

UA dealt a setback on site of telescope

● A court ruling will force more impact studies for the Mount Graham project.

By DAN SORENSON
Citizen Staff Writer

Opponents of a University of Arizona plan to build one of the world's most powerful telescopes atop Mount Graham celebrated a federal appeals court ruling in their favor yesterday.

Meanwhile, UA officials vowed to continue with the telescope as planned and may appeal the decision within the week.

"What a great victory for the public and the mountain," said Anne Carl of the Student Environmental Action Coalition, Southwest.

"This is an absolutely fabulous

decision," added SEAC member David Hodges, "in light of the fact that for years the university has tried to run roughshod over students, Apaches, environmentalists, endangered species and the mountain itself. This is their reward and it can't feel good."

The 9th U.S. Circuit Court of Appeals yesterday ruled 2-1 that a 1988 federal law exempting UA from some environmental laws applied only to the original telescope site designated in the legislation and did not include a nearby site now favored by UA.

University officials switched sites for building the Large Binocular Telescope, claiming the new site - slightly outside the original area designated for several telescopes - would have less impact on



Strittmatter



Angel

the endangered Mount Graham Red Squirrel.

Federal agencies involved in monitoring use of land containing endangered species approved the change of sites on the mountain, considered sacred by some Apaches.

"I do think it shows the sort of 'Alice In Wonderland' way we proceed in these issues," said Peter Strittmatter, head of the UA's Department of Astronomy.

"We now have majority on the panel that says if we build on the nominal (original site), we have an OK. If we go to a site that has less impact, then we have to spend a whole lot of money and time. The point of this (suit by environmental groups) is to simply delay (the project)."

Despite the legal setback, none of UA's partners in the LBT project has been scared away, Strittmatter said.

Yesterday's ruling is the latest in over a decade of litigation and protest by environmental groups opposed to the UA Mount Graham International Observatory.

The observatory already has two operational telescopes and up to five more are planned.

Under the ruling, UA must go through the lengthy environmental impact statement process under the Endangered Species Act and

UA suffers setback on telescope

Continued from 1C

National Environmental Policy Act to use the preferred site.

"At long last, respect for the environment and respect for Indian people will be enforced within the astronomy community and the University of Arizona," said Robin Silver, conservation committee member of the Maricopa Audubon Society of Phoenix.

A coalition of environmental groups last year obtained an injunction against construction of the UA's proposed Large Binocular Telescope on a Mount Graham peak.

It was U.S. District Court Judge Alfredo C. Marquez's ruling that was upheld in yesterday's appeal.

Sharon Kha, UA's director of news services, said the university has five days to decide whether to request another ruling by a larger panel of judges from the 9th District.

Roger Angel, a UA professor and head of the Steward Observatory Mirror Lab, said the ruling

would not alter plans to go ahead with casting mirrors for the LBT.

He said crews are building the mold for the first of two 8.4-meter mirrors that will make up the LBT. Current schedule calls for casting the mirror next year.

"There's no talk of holding off at the moment," said Angel. "What I've seen of the court decision, it seemed to indicate that the law had made provisions for building on the (original) site. . . . I certainly don't think we've given up on the (second) site at this point.

"If you wanted to hurt the ESA (Endangered Species Act) this year when it's being reconsidered, this certainly would be the thing to do. To make this unbelievably strict interpretation, which was intended to reduce impact on the squirrels, is absolutely incredible. . . . nitpicking, obviously to slow down the move. This doesn't seem to go with the spirit, the intent of the law."

UA officials maintained that a late study of the squirrel habitats on the mountain showed that the second site was less preferred by

the endangered squirrels.

But opponents of the second site said the UA used that reasoning only when wind-buffeting problems were noticed at the first site. Wind, heat, humidity, air pollution and man-made light distort the images gathered by telescopes.

"No, no, no . . . that's just all nonsense put out by opponents of the observatory," said Strittmatter. "Wind buffeting never had anything to do with it. There are minor differences in (viewing clarity between the two sites).

"We proposed the site we thought would have the minimum impact. We said we'd go to the nominal (first) site and then we were asked to go to this site (by UA and federal wildlife biologists)."

He said the LBT will be used for many more purposes than Hawaii's Keck, the world's most powerful telescope.

Construction of the UA telescope was to have begun already, with a completion date of 1999, according to Strittmatter.



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FRIDAY, APRIL 28, 1995

"Where the spirit of the Lord is, there is liberty." — II Corinthians 3:17

The 9th Circuit's ruling on the site for a Mount Graham telescope is a stunning setback for UofA's controversial project.

The law sides with a mountain

The University of Arizona has suffered its most stunning defeat of the last decade. It didn't happen on the basketball court; it didn't happen on the football field — it happened in a court of law.

Upholding an earlier decision by U.S. District Judge Alfredo C. Marquez, the 9th U.S. Circuit Court of Appeals recently ruled 2-1 that the UofA must obtain a new environmental review before building its third and most important telescope on Mount Graham, a 10,716-foot-high summit 140 miles northeast of Tucson in the southernmost well-developed spruce fir forest in North America.

The defeat was particularly profound for the university because since 1988, it has pretty much had its way on the mountain.

Seven years ago the Arizona congressional delegation pushed through federal legislation that exempted the UofA from the National Environmental Policy Act and all other environmental laws, including the Endangered Species Act. That action allowed telescope construction on a mountain that not only is environmentally sensitive, especially its population of red squirrels, but also held sacred by the Apaches.

"The UofA and the state of Arizona have already waited four years for the Forest Service to reach a final decision on the astrophysical facility," said Sen. Dennis DeConcini in 1988 in urging his colleagues toward swift approval of the siting of the telescopes.

"It appears it may take anywhere from two to four additional years for a final decision to be made. Arizona cannot wait that long. Without the legislation, the university will lose potential sponsors for telescopes to be sited on Mount Graham."

But in the rush to build on the mountain, the university made a significant error in the site of the \$60-million Large Binocular Telescope (formerly called the Columbus).

Worst of six sites

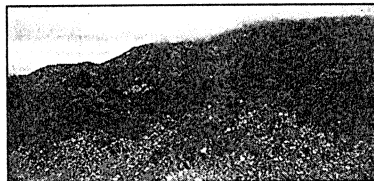
UofA scientists simply didn't do their homework. Using flawed data when selecting the original site, they chose the worst of six possible mountain locations.

Legal proscriptions against building the telescopes anywhere but "clustered off the west end of the existing fuel-break" prevented a move of that site without triggering all sorts of messy environmental reviews.

But with the help of the U.S. Fish and Wildlife Service and the Forest Service, the university managed to fudge the difference between east and west as

mentioned in the law. It obtained permission to build on a new site (in an area that has had more squirrels in each year of the preceding six years of study) that increases the cluster's perimeter of land disturbed — its "footprint" — as well as peripheral damage — its "edge effect" — of cumulative forest destruction.

Fish and Wildlife Service Regional Director Michael Spear has been accused of ignoring warnings from his own biologists that the construction project would threaten the existence of the red squirrel. But the case before the 9th Circuit was about geography, not the environment. Was the UofA moving its



File photo
A new environmental review is ordered before scope can be built

construction site outside that area approved by Congress? In other words, was east still east and west still west on the mountain?

Answer: Yes, though in lone dissent Judge Cynthia Holcomb Hall had difficulty with that concept, saying she interpreted the 1988 law to give "discretion (to) the Forest Service to site the telescope as it sees fit" within a 24-acre zone.

But the 24 acres in the law refers to the footprint size of the future seven-telescope project approved within a 150-acre region — not the cluster of three telescopes with an 8.6 acre footprint under consideration.

Quite simply, it was not hard for the other two judges to grasp the geographic difference between east and west. The UofA was improperly building to the east, while the law says the university has to build in the west.

More to consider

Now the issue shifts from geography to biology. If the project is to continue where the UofA wants it to continue, the Forest Service will have to consider, among other things, the traditional cultural properties of the Apaches — the sort of information that requires talking to them, not simply surveying the ground for archaeological finds as did the Forest Service on Mount Graham in the past.

As we have noted before, UofA officials are not ecological devils purposely seeking the destruction of a priceless sky island. Further, we recognize that some opponents of the telescope construction project have thrown down any obstacle they can find in order to stop construction.

But it is not the environmentalists who have won here. It is the Apaches, the squirrels and the law that have won. At least for a while, the mountain can take a deep breath and savor the victory, the importance of which it alone fully understands.

Deadline clouds telescope exemption sought

By Steve Yozwiak
Staff writer

Promoters of the world's largest telescope said Wednesday that Congress must provide them with another exemption to federal environmental laws by mid-October or they will lose their European financiers and the project on Mount Graham will be dead.

Environmentalists said the University of Arizona once again is trying to evade the Endangered Species Act and circumvent a recent federal appeals-court ruling that halted construction of the \$80 million Large Binocular Telescope.

Environmentalists even pulled copies of the *Congressional Record* from 1988, in which Sen. John McCain, R-Ariz., urged congressional passage of an exemption to keep German partners from withdrawing from the Mount Graham International Observatory.

"We have a different problem this time. Our Italian backers have said this is it," Jim Slagle, assistant director of the telescope project, told the editorial board of *The Arizona Republic*.

A federal appeals court last month upheld a lower court ruling that halted construction of the telescope last year. The courts said the university plan to build the telescope outside the area designated by Con-

gress in 1988, when federal lawmakers first sought to exempt the project from environmental laws.

The courts have ruled that comprehensive environmental studies of the rare alpine forest just west of Mount

Telescope backers seeking environmental exemption

— TELESCOPE, from page A1

Graham in the Pinaleno Mountains are required before construction of the Large Binocular Telescope can proceed.

Telescope backers said Wednesday that the environmental studies would take too long, at up to two years or more, and that an appeal to the U.S. Supreme Court also is out of the question.

Their only option, they said, is to persuade Congress to pass an amendment allowing the project to go forward.

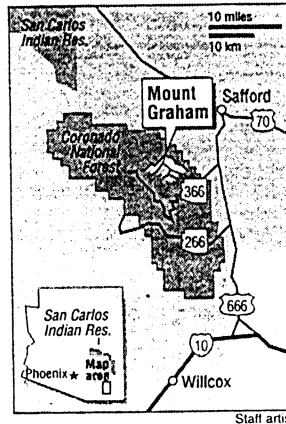
"If Congress doesn't move forward with something that's in black and white and with some semblance of it's going to pass by mid-October, I think we're in serious trouble," said Graham County Manager Joe Carter, who has been pushing the telescope project for 15 years.

"The international partners on this project want to see something real from Arizona, not the talk that we've given them for all these years."

Charlie Babbitt, a board member of the Maricopa Audubon Society and a longtime opponent of the telescope and two other scopes on Mount Graham, said it was "pathetic" to try to scare Congress into action because of the supposed loss of funding.

"That's exactly the argument they used the last time around," Babbitt said.

"I think they fear additional study. They're not willing to stand by and



Staff artist

trust scientific, biological studies. Instead, they're running off and trying to get the thing exempted by Congress again."

Getting Congress to act could be tricky, said Doug Nick, a spokesman for Rep. Jim Kolbe, R-Ariz., whose district includes Mount Graham.

Kolbe aides are scrambling to find an appropriate bill onto which to attach the exemption.

"Let's not drag this out any longer," Nick said. "It's time to finish the project and let the science begin."

Kolbe announced last week that he would be a rider to another bill already in the legislative pipeline. UA

spokesman David Steele said the amendment would be a "clarification" of the 1988 measure, which Kolbe helped sponsor. Steele said the 1988 measure was intended to give the U.S. Forest Service discretion in locating the telescopes.

Two small telescopes have been completed, one for the Vatican and another for the German Max Planck Institute.

Environmentalists said that the Large Binocular Telescope could be built elsewhere and that the two existing telescopes could be relocated. Backers say that could happen if Congress fails to act, and if it did, Arizona would lose millions of dollars in investments and job creation.

The university, with the permission of the Forest Service, cleared an area for the third and biggest telescope on Dec. 7, 1993. Environmentalists said the area was outside a specific one designated for the telescopes, and the courts upheld their position.

But Florence Nelson, director of the Desert Center of Scottsdale and a promoter of the telescope project, said Congress should not allow environmental laws to halt progress in astronomy and economic development.

"We already are the laughingstock of Europe," Nelson said. "To try to talk to our European investors about this ... and try to explain the Endangered Species Act, they say, 'Well, does the whole world revolve around animals?'"

Kolbe to push completion of Mt. Graham telescope

By Jim Erickson
The Arizona Daily Star

8/24/95

Rep. Jim Kolbe said yesterday that he will introduce legislation to allow construction of the largest Mount Graham telescope to move ahead.

Construction of the University of Arizona's \$60 million Large Binocular Telescope has been delayed more than a year by court rulings stemming from a May 1994 anti-observatory lawsuit filed by a coalition of 18 environmental groups.

The courts have ruled that additional environmental studies must be done before work can resume at Graham's 10,477-foot Emerald Peak. But UA astronomers say the studies would cause unacceptable delays.

The Mount Graham International Observatory was authorized in 1988 by the Arizona-Idaho Conservation Act. It called for the immediate construction of three telescopes on Mount Graham, in the Coronado National Forest northeast of Tucson.

Two of the scopes are in operation, and a site for the third and largest was partially cleared in December 1993 - before the court blocked construction.

"I think that if the telescopes are going to be built it's going to require that Congress clarify its intentions on the Arizona-Idaho Conservation Act," said Kolbe, a

Republican.

"I'm certainly going to look for any legislative vehicle I can find to put in the appropriate language to clarify this."

The 1988 legislation included a map and wording that described the Mount Graham International Observatory telescope sites. Because the UA's current Large Binocular Telescope site differs from the location pictured on the 1988 map and described in the act, the courts have ruled that additional environmental studies are required.

But Kolbe said yesterday that legislators never intended to lock UA astronomers into the three sites pictured on the map.

"There is no doubt that we intended to designate the places that were least intrusive" to the endangered Mount Graham red squirrel, which lives in the spruce-fir forest where the 8.6-acre observatory is being built.

"We thought that those were three sites that did it (minimized impact on the squirrel), but the intent was not to be locked in," he said.

But longtime observatory opponent Robin Silver said Kolbe is rewriting history.

"It was expressly the intent to lock them (UA astronomers) into a site because everybody felt so strongly that they should never

be in the Emerald Peak area anyway," Silver said yesterday.

"And they shouldn't be there because the Emerald Peak area contains some of the most intact old-growth canopy (forest) surviving in Arizona," said Silver, of the Maricopa Audubon Society.

Michael Cusanovich, UA vice-president for research, said the university did not "officially" ask the Arizona congressional delegation to resolve the Mount Graham issue legislatively.

But Cusanovich said that as a private citizen and an Arizona resident he wrote to delegation members and "suggested that I believe a legislative solution is an appropriate solution."

This month the town of Thatcher and the board of supervisors in Graham and Cochise counties passed resolutions calling for immediate action by Congress to allow telescope construction.

Cusanovich said the resolutions reflect a "groundswell of public support for the observatory." He said the university didn't request the resolutions.

"If you're asking me did we orchestrate this, no we certainly haven't," Cusanovich said. "But certainly we appreciate the support."

See TELESCOPE, Page 2B

What is on Mt. Graham today – 11 years later – after a series of back and forth courtroom decisions?

One small optical telescope (Vatican) and one radiotelescope plagued by Mt. Graham's bad weather and marginal visibility.

(LBT = large binocular telescope)

UA's huge LBT has been fraught with continuous construction blunders and delays. It was originally scheduled "to be built" by 1992. It is still unknown years, if ever, from binocular function. It has been left in the dust by larger, functioning telescopes in Hawaii and Chile.

Both of LBT's secondary mirrors were rendered nonfunctional by construction and production blunders.

UA's Mt. Graham observatory has been specifically rejected by over forty institutions (see rejection chronology page to follow).

LBT Construction schedule slippage

Spring/Summer 1987:¹ UA says they will "make a mirror 31.5 inches across—that's 26 feet or 8 meters—by 1989" and that the "Columbus project" of UA, OSU, U. of Chicago, Arcetri "to be built by 1992."

Sept. 1991:² UA says they will began "casting of a series of mirrors that are 8 meters...beginning in 1992." and they expect "to maintain a casting-polishing schedule that will produce an 8-meter mirror at 9-month to 12-month intervals."

Oct. 23, 1991:³ UA says LBT first mirror to be complete late 1994, second mirror late 1997

Sept. 8, 1993:⁴ UA Mirror Lab director J.H. Hill sets 1st mirror completion July 1997 (cost \$4.6 million).

March 18, 1994:⁵ Peter Strittmatter says 1st mirror installed by late '97 or early 1998; 2nd mirror 2003 (\$38.5 million 1st phase cost, \$20 million 2nd phase cost).

Nov 25, 96:⁶ UA's James Slagle declares first mirror will be "operational" in 2001 on Mt. Graham.

Jan. 18, 1997:⁷ First finally casts first LBT mirror, casting was abortive -- recast in Sept. '97.

Sept. 13, 1997:⁸ UA's Peter Strittmatter says 1st mirror "will be installed" in 2001, 2nd in 2003

Feb. 21 2000:⁹ UA website says 1st light Jan. 2003, 2nd light May 2004

August 2002:¹⁰ Discovery Park website says LBT "assembly began in 2002, "complete" 2005

¹ "Report on Research," Spring/Summer 1987, Vol 4, No. 2, University of Arizona, p. 28

² "Steward Observatory Mirror Laboratory" brochure 1991

³ Booz-Allen-Hamilton/fide UA Mirror Lab, "UA Mount Graham Observatory Review Issues," Oct. 23, 1991, p. 28

⁴ Stephen Hinman, Mirror Lab Director, letter to JH Hill, Director, LBT Project, Sept. 8, 1993

⁵ Tucson Citizen, March 18, 1994

⁶ Arizona Daily Star, Jim Erickson, Nov. 25, 1996

⁷ Arizona Daily Star, Jim Erickson, Jan. 21, 1998

⁸ Arizona Daily Star, Jim Erickson, Sept. 13, 1997

⁹ <http://medusa.as.arizona.edu/lbtwww/prog0200.html>

¹⁰ <http://www.discoverypark.com/>

¹¹ Astronomy Magazine, Aug. 2000, p. 36

CHRONOLOGY OF UNIVERSITIES REJECTING U. OF ARIZONA'S MT. GRAHAM TELESCOPES

“Marginal to unacceptable” visibility, bad weather, bad economics, evasion and circumvention of U.S. environmental and Native American religious protection laws, last place mirror technology cited.

National Optical Astronomy Observatories (NOAO), funding the leading U.S. astronomy universities, the Association of Universities for Research in Astronomy (AURA) incl. **Cal Tech, UC Oakland, Colorado, Arizona, Harvard, Hawaii, Illinois, Indiana, Iowa State, Johns Hopkins, Maryland, MIT, Mich., New York-SB, Ohio State, Penn State, Princeton, Texas, UA, Washington, Wisc-Mad., and Yale** submitted plans to USFS (1984) to build four, interconnected, 8-meter telescopes on Mt. Graham. AURA, after extensive ('83-'87) studies, identified 37 better continental U.S. sites than Mt. Graham, and Chile and Hawaii clearly superior. AURA abandoned Mt. G in 1987. They noted that Mt. G. had bad visibility and observing weather (clear only half the time- costly/night). Four years after UA lobbied through Congress ('88) their notorious rider, UA belatedly discovered they had lobbied Congress for the worst site (visibility) on Mt. G. -- “unacceptable” to “marginal” visibility by UA’s own studies. Due to UA mirror lab problems, and a 15-year delay in obtaining partners, the LBT awaits completion-- in 11th or nearly last place in the world race to complete 8-meter or larger telescopes.

Harvard/Smithsonian: abandoned their proposed Mt. Graham radio telescope May 1991. Harvard scientist Stephen Jay Gould commented upon the environmental harm caused by telescopes on Mt. Graham.

Ohio State U: Regents, Provost and President oppose Mt. Graham for cultural and environmental reasons and abandon their \$15 million, 25% LBT partnership in Sept. '91. Five years later OSU attempts to recover their lost fees from UA and re-joins as a lesser, 12.5% partner.

U. of Toronto: rejects the LBT Jan. 1994. Environmental and Native American concerns were key factors, though UT sites bad economics as well.

Michigan State University: rejects LBT Mar. 1994 -- cites cultural, environmental impacts, bad economics.

U. of Pittsburgh: Rejected LBT April '94. Cultural, environmental impacts, bad economics cited. Pittsburgh City Council resolution said project would “tarnish the image of the Pittsburgh community.”

U. of Texas: 5-meter Mt. G. telescope protested on UT campus. UT cites not wanting “to tough it out” on Mt. Graham’s “legal challenges” rejects Mt. Graham controversy (March 1987).

Penn State and Stanford dismiss LBT, join UT in the 9.2-meter Hobby-Eberly telescope (1st light '96).

U. of Chicago: Nov. 1988, UC abandons \$15 million, 25% LBT partnership at time of UA’s controversial congressional rider. UC claims budgetary problems – to allow UA to save face.

Cal Tech/NASA: rejects Mt. Graham in 1990, choose other sites in Arizona.

Carnegie Institute: '92, **Harvard:** '95, **MIT:** '96, **Michigan:** '96, reject consideration of LBT, join twin 6.5-meter mirror Magellan project in Chile.

Georgia State: '95, rejects Mt. Graham, opts for Mt. Wilson.

U. of Florida: heavily courted by UA since '95, spurns LBT, joins 10.4-meter Canary Is. telescope (2001).

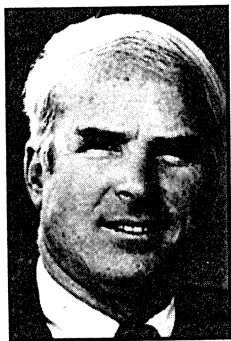
Dartmouth: despite UA courtship, opts for 9.1-meter Southern African Large Telescope (SALT), June 2001; **Wisconsin, Carnegie-Mellon: N. Carolina-Chapel Hill: Rutgers:** reject LBT, join SALT ('00-01).

Max Planck Radio Astronomy Inst. (Bonn): 2002. After 10 years observing on Mt. Graham, M.P. declines to renew the 50/50 UA/M.P. partnership; builds a new radio-telescope in Chile. M.P. said they were “not very satisfied” with Mt. Graham’s observation qualities. “We were handicapped because the quality of the weather is not first-class.” “We would like to cooperate in projects with more efficient telescopes.” aura.doc

Special televisions written by Joseph Fraum app
As with most legislators, there are times we love them and times we do not. Mt. Graham was not John McCain's finest hour. On the other hand he has shown great intuition on ANWR etc. This brochure was printed Dec. 1990 by the "Coalition to Save Mt. Graham."

A ribbon commission on a new endangered species study. As part of the Bush-Sununu-Lujan offensive to weaken the Endangered Species Act (ESA), the Administration, in August 1990, blocked any new study and declared the Mt. Graham rider exempted the squirrel from the ESA. This was astonishing since every key Congressional member associated with the "rider" did not intend to have the rider weaken the ESA. But it was consistent with Lujan's recent public statement: "Nobody has told me the difference between a red squirrel, a black one, or a brown one. Do we have to save every subspecies?"

McCAIN SECRET AGREEMENT DESTROYS ENVIRONMENTAL SAFEGUARDS



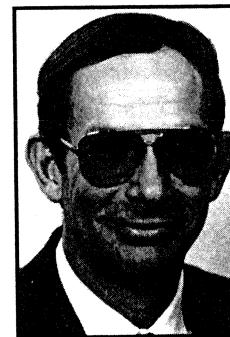
Sen. John McCain told a Tucson forest supervisor: "if he did not cooperate on this project [meaning to bypass endangered species safeguards], he would be the shortest tenured Forest Supervisor in the history of the Forest Service."

Transcripts by GAO Mt. Graham investigators documented a May 18, 1989 meeting in Sen. McCain's Washington office with Sen. DeConcini and Rep. Kolbe, their staff, and three USFS personnel. McCain "read the riot act" to the USFS personnel and threatened Coronado Forest Supervisor Jim Abbott with his job because the forester had delayed the project in order to assure USFS compliance with endangered species law.

Even worse, the GAO investigation documented a clandestine "understanding" between McCain and Chief Forester Dale Robertson to expedite the project, apparently regardless of any environmental laws. After McCain's May 18 threats and

his insistence on enforcement of his secret "understanding" with Robertson, all outstanding USFS environmental and endangered species appeals were immediately denied.

From this time on, the USFS chose to essentially ignore all U.S. environmental law on Mt. Graham. This has included at least six major USFS violations of the Endangered Species Act, and even a USFS approval of an illegal UofA attempt to increase the project's size by 40% more than Congress authorized.



Dale Robertson, Chief, U.S. Forest Service. GAO documented his "understanding" with McCain to "move expeditiously." GAO documented that Robertson cancelled all endangered species appeals after McCain's demand to cancel them.

GAO Exposé of McCain/Robertson "Agreement"

The GAO transcript stated: "Mike Jimenez from Sen. McCain's office called the USFS [May 17, 1989] to say that the Senators [McCain and DeConcini] were angry over the USFS regional decision to grant the stay in road building [to hear endangered species appeals of environmental law], and that during the briefing already scheduled there would be some 'ass-chewing.'"

The transcript said that Sen. McCain and USFS Chief Robertson "...had an understanding that the USFS would not stand in the way and would facilitate the Mt. Graham project" [apparently despite environmental law.]

"At the outset of the meeting [May 18, 1989] McCain 'read the USFS staff the riot act.' McCain did 90% of the talking during the 1-1 1/2 hour meeting. During McCain's oration he severely chastised the USFS for dragging its feet. He said he had an understanding with the Chief [Robertson] and he was very upset that the understanding was not being honored as evidenced by the USFS recommendation to grant the stay [for the environmental appeals]."

"During this expression of anger, McCain told James Abbott [Supervisor, Coronado N.F.] that 'if he did not cooperate on this project he would be the shortest tenured Forest Supervisor in the history of the Forest Service.'"

"McCain concluded by stating that he perceived the stay [for endangered species appeals] as a delay. He further said the staff should tell the Chief [Robertson] that McCain believed the stay should not be approved. Quote 'The message better get back to the Chief.' The next morning the USFS staff got back with the Chief and "...the Chief confirmed a previous understanding with McCain." The Chief directed USFS in Albuquerque and Tucson "to deny the stay [on environmental appeals]."

The Great Fireproofing-Our-Forests Ruse

by Bob Witzeman

This ran in Maricopa Audubon and other conservation newsletters in Arizona

Let us be as gentle guests of Lady Nature—not as harsh hosts.

—William Shakespeare

It is a long drive to Mount Trumbull on the Arizona Strip—more than eight hours from Phoenix for five hikers and birders who recently drove there. The area at the base of this mountain is being used as a testing ground by the Bureau of Land Management, Northern Arizona University (NAU) School of Forestry, and Congress. It's a model, a potential sample of things to come, of "fireproofed," "restored," and "healthy" forests. It's called "Ponderosa Pine Ecosystem Restoration" or "Pre-Settlement Restoration."

In the yet to be "restored" area we saw Pinyon Jays, Acorn Woodpeckers, Hairy Woodpeckers, nuthatches, and chickadees. Great Horned Owls had already moved into the "restored" (logged) area. Great Horned Owls prefer disturbed, logged, open areas where they subsequently drive out the Spotted and Flammulated Owls (the latter were heard in the area before logging). Chances for Spotted Owl habitat after this "presettlement restoration" will be nil.

Is "pre-settlement restoration" forestry a political ploy to drum up support for continued overlogging of our national forests? "Before and after" photos show the disappearance of what one could call a forest. A few isolated, windstorm-vulnerable trees were all that remained. There are few snags of any size. Large diameter trees, up to 30-inches, were logged. The trees left behind to replace healthy, towering, full-canopied yellow pines that once existed on this site are too small to create shade and wildlife habitat that existed in a "pre-settlement" forest.

Fresh cowpies also were apparent in the newly logged area. The Mt. Trumbull Environmental Assessment states that cattle will resume grazing 50% of the available forage after "recovery." Without removing cattle, Congressional approval of laws that attempt to "fireproof" our forests are a foolish matter, since cattle are one of the major causes of forest fires.

Cattle grazing, combined with logging and fire control, create dense pole-thickets that become laddering fuels which ignite mature and old-growth ponderosas. Grazing reduces the presence of grasses and the herbaceous understory which, in turn, prevent coniferous seedling domination. Grass allows low intensity fire to periodically burn the excessive numbers of pine saplings. The thickness of the grass mat and the competition for soil moisture by grass helps control this pine sapling domination.

If the Mt. Trumbull definition of "pre-settlement" restoration becomes a reality, we can kiss most of our best shade trees goodbye. Our forests will be dry, hot places incapable of slowing down wind or giving us shade. How forest species would survive in these open meadows is difficult to comprehend.

Logging trucks hauled off large, mature logs to pay for this "restoration" carnage. This sale earned 20% of the original revenue estimated by NAU. It would not have sold at all if they had not sacrificed hundreds of large, towering trees in this 43-acre sale area. One-quarter of the volume of lumber removed came from trees 20-inches or more in diameter.

"Ecosystem restoration" and "Forest Health" are the environmental buzzwords for the nineties. The drought and subsequent fire season, along with these buzzword concepts, are being used to perpetuate large scale logging operations. "Restoration" appears to be about senators and representatives who receive thousands of dollars in campaign contributions from logging companies. Like the University of Arizona on Mt. Graham, it's about university professors garnering costly, taxpayer-financed federal grants, and Congress tied to an industry that thinks nothing of destroying our Southwest's unique and irreplaceable forests, rangelands, and biotic communities.



Mt. Trumbull, Arizona. The early stages of NAU's "Pre-settlement Restoration" planning for "fire control" of the Southwest's ponderosa pine forests.

—Janet Witzeman photo



The end result at the same site after completion of this "fire control" recipe planned by the NAU Forestry School and now being promoted for southwestern forests by Arizona congressmen. Note lack of old-growth trees, lack of shade, and large stumps in foreground.

—Bob Witzeman photo

Drought, fire danger no reason

The Arizona Republic Tuesday, July 23, 1996

By Charles J. Babbitt

GUEST COLUMN

Severe drought with low humidity and high winds have produced one of the most active forest-fire seasons in memory. Predictably, the timber industry, the Forest Service and their allies are using the fires to drum up support for cutting the last of the region's big old-growth trees.

After nearly a century of fire suppression, logging and overgrazing, Southwestern forests are less fire resistant and more prone to large wildfires. Legislative efforts to increase fire suppression budgets and authorize more logging will only exacerbate the problem.

Today, there is virtually no unlogged forest in the Southwest.

Ninety-five percent of our big, fire-resistant Ponderosa pines have been cut. Eighty-five percent of our old-growth conifer forest has been logged. And the timber industry argues that more logging is needed to thin forests to decrease wildfire size and intensity.

Often overlooked is that a number of Arizona's biggest, most infamous fires have occurred in areas dominated by chaparral with little or no merchantable timber. These areas, mostly below the Mogollon Rim, are combustible due to their vegetative composition and topography.

The 60,000-acre Carrizzo/Bull Flat fire (1971), the 30,000-acre Dude Fire (1990) and the 50,000-acre Lone Fire (1996) are examples.

Logging would have had no effect on the size or intensity of these fires. They have, however, often been exploited politically to advance the agenda of the timber industry and Forest Service.

Contrary to industry claims, the Dude Fire showed no appreciable difference in burn between logged vs. unlogged forest. In May, the Horseshoe Fire north of Flagstaff burned through a recently thinned forest. A month later the Pot Fire on West Clear Creek raced through old Aztec sections that were heavily logged in the early 1980's and that

to cut old-growth trees

are virtual clear cuts in some places. Scattered clumps of big, yellow fire-resistant pines were left virtually unscathed. It is these big commercially valuable trees that the industry wants to cut under the guise of reducing the fire hazard and improving forest health.

In many instances, logging operations are directly or indirectly responsible for fires. The Horseshoe Fire ignited from smoldering debris left by a logging contractor. Slash (the unused limbs, treetops, and other woody debris) has been a contributing factor in the Dudley Fire (1956), the Spring Fire (1974) and the Chino Springs Fire (1996).

Naturally occurring wildfires have always played a role in South-

western forest ecology. Historically, regularly occurring low-intensity ground fires reduced fuel buildups and prevented crown fires in the Ponderosa Pine forest. Infrequent stand replacing fires regenerated the conifer forest. The aspen trees that now blanket the north side of Escudilla Mountain near Alpine are a result of a regenerating burn in 1951.

Continued logging of big fire-resistant trees will not reduce the fire hazard that exists in some national forests. Present-day conditions are a result of decades of mismanagement that has allowed too much logging, too much fire suppression and too much grazing.

We must fight fire with fire. Southwest forest activist groups

agree that we must:

- Substantially increase the use of prescribed burning during cool weather to reduce fire fuel loads.
- Under control, let some fires burn to regenerate the forest and prevent fuel buildup.
- Stop logging big, fire-resistant trees and start thinning dense, fire-prone small tree thickets.
- Reduce grazing, a major factor in creating overstocked forests.
- Restore the forest grasses that carry low-intensity fires that thin young trees and brush.

Charles J. Babbitt is a Phoenix attorney, past president of the Maricopa Audubon Society and a board member of the Southwest Forest Alliance, a coalition of more than 50 forest activist groups.

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Where The Spirit Of The Lord Is,
There is Liberty - II Corinthians 3:17

Logging won't restore health of forests

Across the Southwest severe drought combined with low humidity and high winds have produced one of the most active forest fire seasons in memory. Predictably, the timber industry, the Forest Service and their political allies are using the fires as an excuse to drum up support for cutting the last of the region's big old-growth trees.

After nearly a century of fire suppression, logging and overgrazing, Southwestern forests are less fire-resistant and more prone to large wildfires. Legislative efforts to increase fire suppression budgets and authorize more logging with fewer environmental restrictions will, over the long run, only exacerbate the problem.

Today, there is virtually no unlogged forest left in the Southwest. Ninety-five percent of our big fire-resistant Ponderosa pines have been cut. Eighty-five percent of our old-growth conifer forest has been logged. In spite of this, the timber industry argues that even more logging is necessary to thin forests to decrease wildfire size and intensity.

Often overlooked in the sometimes emotional fire debate is the fact that a number of Arizona's biggest and most infamous fires have occurred not in heavily forested areas, but in areas dominated by chaparral, with little or no marketable timber.

These areas, mostly below the Mogollon Rim, are highly combustible due to their vegetative composition and fire-favoring topography. The 60,000-acre Carrizzo/Bull Flat Fire (1971), the 30,000-acre Dude Fire (1990), and the 50,000-acre Lone Fire (1996) are examples. Logging would have had no effect on the size or intensity of these fires. They have, however, often been exploited politically to advance the agenda of the timber industry and the Forest Service. After flying over the Lone Fire in May, Gov. Fife Symington called for more logging and fewer



My turn

Charles J. Babbitt

environmental restrictions on our forests.

Contrary to industry claims, the Dude Fire showed no appreciable difference in burn between logged versus unlogged forest. In May, the Horseshoe Fire north of Flagstaff burned through a recently thinned forest. A month later the Pot Fire on West Clear Creek raced through old Aztec sections — areas that were heavily logged in the early 1980's and that are virtual clear-cuts in some places. Scattered clumps of big yellow pines, on the other hand, were left virtually unscathed. It is these big fire-resistant but commercially valuable trees that the industry wants to cut under the guise of reducing the fire hazard and improving forest health.

In many instances, logging operations themselves are directly or indirectly responsible for forest fires. The Horseshoe Fire ignited from smoldering debris left by a logging contractor. Slash (the unused limbs, treetops and other woody debris left from logging operations) has been a contributing factor in several fires, including the Dudley Fire (1956), the Dude Fire (1990), and the Chino Springs Fire (1996).

Naturally occurring wildfires have always played a vital role in Southwestern forest ecology. Historically, regularly occurring low-intensity ground fires reduced fuel buildups and prevented crown fires in the Ponderosa pine forest. Infrequent stand-replacing fires

regenerated the conifer forest. The aspen trees that now blanket the north side of Escudilla Mountain near Alpine are a result of a big regenerating burn in 1951.

Continued logging of big fire-resistant trees will not reduce the potential fire hazard that exists in some parts of our national forests. Present-day forest conditions are a result of decades of forest mismanagement that has allowed too much logging, too much fire suppression and too much grazing. Unfortunately, problems that have been decades in the making will take decades to fix.

If we are to have balanced, functioning forest ecosystems in the Southwest, one of the things we must do is reintroduce fire. We must literally begin to fight fire with fire. There is broad agreement among Southwest forest activist groups that we must do the following:

- Substantially increase the use of prescribed burning during cool weather to reduce fire fuel loads.

- When weather permits and under carefully monitored conditions, allow some fires to burn naturally to regenerate the forest and prevent fire fuel buildup.

- Stop logging big fire-resistant trees and start thinning dense fire-prone small tree thickets.

- Reduce grazing, which is a major contributing factor in creation of overstocked forests.

- Restore the forest grasses that carry low-intensity fires with thin young trees and brush.

These recommendations also fit generally within Department of Agriculture and Department of Interior guidelines published in 1995. The Southwest Forest Alliance looks forward to working with all interested parties to find solutions to these complex forest problems.

Charles J. Babbitt is a Phoenix attorney, past president of the Maricopa Audubon Society and a board member of the Southwest Forest Alliance, a coalition of 50 forest activist groups.