environmental support. That sounds like a pretty good coalition.''

With recession in Japan, demand for export logs at premium prices has dropped, allowing some Oregon mills to stay in business by buying timber cut in Washington that would otherwise be shipped overseas, DeFazio said.

``Even if they (the timber industry) don't want to restrict exports to get an immediate supply of timber to their mills, they're going to have to do it politically if they want any other legislation on timber issues,'' DeFazio said. ``One of the greatest weaknesses of their argument is why do they need more timber when they are exporting logs.''

AM-WA-?Clinton-Forests,?Bjt,950

Clinton Administration Pushes Pacific Northwest Forest Plan

By TIM KLASS= Associated Press Writer=

SEATTLE (AP) A forest plan attacked by both timber and environmental groups may be the last chance for a sustainable harvest in national forests of the Pacific Northwest, top Clinton administration officials said Thursday.

``Do they want to continue the gridlock and the uncertainty and the suffering out there?'' said James Lyons, an assistant agriculture secretary with jurisdiction over the U.S. Forest Service. ``The real question is, what alternative is there?''

Lyons and Assistant Interior Secretary George Frampton Jr., former president of The Wilderness Society, touted the plan as a national model for ecosystem management that would assure:

A steady supply of timber, although at levels far

lower than in the boom years of the 1980s, from federal lands in Washington, Oregon and northern California.

A measure of economic stability.

Protection for the rare, threatened and endangered species that depend on old-growth timber.

Greater recreational opportunities as the forests are restored to health.

"We are radically changing how we are going to manage the forests of the Pacific Northwest," Lyons said.

In Washington, D.C., President Clinton issued a statement hailing the plan filed with U.S. District Judge William Dwyer here late Thursday.

"We are taking the single most important step toward once again having a steady flow of timber to Pacific Northwest mills ... sustainable management of our nation's precious natural resources," Clinton said.

The plan drew cautious praise from Sen. Patty Murray, D-Wash., harsh criticism from Sen. Slade Gorton, R-Wash., and a ringing endorsement from Sen. Patrick Leahy, D-Vt., chairman of the Senate Agriculture Committee.

"The forest plan marks one of the first times that federal agencies have gone beyond a few species to target ecosystem health as a long-term goal," Leahy said.

Murray called it "the best attempt yet" and said it should be given a chance to work.

Gorton, however, said it would leave "timber families and communities with virtually no reliable timber harvest over the next decade."

The proposal, accompanied by a request that Dwyer lift his 3-year injunction against logging on millions of acres where threatened northern spotted owls live, would protect three-fourths of the region's old-growth forest.

By 1997, timber sales would rise from this year's 160,000 board feet to an annual harvest of 1.1 billion board feet, the maximum level Clinton administration scientists believe is legally possible in the long run.

Cutting in the 1980s sometimes approached 4 billion board feet a year, a rate Lyons said could have doomed the old-growth forest ecosystem.

A board foot is one foot square by one inch thick. It takes about 10,000 board feet of lumber to build a typical single-family home.

Tommy Thompson, president of the National Association of Home Builders, and other industry and union leaders said they would fight in court and in Congress for higher harvest levels.

Environmentalists said they would demand tighter restrictions.

"Nothing is going to change," Thompson said. "Even without court challenges, any new timber sales have to clear an impossible tangle of watershed assessments and conflicting forest laws."

Leaders of the Sierra Club and Audubon Society said logging should be more limited and log exports from

private lands should be banned to keep sawmills in business.

The plan may mean ``just a slower death'' for old-growth forest stands, said Bill Arthur, Sierra Club regional director in Seattle.

The administration is ``going to fight for this plan. We think it's the best that government and science can do,'' Lyons said.

``The plan is scientifically credible and it is legally sufficient and it is probably the only way we are going to be able to move forward to end the gridlock in the forests of the Pacific Northwest,'' Frampton said.

Preparation for timber sales under the plan could start within 30 days, and bidding could begin within six months, Lyons said.

He said he hopes about 320,000 board feet could be offered next year and twice as much in 1995-96, after which the sustainable level would be reached.

The plan offers the hope of rehabilitating federal forest lands in 25 years or more, which in turn ``will expand the recreation base of the region three or four times,'' Frampton said.

Two late changes in the plan emerged as key potential sticking points.

One eases requirements for scientific assessments that must be done before trees are cut in key watersheds. Frampton said more detailed requirements would be imposed in a about 2&1/2 years following completion of pilot studies.

The other postpones the deadlines for surveys of 76 lesser known species of plants and animals to determine whether any are threatened or endangered.

Those changes were necessary to avoid a near-total ban on logging in key watersheds for three years and to speed up the pace of cutting to meet the sustainable harvest level, Frampton said.

The plan is scheduled to take effect on May 14, but Frampton said it could be several more weeks before Dwyer's injunction is lifted if the judge allows extra time for opponents to file briefs explaining their objections.

He and Lyons said the government hopes to consolidate any challenges into one case before Dwyer.

Last month U.S. District Judge Thomas Penfield Jackson ruled in Washington, D.C., that the plan was developed in violation of open meetings laws.

Jackson refused a timber industry move to block the plan but said he might consider a new challenge once the document was formally adopted, the step the government took Thursday.

As expected, the administration asked the judge today to lift the injunction and pave the way for federal timber sales that could begin as early as August, said Jack Ward Thomas, Chief of the U.S. Forest Service.

Unless the judge decides to lift the injunction immediately, it will take about 30 days for the Forest Service to begin implementing the plan to give time to those who want to challenge it in court.

``We expect litigation,'' said Stelle. ``We're ready for it.''

Since 1991, Dwyer has banned most timber sales in Washington, Oregon and northern California to ensure the protection of threatened species. The Bush administration failed in its attempts to submit a forest plan acceptable to Dwyer. The judge gave the Clinton administration until Thursday to devise a plan.

Timber industry leaders said that they have not decided whether to challenge the plan. But both industry and union leaders said it does not provide enough logging to support timber-dependent communities.

``This is a slap in the face to timber workers,'' said Michael Draper, executive secretary of the Western Council of Industrial Workers.

Added the American Forest & Paper Association:
``Today's announcement of a new forest plan and environmental impact statement provides no surprises and no timber,'' said Mark Rey, the group's vice president.

Stelle said the plan is similar to the so-called ``Option 9'' plan that would reduce federal logging in the Northwest to 1.1 billion board feet annually over 10 years as compared to 1980's levels of 4 billion to 5 billion feet annually.

The Forest Service's Thomas said that in 1995 federal logging in the Northwest would average 250 billion-400 billion board feet, jumping to 850 billion board feet when the plan is ``fully operational.''

Under the plan, the northern spotted owl, endangered salmon species and the threatened marbled murrelet would be protected on 15.5 million acres of land in Oregon, western Washington and northern California. In addition, the species are already protected on another 7.3 million acres of land in the region reserved by Congress.

Of the total 15.5 million acres, the administration plan would set-aside:

7.4 million acres in Late Successional Reserves, old growth forests that represents 30 percent of the federal land within the range of the spotted owl.

1.5 million acres in 10 Adaptive Management Areas, 6 percent of the federal land where the northern spotted owl lives, would be used to design and test new ecological management plans. Timber harvests will be allowed on this land.

1.5 million acres in recreational and back country land not in timber harvest zones.

2.6 million acres in Riparian Reserves, or 11 percent of the federal land where the northern spotted owl lives, that border streams and valleys where logging would be restricted. And,

4 million acres in a Matrix outside of the designated reserves where there would be logging if environmental rules were followed.

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ADMINISTRATION TO ASK TIMBER INJUNCTION BE LIFTED
(EDS: Updates with?Clinton?statement, paras 3-4)

By Martin Wolk

SEATTLE, April 14 (Reuter) - The Clinton administration Thursday filed a plan to protect the old-growth habitat of the northern spotted owl and asked a judge to lift a ban that has halted federal timber sales in the Pacific Northwest.

"The plan outlines a strategy for preserving our natural resources, while recognizing the role timber plays in the Northwest economy," Agriculture Secretary Mike Espy said in a joint statement issued by the Agriculture and Interior departments.

In Washington, President Clinton said the decision marked the beginning of a new era for the Pacific Northwest and "offers a hopeful break from the past."

"We are taking the single most important step toward once again having a steady flow of timber to Pacific Northwest mills," he said. "At the same time, the plan provides for sustainable management of our nation's precious natural resources."

The plan was criticised by timber industry officials and environmental groups.

Administration officials said that in addition to the long-awaited final forest plan, they had filed a motion asking U.S. District Judge William Dwyer in Seattle to lift his May 1991 order banning sales of federal timber in the Northwest.

Sales of timber on federal land in Washington, Oregon and northern California have been virtually halted since the order, issued in connection with a 1989 lawsuit filed by the National Audubon Society and other environmental groups.

The final decision coupled with the Environmental Impact Statement fulfill an order set by Dwyer before the injunction could be lifted.

"We have met the legal requirements and now hope to move the management of federal forests out of the courtrooms and back into the hands of resource managers,"

Interior Secretary Bruce Babbitt said in the release.

``This action helps us avoid future injunctions over the same issue in the very same region,'' he said.

An Audubon Society official said the plan failed to protect Northwest forests and fisheries sufficiently.

``We applaud President Clinton's efforts,'' said society Vice President Brock Evans in a statement.

``However, we are disappointed by his failure to fully protect the country's last remaining ancient forest, salmon and other old growth dependent species,'' he said.

James Geisinger, president of the Northwest Forestry Association, called the plan ``fatally flawed.''

``This final proposal is not the balanced solution the president promised,'' he said.

REUTER

bc-home-builders-forests

TO NATIONAL, BUSINESS AND ENVIRONMENTAL EDITORS:

STATEMENT OF TOMMY THOMPSON, PRESIDENT, NATIONAL ASSOCIATION OF HOME BUILDERS, IN REACTION TO RELEASE OF CLINTON ADMINISTRATION'S

FINAL FOREST PLAN

WASHINGTON, April 14 /PRNewswire/ -- The following is the statement of Tommy Thompson, president of the National Association of Home Builders, in reaction to the release of the Clinton administration's final forest plan:

"Unfortunately, it's clear before the ink is even dry on the plan, that nothing is going to change. That means no timber will be released from region six, the lumber market will continue to be unsteady and lumber prices will continue to fluctuate, driving up new home prices.

"Environmental groups have already said they will challenge the plan. Even without court challenges, any new timber sales have to clear an impossible tangle of watershed assessments and conflicting forest laws. It is clear that Congress should intervene with sufficiency language to end the seemingly endless gridlock associated with this forest plan."

-0- 4/14/94

/CONTACT: Cynthia Adcock of the National Association of Home Builders, 202-822-0450/ CO: National Association of Home Builders ST: District of Columbia IN: PAP ENV SU: EXE KD-DT -- DC045 -- 1897 04-14-94 16:40 EDT

bc-forestplan

ADMINISTRATION ESTIMATES 29,000
IN LOST JOBS UNDER TIMBER PLAN

By PAMELA BROGAN=

Gannett News Service=

WASHINGTON President Clinton's plan for logging in the Pacific Northwest areas that are home to the threatened northern spotted owl will result in 29,000 lost jobs, the administration said Thursday.

According to the final plan submitted to U.S. District Judge William Dwyer in Seattle, Oregon would lose 16,700 jobs, Washington 9,500 jobs and California 2,800 jobs compared to the number they had in 1990, when the northern spotted owl was listed by the government as endangered.

Yet, the White House has no plans to increase the \$1.2 billion in community assistance grants it has already announced to retrain workers.

"We're not changing any assistance other than the \$1.2 billion community assistance package" said Will Stelle, assistant director of the White House Office of Environmental Policy.

Rep. Peter DeFazio, D-Ore., said the administration's aid package was inadequate to make good on Clinton's promise that no jobs would be lost under the plan.

"I'm going to keep beating on the administration to give us more money, DeFazio said. "I think they're heading for big trouble here from a political standpoint if they don't."

But Sen. Bob Packwood, R-Ore., said he doubted that the Northwest would ever get the full \$1.2 billion.

"We've been conned," he said. "We'll only see a piddly amount of that money, especially with this budget crunch."

Sen. Patty Murray, D-Wash., said she was cautiously optimistic about the plan.

"It is my strong feeling that this plan is not perfect," said Murray. "I am particularly concerned about its short-term economic implications."

The reaction of Rep. Al Swift, D-Wash., was mixed.

"If you look at it from the perspective of the hey-day of the timber industry, it's very bad news," Swift said. "But if you look at since there's been a total shut-down, it's not that bad. As far as Congress' involvement, there's no guarantee that we'll do anything that industry would like better.

"But there's no question that there needs to be more money to help our workers. We have three senators on the Appropriations Committee to help with that."

Those senators are: Mark Hatfield, R-Ore., the ranking minority member; Slade Gorton, R-Wash., and Murray.

Rep. Jolene Unsoeld, D-Wash., said the plan was the only viable alternative to end the gridlock. "It's bitter medicine for those who have lost their jobs, but I don't know of another alternative," she said..

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FAX (206) 220-4160

FAX Transmittal

To: Will Stelle

Fax # (202) 456-2710

Telephone #

From: National Park Service, Pacific Northwest Region

Subject: Clips on Forest Plan

Date: 4/18/94

Total Pages including Cover Sheet: 10

Message:

Handwritten signature and initials, possibly "R.D.D." and "P.R.S.", with a large "X" mark over the signature.

For further information call:
(PNR 131 rev. 4/28/93)

Industry to take forest plan to court

◆ **WITH PRESIDENT CLINTON'S Northwest forest plan due to be presented to U.S. District Judge William Dwyer tomorrow, opponents in the timber industry have planned a strategy of court challenges with the intent of throwing the question back to Congress.**

BY ERIC PRYNE
Seattle Times staff reporter

STEVENSON, Skamania County — The timber industry, pushing for more logs for its mills, will file two lawsuits in federal court in Washington, D.C., to overturn President Clinton's Northwest forest plan, a top industry lawyer said yesterday.

The final plan is scheduled to be unveiled, adopted and submitted to U.S. District Judge William Dwyer in Seattle tomorrow. It's expected to be similar to a version released in late February.

Legally, it's full of holes, Portland attorney Mark Rutnick said.

"They have created what the Air Force at the time of the bombing of Baghdad called a 'target-rich environment,'" Rutnick told the annual meeting of the Northwest Forestry Association.

He said industry's strategy is to have the courts nullify Clinton's plan and order preparation of a new one. That could prompt the Forest Service and other affected agencies to "throw up their hands," Rutnick said. And that, in turn, could push the issue back to Congress — an industry goal.

"They (members of Congress) are the only ones who could change these laws and resolve these conflicts," Rutnick said.

He said the lawsuits will be filed in Washington, D.C., rather than Seattle or Portland because recent courtroom victories in the capital have established it as "a more favorable forum" for industry.

Assistant Agriculture Secretary Jim Lyons, who spoke later, said the industry's plans don't surprise him.

"They have every right in the world to sue if they choose," said Lyons, who oversees the Forest Service. But if Congress gets back into the fray, he said, the result could be legislative micro-management.

Most timber sales in older federal forests of Western Washington, Western Oregon and Northern California have been barred since 1991 by Dwyer. He has ruled previous management plans don't adequately protect wildlife, agreeing with environmental groups that challenged those plans.

Congress couldn't resolve the

PLEASE SEE *Timber* ON B 2

Logging industry to sue

Timber

CONTINUED FROM B 1

issue during the Bush administration. Clinton and his aides decided months ago on an administrative solution, opting to satisfy Dwyer rather than asking Congress to override him.

The most recent version of their plan estimates logging on affected federal forests would drop to 1.1 billion board feet a year, less than one-quarter the level of the 1980s.

Even that level wouldn't be reached until 1997, officials have said.

The Clinton plan already has suffered one legal setback. U.S. District Judge Thomas Penfield Jackson of Washington, D.C., ruled last month that the scientific team that prepared the document violated a federal open-meetings law.

In that instance, the lawsuit was filed by the Northwest Forest Resources Council, represented by Rutzick. Although Jackson didn't block adoption of the plan, Rutzick said, the judge all but invited industry to challenge the plan's legality once it was adopted.

Rutzick said the industry will file one lawsuit challenging Clinton's Blueprint for Forest Service lands in all three states, another challenging its prescriptions for 2 million acres in Oregon managed by the Bureau of Land Management.

In some cases, the agencies are governed by different laws.

Rutzick said the industry will

challenge the legality of the Forest Service's so-called viability rule, one of the underpinnings of Dwyer's rulings. It says enough habitat must be provided to support "viable" populations of native vertebrate species — birds, fish, mammals — "well-distributed" in each national forest.

Other forest uses against which wildlife must legally be balanced — timber supply, water, grazing, recreation — have become secondary under the viability rule, Rutzick said.

He said the Clinton plan violates legal requirements that national forests be managed for multiple uses.

Rutzick said the administration also violated the National Environmental Policy Act, the law requiring full discussion and disclosure of a proposal's environmental consequences, by:

- Delegating preparation of an environmental-impact statement to the scientific team that wrote the plan.

- Failing to consider a broader range of alternatives.

- Ignoring scientific evidence presented by industry.

Although they have been critical of the Clinton plan, the 12 environmental groups that are plaintiffs in Dwyer's court have not yet said whether they will challenge it.

If they do and succeed in extending the timber-sale ban, it could increase pressure on Congress to get involved.

Other environmental groups have said they intend to take the Clinton plan to court, however.

Clinton forest plan goes to judge today

Environmentalists, timber groups plan on legal challenges

By Rob Taylor
P-I Reporter

Resolving arcane questions about slugs and pristine watersheds, the Clinton administration yesterday began to unveil its final Northwest forest plan, even while interest groups prepared to attack it.

The administration is to submit its plan to a federal judge here today. It culminates five years of struggle, study and planning triggered by a series of court-ordered federal logging bans.

Already, environmental and timber groups and antagonists in the timber wars are attacking the plan and preparing to challenge it in court.

Timber interests call it a total failure. Many in the timber industry hope to extend the legal gridlock so Congress will intervene and boost timber sales.

Some environmental groups are pressing to extend their legal

■ **Whitewater:** Clinton defends handling of situation. Page A3

■ **Reform:** Forest Service seeks advice, gets it. Page A7

campaign against timber sales. The Wilderness Society calls the president's plan deeply flawed.

Sen. Patty Murray, D-Wash., urged people to ignore such protests. After a briefing on the plan, she gave it her endorsement.

"We finally have a chance to put something on the table and move forward, and I hope that everyone will give it a chance to work," she said last night.

Meanwhile, the administration moved to consolidate challenges to the plan here before U.S. District Judge William Dwyer and asked him to expedite them.

In part, the move appeared aimed at avoiding U.S. District Judge Thomas Penfield Jackson in Washington, D.C. Jackson has ruled that the administration violated procedural rules in developing the plan. Timber industry lawyers say they will ask Jackson to invalidate the Clinton plan.

See OWLS, Page A9

OWIS: 'There's certainly some risk involved,' researcher says

From Page 1

The cross fire disturbs Eric Forsman, whose northern spotted owl research helped create that feathered poster child of the old-growth forest movement.

"I'm not feeling comfortable with what both sides are doing," Forsman said this week.

"There's certainly some risk involved," the biologist said from his Corvallis, Ore., U.S. Forest Service lab. "But in my opinion, Option Nine (the Clinton plan) is a pretty good plan for owls."

In fact, the plan goes far beyond owls. It is an unprecedented experiment in landscape planning for hundreds of species.

The plan will change little from earlier drafts, according to congressional sources who were briefed on it yesterday. The last published version would put about 7.4 million acres of Pacific Northwest federal lands into old-growth forest reserves where most logging would be prohibited. Another 2.6 million acres would be preserved in streamside buffers, at least temporarily.

It is expected to reopen logging on about 5.5 million acres, but the administration says it will take three years to get timber sales up to its long-term target of 1.1 billion board feet per year, about 25 percent of historic levels.

Sources said the administration also plans to announce today that it will not set aside land to protect such nonvertebrate animals and plants as slugs and lichens, unless they are listed as threatened or endangered. Moves to prevent declines of higher animals will continue even if they don't risk extinction. In another move to clarify ambiguity, the administration plans to allow some harvests in pristine key watersheds before they are fully analyzed.

Federal officials say the plan could become a prototype for land managers across the nation. Already its approach is being imitated by pending studies in eastern Oregon, Washington and Idaho and the Sierra Nevada and Rocky Mountains. Its leading architect, biologist Jack Ward Thomas, has become chief of the Forest Service.

The administration has staked much on the plan, which it has promoted as a way to end the forest gridlock.

No one can predict how it will be greeted by its key recipient, Dwyer. In an informal poll this week, several scientists and timber executives predicted that Dwyer will approve the plan and relax his 3-year-old logging ban.

In his forest summit in Portland a year ago, Clinton pledged to produce a "scientifically sound, ecologically credible and socially responsible" plan. He also called for establishing a predictable and sustainable level of timber sales

waterway.

Timber industry leaders complain they have been betrayed. New sales in 1993 from spotted-owl forests were virtually zero, and 1994 doesn't look much better, said John Hampton, chairman of the Northwest Forest Resource Council. The administration says it will sell only about 20 percent of the 2 billion board feet of logs that it promised for this year when it unveiled its plan in July.

"Without timber supply, there is no job supply," said Mike Draper, executive secretary of the Western Council of Industrial Workers, who represents millworkers. He says the plan will cost 80,000 to 80,000 jobs, about half of them in the timber industry. The administration puts job loss slightly lower.

The industry has promoted a group of scientists who differ with the authors of Clinton's plan and say their views were excluded.

The plan is "an abuse of science," said Robert Lee, a professor of forest sociology in the University of Washington's College of Forest Resources.

Many of these scientists argue that some timber cutting is needed to restore habitat and preserve forests. Chadwick Oliver, a UW silviculture professor, says the plan is based on a misconception that old-growth forests can be preserved in a steady state. He predicts big fires.

From environmentalists come protests that the administration would keep cutting old growth and punching roads into roadless areas, which they say already are too fragmented. They complain that the estimated odds of long-term survival for many animals — 66 percent for salmon runs — aren't high enough for many fish and wildlife species.

As it has evolved, the Clinton plan has partially satisfied many of those objections.

Meeting industry concerns, officials allowed some thinning of younger forests in the plan's old-growth reserves, especially in drier areas most vulnerable to wildfire. They set up adaptive management areas that offer added flexibility to try new logging techniques.

To blunt environmental attacks, the administration broadened some streamside buffers, partly for salmon, and added rules to protect rare but little-noticed species from bats to snails to lichens.

Critical details remain vague or in doubt. Renewed debates have broken out over the original justification for the plan, protecting the northern spotted owl.

Nineteen prominent educators and researchers, noting a new finding that spotted owls are declining at an accelerating rate, said the plan may not preserve the owl. They called for extended protections.

Clinton forest plan full of rules but not final answers

By Peter

Times staff reporter

Clinton's forest plan won't end
Northwest's long war in the woods.
If it passes muster with U.S. District
William Dwyer, to whom it will be
sent Thursday.

It prompts Dwyer to tilt the
scales that, for nearly three years, has
dismayed almost all new timber sales on
the land from the Pacific to the eastern
base of the Cascades.

Perhaps the least-understood truth about
the Clinton plan is that it is, in many respects,
more process than product. Many decisions
won't be made for months, perhaps years.

Clinton officials readily acknowledge it.

"If the injunction is lifted, this is the
beginning, not the end, of the process," says
Tom Tuckman, the administration's point
man in the Northwest on forest issues. "I
don't think anybody believes forest-manage-
ment debates are going to go away."

That's not to suggest the Clinton plan is
insignificant. If it flies, it will return forest

management from the courtroom to the
ranger station. It will establish a new baseline
and important new ground rules.

Administration officials say it's nothing
less than a sea change, the birth of "ecosys-
tem management."

But, within those limits, the plan still
allows the U.S. Forest Service and other
federal land managers considerable discre-
tion. That's partly why both environmental-
ists and timber interests have criticized the
plan so fiercely, and it helps explain why each
camp is expected to challenge it in court.

Each side fears the processes the plan
establishes will work against its interests.
Each wants greater certainty.

"It is a procedural nightmare," says Steve
Whitney, Seattle representative of the Wil-
derness Society. "It will require the very best
in all of us, over many, many years, to
monitor how it's implemented. We'll have a
hard time coming up with the resources to do
it."

Chris West, vice president of the Por-
tland-based Northwest Forestry Association,
also is apprehensive.

"You've got all this bureaucratic addition-
al planning," he says. "We've already had
three years of virtually no volume. They're
not getting the money to do all this work. It's
never been done before."

"It'll be years before we see any signifi-
cant harvest."

The plan the administration will submit to
Dwyer this week has been more than a year
in the making. The judge struck down earlier
plans for failing to comply with environmen-

PLEASE SEE Timber on B 2

Clinton plan has rules but not all the answers

Timber

CONTINUED FROM B 1

tal laws requiring protection of the northern spotted owl and other wildlife.

The final plan isn't expected to differ significantly from the version unveiled in late February, which draws a new map and proposes a new vocabulary for 17 million acres of federal forest from Canada to Central California.

More than 43 percent would be set aside in scattered "late-successional" reserves. Older forests within their bounds would be protected; younger forests permitted to grow old.

Fifteen percent of the landscape, outside the late-successional reserves, would be protected in streamside corridors, ranging initially in width from at least 100 to 300 feet along each bank.

Nine percent would remain off-limits to logging. Another 9 percent is slated for "adaptive management," where innovative forestry is encouraged.

The final 23 percent, called the "matrix," generally would remain open for logging.

It sounds clear-cut, final. But it isn't.

Much of the matrix is in what the plan labels "key watersheds," 164 basins ranging from 20 to 200 square miles, most drained by rivers where declining salmon or steelhead stocks spawn.

Still more matrix lands are roadless forests, high priorities for protection among environmentalists.

Before logging can take place in a roadless area or key watershed, the Clinton plan says, something called "watershed analysis" must be completed. It's supposed to be a bible for future management decisions, a comprehensive scientific analysis of the

basin's soil, water, fish and wildlife, how they inter-relate, and how much disturbance they can withstand.

The trouble is, no one knows yet exactly what watershed analysis entails, how much it will cost, or how long it will take. "We're kind of rolling our own," says Bob Dumbatzier, a planner with the Mount Baker-Snoqualmie National Forest.

Pilot watershed analyses are just getting under way — one is slated on Canyon Creek, a Nooksack River tributary in Whatcom County. It won't be finished until fall at the earliest. Others will take at least a year.

The administration is considering requiring only partial analysis before decisions on logging are made in key watersheds. Still, watershed analysis is certain to be a significant undertaking.

The Forest Service has fewer bodies than a decade ago. And officials acknowledge the administration hasn't asked Congress for the money to carry out Clinton's plan.

Such uncertainty about watershed analysis — both the process and the outcome — prompts timber interests to question when, even if, logging will resume in roadless areas and key watersheds in the matrix.

That, in turn, makes them wonder if the administration's calculation of annual regional timber harvest under the plan — 1.1 billion board feet — is inflated.

"We don't see the volumes" says West of the Northwest Forestry Association. "It's one of our biggest concerns."

Environmentalists would like nothing better than for watershed analysis to result in bans on logging key watersheds and roadless areas. But they suspect the Forest Service will be pressured to tilt the other way to generate timber volumes.

The matrix isn't the only land-manage-

ment category in the Clinton plan that remains in flux:

- What will happen in the 10 large areas slated for "adaptive management" is a big question mark. The Clinton plan states general goals for each and nothing more. Extensive planning is expected.

- Lands already considered withdrawn administratively from logging could be re-opened to harvest later in the decade, officials acknowledge, when each national forest revises its 10-year management plan.

- The no-logging streamside corridors could grow or shrink in width, the Clinton plan says, if watershed analysis suggests change is warranted.

- There's even the possibility of some logging in "late-successional" reserves, to environmentalists' dismay.

Stands younger than 80 years can be thinned, if managers convince a regional scientific team it would advance their evolution into old-growth habitat. Older stands can be salvage-logged if 10 acres or more topples in a fire or windstorm.

Whitney says environmentalists might be more comfortable with all this latitude if the scientists who wrote the plan were responsible for carrying it out. He doesn't trust the Forest Service to do the job right.

But that's just what the Clinton plan asks.

The Northwest has been squabbling over its forests for a generation, since long before anyone heard of a spotted owl.

The Clinton plan won't end the forest fight — just change it.

■ *Tomorrow:* A profile of the federal judge who in 1991 banned most new timber sales in the Northwest's national forests, William Dwyer of Seattle.

Timber plan sparks new row over forests

By Rob Taylor
Staff Reporter

The Clinton administration, filing its Northwest forest plan yesterday, asked a federal court to dissolve its 3-year-old ban on logging old-growth forests.

As expected, the plan met criticism from environmental and timber industry groups, but was praised by federal officials and some politicians as the best chance to restore the region to environmental health

and economic stability.

No legal challenges to the plan were filed yesterday. Several groups involved in the case said decisions on a legal response were weeks away. Even a group of timber interests whose lawyer had pledged to sue said it had not decided whether to challenge the plan.

In a Seattle news conference, Assistant Secretary of Agriculture Jim Lyons told reporters yesterday that the plan is "scientifically sound, legally sufficient and bal-

anced." He said it was time to "get forest management out of the courts and into the forests where it belongs."

The Northwest Forestry Association called the plan illegal and fatally flawed. The American Forest and Paper Association called for Congress to step in. The Sierra Club and Audubon Society said the plan gives inadequate protection to ancient forests.

See LOGGING, Page B2

Logging: Environmental groups want impact studies

From Page B1

Some environmental groups objected to a late adjustment that would allow timber sales during the next two or three years in relatively pristine areas without analyzing the impact of logging and road-building on the watershed.

Some questioned its decision to allow some timber sales in the next four years without local surveys of lower forms of life such as slugs and lichens.

The changes appeared aimed at

boosting the scant amount of timber that the administration can sell in the short term. Officials estimate they will need three years to get sales up to 1.1 billion board feet, which they project as the long-term probable sale quantity.

That rate is about 25 percent of timber sales of the 1980s. The plan leaves only about 5.5 million acres open to general timber harvesting out of the Northwest's roughly 24 million acres of federal land.

In its request to lift the logging

injunction, the government said a decision could be made as early as May 6. But environmental and timber industry groups are likely to seek more time.

Officials also attempted to head off an expected bid to strike down the plan on grounds that it failed to comply with federal public participation requirements. Officials said that President Clinton's Forest Conference and the public notice and comments on the plan have complied with the spirit, if not the letter of the law.

Forest plan heads for center stage

Timber

CONTINUED FROM B 1

Dick. That's not going to benefit the resources of this region. It's not going to benefit the communities of this region ... it's only going to benefit the lawyers."

Lyons and Frampton also said the administration will move to consolidate all legal challenges to the plan in Dwyer's court.

The timber industry announced earlier this week it plans to file lawsuits in Washington, D.C., where a judge recently ruled the administration violated procedural laws in preparing the plan.

The Northwest Forestry Association said today the Clinton plan was prepared illegally and should be rewritten with the help of Congress. "We think Congress needs to weigh in," said Ralph Saperstein, association vice president. "The plan needs to be worked on with a more balanced group of experts."

The Sierra Club Legal Defense Fund, which represents environmentalists, said any talk of legal action is premature.

"Initiating new litigation is a serious step," said Todd

True, a Seattle-based attorney for the group. "I'm surprised industry is able to tell they don't like it before they've seen the plan."

Lyons said new provisions in the final plan include a break for the ski industry and procedural changes aimed at moving more timber to mills over the next few years while the plan is put into effect.

The plan's central elements, however, remain largely unchanged from a version released in late February. About 70 percent of the remaining unprotected older federal forest would be included in reserves. Timber sales would drop to 1.1 billion board feet annually, one-quarter the level of the 1980s but significantly more than has been allowed under Dwyer's injunction.

Administration officials said last month, however, that it would take until 1997 to reach that level. Timber sales can take years to prepare, and, after years of uncertainty, few are in the pipeline.

In addition, harvest couldn't occur on much of the land that remained open to logging under the Clinton plan until studies or plans were completed. Several changes in the final plan aim to compress or simplify those studies and possibly make more timber available, Lyons said.

The changes "will provide us with the ability to have a (timber) sale program while we go through the transition," he said. He would not estimate how much more logging might occur.

Perhaps the most important change would affect "key watersheds," 164 river basins important for salmon, steelhead or water quality. Under the draft Clinton plan, logging couldn't take place inside them unless a comprehensive, basin-wide "watershed analysis" was completed.

That requirement wouldn't be applied to timber sales through 1996, Lyons said. Under the final plan, a sale could proceed after a less detailed study of its impact that focused mostly on fish and water.

Bonnie Phillips-Howard of the Western Ancient Forest Campaign called the switch a betrayal.

"What they're saying is, 'We're going to practice ecosystem management someday.' That, to me, is very distressing," she said. "For the little bit of gain they get, they're going to lose a helluva lot of credibility. It shows they're still timber-driven."

But Bob Dick of the Northwest Forestry Association said that even with the change, the administration will find it difficult to make much timber available to logging in the next few years. The administration should start over on a new plan and invite industry to the table this time, he said.

The Clinton plan also would impose no-logging

Perhaps the most important change would affect . . . 164 river basins . . . Under the draft Clinton plan, logging couldn't take place inside them unless a basinwide 'watershed analysis' was completed.

buffers, ranging in width from 100 to 300 feet initially, along each side of all streams. Some ski areas, which lease all or part of their land from the U.S. Forest Service, had expressed concern about the buffers' impact on their operations and expansion plans.

The final plan would grandfather in existing ski development, Lyons said, and allow new development inside the stream-side buffers on land for which a ski area already holds a permit from the Forest Service.

That may benefit Crystal Mountain's expansion plans. Sen. Patty Murray, D-Wash., said the Clinton plan offers the best hope for ending the Northwest's long-running war in the woods.

"My sincere hope is that everyone will give this a chance to work," she said. "This has been in gridlock too long."

THE SEATTLE TIMES SECTION B THURSDAY, APRIL 14, 1994

Forest plan heads for center stage

◆ **AFTER NINE MONTHS** of fine-tuning, the Clinton administration's Northwest forest plan is finished. Environmentalists and timber interests are both unhappy with it, but the only opinion that matters is that of U.S. District Judge William Dwyer.

BY ERIC PRYNE
Seattle Times staff reporter

After nine months of playing off-Broadway, President Clinton's Northwest forest plan finally hits the big time today.

It makes its debut in the only theater that matters: the courtroom.

The administration is submitting its long-awaited final plan — which differs little from the most recent draft — to U.S. District Judge William Dwyer.

It also is asking him to lift a sweeping injunction that for nearly three years has blocked almost all new timber sales on 17 million acres of federal

forest in Western Washington, Western Oregon and Northern California.

Assistant Agriculture Secretary Jim Lyons said the plan "gets forest management out of the court and back in the woods where it belong."

Assistant Interior Secretary George Frampton called it "the most ambitious ecosystem plan ever attempted . . . this is a whole new way of doing business."

The proposal's broad outlines have been public knowledge since last July and have been roundly criticized by both timber interests, who say the plan would allow too little logging, and environmentalists, who say it would

allow too much.

But Dwyer is the only critic whose opinion matters. He ruled in 1991 that the government was deliberately violating laws requiring protection of the northern spotted owl and other wildlife and shut down most logging, pending adoption of a new management plan.

Challenges to the Clinton proposal are expected from both environmentalists and the timber industry. They can only be counterproductive, Lyons said.

"What is their alternative?" he said. "The alternative, I fear, is more grid-

PLEASE SEE Timber on B 2

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FOR IMMEDIATE RELEASE:
April 14, 1994

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Bill Arthur (206) 621-1696
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Melinda Pierce (202) 675-7912

Clinton Ancient Forest Plan May Break Gridlock, But Still Jeopardizes Forest & Fish Health

SEATTLE, WA—The Sierra Club today called the Clinton Administration's final plan for the Pacific Northwest ancient forests inadequate, saying it falls short of the President's promise to deliver a "scientifically sound, ecologically credible and legally defensible" plan.

"While the plan is a significant improvement from the grim days of the Reagan and Bush Administrations, it will not accomplish the level of protection critical to save the last 10 percent of the ancient forests," said Bruce Hamilton, Sierra Club's Conservation Director. "Serious questions remain as to whether the plan will adequately protect the health of our last remaining stands of old growth forests and the declining stocks of coastal salmon and other species."

Today the administration released the record of decision (ROD) for the forest plan, known as "option 9." This is the final step in the approval process for the plan to protect federal forests in Washington, Oregon and Northern California.

"The Clinton team may have stopped the bleeding, but the forest ecosystem is still in critical condition. Without a full-strength prescription, the patient may still die," said Bill Arthur, Sierra Club Northwest Regional Director. "Whether the Clinton plan brings the ancient forests just a slower death or the beginning of recovery will

SIERRA CLUB NW

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depend on implementation of watershed analysis and full funding for watershed restoration."

The grassroots organization said the Clinton plan provisions for conducting watershed analysis are purposely unclear and unspecific in order to allow for greater logging. The plan fails to provide inviolate protection for our ancient forests and leaves approximately one-third of the remaining ancient forest open to logging—putting at risk a host of plant and animal species dependent on the old-growth ecosystem.

The final plan also creates an exception for national forests in California that will allow higher levels of logging.

"The devil's in the details," said Melinda Pierce, Associate Representative for the Sierra Club. "We have no guarantee that implementation won't shortchange watershed analysis—the very foundation of the Clinton protection plan."

The Sierra Club has called on President Clinton to consider another source of timber for domestic mills—two billion board feet of raw logs exported from private lands each year. Ending this practice would provide twice the anticipated volume to be gained from old-growth forests and return mill jobs to the region.

The Sierra Club has also called for legislation that would end subsidies for log exports, create incentives for private timber growers to sell logs domestically, and require greater processing of federal timber before export.

The President has the authority to end the export of raw logs from private lands under the "short supply provisions" of the Export Administration Act.

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For Immediate Release
April 14, 1994

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Ross Mickey, Eugene - (503) 342-1892
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The following statement was issued by James Geisinger, Northwest Forestry Association president, upon the submission of the Record of Decision on the President's Forest Plan to US District Court Judge William Dwyer. Mr. Geisinger was one of the participants at the President's Forest Conference held on April 2, 1993.

"Last month's ruling by Judge Jackson is clear, the President's forest plan is illegal and therefore we are shocked that the Administration would submit to Judge Dwyer a fatally flawed plan. The President promised to follow the law, but this plan violated federal open meetings law and the proposed solution ignores many environmental laws of the land. Furthermore, the Administration lacks the commitment to solve this crisis because their budget requests are woefully inadequate.

"We will review this final forest plan and record of decision with a fine-tooth comb and evaluate if our next course of action is to challenge the President's proposal in court. One thing is for sure, this forest plan is built on a foundation that consciously omitted valid scientific alternatives. By excluding opinions other than those viewed acceptable by the Forest Ecosystem Management Assessment Team, the President's scientists skewed the range of options considered, eliminating alternatives that would have inflicted far less suffering on the hard working citizens of the Pacific Northwest.

"We are shocked that the President should put himself above the law and continue to pursue a legally flawed approach, doomed to failure. The best solution to this gridlock is for the Administration and our Congressional delegation to come together and develop a more balanced approach. We stand ready to work with the Administration and Congress to hammer out a solution which provides a better balance, that includes all the scientific alternatives and can be implemented."

"One year ago, President Clinton promised to end the gridlock with a balanced plan. This proposal gives the environmentalists everything they have ever asked for and lacks any resemblance of a balanced solution for the hard working citizens of the Northwest.

"This final proposal is not the balanced solution the President promised. The 85% reduction in timber supply coupled with the faulty scientific basis of the plan doomed it to failure. This process does nothing to end the gridlock facing timber producing communities in the Pacific Northwest.

"As proposed, this plan is economically dysfunctional due to the meager volumes promised for an area covering three states. Even if the Administration could fulfill their promise of a billion board feet, there is no way that a viable forest products industry can be sustained in any of the timber producing communities of the Northwest.

"The President promised to get timber flowing to the mills immediately. No new timber sales have been forthcoming and the Chief of the Forest Service says it will take years. While we continue to wait, mills close, jobs are lost, businesses board up and local governments go bankrupt.

"This Administration has not kept a single promise made to the hardworking citizens of the Northwest. It is now time for Congress to step in and pass legislation which resolves this issue in a balanced manner, once and for all."

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POD
P02/03

Forest plan debatable for environmentalists

*Clinton's proposal
likely to be fought
from many angles*

By Eric Finner
Seattle Times staff reporter

Now that the Clinton administration has finished its long-awaited Northwest forest plan, the next move is up to environmental groups.

They aren't of one mind.

Some say they will go to court to block the plan from taking effect next month. Others, while equally critical of the plan, haven't decided.

They say the benefits of continued litigation must be weighed against the possibility of a political backlash.

"The main concern people have is the specter of Congress jumping in and leaving us worse off than we are now," said Mike Anderson of the Wilderness Society. "But if we let it ride, we would have to accept a plan a lot of us are not happy with."

Administration officials yesterday signed off on the plan, a year in the making, and submitted it to U.S.

District Judge William Dwyer in Seattle. It draws a new map for 17 million acres of federal forest in Western Washington, Western Oregon and Northern California.

About 70 percent of the remaining unprotected older forest would be included in reserves. Logging would drop to less than one-quarter the level of the 1980s.

Environmentalists say that's still too much. Timber interests say it's too little.

The plan is the product of lawsuits filed by environmentalists long before Clinton took office. Dwyer ruled three years ago that the Bush administration had willfully violated environmental laws, and he blocked most new timber sales until the government adopted a new plan that meets legal standards for wildlife protection.

When it submitted its plan yesterday, the Clinton administration asked Dwyer to lift his ban. The judge has scheduled a conference Wednesday to sort out just what happens next.

Timber interests already have announced they will file lawsuits to

PLEASE SEE Timber ON B 2

SEATTLE EDITION LOCAL NEWS

THE SEATTLE TIMES SECTION 8 FRIDAY, APRIL 15, 1994

Editorial Opinions
Do not represent
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PAGE B4

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The Oakland program, centered in that

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Environmentalists ponder plan

Timber

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overturn the Clinton plan and force the administration to start over.

But they also have said they won't move to block the plan from taking effect while their cases wind their way through the court system. Such a move, if successful, would leave mills with even less federal timber in the short run than the Clinton plan would provide.

That leaves the environmentalists.

Most praise the Clinton plan as a big improvement.

"It's closer to legal than anything the Bush administration did," said Andy Kerr of the Oregon Natural Resources Council, one of 12 organizations that filed the lawsuit that prompted Dwyer's ban.

But it still falls short of what the law requires, environmentalists add. "It's like foot-binding," said Jim Pisot of the National Audubon Society, another plaintiff group. "You don't get points for getting inside the 5- or 10-yard line."

Kerr said the Oregon Natural Resources Council would sue to block the plan. Other groups involved in the existing suit said they weren't sure.

If they sue and succeed in extending the logging ban, they said, it might provoke Congress to override the courts, perhaps ordering logging levels far above what the Clinton plan proposes.

"We have a tough decision to make," said Darlene Madenwald, president of the Washington Environmental Council, another plaintiff group.

Rather than challenging the entire plan, said Anderson of the Wilderness Society, some environmentalists have talked of moving to block individual timber sales considered objectionable.

But Kerr said the threat of a congressional override is overblown.

"It's a risk, but we think it's a manageable risk," he said. "Congress is very happy this issue is on the doorstep of the administration and the courts, and not on theirs. ...

"Environmentalists should always be concerned about a political backlash. But the (Oregon Natural Resources Council) is more concerned about nature's backlash."

Kerr acknowledged, however, that any challenge to the Clinton plan isn't a sure winner. "It's going to be a lot harder decision for Judge Dwyer this time," he said.

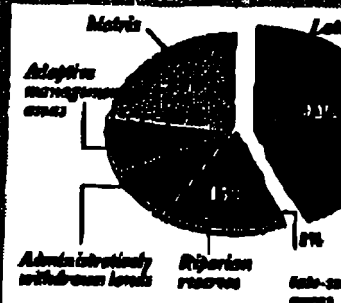
The Native Forest Council, a small environmental group based in Eugene, Ore., that is not part of the present lawsuit, also has said it would challenge the Clinton plan. Its executive director, Tim Hermach, has been highly critical of most of the mainstream groups, saying they are too willing to compromise.

One legal issue that's likely to surface soon is jurisdiction. Timber-industry lawyer Mark Rutzick said earlier this week that his clients planned to file their lawsuits in federal court in Washington, D.C., which he called "a more favorable forum" for the industry view.

A D.C. judge, Thomas Penfield Jackson, agreed with industry last month that the Clinton plan had been prepared in violation of an open-meetings law. He wouldn't block the administration from adopting the plan but said he might consider a new challenge once the plan was signed.

In court papers filed this week, the administration said all challenges should be consolidated in Dwyer's court and asked the Seattle judge to help make that happen.

A court official said if questions of jurisdiction arise and cannot be resolved by the judges involved, they can be referred to a judicial panel on multidistrict litigation for a decision.



Other features

"Key watersheds" 164 river basins, ranging from 20 to 800 square miles, for declining salmon and steelhead stocks or water quality. Regardless of plan no logging permitted without further study.

Old growth: About 70 percent of remaining unprotected older forest included reserves.

Source: U. S. Forest Service, Bureau of Land Management

ID WALKER / SEA

Clinton timber plan falls under fire

By Xavier Briand
Washington Correspondent

WASHINGTON — At separate press events Tuesday, the housing industry and the carpenters' union kicked, slapped and shoved the latest version of President Clinton's Northwest forest plan.

"We're open to suggestion because what we have don't work," said Sigurd Lucassen, president of the 600,000-member United Brotherhood of Carpenters and Joiners of America.

Lucassen, joined by Denny Scott of the AFL-CIO, called the press conference to bash the plan and release survey results indicating voters in the Pacific Northwest feel the same way.

The poll surveyed 1,662 registered voters in Oregon, Washington state and northern California Jan. 26 through Feb. 8.

According to the survey, 91 percent of respondents said they believe the federal forest management plan unveiled last July has been "ineffective."

Meanwhile, 62 percent said they think the plan — often referred to as Option 9 — is neither fair nor balanced.

"The voters know the truth," Lucassen said. "And the truth is, the administration has not kept its promises regarding the timber supply crisis."

"Eight months have passed since Option 9 was released. To date no timber has been harvested for sawmilling, the (federal court) injunctions still stand and a workable and realistic retraining and support package does not exist."

Clinton's new plan, which will be delivered to federal Judge William Dwyer in Seattle at the end of March, calls for the harvesting of 1.1 billion board feet per year from public lands in the region, down from 1.2 billion last year.

It says the decline in logging will cost 9,500 jobs, almost twice the original government estimate.

During a luncheon conference at the National Association of Home

Coos Bay, OR
(Coos Co.)
World
(Cir. D. 31,000)

MAR 10 1994

Allen's P. C. B. Est. 1888

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Builders headquarters, NAHB President Tommy Thompson said Clinton has failed to end the "gridlock" and caused lumber prices to remain high and volatile.

"Since last July, prices have risen almost 60 percent and today stand at \$477 per 1,000 board feet," he said. "That adds almost \$4,000 to the cost of a typical 2,000-square-foot house."

"It's an unfortunate situation for home buyers. With interest rates at their lowest level in 20 years, builders had an opportunity to

reach a new group of buyers — working people who had been priced out of the market in the 1970s and the 1980s."

Thompson said the association expects environmental groups to challenge the Clinton proposal even though it protects most trees in the region.

The only way to break through the gridlock, according to Thompson, is to make Congress adopt "sufficiency language" that will shield forest decisions from legal challenges.

Forest plan could help to spruce up downtown Astoria

A \$25,000 grant through President Clinton's new forest plan could mean a big difference in downtown Astoria.

The city of Astoria is applying for the downtown development grant from the federal government to help revitalize the Astoria waterfront. Specifically, the money would be used to help complete the riverfront walkway from 14th Street to 17th Street.

The city will ante up \$10,000 toward the project, which has been estimated to cost about \$80,000. Communities that put up some matching funds will have a better chance of getting the federal money, according to grant guidelines.

Astoria Community Development Director PAUL BENOIT told the Astoria City Council Monday that the waterfront seemed to be the top priority for downtown businesses. The businesses he talked to, members of the Astoria Downtown Development Association also considered public bathrooms but decided they would be too costly.

If the city gets the federal grant and throws in \$10,000, waterfront backers might be able to raise the rest of the money, Benoit said.

Police eye gambling

The Astoria Police Department is contributing \$2,250 for the Clatsop County Sheriff's Office two-person narcotics and gambling task force.

Local police agencies help support the force by offering mutual aid, staffing assistance and financial support.

New Warrenton city building?

The city of Warrenton is taking the first steps toward deciding

whether it needs a new municipal building.

The structure would house police, fire and city business. Warrenton city government has simply outgrown its current buildings, city officials said.

The Warrenton City Commission recently decided to appoint a committee that will study whether or not a new municipal building is necessary.

Several commissioners were concerned about asking voters for money in what they said was a time for belt-tightening.

Anyone who is interested in serving on the committee, can call Warrenton City Hall, 861-2233.

Local voice on state panel

Astoria City Councilor SUE BORGARDT has been named to a state committee that is charged with studying used oil recovery. The committee, which was formed by the Oregon Legislature, is trying to meet state mandates to reduce the amount of used oil that enters the waste stream.

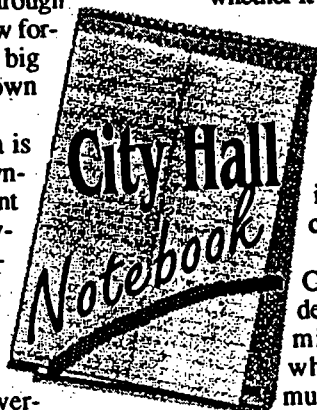
Borgardt, who is active with Astoria's 3R (Reduce, Reuse, Recycle) Committee, said the state committee will report back to the Legislature in October.

In addition to her new appointment, Borgardt told the Astoria City Council this week that the city's joint bid to get a Department of Environmental Quality household hazardous waste pickup day failed.

The city had applied with Cannon Beach and Seaside.

In the past, the cities have had great success with the pickup day, Borgardt said. She said the city should apply again in the fall.

—Compiled by Cathy Peterson



Astoria, OR
(Clatsop Co.)
Daily Astorian
(Cir. D. 9,807)

MAR 10 1994

Allen's P. C. B. Est. 1888

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Head Saved, Body Lost

The Forest Service has so far defied an order from President Clinton and jeopardized his forest plan by cutting field workers to save top management jobs, a union and environmental group said last week.

"This is really the bureaucratic head cutting off the body to save itself," Gerald Foster of the local National Federation of Forest Employees said.

President Clinton ordered last year that all federal agencies reduce staff by four percent and that 10 percent of the reductions come from upper management positions.

At a news conference Foster presented Forest Service data showing that while the agency has cut about 1,000 positions nationwide as a result of fallen timber harvests, upper management has spared itself. The Clinton order requires cutting 112 top agency jobs (usually earning \$75,000 or more) by Sept. 1995, but so far such jobs have actually increased by 28.

"The Forest Service is doing exactly the opposite; it is becoming more top heavy," Bob Dale of the Association of Forest Service Employees for Environmental Ethics (AFSEEE) said. The lower level jobs that are being cut to save management are field workers who will be crucial in reforming the forest service towards ecosystem management, Dale argued.

The Willamette National Forest lost hundreds of biologists, soil scientists, geologists, engineers and other field workers while losing virtually no top management jobs. But managers say they can't change where the ax falls.

The Willamette has only two top managers that the president's order applies to and needs all of its middle managers to run its seven ranger districts or central office. Deputy Forest Supervisor John Nelson said.

Also, the Forest Service may need more higher-paid professionals under the Clinton plan that relies heavily on scientific monitoring, Nelson said.

Federal rules on reducing staff are beyond the Forest Service's control, Nelson said. "A more tenured person bumps someone below him until someone goes out the bottom."

Eugene, OR.
(Lane Co.)
EUGENE WEEKLY
(Cir.W.22,000)

MAR 10 1994

Allen's P.C.B. Est. 1888

Nelson said the layoffs are "very, very difficult decisions" for management, and he understands where the union complaints are coming from. "There is no way you can make anybody feel good about losing their jobs," he said.

But Foster said his 24 years in the Forest Service has left him with an understanding of the agency's management. "Never, ever, do you see a manager who suffers personal repercussions because of their actions," he said. "They act with impunity and do whatever they want, and that's why they get hauled into court so often," Foster said.

—Alan Pittman

MAR 24 1994

Allen's P.C.B. Est. 1888

Plan to save owl creates a nightmare

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LIVINGSTON, Mont.

You don't know Bill Arsenault, owner of a small woodlands in Oregon. But you may soon have a lot in common with him.

He is threatened by a draconian Clinton proposal to save the Northern spotted owl that could take away his retirement income while simultaneously hastening the bird's demise. And if the administration's plan is implemented, many other people will share his anguish. The federal strategy for rescuing critters in the Northwest is intended as a model, to be replicated throughout the country. Yet it rests on a broad expansion of the Endangered Species Act that would give government unlimited authority to meddle in everyone's back yard.

In 1976, Arsenault, 66, a former electronics engineer from Southern California, retired and moved to Douglas County, Ore. Settling onto a small ranch with 240 acres of timberland that he had purchased in 1971, he began to cultivate his trees with the expectation that they would provide a retirement income, allowing him to harvest timber selectively, on a sustained yield basis, into perpetuity.

But in December, Arsenault's dream became a nightmare when he became among those targeted by a federal program to save the owl. Authorized under section 4(d) of the Endangered Species Act, issuing "protective regulations" for the bird, the U.S. Fish and Wildlife Service proposes drawing circles at least 1.5 miles in radius around each nest and designating these zones — roughly 4,760 acres in size — "special emphasis areas," where 40 percent of the habitat must be kept inviolate.

Anyone cutting a tree in a prohibited

Alston Chase writes a column distributed by Creators Syndicate. Readers may write to him in care of the syndicate, 5777 W. Century Blvd., Suite 700, Los Angeles, Calif. 90045.



ALSTON CHASE

zone could be charged with "harming" this species and liable to criminal penalties, including a \$100,000 fine and a year in jail.

Arsenault's farm lies entirely within a proposed emphasis area. As neighboring lands already have been logged, his grove contains some of the best habitat around and thus almost would certainly be included in the area ruled off limits to logging. Meanwhile, parcels belonging to his neighbors that are already damaged would go unregulated.

In effect, 4(d) entails that landowners who own the best habitat would be among the first denied the right to harvest. Such perversity gives them a good excuse to cut their trees before neighbors harvest theirs. Thus it punishes good land stewards and rewards bad ones.

It also reveals the administration's continuing effort to expand the powers of the Endangered Species Act. Section 9 of this law forbids anyone from "taking" a listed species, where "to take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect." In recent years, the service has argued that modification of habitat by human activity constitutes "harm" to a listed species and thus is a "take." Using this rationale, the agency threatened landowners in many parts of the country with criminal penalties if they logged, disked or burned lands where protected critters lived.

This is an entirely unjustified extension of the law's scope. The act was never intended to restrict use of private property.

During debate before its passage in 1973, Congress specifically considered, then rejected, the suggestion that habitat alteration constitutes a take. So, in 1991, plaintiffs from the South and Northwest filed a lawsuit challenging this interpretation. And on March 11, the Washington, D.C., circuit court found in their favor. The government, the court decreed, cannot claim that changing habitat necessarily harms creatures. To prove a take has occurred, authorities must, in effect, produce the body.

Nevertheless, the administration is pushing ahead with 4(d), which would, in effect, make this Wonderland definition of "harm" national policy and allow federal intrusion into every nook and cranny of our lives.

The livelihood of countless people already is threatened by looming regulations over salmon, smelt and swallows, Swainson's hawks, yellow-legged frogs, kangaroo rats, Bruneau Springs snails, garter snakes and countless other creatures. Yet not content with this mischief, Interior Secretary Bruce Babbitt has set up a "biological survey" to seek more creatures to save. If his owl plan is approved, he expects to apply the act — not just to individual plants and animals but to entire "ecosystems." And since all things are deemed members of ecosystems, this means the law could apply anywhere.

Thus, Arsenault's predicament isn't unique. The Endangered Species Act doesn't protect creatures — it merely extends the power of government. Yet, as the drama over owls plays itself out, the defense of property, which is in everyone's interest, is left to rural folk alone. Many educated urbanites, who should know better, cheer on this governmental assault. Anxious to show "commitment" to the environment, they forget property is the sole institution that stands between us and a bottomless political abyss.

5/31/94
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Secrecy did not produce a balanced forest plan

BY MARK C. RUTZICK
Special to The Times

FEDERAL Judge Thomas Penfield Jackson in Washington, D.C., has ruled that the Clinton administration broke the law by developing its forest plan in secret.

Jackson said the Forest Ecosystem Management Assessment Team (FEMAT), which wrote the plan for the administration behind closed doors last spring, violated federal law by not allowing the public to attend, observe and participate in its meetings.

The Northwest Forest Resource Council (NFRFC), a coalition of timber and logging companies, went to court to challenge the administration's policy of secret government because FEMAT's secrecy produced a forest plan that threatens to destroy thousands of timber jobs, hundreds of companies and dozens of rural communities throughout the Northwest.

Remarkably, the NFRFC was supported in court by the Native Forest Council, an environmental group that favors a much different forest policy than NFRFC but agrees that secret government is illegal.

At the Forest Conference last year, the president told our region that he wanted a balanced forest policy that would protect jobs and the environment. The timber industry wants that, too, and it offered to work with the president to achieve that goal. Many companies volunteered biologists,

*The new plan was profoundly
misconceived, scientifically
faulty and filled with
factual errors . . .*

ecologists and forestry experts to help the administration's effort.

But the companies quickly learned that the administration had no interest in working with them or the rest of the public on its new plan. Instead, it convened a secret panel of biologists — including many who had developed the failed policies of the past — to write the plan in a secluded location hidden away from the public. The government even refused to reveal the names of the plan-writers until the NFRFC filed its lawsuit!

The administration kept the public in the dark for months while these biologists labored in secrecy to write the forestry plan announced by the president last July.

When the plan was revealed, everyone quickly saw that secrecy had ill-served the president and the public. The new plan was profoundly misconceived, scientifically faulty and filled with factual errors — all due to the closed, secretive process the scientists followed. It's no coincidence that every party to the forest conflict — environmen-

talists, counties, labor and the timber industry — promptly rejected this secret plan.

When the FEMAT plan was finally released, we learned that the scientists had not tried to achieve the president's goal of a balanced plan, but instead had secretly adopted their own scheme of returning the forests of the Northwest to their image of a mythical "pre-settlement condition" that may have occurred centuries ago before European settlers arrived in the region. They bought into the notion of a few environmental extremists that "man is the problem," and that environmental ills can only be cured by eliminating the presence of man.

With this radical premise, the scientists veered off on a dangerously misguided path. They told the president that an 80-percent reduction in timber harvest was the minimum necessary to achieve their objective. They intentionally ignored all the laws and policies that require balanced multiple-use management of federal lands. They repealed the Oregon & California Lands Act and converted most of the Oregon and California lands into national parks. They refused to consider any policy except the return to pre-settlement conditions.

None of this could have happened without the secrecy imposed by the administration. Indeed, FEMAT is a textbook example of why secret government is so dangerous. Public involvement and participation in FEMAT would have disclosed and discredited the scientists' misguided agenda long before it reached the president's desk.

This secrecy was more than bad policy: It was illegal. Judge Jackson agreed with NFRFC that the scientific panel was a federal advisory committee, and ruled that its meetings and papers should all have been open to the public under a federal law passed by Congress in 1972. Even more importantly, this federal law required FEMAT's membership to be "fairly balanced" so that different points of view are represented. FEMAT was painfully unbalanced: The radical pre-settlement types dominated; other views were deliberately excluded.

The administration should abandon FEMAT and its misguided plan. It would be unconscionable, and probably unlawful, for the government to rely on FEMAT now that it has been declared illegal. Making decisions in secret is no way to design a forest plan, especially when the economic future of a region is at stake.

But like a year ago, we still need a new forest policy for the Northwest. The timber industry has renewed its commitment to work with the administration to find a policy that will truly protect jobs and the environment. Let's hope this time the administration includes the public in this critical decision.

Mark C. Rutzick, a Portland attorney, represented the Northwest Forest Resource Council in the challenge to the president's forest plan.



Seattle, WA
(King Co.)
The Seattle Times
(Cir. D. 233,995)

ELEANOR MILL / MILL NEWS ART SYNDICATE

Ag. 272

Local timber (cont.)

Barring hitches, the timber sales will be advertised from Monday to April 14 and bids will be opened April 7-29, said Sandy Berger, a spokeswoman in the Forest Service's regional office in Portland.

In May 1991, at the urging of 12 environmental groups, Dwyer barred timber sales on more than 60,000 acres in the national forests of Washington, Oregon and northern California until the government developed a 10-year logging plan to meet environmental requirements.

The latest deadline to submit that plan is April 14. President Clinton has projected it would allow the logging of about 1.2 billion board feet of timber annually.

In his ruling Thursday, Dwyer noted that all remaining timber sales covered by his previous injunction would remain on hold until "the legality of the forthcoming (10-year plan) is decided."

All 12 environmental groups agreed in October to refrain from opposing the release of as many as 54 timber sales if specified wildlife protections were assured.

Klamath Falls, OR
(Klamath Co.)
Herald & News
(Cir. D. 18,637)
(Cir. S. 20,135)

MAR 25 1994

Allen's P. C. B. Est. 1888

Local timber set 812 free for logging

Acreage located on Winema

Combined local, wire reports

Clinton administration officials say a judge's approval of 24 federal timber sales in northern spotted owl habitat raises hopes for ending a deadlock over logging in the Pacific Northwest's old-growth forests.

The decision by Judge William L. Dwyer covers about 2,000 acres with 31 million board feet of timber. More than half of it is in the Rogue River and Umpqua national forests of southwestern Oregon.

About 13.5 percent of the total volume included in the sale lies within the Winema National Forest. Three of the 24 sales covered by Dwyer's decision are on the Winema, although Winema National Forest spokesman Frank Erickson said today two were combined into one sale for administrative efficiency.

Upcoming sales on the Winema include the "Russky" sale of 3.2 million board feet of mostly ponderosa pine. The timber is located south of Mountain Lakes Wilderness, and will be sold April 11, Erickson said.

The other local sale is called the "Bug" sale, which includes 1 million board feet of Douglas fir and white fir. That timber, which will be harvested by helicopter, is located near Rocky Point. It will be sold on or before April 11, Erickson said.

The timber affected by Dwyer's ruling amounts to toothpicks compared with the total at stake, but administration officials were cheered by acceptance of the logging by environmental groups.

"While the sales are small in volume, they are enormous in the message they send," said James R. Lyons, an assistant agriculture secretary with jurisdiction over the U.S. Forest Service.

"By bringing in the parties and engaging in a serious, good-faith dialogue, we have shown that we can achieve consensus. This kind of inclusive process is clearly the key to ending the gridlock we have experienced for so long," Lyons said in a prepared statement.

"We cannot say that the millennium is here ... or that the president's forest plan has been enacted," said Peter Coppelman, deputy assistant attorney general for the environment and natural resources, who argued the government's case for approving the sales Thursday in U.S. District Court.

"It's a small opening. I hope that this ruling is a ray of hope that the gridlock on the forests in the Pacific Northwest can come to an end," Coppelman said.

The total amount of timber covered by Dwyer's decision is inadequate to keep even one sawmill open a year, Mark Rey, vice president of the American Forest and Paper Association, has estimated.

ONRC depends on conflict for their identity and fundraising, according to Applegate Ken Cairn. "It's kind of like the conflict industry," he said.

"As soon as we see a glimmer of a solution, they'll lose contributions," mill owner Cross said.

Just the opposite is true, according to St. Clair. The more conciliatory environmental groups bring in the most money. "The ones that do the most fundraising . . . they're not upset about adaptive management zones," he said.

The real economic incentive is with the loggers to support AMAs, Norlen said. "It's no surprise that the biggest advocates of the approach are big government and big industry."

But Cross said the AMA idea isn't popular with many of the industry friends he knows. "They ask me, 'Who would want to sit down with these assholes and try and reason with them?'"

In its year of operation, Applegate has directly helped grease only one timber sale, a modest thinning of 500,000 board feet that went through without the usual appeal by environmentalists. Other sales are in the works, including one this fall for about 1.5 million board feet, according to Ken Cairn.

But Cross isn't discouraged. "It's AMAs out here like Applegate that have a chance of working—of getting some product out," he said.

St. Clair said that environmental groups such as Headwaters are now backing away from the consensus model. Headwaters Director Norman said that isn't so. But Headwaters did have some sharp comments on the Clinton AMA version of the consensus principle. The Clinton plan's talk of local control, flexibility with regulations and risk taking "has played into the agenda of some members of the timber industry and the 'wise use' movement," the group warned.

"I don't believe this is a perfect process. There's plenty of room for co-optation and coercive harmony," Applegate facilitator Lange said, "but I think it's a worthwhile experiment."

The Clinton experiment could apply the consensus-group model to millions of acres of forest and grazing land throughout the West. □

Clinton's Northwest Forest Plan ... will use the community-consensus-group approach to try to reach innovative solutions to ecological gridlock.

Applegate Partnership brochure cover pictures idyllic setting for reaching consensus on environmental issues.

GEELEY

One whom past abuses has made cautious if not paranoid is Jeff St. Clair, editor of *Wild Forest Review*. The AMAs are "throwbacks" to the old sustained yield units when the Forest Service left ecosystem management up to the timber companies, according to St. Clair. "They've been abysmal failures," he said.

"These processes could easily get dominated by the industry," Doug Norlen, a Eugene environmental activist with the Waldo Wilderness Coalition, said.

Tuttle argued that leaving land-management decisions up to local stakeholders who have a direct financial interest in exploiting resources will hurt the environment.

But the people within the Applegate experiment argue that the locals understand the balance between the economic and ecological issues best. "The local people are real easy to work with," said Dwain Cross, co-owner of the Croman Sawmill in Ashland and an Applegate board member. "The nationals do not want solutions," he said.

However, St. Clair says those chosen to sit on the consensus groups "are not representative samples of the spectrum of political opinion."

"The people sitting on the Applegate Reaching consensus can be tough, slow going."

"You get down there and start talking to people who have been trying to put you out of business for the past eight or nine years. Believe me, it ain't easy," Cross said.

Cross said his patience has been strained. "We get any more radicals in there, and I'm going to push for a majority vote," he said.

Norlen fears consensus will mean "coercive harmony." He said, "There is all this pressure in the community to sort of go along to get along."

"I think that is a danger," Headwater's Norman said. Participants in consensus groups need to be skilled in respecting minority views and holding fast to their own bottom line, she said.

Norlen said the AMAs "insidious" focus on process will distract from the real issues. "When you define the problem as the conflict, all of a sudden the goal is not good forestry" but "assuaging one's inner child," Norlen said.

St. Clair describes the AMA proposal as "typical" of Clinton's town-meeting approach to problem solving. St. Clair knocked the "woo-woo terminology" as "politically correct language that masks the same old practices." AMAs are "an agreement for feel-good forestry that ends up being economically destructive," he said.

But some AMA proponents say the critics don't like consensus because they thrive on conflict.

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Disagreement on Consensus

Applegate Model Splits Greens

It's either a way to end the forest conflict by reaching a community consensus on ecology and economy or an insidious device to skirt preservation laws by co-opting the environmental movement, depending on which side you ask.

The debate centers around the Clinton administration's efforts to use local consensus groups made up of industry and environmental representatives to solve the conflict between loggers and ranchers on one side and those looking to preserve forest and grassland ecosystems on the other.

Clinton's Northwest Forest Plan includes 10 Adaptive Management Areas (AMA) that range from 92,000 to 500,000 acres in size. The AMAs will use the community-consensus-group approach to try to reach innovative solutions to ecological gridlock. U.S. Interior Secretary Bruce Babbitt recently proposed a similar consensus approach that gives local councils broad authority over grazing and range protection. For models of the new approach, the administration relied heavily on consensus-group experiments on grazing in Colorado and on forestry and fish issues in the Applegate Valley in southern Oregon.

But not everyone is sold on consensus groups. "To ensure that sound, sustainable choices are made, industry, government and individuals must operate within the law instead of seeking the 'consensus' approval of a small group to go-around it," Oregon Natural Resources Council (ONRC) Director Larry Tuttle wrote recently in the group's newsletter.

Actually, the Clinton plan says that "all [AMA] activities must comply with existing laws."

"It said that all along, but people are paranoid" because of abused rules in the past, Julie Norman, director of the Headwaters conservation group that has been active in the consensus Applegate Partnership, said.

Board, none of them are preservationists," Norman said. She said the environmental representatives are "conservationists" who, like her Headwaters group, believe ecosystem management can include some careful logging.

ONRC and other environmentalists who have opposed all timber sales on public lands argue that there isn't enough ecosystem left to compromise.

Citizen movements have always rightfully included both those who work inside and outside the process, according to Jon Lange, a Southern Oregon State College professor of communications and professional mediator who helps facilitate Applegate meetings. "I don't think they [ONRC] want to be inside. I think they are right where they want to be, and God bless them," he said.

"You can't be in a partnership and be a watchdog too," Brett KenCairn, Applegate board member and director of the Rogue Institute for Ecology and Economy, said.

But, according to the darker greens, the AMAs are just an effort to co-opt environmentalists.

"They would like nothing more than to put us all in these little groups and keep us off the streets," Norlen said.

Environmentalists in AMAs "are talking when they ought to be out litigating," St. Clair said.

J.D. Rogers, who represents the Applegate Water Conservancy on the Applegate Partnership, said he spends up to two and a half days a week on work related to the group's weekly meeting. But he doesn't think it's a waste of time. He said the work is more directly productive than the time he used to spend writing comments on timber sales.

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U.S. Moves on Two Fronts To Reshape Logging Rules

Actions on Owl Area and an Alaska Forest

By JOHN H. CUSHMAN Jr.

Special to The New York Times

SEATTLE, April 14 — The Clinton Administration moved on two fronts today to reshape the way the Government manages logging in the nation's remaining ancient forests.

In Seattle, the Administration asked a Federal judge to restore some logging in the old forests of the Pacific Northwest, where for five years the courts have all but eliminated logging on public land to protect the northern spotted owl.

And the United States Forest Service canceled a 50-year contract with the Alaska Pulp Corporation that has allowed it to cut timber in the Tongass National Forest in southeastern Alaska, a program that environmentalists have assailed for years.

Although environmental groups and the timber industry — for conflicting reasons — today criticized the plan to protect the spotted owl and other species in Washington, Oregon and California, the decision on the Alaskan forest was clearly welcomed by environmentalists.

Alaska Pulp is one of two companies with special contracts to cut trees in the Tongass, one of the last remaining stretches of temperate rain forest in the world. The contract that was canceled, one of the biggest in the nation involving publicly owned forests, would have allowed the company to cut another two billion board feet of timber by the year 2011.

The Forest Service had warned the company that the contract might be terminated after Alaska Pulp shut a mill in Sitka last year, laying off 400 people. The long-term contract was intended to provide mill jobs in Alaska.

Balance Cited in Owl Plan

Defending the spotted owl plan, Administration officials said that neither industrial nor environmental critics of its plan could offer a better way to save the threatened owl and preserve a forest that offers habitat for a multitude of species while also nurturing the region's economy.

Environmentalists said the plan was intended to appease the timber industry, the industry said it was illegal and unbalanced, and the Administration admitted that even if the plan survived legal challenges, it would take at least three years to put fully into effect.

"We are at the stage now of beginning to put the cars of the train back on the track," said George Frampton, the Assistant Secretary of Interior, using the train-wreck metaphor that officials in the Clinton Administration have applied to the dispute over logging in the Northwest.

"This train was going 95 miles an hour when it went off the track, and it is not going to be going 95 miles an hour by November," Mr. Frampton said.

Despite the forest plan's uncertain fate, its presentation to Judge William Dwyer of the United States District Court in Seattle today marks a climax in one of the most hotly disputed environmental issues ever to face any region of the country. Judge Dwyer is the judge who has issued the most comprehensive order against logging in old forests, and the Government's plan was devised to meet the criteria he has set.

Trying Out a New Science

Going far beyond the spotted owl's fate, the forest plan offers a panoramic vision of environmental management across a landscape of millions of acres and hundreds of species. It is the most ambitious example to date of the fledgling science of ecosystem management that the Administration is trying to make its environmental trademark.

Under the Administration plan, every sale of plots to trees to the logging industry must be analyzed to make sure that it does not violate the new land management practices spelled out in the voluminous legal papers. And some forestry practices that are envisioned, like analyzing the effects of logging on rivers and streams, have not yet been fully developed. Nor have all the hundreds of species that live in the logging areas been studied enough to know how they would be affected.

In an effort to insure that some timber from the restricted areas begins making its way back onto the market, the Administration plans to adopt the restrictive new scientific criteria only gradually over the next few years.

In a speech on Tuesday before a regional forest industry group in Stevenson, Wash., Jim Lyons, the Assistant Secretary of Agriculture in charge of the national forests, said the Administration would "move as quickly and aggressively as we can to get timber back into the pipeline."

Ever since the court orders restricting logging, mills in the Northwest have been closing, and the layoffs of thousands of workers have made the issue a political tinderbox.

Today, Mr. Lyons said the plan should double this year's timber harvest on the affected lands, and double it again the following year. But the amount being harvested this year, 160 million board feet, does not satisfy the industry.

Lawyers for the timber industry have said they would challenge the plan in Federal court in Washington, where Judge Thomas Penfield Jackson has already ruled that the process of drafting the plan technically violated Federal laws on administrative procedures. The industry's strategy is to create conflicting court decisions that would encourage Congress to write a law allowing a greater amount of timber to be harvested.

Rob Whitman
Katie McGuire
Will Steele

File: FEMMT

ROAD
FORESTS

THE NEW YORK TIMES, FRIDAY, APRIL 15, 1994

Washington Post 4/20/94

The Clinton Timber Plan

THE REAGAN and Bush administrations' approach to the Northwest timbering problem was to refuse to enforce the law. No matter that in other contexts these were ardent law-and-order advocates. To comply with the endangered species and other federal environmental statutes, the timber harvest in the Northwest's remaining mostly federal old-growth forests would have had to be reduced, and neither administration was willing to do it. The failure to carry out the law was kicked to the courts, where a federal judge responded by enjoining any timbering on the relevant lands until either the law was changed or a plan to conform to it was presented.

The Clinton administration has now constructively done what neither of its predecessors would and submitted such a plan. It's a good proposal. It appears to be scientifically based and well within the envelope of the law. By cutting the harvest sharply, the administration says it would likely save the threatened species—most famously, the northern spotted owl—and the forest ecosystem of whose health the species are the emblem.

Certain environmentalists—not all—are nonetheless opposed, or so they say. Their goals are more protection and less timbering. They may yet be able to influence the proposal around the margins. If they go beyond that to block it, we think they will do their own good cause a disservice. The environmental groups like to speak of

sustainable development and, in the case of timbering, sustainable yield. They should think in similar terms with regard to the remedies they seek. This is about as good a plan as either the law requires or they are likely to get from any administration. If they manage to kill it, they risk doing what the industry wants and sending the issue back to Congress for resolution. That way lies a likely weakening of the very laws the environmentalists want to uphold.

The industry should also lay off, though of course it won't. Timbering jobs were already in decline in the Northwest for any number of reasons—not least the overcutting of the forests and decline of the resource itself. The region already needed to quicken the diversification of its economy; the administration proposes to provide some extra funds to help the process along.

There's a lot of talk these days that the administration has lost its cutting edge on environmental issues, if ever it had one. But the Clinton people have set out to solve with intelligent compromises any number of major environmental problems. Their proposals range from a more protective regimen with regard to federal grazing lands to a wiser allocation of California water and a plan to begin the restoration of the Florida Everglades. The timber proposal is another. Like too many of the rest, it needs to be saved from its nominal friends.

D.C. Pensions: A Fiscal 911

IF ANYONE still seeks evidence that this city desperately needs drastic changes in the management, financing and total structure of its wildly expensive and unfunded pension system, a serious report by highly regarded experts is now at hand. A special task force formed last October by D.C. Del. Eleanor Holmes Norton has concluded that the board overseeing the pensions needs real investment expertise, more modern financial management practices, a new code of ethics, flat-fee compensation instead of hourly fees as an incentive to cut down delays, and other changes to improve the caliber of the board as well as its decisions.

As staff writer David A. Vise originally disclosed last summer, the task force found an absence of professional money management experience. The task force chairman, Franklin D. Raines, who is vice chairman of Fannie Mae, calls the report "a necessary first step to give confidence that any funds in their custody will be managed well." But it is only the first—and subsequent steps had better be taken with emergency dispatch: *The city's financial fate—as well as its hard-earned, limited home rule charter—are hanging by this pension thread.*

This first step has a first trap, too: adoption of the report's recommendations requires legislation by the D.C. Council and numerous changes by the pension board itself. How long will the

council take to act—and how quickly and completely will the pension board respond? How about right away—within weeks? All of what needs doing to save this city from financial collapse needs doing right away.

Nearly everyone who looks at the city's pension program for police officers, firefighters, teachers and judges understands the need for immediate change in the system covering current employees. This, too, will require approval by the city government's leaders and, even more important, by the federal government. If the unfunded pension liability is ever to be brought under control, Congress, which originally played the lead role in establishing this excessive system, must pitch in in a serious way. And this too must happen now—not next year or next Congress or next election.

Equally urgent is a tightening of the pension provisions for new hires. Every moment without a tighter pension system for recruits piles on more hopeless unfunded government liability. The D.C. Council doesn't have to wait on anyone to get moving. Will a responsible member introduce this legislation, push for it and let all cowardly colleagues take the consequences of inertia? Or will all the members duck a hard election-year choice and let their constituents sink helplessly in financial quicksand?

A Bit Tighter, Again

FROM THE Federal Reserve Board's point of view, the markets' reaction to its tightening of credit is irrational. Its purpose is to brake—very lightly—the economy's recent acceleration and ensure that there will be no significant rise in inflation. But the traders and investors in the markets, who say that they are spooked by the possibility of returning inflation, have responded to these reassuring measures as though they intended just the opposite. Interest rates have leaped upward and stock prices have fallen. The Federal Reserve's decision this week to tighten was its third since early February, and the reaction to each has been the same.

One explanation is that, since no one can see any signs of inflation ahead, speculators may have concluded that the Federal Reserve must know something they don't. But there's no hint of that. Another factor is, no doubt, a certain suspicion that eventually a Democratic president will succumb to the temptation to try to push up employment regardless of the costs in inflation. But the conduct of the White House and the Treasury during this sequence of tightening has been exemplary. They have been carefully neutral in their comments—unlike, for example, the Bush administration's

Treasury Department, which repeatedly and loudly needed the Federal Reserve.

This latest attack of market anxiety seems, fortunately, to have been both mild and brief. Stability has, for the present, returned, at least partly because of the bad news about the trade figures yesterday. This country's trade deficit in February, the government announced, turned out to be larger than the bond traders or most other people had expected. A rising trade deficit has the same effect on the economy as a tax increase. Both drain off purchasing power and tend to slow it down.

The administration hopes to keep the economy on the three-and-three track that it forecast at the beginning of the year—3 percent growth and 3 percent inflation. But in early March the government's statisticians reported that in the last three months of 1993 the growth rate had reached a spectacular 7.5 percent a year (since revised downward a bit). Ever since then the financial houses have been haunted by the ghosts of inflation past. But over the winter the rate has clearly dropped and seems to be back in the zone of safety. It's possible that the bond traders will now decide that, on second thought, they have bid interest rates higher than circumstances really warrant.

Tailor-Made Juries

BY A 6 to 3 vote, the Supreme Court yesterday decided a case that will further erode the long-accepted practice of allowing lawyers to reject a certain number of jurors without stating a reason. These peremptory challenges are allowed in addition to rejections for cause, which are unlimited. They enable attorneys to make quick guesses, based on experience and intuition, about a potential juror's bias. Often this leads to a just result, as when demeanor, background information or use of language suggests that an individual has already decided about a case before hearing any evidence. But it can also be prejudicial, violating both the right of a potential juror to participate in a trial and the right of the litigant to have an impartial jury broadly representative of the community.

The court's review of the peremptory challenge practice began in 1986, when justices ruled that these challenges cannot be used to exclude potential jurors on the grounds of race. That case, *Batson v. Kentucky*, was relatively easy, given the history of race prejudice in this country and the impact that bias has had on the justice system. The case decided yesterday, however, involves gender, not race. The defendant in a paternity suit appealed a jury finding that he was the father of the child on grounds that the state's attorney used his perempto-

ry challenges to exclude all males in the jury pool, thus creating an all-female jury that, he believes, was more likely to find against a male defendant in a paternity case than would a mixed jury. He lost in lower courts, but the Supreme Court ruled that his rights and those of prospective male jurors had been violated.

The result in this and the *Batson* case is that juries are sure to be more inclusive and, it is assumed, less weighted toward one party or the other. But how far should this principle be extended? Justice Anthony Kennedy, in a concurring opinion, cautions that "it is important to recognize that a juror sits not as a representative of a racial or sexual group, but as an individual citizen." This case seeks to correct a perception of bias, where initial neutrality is the goal.

But while litigants are entitled to an impartial jury, they are not entitled to one that necessarily reflects certain characteristics and includes, for example, a member of the defendant's church, or someone of his ethnic background, sexual preference or particular disability. These challenges of peremptory strikes are sure to proliferate now, and it would be unfortunate if they succeeded. The process of jury selection could become as cumbersome and contentious as the trial itself, and there is no evidence that the interests of justice would be served by requiring tailor-made juries.