



Environmental
Protection
Information
Center

ANNUAL REPORT





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Our Mission Statement

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.

The specific purpose of this corporation, as stated in EPIC's Articles of Incorporation, is to channel public concern for the environment into action in the public interest.

Such action may include research, education, sponsorship of work projects, administration and issuance of grants, cooperation with other local groups, and legal defense of the environment.

25 Years SERVICE

Sequoia semperviren.

Named in honor of Sequoyah, the great Cherokee intellectual, and the Latin word for "ever-living," coast redwoods are a testament to tenacity, withstanding storms, fires, droughts, and floods to survive for thousands of years. These mighty giants grow fast and furious in the productive soil of this region, reaching the height of a 30-story skyscraper to become the tallest living species on Earth. Ancient redwood forests also contain the highest biomass of any terrestrial ecosystem in the world, with more than 8 times the biomass found in a tropical rainforest.

EPIC takes inspiration from the Sequoia semperviren, holding steadfast and resolute in our goal of protecting and restoring these magnificent forests and other natural wonders of Northwest California. And also like the redwoods, we've learned to be both flexible and adaptable, firmly grounded in our position, but dynamic in our approach.

Many of EPIC's projects during 2002 and 2003 underscore this point. For example, we were able to:

- Stand strong through multiple rounds of the "Big Timber Relief Package," defeating these salmon-killing rules through our resilience and sheer dogged determination.
- Block a 1,000-acre logging plan next to the Trinity Alps Wilderness for a third time, ending plans to destroy a key roadless area and the largest ancient trees that survived the Megram fire.
- Spring into action when two separate projects threatened Humboldt Bay, speaking truth to corporate power and leading efforts to avert these disastrous plans.

These and other victories were possible due to the experience and insight EPIC has gained over the last 25 years. And of course, our success depends on the fact that EPIC enjoys an incredible membership base of active supporters, providing both the inspiration and the wherewithal needed to get the job done. EPIC appreciates your support in protecting this spectacular corner of the world.



Protecting the Public Trust on Private Land

...for over 25 years, the Environmental Protection Information Center has made a big difference in the way industries-most notably the timber industry-do business here.

EPIC has worked to reform industrial logging practices on state and private land since our inception over a quarter century ago. This work has led to many significant victories through the years, establishing permanent protection for thousands of acres of ancient redwood forests, and also instigating positive changes in the way laws are implemented through the nation.

EPIC continued to forge ahead with this work in 2002 and 2003, pursuing innovative actions to reverse the problems confronting our forests, fish, and wildlife. We also continued to be a perennial presence at many different agency hearings, carefully monitoring the activitities of the California Department of Forestry, State and Regional Water Quality Control Boards, and Fish and Game Commission. Through this work, EPIC remains at the forefront of forest protection, protecting fundamental, public trust values that cross all boundaries established by man.

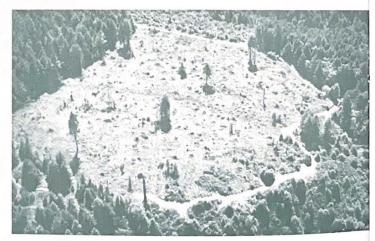
The problem of power is how to achieve its
responsible use rather than its irresponsible and indulgent use—of how to get men of power to live for the public rather than off the public. >>
~Senator Robert F. Kennedy

Big Timber Relief Package

The logging industry likes to claim that California has "the strongest forest protection measures in the nation." But numerous state and federal agencies, renowned scientists, and "blue-ribbon" panels have determined that these rules are completely inadequate to protect fish and wildlife, particularly when sensitive salmon species are involved.

Nonetheless, the Board of Forestry acquiesced to industry's demands to roll back salmon protections again in June 2002, passing a set of rules that would allow larger clearcuts and more logging along streams and rivers—with no public review or scientific input. EPIC blocked these rules twice in the past (at the administrative level), but the Board and industry were determined to get them on the books. EPIC was just as determined to defeat the rules, and in July 2002, we filed a lawsuit in California Superior Court to overturn their approval.

On August 2, 2003, the court issued a stinging indictment against the Board of Forestry, ruling in EPIC's favor on every single claim in the lawsuit. In the decision, the court found the rules would "provide less protection [for salmon] than what is currently established, and what is currently established does not provide sufficient protection."



In California, clearcuts can be up to 40 acres in size. EPIC blocked rules that would have allowed these to be even bigger, and also include more logging along streams and rivers.

PHOTO: CYNTHIA ELKINS

The Logging Exemption – Water Quality

For many years, EPIC has called for an end to the logging industry's broad "exemption" under the state Clean Water Act. The exemption was granted in the 1980s, and since then more than 85% of the streams and rivers on the North Coast have been listed as "impaired" for excessive amounts of pollution—with most of it being traced to logging operations. This industry exemption has also created problems across the Sierra Nevada, where Sierra Pacific Industries, which owns more than a million acres, clearcut 24 times as many acres in 2003 than it did in 1992.

A recent law gave Regional Boards their big opportunity to reverse these problems, establishing a January 1, 2003, expiration date for exemptions throughout the state. Working with attorneys from Earthjustice, EPIC launched a coalition effort to prevent these exemptions from being reinstated, submitting detailed legal arguments and evidence to support our case.

But despite the facts before them, three Regional Water Boards caved to industry pressure, and at the end of 2002, voted to renew a broad "categorical" exemption. EPIC prepared formal administrative appeals to the State Water Board on all of these decisions, detailing the legal flaws with the exemption, inadequate measures to prevent pollution, and accelerated rates of clearcutting and herbicide spraying. Several noted scientists, including a hydrologist, fisheries biologist, and forester, joined EPIC's team, becoming expert witnesses in a three-day hearing that began on August 11, 2003.

On December 5, 2003, the State Water Board indicated it would rule in EPIC's favor on the North Coast exemption, issuing a draft order that found the previous exemption "had a significant adverse impact on water quality." The draft order also found the new exemption "could result in further significant effects on the environment" and was contrary to the public interest. Unfortunately, however, the draft orders for the Central Valley and Lahontan areas indicated the State Board would uphold the logging exemptions in both regions. The orders were to be finalized at a hearing in January 2004, and EPIC began preparing for litigation.

The Root of the Problem — the Rate of Clearcutting

Since 2000, the staff of the Regional Water Quality Control Board has recommended reforms to address the root cause of flooding, destruction of domestic water sources, and damaged fish habitat: the rate of clearcutting. However, the politically appointed Board and Pacific Lumber (PL) have blocked these recommendations for years, and though two scientific reports were added to the evidence, this continued to be the case in 2002 and 2003.

In early 2002, the Regional Board forced EPIC, residents, and PL into mediation, using this as a way to avoid taking any action itself. This long series of meetings came to an end after PL flatly refused to discuss the main concern—logging rates—and the Regional Board subsequently formed an independent Scientific Review Panel to study the issue.



It's impossible to have this much bare earth and clean water at the same time.

Large volumes of erosion will inevitably occur during the
next big rains of this temperate rainforest.

PHOTO: CYNTHIA ELKINS

In January 2003, this panel issued a report that justified our position and concerns, finding that an immediate reduction logging is necessary to recover impaired watersheds. But instead of implementing the panel's recommendations, the Regional Board initiated "Phase 2," asking the panel to give a more detailed analysis of PL's "Habitat Conservation Plan." In August 2003, the Scientific Panel released its second report, concluding the HCP is inadequate to protect water quality, and sadly, confirming the concerns that EPIC and others have expressed all along. At years end we were still awaiting final resolution.

Taking CDF "Out of the Driver's Seat"

In July 2002, EPIC prepared a formal petition on behalf of 24 conservation, fishing, and resident groups from In the Pacific Northwest, marbled murrelets lay their eggs directly on the moss of large, old-growth branches.

PHOTO: JEFF HUGHES



around the state, demanding that the State Water Resources Control Board revoke an agreement that gives CDF unilateral power to approve logging operations. The petition thoroughly documented CDF's failure to protect water quality, and included hundreds of pages of supporting evidence. EPIC subsequently met with the Director and chief counsel of CDF and several members of the State Board, and although the Board never voted to revoke the agreement, it did revise the terms substantially. Our petition also caught the attention of the California State Legislature, and was extensively cited in its report entitled "Timber Harvesting and Water Quality." This report became the catalyst for Senate Bill 810, which passed the legislature in September 2003 and prohibits CDF's approval of any logging operation that a Regional Water Board believes could harm water quality.

The Headwaters Deal

Through the infamous "Headwaters Deal," Maxxam/Pacific Lumber obtained permits to kill marbled murrelets, salmon, bald eagles, and other species listed under the Endangered Species Act. The company also received a "blanket" permit to alter streambeds throughout its 210,000-acre ownership and approval of a 100-year "Sustained Yield Plan." EPIC immediately filed suit to overturn this death sentence on endangered

species, challenging the destruction of marbled murrelet habitat and the deficient manner in which "cumulative impacts" of logging were analyzed.

It took more than four years of procedural wrangling to get this case to trial, but in March 2003, we finally had our day in court. After a four-day bench trial and a supplemental hearing with witness testimony, Judge John Golden of the California Superior Court issued an historic tentative ruling that agreed with EPIC on nearly every single claim. The ruling was finalized in August 2003, and found that Maxxam/PL's "Sustained Yield Plan" (SYP) did not properly evaluate impacts to ancient forests, that impacts to marbled murrelets were not fully mitigated, and that the public trust was violated. Maxxam/PL is appealing the decision.

Point Source Litigation

On October 14, 2003, in a lawsuit that EPIC filed against Maxxam/Pacific Lumber in 2001, a federal judge ruled that pollution caused by logging operations is not exempt from the Clean Water Act. This important court opinion found that logging companies are required to obtain permits for pollution emitted from "ditches, culverts, channels, and gullies." EPIC's lawsuit charges that Maxxam/PL is illegally dumping sediment and herbicides into Bear Creek, a tributary to the Eel River, through these "point sources." This is the first court ruling in the nation to apply the Clean Water Act (CWA) to this type of logging pollution, and it gave EPIC the go-ahead to proceed with this important case.

Vegetative Management

In January 2002, EPIC and the Californians for Alternatives to Toxics (CATs) won a case challenging CDF's "Vegetative Management Program," which called for the widespread use of herbicides and other environmentally destructive activities. The San Francisco Superior Court ruled that the agency must prepare an Environmental Impact Report before implementing the program, forcing the agency to evaluate these impacts and alternatives for the first time.





Times-Standard Garberville-based group explores new realms of activism

San Francisco (

EPIC lawsuit against PL, state agencies pushed back

Logging plan tossed out

Judge orders CDF to assess planned herbicide use

Times-Standard

Environmentalists challenge Six Rivers fire salvage logging plan

11mes-Standar

Calpine and opponents square off over terminal

TUESDAY, JANUARY 14, 2003

Firm's Logging Degrades Rivers, **Increases Floods, State Study Says**

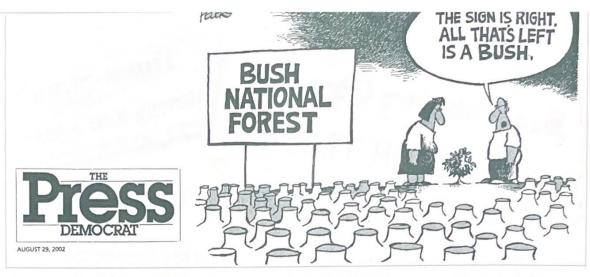
SAN FRANCISCO

1145 Market Street, 8th Floor, San Francisco, California 94103 4
SEPTEMBER 3, 2003 San Francisco Judge Throws Out State's Rules on Rivers

Humboldt groups hit logging policy

In 2002 and 2003, EPIC:

- · Had 20 active lawsuits, winning seven of these during those two years;
- · Was in the news about 250 times, including articles in the New York Times, Los Angeles Times, Oregonian, and Financial Times of London;
- Started hosting the Environment Show on KMUD, the local community radio station, once a month.



The national forests of Northwest California encompass some 5.6 million acres of public land, reaching from high alpine meadows and glaciated peaks to world-class, whitewater-rivers that run below. These lands—the Klamath, Shasta-Trinity, Six Rivers, and Mendocino national forests—are part of the largest series of wild places remaining on the U.S. west coast, with forests and watersheds that are critical to the recovery of many disappearing fish and wildlife.

EPIC's National Forest Conservation Program closely monitors all extractive land uses in each of these national forests, commenting on, appealing, and litigating projects that threaten ancient forests, critical salmon habitat, and other key areas. In 2002 and 2003, EPIC continued to hold the line on the Bush Administration's assault on our public lands, blocking attempted rollbacks at the national level, as well as the "on-the-ground" implications here at home. This work protected thousands of acres of important wildlife habitat, and laid the groundwork for many actions to come.

Big Bar Salvage

EPIC led a coalition of organizations to an incredible victory on April 23, 2002, when a federal court halted a 1,050-acre, post-fire logging plan bordering the Trinity Alps Wilderness. The Big Bar timber sale included over 300 acres in a key "inventoried" roadless area, and planned to cut 4,000 truckloads of the largest trees that survived the 1999 Megram Fire. The court found the Forest Service ignored evidence showing the timber sale would damage soil and fish and wildlife habitat, and would also impede ecosystem recovery after the fire. The successful end to this case marked the third time EPIC stopped this same timber sale. The first occurred in 2001, after the Forest Service exempted the plan from public appeals and immediately began logging the area. EPIC won an emergency motion to stop operations three days later, and due to this successful action, logging has not resumed since.

Knob Timber Sale

On May 7, 2003, EPIC filed a federal lawsuit to challenge the Knob timber sale, which includes 600 acres of ancient and mature forests in the stunning Wild and Scenic Salmon River watershed. With world-class whitewater, the Salmon River flows from deep within the Trinity Alps and Marble EPIC challenges the Knob timber sale which would impact two roadless areas and degrade the Wild and Scenic Salmon River.

PHOTO: BOB BELT



Mountain Wilderness areas, and its clear, cold water offers a vestige of hope to the beleaguered Klamath Basin. The land targeted by the Knob timber sale connects two designated

old growth reserves, and provides important habitat for many rare species, including Pacific fishers, American martens, coho salmon, northern goshawks, and wild orchids.

Beauer Creek Timber Sale

EPIC filed a federal lawsuit on June 24, 2003 to challenge the "Beaver Creek" timber sale, which totals over 1,000 acres and includes some of the last remaining ancient trees in this upper Klamath River tributary. The timber sale would remove 5.9 million board feet, or more than 1,100 logging truckloads of trees. It also includes nearly 500 acres of designated critical habitat for the northern spotted owl and would use strychnine poisoning to kill gophers, although it would undoubtedly kill much more.

Divide Auger Timber Sale

On September 30, 2003, EPIC filed a federal lawsuit to protect old-growth and mature forests adjacent to the remote Yolla Bolly-Middle Eel Wilderness in the Mendocino National Forest. The Divide-Auger timber sale would remove 4.5 million board feet, or 700 truckloads, from 21 separate logging units in the Thomes Creek watershed, one of the only free-flowing tributaries of the Sacramento River. This timber sale exemplifies the problems with the Bush Administration's plans for our public forestlands, targeting large, fire-resistant trees many miles from any community—exactly the kind of forests that should be protected to reduce the threat of catastrophic fire events and for wildlife and watershed health.

Bush's Healthy Forests Initiative

On June 30, 2003, EPIC joined seventeen conservation groups from across the nation to file suit against two sets of regulations issued by the Forest Service, both part of the Bush Administration's deceptively-named "Healthy Forests Initiative." This initiative, unveiled in August 2002, would roll back environmental protections and public involvement by abolishing the National Environmental Policy Act (NEPA) requirements on fuel reduction and "forest health" projects. In addition, the plan would make permanent changes in forest regulations to abolish citizen appeals and to provide unlimited goods-for-services stewardship contracts that encourage logging.

Cattle Grazing on North Fork Eel River

On June 20, 2003, a federal judge ruled that the Forest Service violated the federal Wild and Scenic Rivers Act and other laws when it authorized livestock grazing along the North Fork Eel River, finding that it failed to protect and enhance steelhead trout habitat as required. The North Fork Eel River is one of the wildest and most remote stretches of river remaining on the West Coast today, but livestock grazing has caused serious damage to this important fish habitat. Because of the court decision, no further grazing can take place until a full environmental review is conducted, a management plan completed, and all mitigation measures are in place to ensure the river is protected. EPIC was joined in this successful lawsuit by Coyote Downey, a Wailaki elder whose ancestors have lived in the North Fork Eel since time immemorial.



A relative of the mink and otter, the fisher has suffered severe loss and fragmentation of habitat, bringing populations to near extinction from its West Coast Range.

PHOTO: EPIC ARCHIVES

Fire suppression

In June 2002, EPIC filed a lawsuit to compel the Forest Service to evaluate the impacts of fire suppression activities, develop environmentally friendly alternatives, and increase the protection of roadless areas and other wildlands. In September 2003, the San Francisco Superior Court ruled in EPIC's favor, closing a loophole through which the Forest Service could cut old-growth forests and cause other environmental harm without conducting an environmental or public review.

When you cut one of these forests you are eliminating, not just a substantial part of the population of a few species like the spotted owl, but you are eliminating, with certainty, the entire habitat of many, many other species... only some of which have been studied by scientists at this point.

~Dr. E.O. Wilson, Pulitzer Prize-winning Harvard Biologist

Biodiversity Protection

Northwest California is home to a diverse array of wild creatures, with many "charismatic" species like the salmon and northern spotted owl, and little-known species like the green sturgeon and Humboldt marten. No matter how well studied or obscure a creature may beand whether it be two—or four-legged, or finned, feathered, or fury—it is integral to web of life, and integrally connected to the survival of all.

The forests, rivers, and estuaries in this region provide the last, best hope for many species' survival in California, and could prove key to their recovery throughout their range. EPIC is committed to protecting all native species found in this great region, and to returning a natural balance that will also ensure our children have clean air to breathe, clean water to drink, and fascinating creatures to astound them.

Protecting a Jurassic Giant: The Green Sturgeon

The green sturgeon is one of the most ancient fish species in the world, remaining unchanged in its appearance since first emerging over 200 million years ago. But though it outlived the dinosaurs, the green sturgeon is having a difficult time surviving today, with water quantity and quality problems pushing it precariously close to extinction. EPIC is determined to see that this is not its fate, and in 2002 and 2003, we filed two federal lawsuits as part of our ongoing work to protect this prehistoric wonder of the deep.

In 2001, EPIC submitted a scientific petition to protect the green sturgeon under the Endangered Species Act, but had to turn to the courts in November 2002 when the National Oceanic Atmospheric Administration (NOAA) Fisheries refused to issue a decision within one year as the law requires. The agency finally issued a determination in January 2003,

citing great risks and problems confronting the green sturgeon, but refusing to list it as an endangered species. EPIC, joined by the Center for Biological Diversity and Oregon Natural Resources Council, filed a federal lawsuit on April 7, 2003 to reverse this decision, charging that it was arbitrary and contrary to the best available science.

Action for the Ancient Lamprey

In January 2003, EPIC joined the Siskiyou Regional Education Project and other groups in petitioning the U.S. Fish and Wildlife Service (FWS) to protect four species of lamprey under the Endangered Species Act. The Pacific lamprey, river lamprey, western brook lamprey, and Kern brook lamprey are descendants of some of the world's first known vertebrates—jawless fish—but are facing imminent extinction today. Under the law, FWS would have up to one year (until January 2004) to issue its final decision on our petition.



PHOTO: OREGON DEPARTMENT OF FISH & WILDLIFE

Herbicide Danger

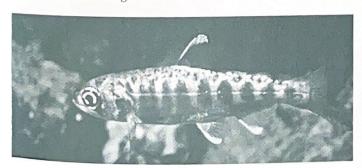
On April 20, 2002, EPIC, the Californians for Alternatives to Toxics (CATs), and Humboldt Watershed Council signed a successful settlement agreement in a case against the Environmental Protection Agency (EPA), forcing it to consult with fish and wildlife agencies on the impacts of herbicides to threatened and endangered species. The EPA agreed to consult with the U.S. Fish and Wildlife Service and the NOAA Fisheries over potential effects of herbicides on steelhead, chinook and coho salmon, several plants, and other imperiled species.

INTERUENTIONS - KEEPING PROTECTIONS FOR SPECIES AT RISK

Soon after the Bush Administration took office, the Pacific Legal Foundation, an industry-funded group, began filing a series of lawsuits targeting the West Coast, seeking to strip protections from some of the nation's most imperiled species. These cases set the stage for the Bush Administration to refuse to defend these species in court and to settle instead. EPIC joined with others to intervene in four of these lawsuits, determined to block any "sweetheart deal" that jeopardizes our vanishing fish and wildlife. These cases are discussed below.

Coho Salmon

EPIC and 12 other organizations moved on February 26, 2002 to intervene in a case that seeks to eliminate the protected status of the coho salmon in southern Oregon and northern California. We were successful in receiving a "stay" pending a decision on an appeal of the "Alsea" case, which is a separate lawsuit that challenges the protected status of coho salmon in central and northern Oregon.



Habitat destruction in our rivers and streams is responsible for a 70% drop in coho salmon populations since 1960, with poor logging practices named as the primary culprit.

PHOTO: EPIC ARCHIVES



Despite the precarious status of the northern spotted owl and other ancient forest denizens, the logging industry is mounting a campaign to strip their protection under the Endangered Species Act.

PHOTO: EPIC ARCHIVES

Marbled Murrelet and the Northern Spotted Owl

On July 15, 2002, EPIC and other groups intervened in two lawsuits that threaten the marbled murrelet and northern spotted owl. The lawsuits were initiated by commercial interests interested in profiting from destruction of the protected ancient forest habitat on which the two species rely. They challenge both the protected status of owls and murrelets and the designation of their Critical Habitat under the Endangered Species Act.

In early 2003, the Fish and Wildlife Service and Pacific Legal Foundation reached a settlement in the cases, which we opposed in briefs submitted to the court. Although the court had not signed the settlements to make them effective, the Fish and Wildlife Service moved immediately to conduct a "status review" of the murrelet and the owl, opening the door for potential delisting of these critically imperiled birds. Through our intervention, we were successful in keeping protections in place for both species while these reviews were being completed. In anticipation of probable attempts to delist, EPIC will continue to pursue legal action to keep both species and their critical habitat protected.

Western Snowy Plover

On July 22, 2002, EPIC joined a coalition to intervene in a lawsuit aiming to strip away the Critical Habitat designation for the western snowy plover. More than 210 miles of the Washington, Oregon, and California coastlines were designated as Critical Habitat for the plover in December 1999. We were successful in keeping its Critical Habitat in place while the Fish and Wildlife Service conducted a review of this designation.

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FINANCIALS FOR 2003

| | \$123,143 | 234,850 | 13,934 | 31,175 | | 2,421 | | \$405,523 | | \$76,120 | 13,717 | 154,082 | 36,893 | 45,960 | 29,881 | 57,878 | \$414,531 |
|-------------------|-------------------------|-------------------|--------------------|-----------------------|-------------------|-----------------|--------------------|-------------------------|--------------|------------------|----------------------|--------------------|------------------|-------------------------|--------------------------|-------------|--------------------|
| SUPPORT & REVENUE | Donations / Memberships | Foundation Grants | Fundraising Events | Joint Project Support | In-kind Donations | Interest Income | Legal Cost Returns | Total Support & Revenue | EXPENDITURES | Advocacy Program | Humboldt Bay Program | Litigation Program | Outreach Program | National Forest Program | General & Administration | Fundraising | Total Expenditures |
| | \$144,657 | 295,500 | 27,222 | 6,258 | 8,400 | 4,433 | 5,204 | \$491,674 | | \$125,315 | | 188,945 | 39,253 | 43,358 | 38,914 | 64,855 | \$500,640 |
| SUPPORT & REVENUE | Donations / Memberships | Foundation Grants | Fundraising Events | Joint Project Support | In-kind Donations | Interest Income | Legal Cost Returns | Total Support & Revenue | EXPENDITURES | Advocacy Program | Humboldt Bay Program | Litigation Program | Outreach Program | National Forest Program | General & Administration | Fundraising | Total Expenditures |



Wonderful attorneys who helped make it all possible:

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Marianne Dugan

Sharon Duggan

Brian Gaffney

Tim Needham of law firm Janssen,

Malloy, Needham, Morrison & Koshkin

Western Environmental Law Center —

Pete Frost, Erik Schlenker-Goodrich, Mark Fink

EPIC's Partners

EPIC works with a number of awesome groups, and we want to thank all of them. But we particularly note:

Center for Biological Diversity

Humboldt Watershed Council Klamath Forest Alliance

Klamath Siskiyou Wildlands Center

Sierra Club California and N. Coast Chapter, N. Group

Contributing Foundations

We applaud your decision to support our work:

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Environment Now

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Vanguard Public Foundation

William C. Bannerman Foundation

We would like to express our heartfelt thanks and deepest gratitude to all of our supporters, from the largest foundation to each and every individual member. Thank you for working with us in 2002 and 2003, and for making us strong and resilient or the work ahead.

EPIC's Leading Donors

We appreciate every donation we receive. The individuals listed below helped EPIC by making major monetary contributions toward our work in 2002 and 2003.

Scott Atthowe & Patricia Thompson

Barbara Baer

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Iared Rossman

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