



**EPIC ANNUAL REPORT**

1998



# More Than Twenty Years of COMMUNITY ACTIVISM

This year, EPIC celebrated its 21st anniversary as a community-based, grassroots organization dedicated to the preservation of northern California's watersheds, ancient forests and endangered species. Two decades of growth and involvement in critical issues have brought EPIC both local and national notoriety. When EPIC opened its doors in 1977, aerial herbicide spraying by timber corporations topped the local environmental agenda. Efforts to save the Sinkyone coast brought EPIC its first landmark legal victory in the early 1980's. EPIC's legal work and relentless grassroots organizing, along with the efforts of a broad-based coalition, have helped keep Headwaters Forest standing since Charles Hurwitz and his Maxxam Corporation came to Humboldt County in 1985.



LONG-TIME EPIC ACTIVISTS "THE MAN WHO WALKS IN THE WOODS," CECELIA LANMAN, AND RICHARD GIENGER AGITATING FOR THE PERMANENT PROTECTION OF THE SINKYONE WILDERNESS. THE SINKYONE WAS THE SITE OF EPIC'S FIRST AND SECOND LAWSUITS IN THE MID-1980s. IN 1986 THE TRUST FOR PUBLIC LAND ACQUIRED 7,100 ACRES FOR PERMANENT PROTECTION, ROUGHLY HALF OF WHICH JOINED THE EXISTING STATE PARK. THE REST HAS SINCE BECOME THE COUNTRY'S FIRST INTERTRIBAL PARK, THANKS TO THE EFFORTS OF THE INTERTRIBAL SINKYONE WILDERNESS COUNCIL AND OTHERS.

PHOTO: DEBBIE UNTERMAN, 1984



LEFT:  
THE SINKYONE COAST ON THE  
HUMBOLDT/MENDOCINO COUNTY LINE.

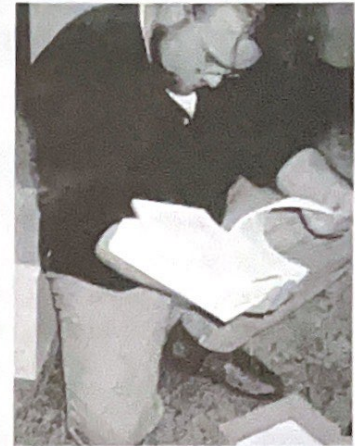
PHOTO: DAVID CROSS

ABOVE:  
CECELIA LANMAN, LON MULVANEY,  
AGNES PATAK AND WOODS DEVELOPING  
STRATEGY.

PHOTO: DEBBIE UNTERMAN, 1984

**EPIC**'s work has been an important part of the campaign that brought Headwaters Forest to national attention.

Enforcing environmental laws through the courts also brought EPIC into the realm of legislative and administrative advocacy regarding a wide range of regional and national biodiversity issues. Over the past year, we focused tremendous effort on monitoring the development of the Pacific Lumber Company Habitat Conservation Plan, prepared as part of the Headwaters Forest agreement. Other large timber companies are now preparing such plans as well, meaning that the survival of salmon, steelhead and the other native creatures of the North Coast may once again depend upon the hard work and vigilance of citizen monitors and advocates.



EPIC PRESIDENT PAUL MASON,  
FINALIZING HCP COMMENTS. (SEE PAGE 8)

PHOTO: CLAIRE COURTNEY



**EPIC 1998 STAFF: (FROM LEFT)**

CYNTHIA ELKINS, KEVIN BUNDY,  
CECELIA LANMAN, PAUL MASON,  
PAT BERNSTEIN, BOBBIE TODD,  
KELLY KELLY, SHARON DUGGAN.

(NOT PICTURED): DANA STOLZMAN,  
JAMA CHAPLIN, JAMIE ROMEO,  
TRACI THIELE, ARLEEN OLSON,  
ANNE SEAQUIST, SUE MOLONEY,  
TAUN MOONDY.

PHOTO: ARLEEN OLSON

Locally, EPIC assisted watershed groups in challenging logging of ancient forests in southern Humboldt and northern Mendocino Counties. Ancient Douglas firs are still standing on Gilham Butte due to this cooperation, but we suffered a tragic defeat at McCoy Creek with the loss of 100 acres of ancient forest despite a successful lawsuit on the original logging plan. As we enter our third decade, EPIC will undoubtedly

face numerous other transitions and challenges. Keystone environmental laws such as the federal Endangered Species Act and the California Environmental Quality Act remain under attack. Despite our groundbreaking legal work, state and federal agencies still block and delay implementation of our hard-won victories. However, even as these challenges mount, our perspective continues to widen, moving beyond the magnificent ancient trees to the whole landscape of forested watersheds. A healthy forest ecosystem requires careful attention and stewardship from the ridge tops to the river mouths, and our methods are changing in order to address these needs. In coming years, we look forward to developing creative new strategies and tools for bringing about the protection and recovery of this magnificent, unique place we call home.

EPIC has been active in California for over a decade, working to ensure that the courts allow their mandate to uphold environmental laws and protect the public interest. We have successfully challenged corporate timber practices and secured court orders that these lawsuits have obtained temporary protection of some ancient forest areas. We have also won the revision of environmental regulations and reform of forest policy. We often work in partnership with other organizations and local watershed groups to bring lawsuits and control costs. Following are some highlights of EPIC's litigation history.



**Under the Endangered Species Act**, the U.S. Fish and Wildlife Service is required to protect "threatened" salmon. EPIC has successfully challenged timber corporations' logging plans that would destroy the last remaining stands of old-growth forest that take 100 years to mature. EPIC, along with the California Department of Environmental Conservation, filed a lawsuit against the Bureau of Land Management alleging unlawful "take" of coho on January 23, 1998.

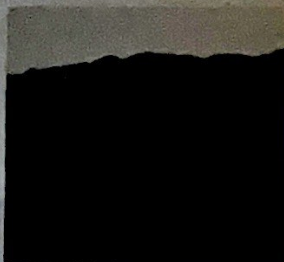
EPIC has successfully challenged many legal roadblocks in the path of salmon restoration, including a challenge to the California Department of Forestry's approval of logging plans. EPIC joined other organizations to bring such a lawsuit. In 1998, U.S. District Court Judge Marilyn Hallinan issued a landmark ruling affirming our right as conservation organizations to bring an ESA challenge on behalf of our children and grandchildren who salmon. This ruling adds to a body of precedent protecting the tremendously important right of citizens and conservation organizations to seek enforcement of the ESA through the courts.

## McCOY CREEK LAWSUIT

(Mccoy Watersheds Association v. CA Dept. of Forestry)

EPIC joined a local watershed association in challenging approval of a plan to clearcut more than 100 acres of ancient Douglas fir and hardwood forest along McCoy Creek, a salmon-bearing tributary to the South Fork Eel River. The Bureau of Land Management once owned this forest, but

sold it to a notorious private logger in a murky land swap deal. Despite rulings in our favor, including a requirement for ongoing monitoring of environmental mitigations, the logging plan eventually received the court's blessing and this precious island of habitat was cut.



A VIEW OF GILHAM BUTTE  
PHOTO: DAVE WALSH

## GILHAM BUTTE LAWSUIT

(EPIC and Friends of Gilham Butte v. CA Dept. of Forestry)

The highest point of the ridge line that divides the two largest watersheds in Southern Humboldt, the Mattole and the South Fork of the Eel, is known as Gilham Butte. This area is

adjacent to Humboldt Redwood State Park and an established "Old Growth Reserve" area on the Bureau of Land Management holdings, but Eel River Sawmills currently owns land that connects the two areas.

EPIC joined together with Friends of Gilham Butte to challenge the California Department of Forestry's approval of three logging plans, all containing significant stands of old-growth Douglas fir and hardwood trees. We alleged that CDF failed to adequately assess the impacts of increased sedimentation in the Mattole River as well as the further loss of increasingly rare mature forest in both watersheds. Despite an initial ruling against us in Humboldt County Superior Court, the state Court of Appeals decided the case in our favor on December 3, 1998, overturning two of the three logging plans.

## 1998 PROGRAM REPORTS

# LITIGATION PROGRAM



OUR LAWSUIT HALTED LOGGING IN THIS ANCIENT FOREST ABOVE SULPHUR CREEK IN THE MATTOLE RIVER WATERSHED.

PHOTO: CARRIE GRANT

agencies and parties with whom they consult from making "irretrievable commitments of resources" that preclude

### THE "7(d)" LAWSUIT

(EPIC and Sierra Club v. Pacific Lumber Company et al)

During preparation of a Habitat Conservation Plan (HCP), a landowner engages in "consultation" with federal agencies over provisions of the plan. The agencies' consultation responsibilities are enumerated in Section 7 of the Endangered Species Act. Section 7(d) precludes

reasonable alternatives to projects that are subject to consultation. This provision of the ESA is intended to prevent federally permitted or funded activities from going forward during negotiations and prior to analysis of alternatives as required by law. Because an HCP is the central feature of an application for a federal permit to harm listed species, we argued that this provision should prevent permit applicants from liquidating important habitat during HCP preparation. In September 1998, we obtained a preliminary injunction against three logging plans in the Sulphur Creek (Mattole River) and Bear Creek (Eel River) drainages, both of which are of critical importance to threatened salmon populations. We are now awaiting further hearings on the merits of the case.

### THE OWL CREEK AND BELL CREEK "RESIDUAL" LAWSUIT

(EPIC v. CA Dept. of Forestry)

EPIC challenged two Pacific Lumber logging plans in the Headwaters Forest area under the state Forest Practice Act and California Environmental Quality Act. Both of these plans involved logging of remnant ("residual") ancient redwoods and Douglas firs in areas important to many rare and threatened creatures.

Our case challenged the California Department of Forestry's inadequate analysis of cumulative impacts on the

environment as well as the agency's practice of basing its approval of logging activities on significant information submitted after the close of public comment (and thus not available for public review). Unfortunately, the Superior Court judge in this case ruled against us despite our strong legal arguments. Because the judge had refused to issue a restraining order while the case progressed, his final decision was not rendered until after the trees had been cut on both plans.



SIMPSON HAS A PERMIT TO KILL SPOTTED OWLS, BUT ITS IMPACT ON SALMON AND MURRELETS HAS NEVER BEEN EXAMINED.

PHOTO: DOUG THRON

### THE SIMPSON HCP LAWSUIT

(EPIC v. Simpson Timber Company)

Simpson Timber Company was one of the first logging companies to prepare a Habitat Conservation Plan and receive an "incidental take permit" allowing them to kill or otherwise "take" northern spotted owls on their 383,100 acres of land. The permit, issued in 1992, authorized "take" of 100 owls over the first 10 years of the 30 year HCP, with additional take to be authorized in 2002. In issuing the

permit, the U.S. Fish and Wildlife Service stipulated that further consultation regarding the logging practices allowed under the HCP would be required if any new species that might be affected were listed as endangered or threatened under the ESA. Although both the marbled murrelet and coho salmon have been listed as threatened under the Endangered Species Act, the Fish and Wildlife Service has failed to take such action. EPIC filed suit in September, 1998 to compel the U.S. Fish and Wildlife Service and Simpson Timber Company to initiate consultation in order to prevent further damage to coho salmon and marbled murrelet habitat.

## 1998 PROGRAM REPORTS

# ADVOCACY PROGRAM

The goal of EPIC'S Advocacy Program is to monitor and strengthen state and federal laws addressing protection of public trust resources, advocate with decision-makers at all levels regarding implementation and enforcement of those laws, and continue to build public awareness of the need for public trust protections and responsible stewardship of private lands. EPIC'S Advocacy Program includes our HCP/SYP Monitoring Project, Board of Forestry activities and Timber Harvest Plan Monitoring.

### SALMON & STEELHEAD RECOVERY COALITION

The Salmon and Steelhead Recovery Coalition, composed of diverse environmental, fishery and watershed restoration groups, grew out of an abortive 1996 Wilson Administration attempt to develop a comprehensive watershed restoration program for the North Coast of California. EPIC has participated fully in the activities of this coalition since its inception.

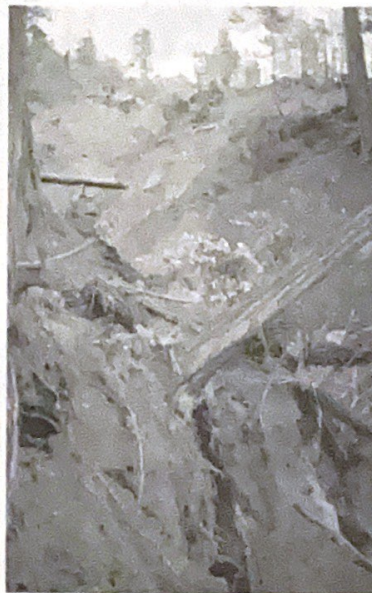


(ABOVE)  
SALMON AND STEELHEAD THRIVE IN  
COLD, CLEAN COASTAL WATERS.

EPIC ARCHIVES

(RIGHT)  
THIS LANDSLIDE DESTROYED A  
STEELHEAD RUN IN JORDAN CREEK.

PHOTO: JESSE NOELL



degree of scientific uncertainty about the decline and refused to list steelhead as threatened or endangered under the Endangered Species Act. Instead, NMFS pursued a Memorandum of Agreement (MOA) with California for North Coast steelhead. The Coalition was able to secure a commitment in the MOA for the state to review its Forest Practice Rules for adequacy in protecting steelhead and other salmonids and to develop a monitoring program. We remain concerned, however, that the agreement ultimately will be used to foreclose rather than implement meaningful reforms, and we continue to monitor the process closely.

The election of Gray Davis in early November and increased Democratic majorities in both state houses set the stage for a possible turnaround of environmental policy from the stagnation and deterioration of the Wilson/Deukmejian years. The Coalition has actively endorsed a comprehensive slate of candidates for a large number of critically important agency positions awaiting new gubernatorial appointments.

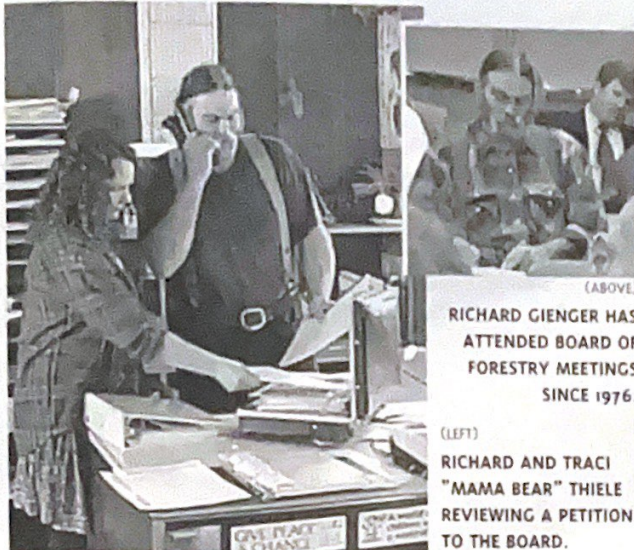
Several dozen new legislative ideas and proposals were also evaluated by the Coalition during the first days of the new legislative session. The highest priorities included increasing personnel and funding, strengthening enforcement of existing rules, forcing the Board of Forestry to enact 'no-take' rules for Coho

Both the federal and state governments continue to evade their legal obligations to protect and recover our coastal fish and their freshwater habitat. The Coalition exerts a significant counterbalancing force by advocating comprehensive reform of policies and practices that affect salmon and steelhead.

At the beginning of 1998 the National Marine Fisheries Service (NMFS) faced a final deadline on the decision for listing steelhead trout. Even though most North Coast populations are in serious decline, NMFS took advantage of a small

salmon, and removing fish barriers related to road systems. These proposals also focused on reforming the Board of Forestry and California Department of Forestry's analysis of and response to cumulative watershed impacts. Many influential legislators from both the local area and other regions of the state have indicated a willingness to work with the Coalition on drafting such legislation and supporting its passage through the legislature.

## 1998 CALIFORNIA STATE BOARD OF FORESTRY



(ABOVE)  
RICHARD GIENGER HAS ATTENDED BOARD OF FORESTRY MEETINGS SINCE 1976.

(LEFT)  
RICHARD AND TRACI "MAMA BEAR" THIELE REVIEWING A PETITION TO THE BOARD.

If one word could characterize the 1998 Board of Forestry season it would be "EMERGENCY." During 1998 the Board was presented with five petitions for emergency rules from a vast array of citizens from Humboldt to Santa Cruz Counties. The Board denied them all. The predominant subject matter of the petitions concerned the failure of the Board and the

Department of Forestry to properly evaluate and respond to cumulative impacts. Specific emergency petitions were presented regarding CDF's failure to adequately assess the potential for and prevent 'mass wasting' (i.e. landslides, debris torrents, and unstable areas), and CDF's failure to require adequate information about watercourses and riparian areas during THP preparation and review.

EPIC's staff and contractors worked with local watershed groups in Humboldt County to help research, compile data and create maps for their presentations to the Board. EPIC presented testimony and information to the Board, commented on proposed Forest Practice Rule changes and drafted proposed rule changes that helped address problems with the current Forest Practice Rules. This work builds on EPIC's two decades of advocacy to involve the public and effect change in the regulatory process. There needs to be a new process for watershed protection and recovery: a process that includes real science with real peer review, real public involvement, and a real change that engages everyone in an economy and ethos based on conservation and long-term recovery stewardship. Our work, along with that of other concerned citizens and organizations, is helping to lay the groundwork for substantive reform.

## THP MONITORING PROJECT



RECENT STUDIES OF PACIFIC LUMBER LAND HAVE FOUND THAT UP TO 85% OF LANDSLIDES COME FROM LOGGING AND ROADBUILDING.

EPIC ARCHIVES

All logging that is conducted on corporate and private land in the state of California is approved through a Timber Harvest Plan (THP) process overseen by the California Department of Forestry. CDF approves logging on an average of 285,000 acres each year in the State on private

and corporate land, including about 75,000 acres in Humboldt and Mendocino Counties. EPIC keeps a close watch on the THPs located in our local area and works to help others understand the THP process and to inform them of logging that may affect their areas.

In 1998, EPIC directly reviewed and commented on more than 30 THPs. By doing so, we stay intimately familiar with the regulatory process and its inherent problems while advocating alternatives more protective of the public trust. For example, Pacific Lumber's alarming record of violating the Forest Practice Rules was in large part uncovered by our monitoring of active logging plans, and has illustrated to many the need for drastic improvements of both the monitoring provisions of the Forest Practice Rules and for increasing penalties when a company is found in violation of these rules.

EPIC contributed many articles to local newspapers to help keep the community informed. We networked with local watershed groups and residents and informed them when logging plans were filed in their neighborhoods. EPIC also held several THP workshops throughout the year to help demystify the THP review and approval process, and helped other individuals and groups prepare for litigation on logging plans in their area.





# 1998 PROGRAM REPORTS EDUCATION AND OUTREACH PROGRAM

## ACTIVIST SUPPORT PROJECT



**MATTOLE VALLEY RANCHER MICHAEL EVENSON'S PROPERTY WAS BEING SERIOUSLY DAMAGED BY PACIFIC LUMBER'S UPSLOPE LOGGING PLANS IN SULPHUR CREEK. EPIC PROVIDED CRITICAL SUPPORT TO MICHAEL IN HIS SUCCESSFUL *IN PROPRIA PERSONA* (WITHOUT A LAWYER) LAWSUIT AGAINST THE COMPANY.**

PHOTO: MICKEY DULAS

EPIC's Activist Support Project assisted and empowered citizens to take actions on behalf of protection of water quality, wildlife habitat, and forest integrity. By providing legal, technical, and financial assistance, EPIC supported the efforts of many individual activists in 1998. EPIC also continued to serve as a community resource center, allowing concerned citizens access to the tools they need to accomplish their environmental goals. This component of our mission has remained unchanged since we first opened our doors in 1977.

## BIODIVERSITY NETWORK



**ABOVE:  
KEVIN BUNDY ADVOCATING FOR STRONGER PROTECTIONS FOR SALMON.**

**UPPER RIGHT:  
CECELIA LANMAN WAS INSTRUMENTAL IN BRINGING NATIONAL ATTENTION TO HEADWATERS FOREST.**

**RIGHT:  
PAUL MASON CONTACTING MEDIA DURING A HEADWATERS FOREST RALLY.**

PHOTOS: EPIC ARCHIVES



lasting change. The Project prepared a substantial newsletter in early 1998 containing information on all of EPIC's various campaigns. A special four-page insert described the detrimental impacts of industrial forestry on coho salmon as well as various ideas for remedying this situation. Project staff also maintained an extensive email action alert list (with substantial alerts being sent out every 2-3 weeks) as well as a web page where both current and archival information could be accessed by the public. As an outgrowth of the HCP/SYP Monitoring Project, EPIC prepared a comprehensive guide to these lengthy and complex documents, summarizing the structure, purpose and key deficiencies of the plans and the Headwaters Agreement. We quickly distributed 15,000 copies of the guide to activists and organizations throughout the state, and published an even more comprehensive version of the guide on our web site. This guide was extremely useful to many of the thousands of concerned citizens who participated in the public review and comment process on the Headwaters Agreement.

EPIC also educated the press and the public about the dangers of HCPs and SYPs by participating in press conferences, speaking at hearings, and maintaining a consistent theme in our frequent media communications: the Headwaters HCP/SYP will sacrifice the recovery of the forest and its wildlife in exchange for preserving a few small islands of habitat. Coverage of the Headwaters agreement during 1998 indicated that we have been somewhat successful in challenging the assumption that HCPs actually conserve habitat. The mainstream press has finally begun to dispel the illusion that HCPs are a biologically acceptable solution to the conflict between endangered species conservation and private profit; some reporters have even used the phrase "license to kill" to describe the incidental take permits provided by HCPs.

Although EPIC's litigation has protected many acres of critical habitat and our advocacy has resulted in significant policy reforms, all of our projects rely on education and outreach to mobilize public support for lasting ecosystem protection. The Biodiversity Network Project works to create and distribute educational materials, information updates, and action alerts to focus attention on the Headwaters campaign, to strengthen the ESA and other environmental laws, to promote forestry reform measures, and to mobilize citizen action. Through communication, teaching organizing skills, public education, and networking throughout the environmental community, the Biodiversity Network seeks to integrate our projects in a coordinated effort to inspire citizens and effect

## 1998 FINANCIAL INFORMATION

# FUNDRAISING

EPIC receives its funding from memberships, donations, fundraising events, and foundation grants. As a grassroots organization, we utilize significant *pro bono* attorney services and a tremendous amount of volunteer energy to accomplish our work. In 1998 EPIC raised more than \$400,000, and received more than \$200,000 in *pro bono* legal services (see Financial Information).

We remain very grateful to all of our donors, volunteers, lawyers and members for providing support for our work, which over the years has gained national recognition and has implications for environmental protection far beyond the redwood ecosystem.

### Our 1998 Foundation Supporters included:

Angelica Foundation

California Community Foundation

Leo and Celia Carlin Fund

Columbia Foundation

Compton Foundation

Deer Creek Foundation

Environment Now

Foundation for Deep Ecology

Furthur Foundation

Richard & Rhoda Goldman Fund

Luke B. Hancock Foundation

Mennen Foundation

Giles W. & Elise G. Mead Foundation

Patagonia

Rockwood Foundation

Rose Foundation for Communities  
and the Environment

Turner Foundation

W. Alton Jones Foundation

### 1998 EPIC BOARD OF DIRECTORS

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Susan Mayer

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Amy Shadwell

Alison Sterling

Dave Walsh

### PRIMARY CONTRACTORS

Joan Courtois  
*Financial Consultant*

John Gaffin  
*ESA and Coho Advocacy*

Richard Gienger  
*Watersheds and Forestry Advocacy*

Charles Powell  
*THP Monitoring and Agency Advocacy*

### ATTORNEYS

Paul Carroll

Macon Cowles and Associates

Brendan Cummings

Sharon Duggan

Earthjustice Legal Defense Fund

Brian Gaffney

Mark Harris

Rod Jones

Neil Levine/Earthlaw

Thomas N. Lippe

Tara Mueller

Bill Rossbach

Jack Tuholske

## 1998 FINANCIAL INFORMATION FISCAL REPORT

### Revenue

Donations	\$75,194
Interest Earned	7,865
Grants	295,321
Fundraising Events	22,802
Membership Dues	22,756
Legal Settlements	1,500
Cash Revenue	425,438
In-Kind Donations <sup>1</sup>	238,104
<b>TOTAL REVENUE</b>	<b>\$663,542</b>

### Expenditures

Administrative Salaries	53,235
Facilities, Supplies & other costs	47,886
Overhead and Administrative Expenditures	101,121
Program areas	
Activist Support	38,876
Biodiversity Network	51,728
Endangered Species Advocacy	64,411 <sup>2</sup>
Habitat Conservation Plan	227,758 <sup>3</sup>
Headwaters Legal Defense Network	227,615 <sup>4</sup>
Other Local Litigation	47,325 <sup>5</sup>
Program Expenditures	\$657,713
<b>TOTAL EXPENDITURES</b>	<b>\$758,834</b>

REVENUE	\$663,542
EXPENDITURES	758,834
<b>TOTAL</b>	<b>\$(95,292)</b>

BEG. FUND BALANCE (1/1/98)	\$265,949
END FUND BALANCE (12/31/98)	170,657
<b>CHANGE IN FUND BALANCE</b>	<b>\$(95,292)</b>

- <sup>1</sup> In-Kind Donations include Attorney *pro bono* services, professional volunteer work, equipment and supplies.
- <sup>2</sup> This includes about \$42,700 of donated attorney time.
- <sup>3</sup> This includes 50% matching funds from the Sierra Club California, and \$95,035 of donated attorney and expert time.
- <sup>4</sup> This includes about \$64,000 of donated attorney time.
- <sup>5</sup> This includes about \$18,000 of donated attorney time.

**Environmental Protection Information Center**

P.O. Box 397  
Garberville, CA 95542

IF LEADERSHIP BY THE POST  
**ADDRESS SERVICE REQUESTED**

*T*he Environmental Protection Information Center (EPIC) works to protect the long-term health of the coastal forest ecosystems of Northern California, and provides a resource center for community environmental activism.

**Environmental Protection Information Center**

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