

Charges fly in final debate over telescope controversy

By David Hoye
THE PHOENIX GAZETTE

TUCSON — An additional eight hours of testimony was added to the lengthy debate over the Mount Graham International Observatory on Friday during what probably was the last forum on the issue.

Supporters and opponents battled over issues that have been fought for the past decade.

From the beginning, environmentalists attacked the University of Arizona for the way it secured congressional approval for the \$200 million observatory in southeastern Arizona.

Charles Babbitt, president of the Phoenix-based Maricopa Audubon Society, called the process "corrupt" and repeated a charge that the UofA lobbied for exemption from federal environmental laws rather than comply with their regulations.

"The message that Mount Graham sends is that if you are aggressive enough, if you are well-financed enough, and if you have enough political connections, you can get your project done, the environmental laws of this country notwithstanding," Babbitt said.

UofA officials, appearing at hearings sponsored by the Board of Regents and UofA faculty, countered by arguing that Mount Graham has endured 100 years of logging and abuse, and was considered for wilderness status only as a 15-minute request of then-Gov.

"I'm a full-blooded Apache. The Vatican don't tell me how to pray. What the Vatican said about Mount Graham is the same thing as (Christopher) Columbus forcing religion on Native Americans. Today you have done the same."

Ernest Victor Jr.
San Carlos Apache Tribe,
speaking to regents

Bruce Babbitt.

Margy McGonagill, UofA director of federal relations, who lobbied Congress for approval of the observatory plan, denied the university tried to sidestep environmental laws.

She said the UofA spent almost four years conducting environmental studies and trying to follow procedures.

Congress ultimately allowed the UofA to proceed with construction of the first three of seven planned telescopes without having to meet all the requirements of laws, including the Endangered Species Act.

Friday's crowd of about 200 people also heard members of the San Carlos Apache Tribe contradict each other over the sacredness of the mountain.

The Apache Survival Coalition,

a group claiming to represent most of the tribe, has filed a lawsuit in U.S. District Court to halt the project, claiming it violates federal law and the U.S. Constitution.

Ernest Victor Jr., a member of the San Carlos Apache Tribal Council, repeated claims that the mountain is sacred and will be desecrated by the telescopes.

He attacked the Vatican, which is one of the partners with the UofA in building the observatory, for claiming the mountain has no religious significance.

"I'm a full-blooded Apache," Victor said. "The Vatican don't tell me how to pray. What the Vatican said about Mount Graham is the same thing as (Christopher) Columbus forcing religion on Native Americans.

"Today you have done the same," he told the regents.

Buck Kitcheyan, ousted leader of the Tribal Council, told the officials otherwise.

"I can safely say that there is absolutely no religious or sacred significance to Mount Graham," he said. "Had it been true, I'd be here to oppose the project."

Kitcheyan, ordered off the council because of questions involving tribal finances, was flanked at the meeting by supporters and members of the San Carlos Apache Tribe People's Rights Coalition.

Karan Long, Kitcheyan's daughter, spoke on behalf of the group, and claimed Victor and others do not speak for most of the Apaches.

Telescope opponents won't quit But construction to resume Monday

By Steve Yozwiak
The Arizona Republic

SATURDAY
MARCH 28, 1992
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TUCSON — Although construction of telescopes on Mount Graham is scheduled to resume Monday, opponents vowed Friday to continue fighting the project so it won't set a precedent for exemptions to federal environmental laws.

"That is why there can be no compromise. That is why this fight will go on," Charles Babbitt, president of the Maricopa County Audubon Society, told a special hearing before the Arizona Board of Regents.

If the project is allowed to go forward, he said, it will give developers a green light to seek similar exemptions, making national environmental laws moot.

The daylong session, which often grew emotional and rowdy, drew nearly 200 people to a University of Arizona theater. Spontaneous outbursts at one point prompted regents President Donald Pitt to threaten to close the debate, as he did two weeks ago when dozens of students protested during a regents meeting.

Proponents say the UA's \$200 million observatory will produce valuable scientific data, and is compatible with the endangered Mount Graham red squirrel and the religious ceremonies of the San Carlos Apaches.

Debate over the project originally focused on the squirrels, with critics

saying it will lead to the animals' extinction.

In recent months, the question of whether the 10,700-foot Mount Graham is sacred to the Apaches' religion has come to the forefront. Many of the Indians say the telescope project desecrates holy ground.

Apache spiritual leader Franklin Stanley, speaking alternately in English and Apache, emotionally described a 19th-century massacre of tribal members who were conducting a religious ceremony.

"We have suffered enough," said Stanley, the grandson of Chief Byles, the last Chiricahua Apache chief. "You have killed my grandfather. Why don't you just exterminate all of us and get it over with?"

Healing herbs grow atop Mount Graham that are not found anywhere else, added Stanley, who decried the incursion of highways and other developments onto Apache land.

"You have pushed us to the edge of our wonderful and beautiful heritage," he said.

Bob Witzeman, a spokesman for the Audubon Society, said the 8.6-acre site now under development eventually will grow, cutting into the 480-acre spruce-fir forest on which the rare squirrels depend.

University officials contend that the squirrel population has increased in the past two years to as many as 417 from as few as 116.

But environmentalists say that the population naturally rises and falls with each season's cone crop.

The Mount Graham project is exempt from the Environmental Protection, Endangered Species and National Forest Management acts.

Meanwhile, UA spokesman Steve Emerine said the university filed a motion Thursday in federal court in Phoenix to intervene on the side of the U.S. Forest Service in a lawsuit filed last year by the Apache Survival Coalition, which contends the project violates the religious freedoms of Native Americans.

Worst spot chosen for UA telescope

School's own report faults site selections

By Steve Yozwiak
The Arizona Republic

The Vatican's soon-to-be-completed optical telescope at the University of Arizona's Mount Graham International Observatory is on the worst of five spots studied in the Pinaleno Mountains, according to a university report obtained by *The Arizona Republic*.

The best observatory sites require steep peaks devoid of trees to minimize wind turbulence, which can distort the atmosphere through which telescopes peer at the stars. The Vatican site is relatively flat and surrounded by an old-growth forest.

The study by the university's Steward Observatory also says two other sites on the mountain are as good or better than "Peak 10,298," which is where the university now wants to build its \$60 million Large Binocular Telescope, touted as the world's most powerful.

Richard Cromwell, a staff scientist for the Steward Observatory and one of three authors of the study's draft report, said Monday that all five sites studied are "good" for astronomy.

"It (the Vatican's) is the worst of the bunch. But the bunch that were selected were very good sites," said

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Cromwell, initially adding that "the difference between them is pretty small."

However, when dealing with the fine measurements required in observing points across the cosmos, Cromwell later conceded that "the smallest differences are significant."

"You care about that difference," he said. "We're splitting fine hairs for the location of the Large Binocular Telescope. We wanted the very best (spot)."

The area generally known as Mount Graham is composed of several peaks within the Pinaleno Mountains, about 80 miles northeast of Tucson.

Until recently known as the Columbus Project, the Large Binocular Telescope was to be built near the Vatican's and another telescope — a radio telescope nearing completion by Germany's Max Planck Institute — on the western side of Emerald Peak.

Worst spot selected for UA telescope, study says

A university study in October said there was too much wind turbulence at that site for the Large Binocular Telescope.

Better site out of bounds

The university now wants to build the huge scope on Peak 10,298, about a quarter-mile to the west. But, even at Peak 10,298, average turbulence is worse than at two other sites nearby, according to the study.

However, one of those two sites, Webb Peak, is not within the Mount Graham International Observatory research site, a 150-acre area that university officials contend was exempted by Congress in 1988 from environmental regulations and laws protecting Native Americans' religious practices.

The other site, known as Peak 10,516, is within the research site but suffers from a nearby fire-line cut in trees that acts like a giant wind tunnel when the wind comes from

that direction, according to the study.

Buddy Powell, associate director of the Steward Observatory, said the study was stolen from the observatory. A copy was provided to *The Republic* by observatory opponents, members of the Maricopa County Audubon Society, who received it anonymously in the mail, group spokesman Bob Witzeman said.

Powell said the study actually shows that Peak 10,298 is not only the best place to put the Large Binocular Telescope, but less environmentally sensitive for survival of the endangered Mount Graham red squirrel.

In March, Michael Cusanovich, UA vice president for research, petitioned the U.S. Forest Service to allow the university to change the big scope's planned location. Although the project may be otherwise exempted from environmental laws, such a change still requires Forest Service approval.

Steve Emerine, a UA spokesman, said that if the change is granted, there will be no change required in the height of the Large Binocular Telescope.

If permission to move is not granted, Powell said building the size tower needed to get the Large Binocular Telescope above the trees is "not economically feasible."

Powell said no precise cost studies have been done, but he estimated that raising the tower would require an additional \$10 million.

Meanwhile, environmentalists contend that changing the location of the scope should require the permission of the U.S. Fish & Wildlife Service, which administers the federal Endangered Species Act.

Environmentalists contend that the project threatens the habitat of the red squirrel, as well as the Mexican spotted owl, which recently was declared threatened with extinction.

Witzeman said UA could have saved itself a lot of bother if it had waited for environmental studies to be completed instead of obtaining an exemption from Congress.

"They didn't do their homework in the first place," said Witzeman, noting that consideration of telescopes on Mount Graham began nearly a decade ago.

'A bad name for all of this'

However, another astronomer, Roger Lynds of the National Optical Astronomy Observatories in Tucson, said time would not have made a difference because the University knew years ago that Mount Graham was not an optimum site for astronomy.

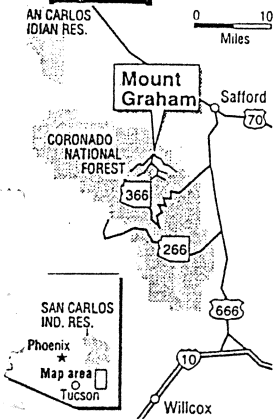
Lynds is the co-author of a 1984 report that ranked Mount Graham 38th out of 56 peaks studied for what

at the time was a search for a location for a large telescope.

"Their (UA officials') plan all along was to have an enormous complex up there," Lynds said.

"They've had to slide to get around the environmental stuff and slide to get around the cultural stuff.

"What has happened is all of astronomy has gotten a bad name for all of this in the minds of a lot of people."



Gus Walker/The Arizona Republic

U.S. court halts UA telescope

Graham scope work barred pending further study

Tucson, Friday, July 29, 1994

By Jim Erickson
The Arizona Daily Star

A federal judge yesterday barred further UA telescope construction on Mount Graham until additional studies of the project's environmental impacts are completed.

The studies could take several months to complete, which means the University of Arizona could miss most of the current construction season, a delay astronomers say will cost several million dollars.

The ruling by U.S. District Judge Alfredo C. Marquez was a victory for a coalition of 18 environmental groups that sued the U.S. Forest Service in May to stop construction of the \$60 million Large Binocular Telescope.

The U.S. Forest Service manages Mount Graham, which is in the Coronado National Forest near Safford. The Large Binocular Telescope is the largest and most expensive telescope planned for the Mount Graham International Observatory.

"This is a major victory, and it means an all-out assault on the project," said Robin Silver of the Maricopa Audubon Society, one of the plaintiffs in the lawsuit. The university joined the suit as a defendant in June.

"The most sensible use for the tiny forest that crowns Mount Graham is not to destroy it for telescopes," Silver said.

But most of the doomed trees have already been cut.

Two telescopes have been completed since Congress authorized the 8.6-acre observatory in 1988, and a site for the third was 90 percent cleared in December, said Buddy Powell of the UA's Steward Observatory.

In his 50-page ruling, Marquez said the Forest Service and the U.S. Fish and Wildlife Service violated the Endangered Species Act and the National Environmental Policy Act by allowing the university to clear the third telescope site without fully assessing the environmental impacts.

The site, on 10,477-foot Emerald Peak, is within spruce-fir forest critical to the survival of a subspecies of red squirrel found only on Mount Graham. This spring's Mount Graham red squirrel census showed that there are about 365 of the endangered rodents left.

Marquez granted a permanent injunction yesterday, barring further construction until the requirements of both federal laws are met. The injunction replaces a temporary restraining order that had been in effect since July 12.

"We're obviously disappointed that he ruled the way he did," said Peter Strittmatter, director of the UA's Steward Observatory.

"My belief is that this is the most well-studied site on the mountain, and the record shows that all required studies have been done," Strittmatter said.

He said he expects the university to appeal Marquez's ruling to the 9th U.S. Circuit Court of Appeals.

Marquez said a study called a biological opinion must be completed to comply with the Endangered Species Act. That type of study can take up to 90 days.

Additional studies of the project's environmental impacts must be done to satisfy the National Environmental Policy Act, Marquez said.

"It is evident that the potential for irreversible injury to the desperately endangered red squirrel - and the Mount Graham ecosystem generally - outweighs any injury to the university or federal defendants," Marquez wrote.

This summer the university hoped to finish clearing the 1.3-acre site, grade it, install utility trenches and build a 600-foot access road, Powell said.

At issue is the location of the scope, a collaboration between the University of Arizona, Italy's Arcetri Observatory, Tucson-based Research Corp. and Ohio State University.

The big telescope was originally planned for a site closer to the two completed telescopes. It was moved about 1,500 feet to the east because UA astronomers said sharper telescope images could be achieved there.

Last fall, the two federal agencies looked at the new site and determined that no additional studies were required.

"The service doesn't feel that we have violated ESA (the Endangered Species Act), but the judge has ruled, and we'll comply with the judge's ruling," said Susan MacMullin, chief of the endangered species division at the Fish and Wildlife regional office in Albuquerque.

By Jim Erickson
The Arizona Daily Star

A federal appeals court yesterday refused to allow UA astronomers to continue work on the largest Mount Graham telescope.

A three-judge panel of the 9th U.S. Circuit Court of Appeals rejected the University of Arizona's request to continue site preparation for the \$60 million Large Binocular Telescope on Graham's 10,470-foot Emerald Peak.

The San Francisco-based court scheduled oral arguments for the week of Nov. 14 on the universi-

red squirrel, an endangered subspecies found only on the mountain southwest of Safford.

On Dec. 7, about 250 spruce and fir trees were cut on Emerald Peak. The university maintains that the telescope site is about 90 percent cleared.

Yesterday Judge Procter Hug questioned the university's motive in removing the trees so quickly, saying it "sounds like the devil-may-care developer of a subdivision," who clears a construction site and then argues that since the environmental

ty's appeal of a July U.S. District Court ruling that additional environmental studies are needed before the controversial telescope project can continue.

Yesterday's ruling was another victory for the coalition of 18 environmental groups that sued the U.S. Forest Service in May to stop the largest of three telescopes approved for the mountain in the Coronado National Forest northeast of Tucson.

"It's gratifying, but the real issue is that they should never have been allowed to go ahead

damage has been done, the project may as well proceed.

But David Todd, an attorney representing the university, said the cutting "was not disrespect for the environment - it was because there already were too many delays in the project."

U.S. District Judge Alfredo C. Marquez of Tucson ruled on July 28 that the Forest Service and the Fish and Wildlife Service violated the Endangered Species Act and the National Environmental Policy Act by allowing the tree-cutting before additional environ-

and destroy part of the old-growth forest on that mountain - that's the issue that still needs to be addressed," said Robin Silver of the Maricopa Audubon Society, one of the plaintiffs in the case.

On Dec. 6, the U.S. Forest Service, with the concurrence of the U.S. Fish and Wildlife Service, allowed the university to begin clearing the Large Binocular Telescope site.

The 1.3-acre site is within spruce-fir forest that is critical to the survival of the Mount Graham

mental studies were carried out.

The UA appealed that ruling and asked the San Francisco court to allow the work to continue until the matter is resolved. Yesterday the panel denied the UA's motion for an emergency stay of the Marquez ruling.

"We computed that it was a low probability to get the emergency stay, so it's not surprising," said Michael Cusanovich, UA vice president for research.

In a two-paragraph ruling is-
See TELESCOPE, Page 2B

sued late yesterday afternoon, the appellate panel denied the UA's emergency motion "without prejudice to its making an additional application in the district court to secure permission to complete tree clearing, utility installation or site grading that would not interfere with possible future reforestation of the area."

That statement had both sides scratching their heads last night.

"It suggests that we can go back to Marquez, and if he agrees then we could do surface work, but we couldn't pour concrete," Cusanovich said.

Not surprisingly, Silver had a different interpretation.

"The only thing they can do

up there that would not interfere with future reforestation is to start packing up and moving," he said.

The Large Binocular Telescope is a collaboration between the UA, Italy's Arcetri Observatory, Ohio State University and Tucson-based Research Corp.

UA attorney Todd said the remaining site preparation required at the Large Binocular Telescope site wouldn't damage red squirrel habitat and must be completed before the season's first snowfall.

But Eric R. Glitzenstein, an attorney for the anti-scope coalition, said any additional work would permanently ruin red squirrel habitat.

The Arizona Daily Star
Tucson, Thursday, August 25, 1994



Joe James, the observatory's maintenance supervisor, looks over an area cleared on Mount Graham for one of the world's largest telescopes. Christine Keith/The Arizona Republic

Construction freeze is upheld

By Steve Yozwiak
The Arizona Republic

The creation of one of the world's most powerful telescopes was jeopardized Wednesday when a federal appeals court denied the University of Arizona's motion to continue construction on Mount Graham.

The ruling by the 9th U.S. Court of Appeals could doom the proposed \$60 million Large Binocular Telescope, which the university wants to build on Emerald Peak, a 10,477-foot knoll below the summit of Mount Graham.

University officials had told the court that delaying construction could cause its fragile international coalition of financial backers to evaporate.

But environmentalists argued that cutting more trees and leveling the top of Emerald Peak would permanently harm the habitat of the endangered Mount Graham red squirrel, which exists only at the top of this desert "sky island" in southeastern Arizona.

The San Francisco-based appeals court still

“
As far as we're concerned, this is just another nail in the coffin of a project that should never have gotten off the ground.”

ROBIN SILVER

A PHOENIX PHYSICIAN WHO HAS FOUGHT THE MOUNT GRAHAM INTERNATIONAL OBSERVATORY FOR THE PAST DECADE

must consider a larger appeal by the university, which will address whether Emerald Peak is within the site Congress exempted from environmental laws in 1988.

A hearing on that issue is not expected until November. The court's ruling Wednesday means that construction could not begin again until next spring, at the earliest, after winter snows melt. University officials argued that financial backers may not tolerate another delay.

Environmentalists said the court's decision to uphold the freeze on construction puts the legal momentum on their side.

"That gives us hope. As far as we're concerned, this is just another nail in the coffin of a project that should never have gotten off the ground," said Robin Silver, a Phoenix physician who has fought the Mount Graham International Observatory for the past decade.

University lawyer David Todd told the court that environmentalists are trying to kill, not merely delay, the Large Binocular Telescope. The construction freeze raises the "possibility the telescope may have to be outside the United States," he said.

A statement issued by the university after Wednesday's ruling, however, said that the decision was "not unexpected," and that the university will be joined in its larger appeal by the U.S. Department of Justice.

The university maintains that the Emerald

— See RULING, page B4

Ruling jeopardizes Mt. Graham project

— RULING, from page B1

Peak site would harm the red squirrel least. Environmentalists maintain that any harm to the squirrel's habitat is unacceptable.

On July 28, U.S. District Court Judge Alfredo Marquez in Tucson ruled that the U.S. Forest Service and the U.S. Fish and Wildlife Service illegally allowed UA to begin development of the Large Binocular Telescope.

Marquez agreed with environmentalists that the telescope was being planned at a site outside the area exempted by Congress, and that new environmental studies must be done before the project could proceed.

On Dec. 7 — in what environmentalists refer to as a Pearl Harbor-style "sneak attack" — university workers cut as many as 250 old-growth trees on Emerald Peak, just hours after getting Forest Service permission to do so.

University officials argued that it was necessary to move quickly to begin geologic tests in anticipation of construction this summer. Building has yet to begin, but the urgency of construction was one of the main arguments that the university used in its motion to overturn Marquez's order.

The university is planning a twin-mirror optical telescope whose power could rival that of the Hubble Space

Telescope.

The Large Binocular Telescope would be the centerpiece of the observatory complex, allowing the university to maintain its scientific pre-eminence, but perhaps disturbing the mountain-top environment enough to cause the eventual demise of the red squirrel.

University officials fear that their fragile coalition of investors could fall apart, leaving only two smaller telescopes already built to constitute the Mount Graham International Observatory.

Contributing to this article was *The Associated Press*.

We need to act now to save the last big trees

Charles Babbitt advocates responsible forest management

The issue in Southwestern forests today is not whether we can still preserve large tracts of virgin, old-growth timber. We cannot. The issue is whether we can act in time to save our few remaining big trees in stands that are large enough to prevent extinction of old-growth dependent species.

By most estimates, all but 10 percent of the Southwest's old-growth forest has been cut. Big trees have been logged at an ever increasing rate since the railroads first arrived in the late 1880s. As a result, today's forests have been radically changed. Across the landscape Southwestern forests have been transformed into monotonous even-aged tree farms dominated by young black-barked pines. Clear cutting has reduced large areas to ugly unregenerated wasteland. Giant yellow-barked ponderosa pines with their cathedral-like interlocking crowns are but a distant memory. Logging companies like Stone Forest Industries masquerading as a friend of the working man and using environmentalists as scapegoats are pushing to extract the last of these big commercially valuable old-growth trees. Logging companies want to log them in one last cutting binge before they pack up their equipment, close their mills and move on.

The history of the timber industry in the United States has been one of boom and bust cycles. The philosophy has always been to cut as much as possible, as fast as possible, and move on leaving subsequent generations to deal with the social, economic and environmental consequences of over cutting.

In the late 1800s for example, a timber binge in central Michigan led to an economic bust that plunged local communities into recession for nearly a half century. The same has happened on a smaller scale in Arizona. In the 1940s the big Saginaw Manistee lumber mill in Williams closed because the mill ran out of big trees. McNary, Arizona, has been a virtual ghost town since the 1970s in part because loggers ran out of trees to cut. Mill slowdowns, lay-offs and temporary closures were a regular occurrence in Arizona and New Mexico during and before the mid-1980s, long before there were environmentalists and spotted owls to blame. Among the reasons were market price fluctuations. In the case of Stone Forest Industries, mill layoffs and closures were a result of financial mismanagement by it and its parent, Stone Container Corp.

Multinational Stone Container Corp. became a debt-ridden giant in the 1980s as a result of massive borrowing and junk bond financing. Closure of Stone's saw mill in Flagstaff in 1993 had nothing to do with environmentalists. The company's headquarters in Chicago made



File photo

Logging out big trees from our forests is like mining an ore body. It is a finite resource and once removed it is gone for hundreds of years.

THE BODY POLITIC

a financial decision not to spend money to retool the mill to make it more profitable to cut smaller diameter trees. The big trees that the mill was tooled to cut had simply run out.

Although logging is very profitable, the industry plays a minor role in the overall economy of Arizona and New Mexico. In Arizona, the industry employs about 300 loggers and about 1,000 mill workers. When you include New Mexico the total for the two states is about 2,400 workers. The importance of the timber industry as an employer has been declining since at least the mid 1950s.

This decline has occurred even though

the industry logged record numbers of trees during the late 1980s. In spite of near record lumber production the industry eliminated 1,800 jobs between 1978 and 1988. This was due primarily to increased mechanization and company streamlining.

Short-sighted forest management policy and greed are responsible for the economic plight of small timber-dependent communities in Arizona and New Mexico.

Timber-dependent communities can only survive over the long term if the trees that support them are extracted on a sustainable basis. The timber industry likes to compare forests to crops that can be harvested and replanted over and over again. The analogy is not only misleading, it is false. Logging out big trees from our forests is like mining an ore body. It is a finite resource and once removed it is gone for good or, in the case of big trees, gone for hundreds of years.

Consider a young ponderosa pine tree that was only a seedling at the time the railroads arrived in Arizona in the 1880s. Today that tree is only a third to a half of

the way toward becoming a mature yellow-barked pine. It is easy to understand why the heavy logging that has gone on for the last 100 years has left forests with virtually no big old-growth trees. They have all been cut and not enough time has passed to allow new ones to reach maturity.

Logging company greed reached its peak during the 1980s. During that decade the industry exerted intense political pressure on Congress and the Forest Service to raise timber quotas to unrealistically high levels. A tremendous number of trees were cut and trucked from our National Forests. Saw mills ran around the clock. On the North Kaibab, the greed took a different form. Phoenix-based Kaibab Industries, the exclusive bidder on North Kaibab timber sales, is presently under investigation by the U.S. Attorney's office for the theft of thousands of big old-growth trees from the Kaibab plateau. Those trees were the property of U.S. taxpayers.

The fact that excessive logging was creating a severe economic and environmental problem did not go unnoticed. Responding to criticism from state game officials about excessive cutting a Forest Service official wrote in an internal memorandum in 1990 "our gut feeling tells us they are correct." Forest Service employees on the North Kaibab pleaded with their supervisors to ease up on logging because they were "at the wall" and could not prepare trees for sale fast enough. In 1990 environmentalists demanded that the Forest Service act to protect old-growth habitat on the North Kaibab after a Forest Service in-house study showed a dramatic and precipitous decline in the number of Northern Goshawks, and old-growth dependent species.

In spite of the warnings the excessive cutting continued. In an ironic twist, when the Forest Service finally started to require logging cutbacks it paid out more than \$6 million to the taxpayer-subsidized timber industry to compensate for timber contract reductions to protect goshawk and spotted owl habitats. The timber industry laughed all the way to the bank.

Today we are faced with a choice forced upon us by years of mismanagement and greed. We can either try to save the last of our big trees now, or allow them to be cut down in one last timber cutting binge and face the consequences in four or five years.

If we try to do the right thing now, some of our rarest wildlife will be saved for future generations of Arizonans. If we can save what is left of our big old-growth trees, rural communities will at least be left with something around which to rebuild their troubled economies.

If you are concerned about this issue, write a letter to the Regional Forester, 517 Gold Ave. SW, Albuquerque, N.M., 87102-0084.

Charles Babbitt is president of the Maricopa Audubon Society, a lawyer, and a fourth-generation Arizonan.

Perspective

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Pro & con: Tale of the trees

Environmentalists employing myths to discredit logging

By Gerald M. Freeman
 Special to the Tribune

In their efforts to eliminate timber harvests on the national forests, environmentalists have declared timber industry jobs to be of "no significant impact." This myth, along with several others, was created by the anti-logging forces to mislead Americans about their real intent. (Ironically, it also serves to perpetuate the "jobs vs. owls" debate, which environmentalists denounce as a "timber industry hoax").

The "no significant impact" myth has been especially popular among Southwestern environmentalists, who argue that the number of jobs that would be lost by eliminating timber harvests in Arizona and New Mexico national forests is so small that it would have "no significant impact" upon the region's economy.

Sadly, as their appeals and lawsuits remove more and more acres from harvesting and lead to fewer and fewer jobs, this argument grows ever more popular — and closer and closer to the truth.

It was much in evidence last November at the Commission on the Arizona Environment's forestry forum. Maricopa Audubon Society spokesman Bob Witzeman twice took to the microphone to argue that eliminating 1,400 logging and sawmill jobs would be a minor inconvenience in comparison to the 28,000 jobs that were lost "as a result of the peace dividend last year." (This is the same Bob Witzeman who was quoted in the *Arizona Republic* on the day the conference began: "We are concerned that this is an effort to whitewash the problems that the (timber) industry has").

Witzeman failed to express it clearly that day, but the myth usually sounds something like this: "The number of jobs we are talking about is very small, especially when you consider the layoffs that have occurred recently in other industries. And like those in other industries, the timber industry layoffs are really the result of changing economic conditions in today's society. Rather than fighting to keep their taxpayer-subsidized jobs, timber workers would be better off to accept the changes and find a new way to make a living, just as farmers, steel workers and coal miners have had to find new occupations to support their families."

Like the "dying industry" myth discussed previously ("Environmental Myths: Timber is a Dying Industry,") the "no significant impact" myth depends upon a very narrow definition of the timber industry.

By focusing only upon the number of logging and sawmill jobs, and ignoring the impact that the loss of these jobs will have on the rest of the wood-based industries, the environmentalists deliberately understate the importance of the timber economy. Only with such deceptions can the conclusion of "no significant impact" be reached.

Furthermore, as Arizona Gov. J. Fife Symington politely reminded Mr. Witzeman last fall, "talking about unemployment in the urban areas is one thing, but when you talk about unemployment in the rural areas, you're dealing with economies that are . . . very thin in terms of their employment base. So when you close down a mill,

Timber industry's exploitative ways threaten economy

By Charles Babbitt
 Special to the Tribune

The issue in Southwestern forests today is not whether we can still preserve large tracts of virgin old-growth timber. We cannot. The issue is whether we can act in time to save our few remaining big trees in stands that are large enough to prevent extinction of old-growth-dependent species.

By most estimates all but 10 percent of the Southwest's old-growth forest has been cut. Big trees have been logged at an ever increasing rate since the railroads first arrived in the late 1880s. As a result, today's forests have been radically changed.

Across the landscape, Southwestern forests have been transformed into monotonous even-aged tree farms dominated by young black-barked pines. Clearcutting has reduced large areas to ugly unregenerated wasteland. Giant yellow-barked ponderosa pines with their cathedral-like interlocking crowns are but a distant memory.

Logging companies like Stone Forest Industries masquerading as a friend of the working man and using environmentalists as scapegoats are pushing to extract the last of these big commercially valuable old-growth trees. Logging companies want to log them in one last cutting binge before they pack up their equipment, close their mills and move on.

The history of the timber industry in the United States has been one of boom and bust cycles. The guiding philosophy has always been to cut as much as possible, as fast as possible, and move on leaving subsequent generations to deal with the social, economic and environmental consequences of overcutting.

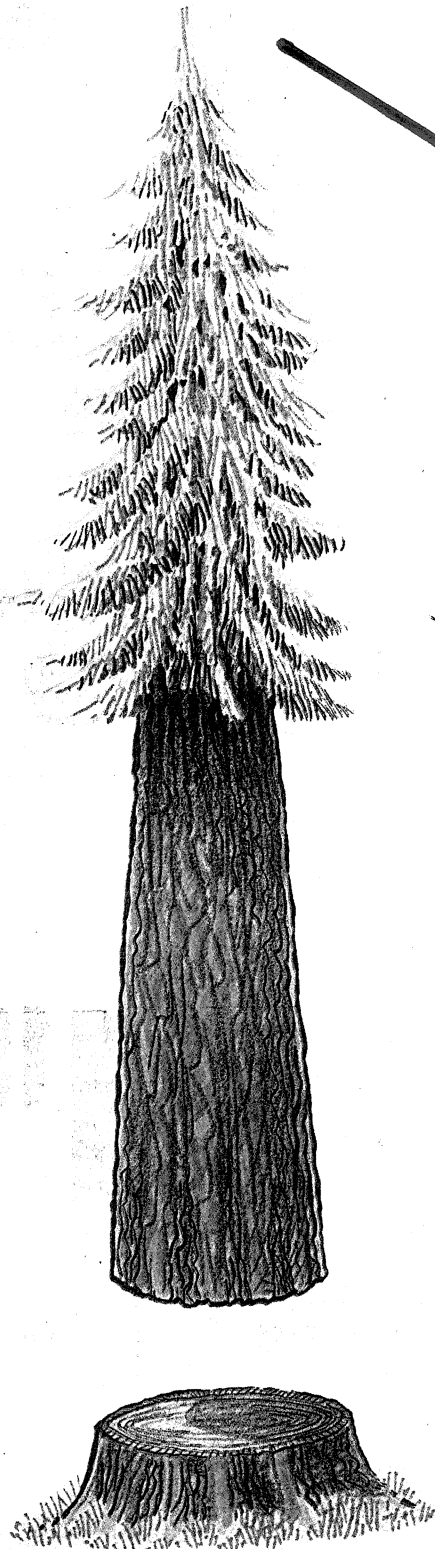
In the late 1800s for example, a timber binge in central Michigan led to an economic bust that plunged local communities into recession for nearly a half century. The same has happened on a smaller scale in Arizona.

In the 1940s, the big Saginaw Ministee lumber mill in Williams closed because the mill ran out of big trees. McNary has been a virtual ghost town since the 1970s in part because loggers ran out of trees to cut. Mill slowdowns, lay-offs and temporary closures were a regular occurrence in Arizona and New Mexico during and before the mid-1980s long before there were environmentalists and spotted owls to blame. Among the reasons were market price fluctuations.

In the case of Stone Forest Industries, mill lay-offs and closures were a result of financial mismanagement by it and its parent, Stone Container Corp. Multi-national Stone Container Corp. became a debt-ridden giant in the 1980s as a result of massive borrowing and junk bond financing.

Closure of Stone's sawmill in Flagstaff in 1993 had nothing to do with environmentalists. The company's headquarters in Chicago made a financial decision not to spend money to retool the mill to make it more profitable to cut smaller diameter trees. The big trees that the mill was tooled to cut had simply run out.

Although logging is very profitable, the industry plays a minor role in the overall economy of



Gov. Symington opposes citizen protest of how our public lands are managed!

VALLEY & STATE



Accountability in activist suits sought

By **Mary Jo Pitzl**
The Arizona Republic

The state should find a way to hold environmental groups accountable for lawsuits that potentially could lead to loss of jobs or private property, Gov. Fife Symington and House Speaker Mark Killian, said Thursday.

"Many of these extreme environmental groups file these lawsuits without any accountability," Symington said in a meeting at the state Capitol. "They have created economic damage and harm to individuals and private enterprise. They are, in a sense, violating people's civil rights, creating great economic harm."

Killian agreed, complaining that lawsuits protesting such things as logging in the national forests or violations of the federal Endangered Species Act have gone too far.

"Whose civil rights are we trying to protect here? A woodpecker's, or a family up there in the forest?" asked Killian, R-Mesa.

"I don't want to sound like a radical — I don't think I am a radical — but some balance has to be brought back to this."

Symington and Killian's comments came at the inaugural meeting of the Constitutional Defense Council, which was formed this year to launch lawsuits



Fife Symington / Speculates that environmental lawsuits could ultimately cause civil-rights violations.

challenging federal intervention into state affairs.

The governor urged council members to find "innovative ways" to hold plaintiffs who sue over environmental topics responsible for their actions. He speculated that environmental lawsuits could ultimately cause civil-rights violations if the legal actions led to job loss or an infringement on private property.

Charles Babbitt, president of the Maricopa Audubon Society, called Symington and Killian's comments "outrageous."

Babbitt complained that their comments indicate they want to curtail the right of the public to have a say in how federal lands are managed.

"This has nothing to do with civil rights," Babbitt said. "It has to do with company greed and the use of the forests."

"The deed of the public lands belongs to all of us; it does not belong to Governor Symington and Mr. Killian and all of their wealthy corporate friends."

The Audubon Society, with several other environmental groups, filed a lawsuit in U.S. District Court last week that Killian singled out as an example of the out-of-balance relationship between environmental policy and economic reality.

The suit challenges the U.S. Forest Service's decision to continue timber-cutting north of the Grand Canyon in the Kaibab National Forest. It alleges that the Forest Service violated its own rules by allowing logging to proceed without first completing an environmental-impact statement. The environmental groups are particularly concerned about the effect of logging on the goshawk.

Babbitt said the lawsuit is simply trying to make the Forest Service follow federal law.

"If the court finds that this is a frivolous lawsuit, I will polish Mr. Killian's shoes on the courthouse steps," he said.



FRIDAY
AUGUST 19, 1994

Editor,
Laurie Roberts
271-8222

Years of environmental education provided by MAS!

Jan. 20, 1995, AZ Republic

Lawyer's tips aid fledgling bird watchers

By Steve Cheseborough
Staff writer

TEMPE — Being a birder doesn't mean you have to love birds.

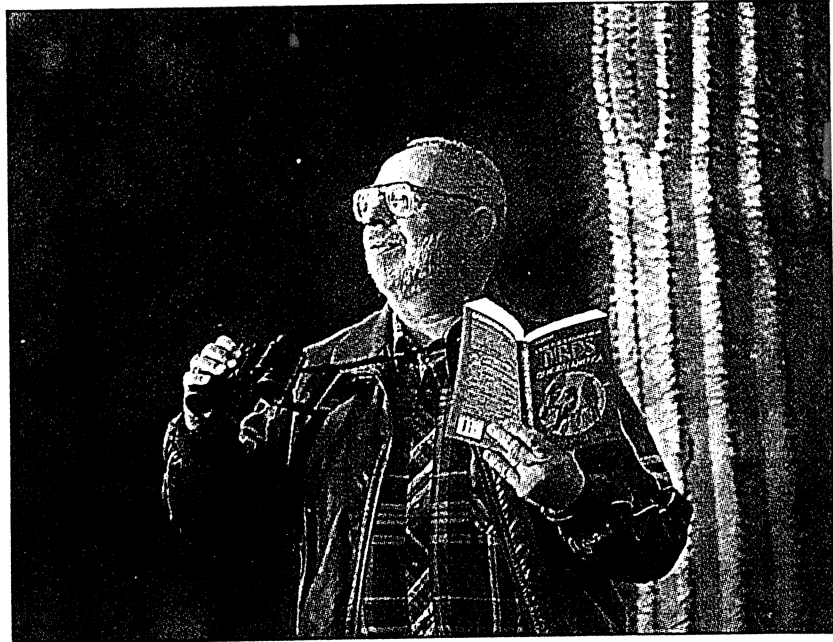
It doesn't mean you keep birds as pets.

And it certainly doesn't mean you put up a feeder in your yard.

So says Herb Fibel, past president of the Maricopa Audubon Society and teacher of the ever-popular Basic Birding class through Tempe's parks and recreation division.

Fibel, a Tempe lawyer who has been a serious birder for more than 30 years, says what he loves about the hobby is "seeing the birds and identifying them."

"I don't really love birds," he said. "I don't want a statue of a bird or a bird in
See BIRDS, Page 3



James Garcia / Staff photographer

"Birds seem to adapt well to circumstances," says Herb Fibel, who teaches a class in bird watching.

a cage.

"I enjoy watching their habits and how they cope, that sort of thing. They seem to adapt well to circumstances."

At his class, which begins another session Wednesday, Fibel covers equipment, etiquette, dressing appropriately, field guides, list-keeping and reporting rare-bird sightings.

The class meets evenings, which is not the best time to look for birds. But it consists of classroom instruction, applied on three Saturday daytime field trips.

Fibel's birding interest began while he was a Boy Scout in his hometown, New Rochelle, N.Y. He gave birding up as an adult, but started again after moving to Arizona in 1962 and noticing some

birds he hadn't seen before.

Fibel became more involved in birding and the Audubon Society. He began teaching the class in 1990. With a limit of 12 people, there is usually a waiting list.

Arizona is a good place to look for birds. Fibel said it has the third-greatest diversity of bird species among U.S. states (Texas and California are the only greater ones, and both of those have coastlines, which attract many bird species, and larger areas.)

Arizona's diversity is thanks to the state's great variety of life zones. Even without leaving the Valley it's possible to see many species, although good birding locations "get sparser and sparser as the area develops," Fibel said.

He doesn't disclose the sites of

the field trips until the last minute. "People might go scope it out ahead of time, which takes some of the fun out of it," he said.

People usually get drawn into birding after they spot an unfamiliar bird in their back yards, Fibel said.

They might go to a library or contact the Audubon Society to try to identify that bird. And then perhaps they take the big step — buying a pair of binoculars.

"It's impossible to study birds without binoculars. Binoculars and a good field guide," Fibel said.

Fibel's city-sponsored course is offered at 7:15 p.m. Wednesdays through March 8. It includes three Saturday field trips to be scheduled later.

Herb Fibel, an inspirational bird enthusiast, has accomplished much for our chapter including his service to our chapter as president, treasurer, and membership chair.

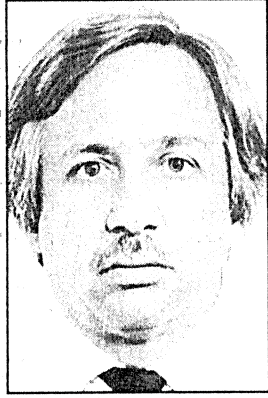
From 1989 through the present Herb has taught multiple Basic Birding classes each year with 8-10 students per class. Each session includes 7 one-hour classes and three field trips. Herb donates about 150 hours a year putting on these spring, fall, and winter sessions sponsored by Maricopa Audubon and Tempe Parks and Recreation.

Over the years, hundreds of people have graduated from Herb's classes. Many of Herb's students have joined MAS and served on our Board.

It's time to develop a state forest restoration plan

By CHARLES J. BABBITT

There is growing consensus among forest activist groups as to what specific steps must be taken to restore the Southwest's ponderosa pine and mixed conifer forests that have been severely impacted by decades of fire suppression, overlogging and grazing abuse. The Southwest Forest Alliance is now in the process of formulating detailed ecosystem restoration recommendations for the region's 11 national forests.



Charles J. Babbitt

Forest restoration planning requires an understanding of what presettlement forests were like as well as an understanding of the current state of Southwestern forest health. On both these

issues, there is broad agreement among forest activists.

Presettlement forests were characterized by large diameter trees with interlocking crowns that could be found in multiaged clumps or scattered even-aged blocks. It is believed, based on early surveys and data from comparable forests in the interior Northwest, that as much as 75 percent of the Southwest's presettlement ponderosa pine forest was in old growth. Best estimates place the entire forested landscape in 60 percent old growth.

Presettlement forests had dense, diverse, grassy understories with lush riparian areas and *cienagas*. Regularly occurring low-intensity ground fires burned through the ponderosa pine forest while sporadic stand-replacing crown fires occurred in the mixed

grass, too many young trees spring up. It is now believed that grazing plays an even greater role in the creation of dense forest thickets than does fire suppression. The implications are clear. We will never have balanced, functioning ecosystems as long as forest lands are overgrazed.

Under the guise of a forest health crisis, an environmentally hostile U.S. Congress recently passed a rider mandating salvage logging on our national forests. In so doing, Congress not only misdiagnosed the problem, but wrote the wrong prescription. The so-called forest health crisis is, in reality, nothing more than a blatant giveaway of the public's trees to the politically influential taxpayer-subsidized timber industry.

In the Southwest, when the Forest Service, timber industry and their political allies talk about a forest health crisis, they are usually referring to three things: overstocked forests with dense thickets of pole-sized trees; the threat of fire; and damage from insects and dwarf mistletoe. Their prescription for all these supposed ills is, of course, more logging.

The notion that our forests are on the brink of collapse is simply not borne out by the facts. It is true that in some places Southwestern forests are overstocked with dense stands of young trees, the legacy of decades of overgrazing and fire suppression. But it is not true of most of our forests. Even in those areas where overstocking is a problem, we must be careful not to embark on a wholesale thinning program. A conservative approach is called for because we must retain sufficient numbers of small trees to ensure that we will have enough big trees, snags and old growth for the future. And many wildlife species depend on the cover provided by dense thickets now that most of the big trees with their closed interlocking canopies have been cut.

The fire threat has been greatly exaggerated. Most of our recent big fires have been in lower elevation chaparral and woodland below the Mogollon Rim

conifer. Ponderosa pine and mixed conifer forests in the Gila, White Mountains and North Kaibab were very dense while the Coconino and Sitgreaves forests were in a more open condition.

A century of fire suppression, grazing and logging have radically changed our forests. Across the landscape, Southwestern forests are now much younger, shorter and more plantationlike. Four-hundred-year-old ponderosa pines were common at the turn of the century while today, a 120-year-old tree is considered mature. Whole classes of large diameter trees have been lost to logging. Between 1962 and 1986 nearly half of all remaining trees greater than 39 inches in diameter were cut down.

In spite of this, the Forest Service tries to maintain the fiction that there has been no appreciable loss of big trees over the decades. It makes this claim by engaging in statistical manipulation and by constantly changing the definition of old growth. Today, a large tree is defined as any tree over 17 inches in diameter. In 1908, foresters on the Kaibab National Forest did not even measure trees under 18 inches in diameter. At the turn of the century, some forests had average tree diameters of 24 inches. Today, the average tree diameter regionwide has dropped to only 6 inches. It is estimated overall, old growth in the Southwest has declined by 85 percent. Old growth ponderosa pine has declined by 95 percent.

Southwestern forests are badly overgrazed. There is virtually no place today where one can find areas described by early explorers as "carpets of gamma" and "luxurious avenues of grasses and flowers." A growing body of scientific literature cites grazing as a major contributor to forest overstocking. Grass prevents tree establishment and encourages fire. Without

rather than in dense forest habitat. Increased logging will not help in these areas. The forest pest problem, likewise, has been exaggerated. Interestingly, neither the Forest Service nor the timber industry mentioned major problems with insects or dwarf mistletoe in forest plans or industry timber sale appeals until the Forest Service was finally forced to begin selling less timber to the industry.

The vision of forest health shared by members of the Southwest Forest Alliance is to have balanced, functioning forest ecosystems that can accommodate naturally occurring disturbances like fire and outbreaks of insects and dwarf mistletoe.

It is now time to begin the process of restoring Southwestern forests. There is still much we do not know about forest ecology so our approach to forest management should be conservative. There is, however, general agreement among Southwestern forest activists that the following management goals must be implemented:

- Because of their rarity, there should be no further logging of mature yellow pines and old-growth habitat.
- There should be no further logging of trees greater than 16 inches in diameter.
- We must reintroduce fire in our forests with designated let-burn areas.
- We must restore native grass communities and riparian areas.
- Livestock should be removed from sensitive areas.
- There should be some selective thinning of dense young tree thickets to reduce fire hazard and protect older trees.
- We should strive to develop sustainable rural economies with small logging programs based around ecosystem restoration needs.

Charles J. Babbitt is a Phoenix lawyer, immediate past president and secretary of the Maricopa Audubon Society and a board member of the Southwest Forest Alliance.

Tucson, Tuesday, April 25, 1995

Appellate court upholds ban on telescope site

Project may go elsewhere

By Jim Erickson
The Arizona Daily Star

Astronomers lost another Mount Graham legal battle yesterday, and a UA vice president said it may soon be time to consider alternative telescope sites outside the country.

Upholding a lower-court decision, a panel of the 9th U.S. Circuit Court of Appeals ruled 2-1 that construction of the \$60 million Large Binocular Telescope cannot proceed until additional studies of the project's environmental impacts are conducted.

But Michael A. Cusanovich, University of Arizona vice president for research, said new studies are not an option because telescope opponents would use them to perpetuate the "endless cycle of delays."

The university may ask the full 9th U.S. Circuit Court of Appeals to hear the case, but no decision has been made, he said.

If the university appeals yesterday's decision and loses again, "We certainly would then pursue alternatives outside the U.S.," Cusanovich said.

"This is a vitally important project, and the project can function in any number of places," he said of the Large Binocular Telescope.

"The project is not site-specific, and I can't imagine a U.S. site they (opponents) would find ac-

ceptable," he said.

The Large Binocular Telescope is the biggest and most expensive of the three Mount Graham telescopes approved by Congress in 1988. Two of the telescopes have been completed on Mount Graham's 10,477-foot Emerald Peak, in the Coronado National Forest northeast of Tucson.

Opponents have filed three anti-observatory lawsuits since 1989, claiming the project violates environmental laws, destroys part of a unique mountain-top ecosystem, and desecrates a mountain sacred to some San Carlos Apaches.

The latest lawsuit was filed in May by a coalition of 18 environmental groups.

"We're elated," said Robin Silver of the Maricopa Audubon Society, one of the plaintiffs in the lawsuit.

New studies are not an option because telescope opponents would use them to perpetuate the "endless cycle of delays."

Michael A. Cusanovich
UA vice president for research

"The real question is when

will the university start acknowledging that it's time to move on, find an alternative site, and start behaving like a university should: respecting preservation of special places and Indian people."

In yesterday's 25-page opinion, two of the three judges agreed with a ruling issued in July by U.S. District Judge Alfredo C. Marquez of Tucson.

Marquez said the U.S. Forest Service and the U.S. Fish and Wildlife Service violated the Endangered Species Act and the National Environmental Policy Act by allowing the university to clear the third telescope site without fully assessing the environmental impacts.

Emerald Peak is within spruce-fir forest considered critical to the survival of a subspecies of red squirrel found only on Mount Graham. The three-telescope observatory and its access roads would occupy 8.6 acres.

The Large Binocular Telescope site that was partially cleared by the university in December 1993 is a few hundred yards east of the site approved by the Fish and Wildlife Service in 1988.

The approved site is identified on a 1988 map that is considered part of the Arizona-Idaho Conservation Act, the law that authorized immediate construction of three Mount Graham telescopes.

UA astronomers moved the telescope's location to gain sharper telescope images.

Yesterday, Judge Arthur Alarcon and Judge Samuel King said further studies are needed if the Large Binocular Telescope is to be built at any site other than the one marked on the 1988 map.

In a dissenting opinion, Judge Cynthia Holcomb Hall said the Arizona-Idaho Conservation Act gives the astronomers greater flexibility in siting the telescopes. Hall said the Large Binocular Telescope can be built anywhere within a 24-acre zone near Emerald Peak.