



*Where some animals
are more equal:
M. David Stirling's
exposé of a
once-idealistic
movement's capture
by an ideology that
puts people last*

Elevating Nature Above Human Rights

FOR 35 YEARS, the Endangered Species Act has been implemented and enforced — in the words of the U.S. Supreme Court — at “whatever the cost.” The harsh, unbending operation of the Act has cost numerous human lives and put human health and safety at risk. Yet, rarely does

the mainstream media report these deaths or life-threatening incidents as having any connection to the Endangered Species Act.

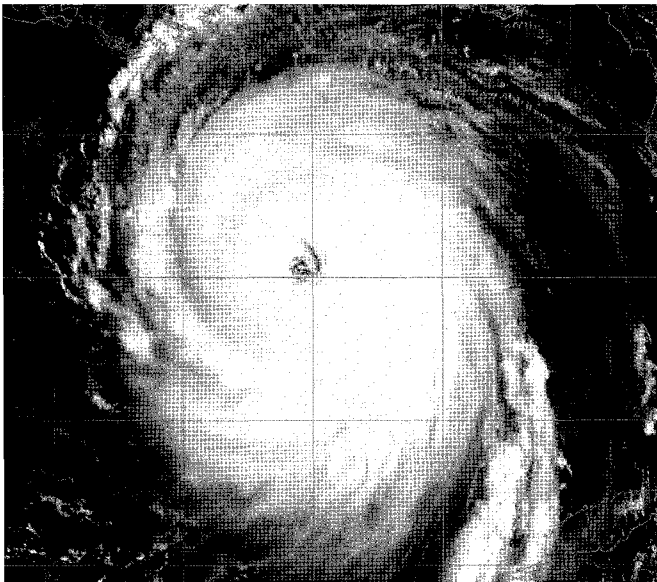
Government agencies such as the FWS, NOAA Fisheries, and the U.S. Forest Service steadfastly stonewall reports that the ESA caused or contributed to human deaths or threatened health and safety. The media-astute exclusionist organizations, with their ample financial resources, utilize aggressive media consultants, internet publications, and mass mailings to turn accounts of the ESA hurting people on their heads. For example, the website of the National En-

This article appears in slightly longer form as “Deaths and Endangered Species,” chapter 11 of Green Gone Wild by California Political Review Contributing Editor M. David Stirling; Merril Press, Bellevue, WA, 2008, www.merrilpress.com.

vironmental Trust declares stories of ESA-inflicted harm as “apocryphal stories and anecdotes,” many of them “pure fiction or, at best, half-truths.” Never shy about stretching the truth, these groups deny or downplay ESA culpability by attributing its dire consequences to any conceivable cause other than the ESA. As a result, many people remain in the dark as to the ESA’s true record. That record is evident in the real-life accounts that follow, although they are but a sampling of those that could be told.

Hurricane Katrina and Saving Shrimp and Crabs in Lake Pontchartrain

[Hurricane] Betsy made ... landfall on September 9 [1965] over Grand Isle, Louisiana, at just 1 mph below Category 5 strength. The hurricane moved up the Mississippi River, causing the river to rise ten feet at New Orleans. A storm surge moved into Lake Pontchartrain and overtopped and breeched levees, flooding much of the city, including the 9th Ward. More than 160,000 homes were flooded along the Mississippi, and Betsy became the first storm in



Formation of Katrina, a category 5 hurricane, 2005.

United States history to exceed \$1 billion in damages.

Not long after Hurricane Betsy’s massive damage in southeastern Louisiana, including 58 deaths, Congress approved, and President Lyn-

don Johnson signed, the Flood Control Act of 1965. Among other flood control improvements around the nation, the act authorized the Army Corps of Engineers to design and construct the Lake Pontchartrain Hurricane Barrier Project. Lying north of the city of New Orleans, Lake Pontchartrain had risen almost 10 feet when Betsy’s powerful storm-surge drove water from the Gulf of Mexico into the lake through two narrow passages named the Rigolets and the Chef Menteur Pass.

The model that the Army Corps chose for the Lake Pontchartrain Hurricane Barrier Project was

Not long after the Army Corps made public its plan, an exclusionist group known as Save Our Wetlands, supported by similar national organizations, raised environmental concerns and sparked opposition to the plan in New Orleans.

the massive storm gates that had been built to protect the coast of the Netherlands from North Sea surges.

Fully one-half of The Netherlands lies below sea level In 1953, hundred of miles of dikes along rivers gave way in a violent storm and the flooding killed nearly 2,000 people After the catastrophe, the Dutch government vowed ‘never again’ In their most ambitious project, the Dutch built three giant sea walls, called storm surge barriers, to protect the fragile inlets and dikes. The barriers remain open in normal weather — but during a storm surge 63 hydraulic-powered sluice gates, each 20 feet tall, keep the rising waters out.

The Lake Pontchartrain Barrier Project was to include two similar hydraulically powered gates that could be shut as a Category-3 hurricane approached New Orleans, thereby preventing the raging storm surges from barreling into the lake. The gates would be opened as soon as the danger from the storm surge had dissipated. Not long after the Army Corps made public its plan, an exclusionist group known as

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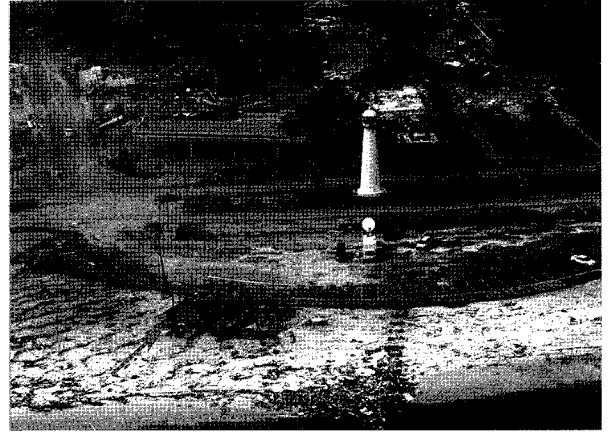
In late 1977, nearly 12 years following congressional and presidential approval and annual funding of the barrier gates project, and with the Army Corps having engineered and cleared sites for its construction, Save Our Wetlands and allies petitioned a federal court in New Orleans for an injunction to stop the project on grounds that the Army Corps' environmental impact report was deficient. The court granted the injunction based on the petitioners' argument that the closed barrier gates would harm shellfish and other aquatic life in Lake Pontchartrain by diminishing the natural flow of Gulf waters into the lake. Although there were several grounds for appeal — one was that the huge gates would remain closed for only a few days — the Army Corps chose not to appeal the injunction.

In 1985, due largely to persistent litigation and pressure; the Army Corps abandoned the Lake Pontchartrain Hurricane Barrier Project. As an alternative, the Corps implemented a plan that was not objectionable to the exclusionist community; it consisted of little more than raising the numerous miles of levees surrounding New Orleans by about three feet, at a cost of more than \$1 billion.

Much has been reported about the many lives lost and vast damage caused when Hurricane Katrina slammed into the southeastern Louisiana and Mississippi coasts on the morning of August 29, 2005. However, although "[s]ome parts of New Orleans were flooded by Hurricane Katrina's precipitation and overtopping of levees ... the major source of flood waters appears to have been the floodwall breaches of the Lake Pontchartrain and Vicinity Project," that is, the precise location that the shelved barrier gate project would have protected. The 135 mph storm surge into Lake Pontchartrain pounded and in a matter of hours destroyed several levees on Lake Pontchartrain. Within 48 hours after Katrina passed, waters entering from Lake Pontchartrain's broken levees inundated 80 percent of the city, some areas by as much as 15 feet. Three-quarters of the 1,570 people in Louisiana who died from Katrina were residents of New Orleans.

"If we had built the barriers, New Orleans would not be flooded," said Joseph Towers, retired chief counsel for the Army Corps' New Orleans District at the time the barrier gates project was moving forward, in a 2005 *Los Angeles Times* interview.

"My feeling was that saving human lives was more important than saving a percentage of shrimp and crab in Lake Pontchartrain. I told my staff at the time that this



Katrina Biloxi landfall, 2005

judge had condemned the city. Some people said I was being a little dramatic." The *Times* article also noted that "[t]he principal members of [Save Our Wetlands], several of whom lived in the flooded areas of the city, could not be reached for comment."

Sometimes after the *Los Angeles Times* article ran, Save Our Wetlands put a piece on its website condemning the newspaper for "violating basic journalistic ethics," criticizing Joseph Towers for "stirring up a hornet's nest of hatred and genocide against Save Our Wetlands," and accusing the Army Corps of "illegal and criminal acts." The Save Our Wetlands website article is worth reading if for no other purpose than to observe how the organization views and treats any who would disagree with its exclusionist approach.

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The Feather River Levee and the Longhorn Elderberry Beetle

The northern half of California's Central Valley is home to several rivers, including the Feather, the Bear, the Yuba, the Sacramento, and the San Joaquin, each with its own sloughs and secondary streams. Beginning in the 1870s, an extensive system of levees was constructed along these waterways to protect the adjacent, highly favored farming land from frequent flooding. Later, these levees also served to channel northern California water to aqueducts that facilitated its

flow to the Central Valley and on to more arid southern California. Over the decades since, while there have been periodic levee breaks resulting in costly flooding of surrounding areas, the 1,600-mile system of northern Central Valley levees, for the most part, has performed its flood control function as well as rural levees built in the 19th century could be expected. But aging levees require continuous monitoring and ongoing maintenance.

While the State of California owns the levees, under state law, the daily monitoring and routine maintenance responsibilities are carried out by locally elected reclamation district boards, that impose annual levee maintenance assessments on district property owners to fund the monitoring, maintenance, and other general district expenses. In more rural areas, these districts have limited staff and resources. When serious levee problems, including emergencies arise, the funding for repairs is supposed to come from the state, with the major work performed under the supervision of the Army Corps of Engineers. However, in practice, it is the local reclamation district people who work with the Army Corps to respond to levee

repair issues, and with the FWS whenever an ESA-listed species is involved.

In 1986, high river levels due to heavy rainfall contributed to a levee rupture along the Feather River in the community of Arboga, near Olivhurst,

north of the

state capital, Sacramento. After staunching the leak, Reclamation District 784 decided to launch a major effort to restore the Feather River's levees within its district. According to Yuba County Su-

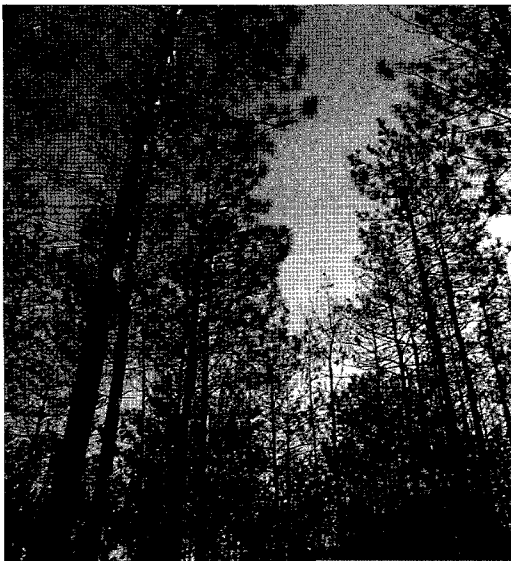
pervisor Brent Haste: "[t]his work [was] not new construction or betterment, but simply major maintenance to existing levees."

However, rather than allowing RD 784 to commence the needed levee restoration work immediately, FWS required the district to perform an environmental assessment of the levees. This study identified 43 clumps of elderberry bushes, made up of 1,538 stems, that would be disturbed by the proposed levee

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restoration work. The elderberry bush is habitat for the ESA-listed insect species known as the North Valley longhorn elderberry beetle. In addition, the FWS informed RD 784 that before any levee restoration could begin, the district had to mitigate the damage its work would cause to the 1,538 elderberry bush stems. The FWS demanded that the district purchase a 76-acre mitigation site, which, at then-going land prices, amounted to nearly \$2 million in unanticipated costs to the district. As Supervisor Haste testified to the House Resources Committee:

There were identified 43 clumps of elderberry bushes. And when an Elderberry bush is checked on by the Fish and Wildlife Service, they go through the process of measuring every stem. And every stem that is over one inch is required to be mitigated. They identified 1,538 stems on elderberry bushes. To mitigate it, they ripped out 76 acres of prime ... peaches that were in production and planted 76 acres [of elderberry bushes] at a cost of \$1.9 million. They planted the elderberry bushes' stems at a 5-to-1 ratio It came to a cost of \$55,800 per bush to mitigate for these stems for an Elderberry Beetle ... And when you talk to ... the Corps of Engineers, we would ask



The pine bark beetle is considered an infestation to be cured. Flooding caused by over-zealous ESA enforcement not only killed people, it washed away the Elderberry Beetle too.

the Corps: "Why are we doing this?" And the Corps would say, "Because it's not worth fighting with Fish and Wildlife over this. It is just better to go spend the \$2 million." And we would rip our hair out, and we would build mitigation-sites instead of fixing levees that protect people's lives.

In 1990, while the process that Supervisor Hastey described was under way, the Corps of Engineers conducted a separate study of RD 784's Feather River levees. The Corps reported that the district's proposed repairs should be performed as expeditiously as possible, stating, "Loss of life is expected under existing conditions, without remedial repairs, for major flood events." Yet, FWS paid no heed to the warning of its sister agency. Nearly seven more years passed with RD 784 working to comply — and pay for — all of FWS' ESA-based demands. No actual levee restoration work had yet begun.

Then, on January 2, 1997, after unusually warm rains and melting snow swelled the rivers of northern California, the Feather river levee burst at the very Arboga site that RD 784 had feared and the Corps had referenced in its 1990 report. Claire Royal, a retired elementary school teacher, Marian Anderson, a grandmother married to the local levee manager, and Bill Nakagawa, a World War II veteran, died when the floodwaters inundated their community. The waters flooded 25 square miles, much of it prime agricultural land on which farm families depended, drove 32,000 people from their homes, and drowned 600 head of livestock. Ironically, the North Valley longhorn elderberry beetles that had lived in the elderberry bushes along the Feather River levee also were washed away.

Yet, despite indisputable evidence that the decade-long delay in levee restoration that led to these tragic consequences was due to the ESA, the exclusionists denied the obvious conclusion. Typical was the testimony of Walter Cook before the House Resources Committee in April 1997:

I am a retired attorney and I own a walnut orchard which is located adjacent to the Feather River Levee which broke on January 2, 1997. Much of my orchard was washed away. The remainder is covered by about six to eight feet of sand. My house, shop, and mobile home were disintegrated. Most of

my equipment is hidden under the sand in unknown, scattered locations

[Nonetheless], we need to change our outlook on the natural world. The destruction of my orchard is not the fault of nature. The Flood was caused by the refusal of we humans to accept the natural world the way it is. And our pitiful attempts to force the river to go where it would not go, blaming other species, which we are about to destroy forever, is not the answer.

Despite our greed and arrogance, what right do we have to satisfy our own desires by driving other creatures to extinction? Humans can build faulty levees and dams that don't work, but we cannot create even one of nature's most insignificant bugs or rodents. Rather than doing everything we can to destroy the earth, we must learn to live with and protect the paradise we were given."

The Thirty Mile Fire — Where Fish Were Protected and Firefighters Died

For most of the 21 firefighters who became trapped in a narrow canyon in the Okanogan National Forest near Winthrop, Washington, on July 10, 2001, the Thirty Mile Fire will forever be a harrowing and tragic memory. Assigned initially to do mop-up work on the remnants of a nearly extinguished fire, 14 of the firefighters became trapped when exceptionally warm temperatures generated winds that caused stands of mature trees, suffering from months of drought, to explode into flames. Within a few hours, the fire expanded from roughly 100 acres to 2,500 acres.

On July 29, 2001, *the Seattle Times* published a lengthy article describing the fire fighters' valiant efforts to battle and survive the Thirty Mile Fire. The account that follows, including the quotes and notes of firefighters, is drawn from this compelling article, unless otherwise specified.

Dispatch logs and later interviews with firefighters at the scene indicate that the elite firefighting crew, called "Hot Shots," that had contained the previous evening's 100-acre blaze, retired for a rest-break at around 4:30 a.m. At that time, the local U.S. Forest Service office was called to schedule a helicopter that would scoop water from the nearby Chewuch River and douse the dying embers to begin at first light, about 5:30 a.m. The dispatch office advised that the

helicopter could not be there until 10 a.m.



Satellite view of California wildfires

The crew-boss for the arriving 21 firefighters who were replacing the Hot Shot crew, 24-year Forest Service firefighter, Ellreese Daniels, and the mission's crew-boss trainee, veteran Forest Service firefighter, Pete Kampen, briefed their squad leaders on how the mop-up work would be approached, including helicopter wa-

ter-drops beginning at 10 a.m. At 10:22 a.m., although the helicopter had not yet arrived, the 21 firefighters began their mop-up assignment. With the night dew drying from the rising temperature, spot fires were beginning to crop up from the reviving embers; it was evident that this could become more than a mop-up action.

When the helicopter had not arrived by noon, Kampen radioed the dispatch office to voice his exasperation. Dispatchers responded by offering him a 300-gallon dump from a small air tanker, which Kampen declined because the canyon was too narrow for the plane to maneuver; he would wait for the helicopter that could fly lower and drop its loads with more precision. He was given no other information about the helicopter.

At 12:52 p.m., the original Hot Shot crew that had earlier knocked down the fire returned, and together with the 21 firefighters, worked quickly to put down the growing fire. They were making progress when a spot fire erupted in spruce trees in front of the fire line. After working the fire for a time in the 102-degree temperature, on top of

the heat generated by their protective gear, the crews had to pull back for a rest and lunch break. Where was the helicopter?

At about 2 p.m., a fire manager arrived and urged the crews to step up their efforts before the fire jumped the road, surged up the canyon wall, and crossed into Canada, where it would likely burn for several weeks. All hands rushed back to the challenge. Still, no word on the helicopter.

At about 3 p.m., a call went out for hand crews to attack some small spot fires burning a short distance up the road. Pete Kampen and Ellreese Daniels responded, and so did another team headed by eight-year firefighter Tom Craven, whose work ethic and positive attitude gained respect among the crew. When he called to his team: "Let's do it," members Karen Fitzpatrick, Devin Weaver, and Jessica Johnson jumped to the order.

The teams attacked different spot fires along the road, some 50 to 75 feet apart. Suddenly, "without warning, the smoke column tumbled. The sky went dark and red. It hailed embers, red bouncing off hardhats, the vans, the road Now Kampen was scared. 'Get back in the van, now,' he ordered the six firefighters with him." From the spotter plane above came the order: "Everybody pull out."

There was only one road in and out of the Chewuch River Canyon. The first van down the road was the Hot Shot crew. By the time Kampen's team scrambled into their van, the flames were crossing the road. He barreled through the invading flames just as the road became impassable. The time was 3:58 p.m.

At the last moment, recognizing that the road was now impenetrable, crew-boss Daniels, with the remaining crew members, turned his van around, and the 14 trapped firefighters headed back up the canyon, looking for the widest spot in the road with no trees. That was where a slope of rocks rose on one side of the road. They exited the van, each looking for the safest place: Daniels and eight others chose locations on the road; Craven and four others hiked a ways up the slope, looking for a flat spot with no shrubbery to burn. Although crew-boss Daniels later stated that he called out to those on the slope that it was not the best place, none of the five — perhaps not hearing him — came down.

One crew member recorded his observations and thoughts in a small notebook, which the *Seattle Times* reporters included in their story:

The wind rips through the canyon, I watch the top of trees swaying violently from the high wind that the fire is creating. It's changing and twisting all around us. Still for a time, there appeared the possibility that the fire might push to the north, missing them. But at about 5:24 p.m., the fire fell back on itself and pushed straight at them Daniels barked to pull out their fire shelters The fire washed over them. A sound like a jet. A locomotive.

Four of the five did not answer the call: Tom Craven, 30, father of two young children; Karen Fitzpatrick, 18, a month out of high school and three weeks out of fire school; Devon Weaver, 21, an electrical engineering student who finished firefighter school six weeks before; and Jessica Johnson, 19, a college student.

A tidal wave. A scream.

When the roaring flames had passed over them and it was safe to emerge from their protective shelters, Daniels ordered a head count. The 10 who deployed on the road survived. Four of the five that had deployed their fire shelters on the rocky slope did not answer the call: Tom Craven, 30, father of two young children; Karen Fitzpatrick, 18, a month out of high school and three weeks out of fire school; Devon Weaver, 21, an electrical engineering student who finished firefighter school six weeks before; and Jessica Johnson, 19, a college student who knew even in high school that she wanted to fight wildfires. Each had been asphyxiated by the fire's superheated air. The fifth member who sat down on the rocks survived, but suffered severe burns.

Within hours of the fire's passing, word began circulating among the firefighters that the reason the helicopter was not deployed at a time when it could have changed the entire course of the day was that the Chewuch River contained ESA-listed Chinook salmon, steelhead, and bull trout. Local Forest Service managers were reluctant to

authorize scooping water from the river for fear of taking some of the fish. Two days later, the *Associated Press* confirmed that account, quoting the environmental officer for the Okanogan and Wenatchee National Forests as saying that "environmental concerns caused crucial delays in dispatching the helicopter Because there are endangered species in the Chewuch River, they [local Forest Service managers] wanted to get permission from the district in order to dip into the river."

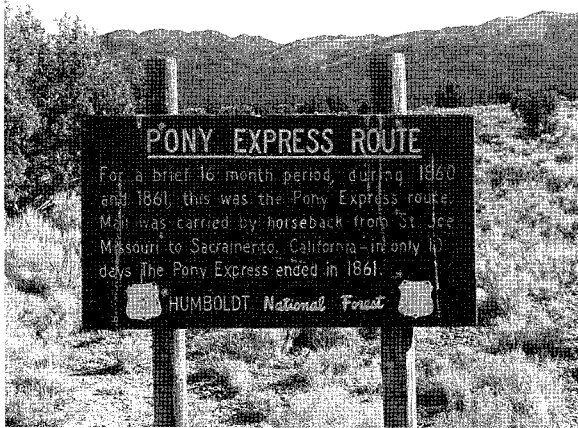
Fox News reported that the delay in deploying the helicopter — about five hours from its expected 10 a.m. drop time — was caused when the Okanogan dispatch office could not reach anyone at the district office with authority to approve the helicopter scooping water from the river. "Two former USFS firefighters familiar with the Thirty Mile Fire told *Fox News* that getting permission to dip into the Chewuch caused the delays that led to the death of their colleagues The first load of helicopter water was dumped on the fire at 3 p.m., but the fire was by then out of control."



Wildfire Heroes

Over the four and a half years since the fire, family members of the deceased firefighters have demanded that the Forest Service itself, and those in its ranks, be held accountable for managerial errors and regulation violations that appear to have occurred as the 21 firefighters fought and struggled to survive the Thirty Mile Fire. But instead of facing up to the real cause of that tragic day, in December 2006, the Forest Service, through the U.S. Attorney for the Eastern District of Washington, took a step unprecedented in federal forest firefighting history: charging crew-boss, Ellreese Daniels, with four counts of

“involuntary manslaughter,” for conduct “that was grossly negligent ... in wanton and reckless disregard for human life.”



US Forest Service Policy: Putting People Last

This scapegoating of one veteran Forest Service firefighter does a disservice to the young firefighters who died. Neither Daniels' conviction nor a plea bargain forcing his re-

tirement from the Forest Service will prevent a similar tragedy in the future. The real culprit in the Okanogan National Forest on July 10, 2001, was not a person, but the nonnegotiable anti-people proposition advanced by exclusionists, and accepted by many in government, that species come first and people come last. As Mr. Daniels later lamented: “If we'd had the water when we asked for it, none of this would have happened.” His trial has been set for January 15, 2008.

The Forest Service never admitted that dithering over whether they should scoop water from a river containing ESA-protected fish was the reason for the five-hour delay in dropping water when it would have made a difference. It was as if the ESA was so sacrosanct that even its misinterpretations by local Forest Service managers should not be officially discussed for fear the public might wake up and demand that people's lives and safety receive priority.

As one commentator noted, “The Forest Service's shameless revisionism about the Thirty Mile Fire shows that it's still more interested in blowing smokescreens than in clearing them up. Last month [referring to May 2002], the agency released a final report so full of blacked-out redactions that it looked like the authors had used pages to clean a charcoal grill.”

But this was hardly an isolated case.

ESA Suit Bars Firefighting Tools And Costs Lives

In 1910, after a thousand wildfires came together and consumed three million acres of national forests in Idaho and Montana, killing 85 people, Congress declared war on wildfires as an enemy that was destroying the nation's forests. For the next 80 years Congress funded and encouraged the Forest Service to suppress every forest fire as aggressively as possible. “Forest Service camps and offices echoed with tales of fires fought and fires defeated until the culture became that of warriors. Specialized fire fighting crews became hot shots and smokejumpers.”

Later, in the 1950s, the Forest Service began deploying airplanes and helicopters to drop chemical fire retardants on fires, while on the ground, bulldozers played an increasingly significant role in creating fire breaks and performing other critical fire suppression functions during and in advance of wildfires.

As a result of the Forest Service's aggressive fire-fighting approach, annual national forest acreage destroyed by wildfires diminished from 40 to 50 million acres in the early 1930s to about 5 million acres in the 1970s. “From 1994 to 2001, the Forest Service fought, on average, over 10,000 wildfires per year on national forests.”

However, with the emergence of the modern environmental movement in the early 1960s, and its growing public influence during the next three decades, both Congress and presidential administrations began to view the national forests differently. As the early conflict between the exclusionism of John Muir's “pristine wilderness,” and the conservation of Gifford Pinchot's “prudent use of forest resources,” was replayed at century's end, commercial logging replaced wildfires as the primary enemy of the nation's forests.

As timber companies shut down in response to government policies to protect species under the ESA, thousands of logging families that had cared for the forests as their homes left to find other work. The exclusionist ideology greatly expanded the “wilderness” areas where humans were unwelcome, and also “roadless” areas. Indeed, the government closed hundreds of miles of national forest roads long used by firefighters to reach iso-

lated wildfires quickly. Agencies terminated salvage timber sales, also called “post-fire logging” — the mutually beneficial practice of allowing timber companies to sell for profit fire-killed trees (that would become future fire-starting fuel) in return for cutting and removing them from the forest. Exclusionists demanded, and got, a reduction in the use of prescribed burns to clear away accumulating kindling-like undergrowth on the forest floor, on the grounds that the practice harmed protected species of plants and wildlife.

These policies caused the national forests to become overgrown, overfueled, and inaccessible.

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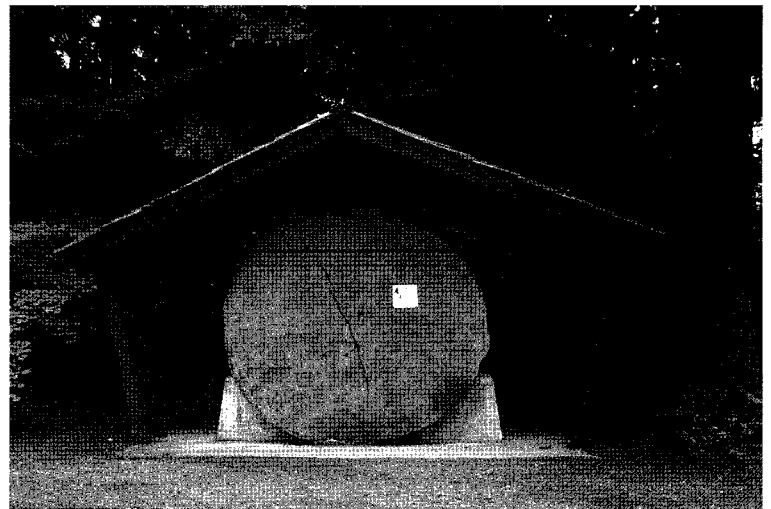
As a result, wildfires took a remarkable jump.

When 1994 wildfires destroyed 3 million acres of land killed 14 firefighters, many called for timber-thinning in these overgrown areas; but the Natural Resources Defense Council (NRDC) opposed these plans as being a mere ‘pretext for accelerated logging.’ The General Accounting Office warned in 1999 of the dangerous accumulation of fuel, but environmentalist pressures continued to prevent humans from “managing” environments that greens preferred to keep pristine.” In a recent Wall Street Journal article, Robert H. Nelson surveyed the resulting damages and body counts. In 2000, 8.4 million acres went up in smoke. In 2002, 6.9 million more acres were reduced to ashes, as were 800 homes, in firestorms that also took the lives of 23 more fighters, and cost \$1.7 billion. Now [referring to the 2003 devastating fires in Southern California], three-quarters of a million acres of California are gone, and with them, over 3,500 homes, \$2 billion, and 22 more human lives [civilian] . And all this doesn’t count the impact on [species].

Having made a vast contribution to this explosive wildfire danger, one might think that ex-

clusionists would be less bold in further advancing such ill-founded positions. But their politics often turn common sense on its head. In October 2003, during what would be the most devastating fire season in California history, a preservationist group known as Forest Service Employees for Environmental Ethics (FSEEE) filed “the first-ever lawsuit challenging the Forest Service’s firefighting mission and practices.” With membership primarily consisting of retired Forest Service employees of the exclusionist persuasion, FSEEE advocates the “let-it-burn” approach to our national forests. According to the organization’s executive director, fighting wildfires is like “putting fans on the coast of Florida to blow hurricanes away, or trying to prevent earthquakes.”

Claiming, among other things, that chemical fire retardants and bulldozers kill and destroy the habitat of ESA-listed fish and other forest species, FSEEE asked the federal court to stop the Forest Service and its firefighters from using aerially applied chemical retardants and bulldozers. FSEEE also asked the



Court orders, not Forest Service policy, are responsible for the ‘let it burn’ mentality that killed four firefighters.

court to order the Forest Service to comply with the ESA requirement that it “consult” with the appropriate Service — the NOAA Fisheries as to anadromous fish species or FWS for all other fish species — prior to fighting each wildfire to

insure that the chemical retardants, and the bulldozers' lug-tracks and blades, do not harm an ESA-listed species or its habitat in the course of fighting the fire.



Fire retardant: often firefighters' sole weapon

The Forest Service responded that to avoid aerially applied chemical retardants from reaching forest waterways, it

had three years earlier adopted "Guidelines" instructing its pilots to shut off their sprayers or cease drops within 300 feet of known rivers and streams. As a result, only minuscule amounts of retardant might fall in or near forest waterways. To FSEEE's complaint that it didn't consult with the Services prior to fighting wildfires, the Forest Service pointed out to the court that, because the ESA's "consultation" process involves conducting surveys, writing reports, and meeting's, the Service could not aggressively or effectively respond to several thousand wildfires around the country each year if it had to initiate consultation for each one. Its firefighters must be able to reach the fire line and commence operations within a matter of hours. This was especially true in the expanded wilderness and roadless areas, where aerial-application of fire retardants was firefighters' primary, if not only, weapon.

The human-hands-off approach to wildfires in the national forests is the most bizarre aspect of a movement filled with contradictions. Professing to care about protection of the forests and the species, while simultaneously opposing the suppression of fires that destroy both the forests and the species — not to mention the numerous people killed each year by wildfires — is difficult to

comprehend from a commonsense or scientific perspective. For a group that uses "Environmental Ethics" in its name, it is especially perplexing. Yet, in an unprecedented decision, the court granted FSEEE's injunction, barring Forest Service use of aerially applied chemical fire retardants and bulldozers in fighting wildfires in the national forests unless approved through consultation with the proper Service. As part of the consultation process, the court ordered the Forest Service to analyze the environmental impact of fire retardants that might Kill endangered fish.

Although the Forest Service initially filed a Notice of Appeal in the Ninth Circuit Court of Appeals, it dismissed the appeal in September, 2006 — which suggested it would comply with the court's order. However, prior to the court's given deadline for consultation, including analyzing the environmental impacts of fire retardants, the head of the Forest Service, without giving a reason, ordered the consultation not to occur. When FSEEE asked the court to hold the Forest Service chef in contempt of court for his disobedience, its executive director hinted at the probable reason: "I think they have to take a hard look at their 100-year war against wildfires and explore alternatives that will allow us to live with fire, and that is what they don't want us to do."

It is likely that the Bush administration, as the policy-making arm of the government, does not want a judge setting policy on whether and how the Forest Service should fight wildfires, and that is where the Administration sees FSEEE's contempt action going. At this writing, little is known of how forest fires in the vast wilderness and roadless areas will be fought in the future, or how protected forest species will survive the "let-it-burn" approach.

CPR



Global Warming myths and realities

by Robert C. Whitten

Current conventional wisdom dictates that the world is threatened by warming as a result of human activities. Politicians, the public, and those out to profit from any possible change in the way the world is viewed have jumped on the bandwagon. But how true is this conventional wisdom? An examination of relevant atmospheric temperature measurements and a critical analysis of the atmospheric "general circulation" models on which the alarmists depend for their gloom strongly suggest they are wrong.

It is often said that although the alarm may be false, we cannot afford to run the risk. This approach, an example of the "precautionary principle," has its own risks, namely the vast costs that are unavoidable if the "carbon footprint" is drastically reduced. California's Global Warming Solutions Act of 2006 (usually known more simply by its original number AB

32), threatens the viability of the state economy by trying to curtail sharply "greenhouse gas" emissions and thus the availability of energy. It cannot be emphasized strongly enough that modern economies run on energy. Moreover, the energy sources proposed by the environmentalists are nowhere in sight as major suppliers and the one non-fossil fuel source that is available, nuclear power, is opposed by them.

The alarmists assume in their conclusions that humans have the ability to control climate. These claims are based on the predictions of theoretical models, all of which are characterized by severe limitations, while actual observations of atmospheric temperatures, sea level changes, etc., are ignored except for local aberrations such as changes in local arctic ice cover. The models are necessarily simplified simulations of atmospheric dynamics, simplified in part because of the limitations of present-day computers but more importantly because of poor understanding of the physical processes involved. They cannot simulate cloud cover, precipitation, and the enormously chaotic behavior of the atmosphere, all of which are essential for realistic predictions.

Climate, in fact, is never stable but is subject to

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